

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

A-2

**Journal
des débats
(Hansard)**

A-2

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
42nd Parliament

Tuesday 25 September 2018

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
42^e législature

Mardi 25 septembre 2018

Chair: John Vanthof
Clerk: Jocelyn McCauley

Président : John Vanthof
Greffière : Jocelyn McCauley

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<https://www.ola.org/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 1180-4335

CONTENTS

Tuesday 25 September 2018

Subcommittee report	A-3
Intended appointments.....	A-3
Mr. Gavin Tighe.....	A-3

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 25 September 2018

Mardi 25 septembre 2018

The committee met at 0900 in committee room 2.

The Chair (Mr. John Vanthof): I'd like to call this meeting to order.

SUBCOMMITTEE REPORT

The Chair (Mr. John Vanthof): Our first item of business is the reports of the subcommittee on committee business dated September 6, 2018, and September 20, 2018. We have all seen the reports in advance so I will now entertain a motion. Mr. Natyshak.

Mr. Taras Natyshak: I move adoption of the subcommittee report on intended appointments dated Thursday, September 6, 2018.

The Chair (Mr. John Vanthof): Is there any discussion on the motion? Seeing none, all those in favour? Opposed? The motion is carried.

Do we have a second motion? Mr. Natyshak.

Mr. Taras Natyshak: I move adoption of the subcommittee report on intended appointments dated Thursday, September 20, 2018.

The Chair (Mr. John Vanthof): Once again, is there any discussion on this motion? If not, all those in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

MR. GAVIN TIGHE

Review of intended appointment, selected by official opposition party: Gavin Tighe, intended appointee as member and chair, Public Accountants Council for the Province of Ontario.

The Chair (Mr. John Vanthof): In keeping with established practice, the time allocated for the review of each intended appointee is 30 minutes, with time divided equally among the recognized parties. If the intended appointee makes opening remarks, that time is deducted from the allotted time of the government caucus.

With the independent member appointed to the committee, as Chair I have the authority under standing order 22(d) to recognize an independent member to speak. With that said, if there is time remaining within the 30 minutes allocated for the review, I will permit the independent member to ask questions. While the standing orders give me the discretion to arrange the participation of independent members in the way I have just described, the committee is, of course, master of its own proceedings.

We now move to the appointments review. We have Gavin Tighe, nominated as member and chair for the Public Accounts Council for the Province of Ontario. You may come forward, Mr. Tighe.

Mr. Gavin Tighe: Good morning, Mr. Chair.

The Chair (Mr. John Vanthof): Good morning.

As you may be aware, you have the opportunity, should you choose to do so, to make an initial statement. Following this, there will be questions from members of the committee. With that questioning, we will start with the official opposition followed by the government, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allocated to the government.

Welcome.

Mr. Gavin Tighe: It is indeed an honour and a privilege to be considered to serve as chair of the Public Accounts Council for the Province of Ontario. Just by way of personal background, I'm a lawyer. I was called to the bar of Ontario in 1993 and certified by the Law Society as a specialist in 2003.

In my view there are few professions with the potential impact of accounting. The key issue is that public accountants, as their name suggests, ultimately have a huge impact on the public at large.

Public accounting is relied on by investors large and small, by creditors who finance operations, and by regulators who review those financial records to determine compliance in order to protect the public good. But behind all of these abstract entities are real people. They are the real people who have their RRSPs and RRIFs invested in mutual funds or shares, they are the pensions that support our seniors, they are lenders like credit unions who lend their members money in reliance on these financial statements, and they are taxpayers whose dollars may be called on to bail out these entities if they fail.

Massive accounting scandals have rocked the financial world in the past with the collapse of such giants as Enron, WorldCom and others. Closer to home, we have seen accounting failures such as Livent, Sino-Forest and many others.

Lax accounting standards and less-than-rigorous application of those standards court disaster. The need for vigilance in the application of accounting standards has never been more important.

In my law practice I have seen accounting standards first-hand when they fail. The necessity for strong and

rigorous professional standards not only prevents harm, but also, in my view, provides significant benefits, which flow from their observance.

Reliable financial information is critical to attracting investment. Investment thrives on confidence, trust and reliability. Investors need to know that what they are told about the finances of an enterprise is indeed the actual state of affairs. When there is confidence in accounting that is being provided, this fosters a climate conducive to investment. Investment fosters growth. Growth creates jobs and prosperity.

Ontario has a great many assets, which can make it a great place to invest. One of those is the reliability of the financial statements of Ontario companies and institutions, built on rigorous and exacting internationally accepted accounting standards. In my view, it is in the accounting profession's interest to meet these exacting standards and to be rigorous in their application so that the financial statements of Ontario's public accountants are trusted internationally. It is in the interest of the profession to meet the highest and best international standards.

In my view, the Public Accountants Council's role is not to serve the profession but to work with the profession to protect the public interest, which is also in the best interest of the profession itself. The true interest of the public and of the profession should, in my view, be in complete alignment.

Thank you.

The Chair (Mr. John Vanthof): Thank you. We will now entertain questions, first by the official opposition. Mr. Natyshak.

Mr. Taras Natyshak: Thank you, Mr. Tighe. Thanks for being here. Welcome to the committee.

Mr. Gavin Tighe: Thank you very much.

Mr. Taras Natyshak: This is our opportunity as members to vet you. As you know, this is a majority government. You have most likely, barring any catastrophic circumstances, got the gig. So, congratulations in advance.

Mr. Gavin Tighe: Thank you very much.

Mr. Taras Natyshak: I welcome you to the land of the public service.

Mr. Tighe, we've got 15 minutes. I'm going to be brief. It's going to be rapid-fire. You can answer yes or no. If I do cut you off, I apologize, again, in advance. I'm just trying to get through this. With my colleague, we've probably got just about a dozen questions.

First question: Are you currently or have you ever served as the Premier's personal lawyer, or as a lawyer for any of his family members or his family company?

Mr. Gavin Tighe: I have served as Doug Ford's personal lawyer. I have not served as the Premier's personal lawyer.

Mr. Roman Baber: Point of order, Mr. Chair.

The Chair (Mr. John Vanthof): Point of order.

Mr. Roman Baber: I think that it's very, very important that we don't put the witness into a position where he may have to violate privilege. He is subject to various legal and discipline requirements. So it's very, very important

that we don't subject him to a position where he has to violate client privilege.

Mr. Taras Natyshak: Chair, I think that Mr. Tighe is an expert in what would violate attorney-client privilege. He was about to answer the question. I'd like to ask him to continue.

Mr. Gavin Tighe: The answer is that there's a clear public record of who I've acted for and the fact that I've acted for them. Anything that occurred in the course of that retainer may or may not be privileged.

Mr. Taras Natyshak: Perfect. Thank you. Did you represent the Premier or have you ever spoken on his behalf?

Mr. Gavin Tighe: I think it's a matter of public record that there have been court appearances where I have previously acted for Mr. Ford in his capacity as a city councillor, in relation to proceedings that were before the Ontario courts.

Mr. Taras Natyshak: Excellent. Did you represent the Premier in a lawsuit that was filed by Kevin Wise?

Mr. Gavin Tighe: I've never heard of Kevin Wise.

Mr. Taras Natyshak: Okay. Are you currently representing the Premier in the lawsuit recently launched by the widow of the late Rob Ford, Renata Ford?

Mr. Gavin Tighe: I have no current retainer by the Premier.

Mr. Taras Natyshak: Are you representing any other cabinet members or any persons with actions involving a cabinet member or the government of Ontario?

Mr. Gavin Tighe: I have no current retainer with any member of the Legislature of this province.

Mr. Taras Natyshak: Have you ever donated to the PC Party of Ontario?

Mr. Gavin Tighe: I have donated to many parties. I think that, frankly, one of the aspects of public service—which you're fortunate enough to have done; I have not served the public in the capacity that you have. I think that it's in the public interest to donate to political parties and to support political causes of all stripes, and I've done so.

Mr. Taras Natyshak: Have you donated to Doug Ford's mayoral campaign?

Mr. Gavin Tighe: I have the same answer.

Mr. Taras Natyshak: Is that a yes?

Mr. Gavin Tighe: I have donated to various political parties over the years.

Mr. Taras Natyshak: But specifically Doug Ford's? Do you recall?

Mr. Gavin Tighe: I think it's a matter of public record. When you donate to any political cause, there is a record of that. So the answer is, I've donated to many political causes over the years, including Mr. Ford's.

Mr. Taras Natyshak: And do you recall donating to his campaign, the recent campaign, for the PC leadership?

Mr. Gavin Tighe: As I said, I believe I did donate to the PC leadership, as I've donated to many other political parties.

Mr. Taras Natyshak: Do you recall any of the amounts that you might have donated?

Mr. Gavin Tighe: I don't recall, but I believe it's a matter of public record, so you probably have that.

Mr. Taras Natyshak: Okay. Thank you. Those are my questions. That was pretty painless, wasn't it?

Mr. Gavin Tighe: Absolutely.

Mr. Taras Natyshak: Okay. I'll pass it to my colleague.

Mr. Gavin Tighe: Thank you.

The Chair (Mr. John Vanthof): Ms. Stiles.

0910

Ms. Marit Stiles: Thank you, Mr. Tighe, for coming here and giving us the opportunity to ask you some questions, of course, and thank you for providing already your perspective on the importance of accounting standards for protecting the general public from acts of fraud. I think you understand the importance of this role and why we have to ask you these questions.

Mr. Gavin Tighe: Absolutely.

Ms. Marit Stiles: Just following up on my colleague's question earlier, he asked you if you currently represent any other members of the Ford government cabinet—or MPPs, I suppose. Can you tell us if you've previously represented any of those?

Mr. Gavin Tighe: I've never acted for a sitting member of the provincial Legislature.

Ms. Marit Stiles: Okay. I want to ask you a little bit about how this appointment came about. Did you approach the Premier to request this appointment or did he approach you?

Mr. Gavin Tighe: I had no discussions with the Premier about this appointment.

Ms. Marit Stiles: So how did this appointment come about?

Mr. Gavin Tighe: I was contacted by a member of the Premier's office and asked if I was interested in this. They knew my background with respect to accounting issues, particularly with regard to insolvencies of a number of credit unions in the province of Ontario, which related to accounting issues and failures of those credit unions.

Ms. Marit Stiles: Do you consider the Premier to be a personal friend?

Mr. Gavin Tighe: I've acted for the Premier as counsel in a professional capacity. I've made submissions to the court on his behalf. That's my relationship with the Premier.

Ms. Marit Stiles: So you haven't socialized? You don't have that kind of experience with him?

Mr. Gavin Tighe: As a matter of fact, I have not.

Ms. Marit Stiles: Can you see, though, why the public might have questions about why the Premier is appointing his personal lawyer, even if it's a former personal lawyer, to a position of such authority?

Mr. Gavin Tighe: Well, firstly, I think that the position, it's important to recall, is a governance position within the profession. The purpose of the council is to assist in accounting standards. It's completely funded by the profession. It's an internal organ of the profession. The objective here is to protect the public good, as far as I'm concerned, with regard to accounting.

I say this: As someone who has acted as counsel for an individual, there is an issue that arises that way; and with regard to that particular role, I expect that people either feel their counsel is competent and trustworthy and a person of integrity, or they don't. I can tell you that I've dealt with a number of occasions for lawyers where clients have not felt that way about their counsel. So in that regard, I think the Premier has some experience with my professionalism and my integrity in making submissions on his behalf to courts in this province, and I expect that with that experience, he feels that I'm competent for this position.

Ms. Marit Stiles: This is a full-time position. It pays over \$166,000 a year. Are you intending to withdraw from your current legal work?

Mr. Gavin Tighe: No, and in fact the issue of what this—it's interesting. Of course, I had nothing to do with what this position pays. That was something established previously by the council and the prior chair. That's not an issue for me in terms of why I'm accepting this position.

I agree with you: It's a significant amount of money, and I expect to put a significant amount of effort into this position, but I'm more than happy to discuss with the council what the appropriate remuneration is for that position. I put it to you that it was set before I had anything to do with it, and it's not a request by me in any way, shape or form.

Ms. Marit Stiles: I appreciate that, but my question was also: Will you be withdrawing from your current legal work?

Mr. Gavin Tighe: No. I'm going to be continuing to practise law. One of the benefits of practising law is, of course, that you have some control over how much work you do and how many hours you spend on it. I am in private practice and, therefore, I have complete control over that.

Ms. Marit Stiles: Okay. What is your vision for the accounting profession, then, and as chair, what is it that you want to see accomplished?

Mr. Gavin Tighe: Well, I think that what I've seen—and I can tell you that in my experience as a lawyer, I've done a number of cases over the years involving accounting issues. What I really would like to see with respect to the council is the elevation of the standards of accounting to ensure that we avoid the problems of the past.

One of the things I really would like to see happen—and I've got to get a good sense of what the council has done to date. I'd like to emphasize education of those who are entering the profession and the understanding that their role—it's critical that they have independence in auditing standards. Just because their client happens to pay their account, the people who they serve and who rely on those statements are in fact not the clients; it's third parties, it's the public, it's lenders, it's investors. I want to emphasize the independence of the audit function in the accounting profession as being critical going forward.

Ms. Marit Stiles: Given your past personal relationship, if the Premier were to demand changes to, say, how auditors are regulated that you believe are not in the public

interest or that threaten the integrity of accounting standards, would you be able to put aside your personal relationship with the Premier?

Mr. Gavin Tighe: Absolutely. The issue here is, in terms of accounting standards—those are actually developed by the regulator of accountants. It is a self-regulatory organization. The role of the council is to ensure that the profession ultimately serves the public and that the public interest is protected. It's a balance. It's a check and balance in regard to the accounting profession in Ontario.

What's important about accounting is that accounting has to be reliable. Accounting has to tell it like it is.

Ms. Marit Stiles: But you can understand, given your previous professional and personal relationship with the Premier, why the public might have those sorts of questions.

Mr. Gavin Tighe: I can understand why people who don't understand the role of a lawyer might think that way, but the fact is that the role of a lawyer is certainly not to subvert, in any way, shape or form, the truth. I can say with absolute integrity that I have never, ever countenanced that, nor do I intend to.

Ms. Marit Stiles: You can understand as well, I'm sure, that for many people in this province, the idea that somebody was being—I appreciate that this was not something that was set, that you had nothing to do with the salary for this position. But a position like that—\$166,000 a year is not usually something we get paid for a part-time job. For most people, that far exceeds what their entire family income would be. In fact, it probably triples or quadruples it, right?

Mr. Gavin Tighe: Absolutely. I agree with that. I think there is always a tension in respect of attracting people to positions where they have qualifications. I think that it's important to reward people with qualifications and to ensure that they're adequately compensated.

To be perfectly blunt, I don't know whether that is a reasonable amount of compensation or whether it's unreasonable, because I haven't done the job yet. But as I said to you, I didn't set that compensation level, nor did I request it. It was the historical compensation level paid in that position before I had anything to do with it. Now, having said that, as I said to you, I'm more than happy to discuss with the council and with the profession who actually funds that—because it isn't actually funded by the taxpayers—if that is a reasonable amount of compensation given the demands of the position.

Mr. Taras Natyshak: Mr. Tighe, in your comments around continuing your legal practice: Do you believe you're going to be able to carve out enough time, with your current caseload or workload, to be able to dedicate full-time hours to this new position?

Mr. Gavin Tighe: I actually do. I had an opportunity before this hearing to speak to the CEO of the council and to get a better sense of what exactly was entailed in—

Mr. Taras Natyshak: How many hours a week do you think it'll require?

Mr. Gavin Tighe: It depends on the week. What I understand is that the demands of the position are cyclical. It surrounds various meetings of the committee and the council throughout the year and preparation time related thereto.

Mr. Taras Natyshak: Have you ever applied for any other position on any other government agency?

Mr. Gavin Tighe: No.

Mr. Taras Natyshak: Have you ever been named or nominated? Has anyone ever sought you out for a position in any government?

Mr. Gavin Tighe: Softly or hardly?

Mr. Taras Natyshak: Either. That seems like somebody has talked to you about the potential of sitting on it—that's what you're indicating: that someone softly—

Mr. Gavin Tighe: No. Well, I'm a lawyer. I've been a lawyer for 26 years, and I'm a litigator. The issue of different positions that are available in the judicial system has been discussed with me before, but nothing of any substance.

Ms. Marit Stiles: Can I ask another couple of questions? I don't know if you have a few more minutes.

The Chair (Mr. John Vanthof): You've got a couple of minutes left.

Ms. Marit Stiles: I just want to go back to the process. You talked a little bit about being contacted by somebody from the Premier's office. Can you provide us with the name of the person who contacted you from the Premier's office?

Mr. Gavin Tighe: I believe Ms. Markson contacted me on one occasion.

Ms. Marit Stiles: Ms. Markson? Do you remember the—I don't know Ms. Markson.

Mr. Gavin Tighe: I believe she works for the Premier's office.

It was put forward that—if I had any interest in this position. I think Mr. French contacted me as well. But it was in respect of whether I had an interest in this position, which was involving public accounting. I believe they were familiar with the fact that I dealt with a number of significant public accounting cases in the course of my law practice and had some familiarity with the issues of accounting standards, both in audit and generally accepted accounting practices.

Ms. Marit Stiles: Just going back again to how you're going to continue to practise as a lawyer—you made that very clear—despite the salary and the commitment: You're going to weigh that, I understand. But do you expect or anticipate that, if you were offered the opportunity to work for someone, any company or individual, who has any dealings or connections with Deco Labels, the Premier's company, you would be open to taking those opportunities?

0920

Mr. Gavin Tighe: I don't really understand why working for or acting for any private company—and I don't act for Deco Labels, nor have I historically, nor do I have any intention to.

Ms. Marit Stiles: But a company, perhaps, that actually had dealings with Deco Labels.

Mr. Gavin Tighe: But, hypothetically, a private company—it's difficult for me to understand the connection between acting as a lawyer for a private company, in respect of anything, and then the issue of what the accounting standards are in the profession.

The Chair (Mr. John Vanthof): You have one minute left.

Ms. Marit Stiles: But you are actually in a position where—again, you could understand why the public might have some questions and concerns, obviously, about potentially the appointment of somebody who has represented the Premier directly, and who has a personal relationship with the Premier, presumably, to have an appointment like this.

Mr. Gavin Tighe: Well, I think you asked that question. The answer, as I put it to you previously, was that I think that if you misunderstand the role of a counsel, you might have that misconception. But there is absolutely no conflict, in my view, between acting as a counsel for an individual and being involved in a regulatory capacity and acting on a professional standards body.

Let me put it to you differently: The treasurer of the law society is an acting lawyer and is responsible for the governance of the legal profession. The treasurer of the law society continues to practise law and continues to represent clients. The suggestion that that's a conflict would be absurd—

Mr. Taras Natyshak: Has that treasurer ever had to recuse himself or herself from a case?

The Chair (Mr. John Vanthof): Excuse me. Your time is up. Thank you to the opposition.

I now turn to the government. You have approximately 12 minutes.

Mrs. Amy Fee: Mr. Tighe, I'd like to say thank you, first of all, for coming in today to answer our questions and to meet with the committee.

The Public Accountants Council's purpose is to ensure that public accounting in Ontario is practised in accordance with internationally respected public accounting standards that reflect our public interest in Ontario in the delivery of quality public accounting services.

Our government has been very clear that we need to establish trust in public accounting, especially after years of the former Wynne Liberal government using, I would say, questionable accounting practices to hide a \$15-billion deficit.

Your resumé, when going through it, certainly shows a wide range of experience—and certainly, you're describing that here this morning—across a variety of areas. You've also been selected as one of Canada's best lawyers on numerous occasions, so congratulations for that as well.

Mr. Gavin Tighe: Thank you.

Mrs. Amy Fee: Could you please share with the committee, in some broad strokes, why you feel that you are an appropriate fit for this role?

Mr. Gavin Tighe: As I mentioned, I've had a number of cases over the years that involved accounting issues.

For example, I've acted on behalf of a number of credit unions in the province of Ontario that have run into significant financial difficulties as a result of accounting—well, not “as a result of,” but that were not caught by their accountants. I'll put it that way.

Accounting is the bill of health of any institution. What happened in those particular instances is that the bill of health was not exactly accurate. Accounting is not an act of creativity. It is not painting. It should be telling it like it is, which is exactly what I said.

What happened in those instances was that the fund, which is part of the provincial government, had to fund the bailout, quite frankly, of these various institutions. That's money that came out of the credit union system. It means that is money that came out of the depositors and the institutions that support the credit union system. Had those accounting statements been accurate at an earlier time, those losses could have been either mitigated or avoided.

What I've seen is, quite frankly, the train wreck on the other end of things, and I understand what the risks are if accounting is not practised in a diligent manner.

Having said that, the other side of the coin—and I said this in my statement—is that when you have accurate and reliable financial information, that is a place where people want to place their investments. That is a place where people want to invest. If you can trust where you're putting your money, it's a place you want to put your money into.

In my view, investment leads to growth and growth leads to jobs, and it all starts from a position where we have to be able to rely on the financial information that is being provided.

The Chair (Mr. John Vanthof): Mr. Baber.

Mr. Roman Baber: Thank you, Mr. Tighe. Thank you for attending here today.

First, I would like to correct the record, specifically, with my friend from Davenport. I don't believe that there has been any suggestion of a “personal relationship,” a phrase that she used on at least four occasions; there has been a suggestion of a professional relationship. That is something that is important for us to distinguish.

Second of all, Mr. Tighe, there has been some public record leading to this hearing specifically suggesting in some way that there may be some taxpayer remuneration associated with this position. I understand that that proposition is blatantly false. Specifically, any fees payable in connection with your engagement are payable from dues generated by the profession, which is regulated by the subject entity. Is that correct?

Mr. Gavin Tighe: That's my understanding. I will say that my view is that the accounting profession has an interest in ensuring that the standards that it governs itself by are rigorous. That's the value that accountants bring to the equation. The value that public accountants bring is trust. They have established their own system whereby they fund it entirely, in terms of a regulatory body, and they actually have a regulatory body that regulates the regulatory body, which is the role of the council. That is because, in my view, the public accountants of this province recognize that they need to facilitate an environment

of trust and confidence in the financial statements and the profession, because that's exactly the value the profession brings to the equation.

Mr. Roman Baber: Mr. Tighe, to be frank, I have been watching your career for the last 12 years, starting as an articling student who watched you on the opposite side of an insolvency file. I can certainly confirm to some of my colleagues that one of the greatest compliments you can get in the legal profession is from members who appear opposite to your interests and on opposite sides of files. I want to thank you for your contribution to the legal profession.

I see that you have about three pages' worth of reported cases. You have appeared before the Supreme Court of Canada. Is that correct?

Mr. Gavin Tighe: Yes, I have.

Mr. Roman Baber: I also understand that you have made significant headway in terms of development of some of the corporate governance and commercial propositions at large—the development of the case law. Could you perhaps give the committee an example of such a contribution?

Mr. Gavin Tighe: Sure. The main part of my practice focuses on professional liability, commercial litigation and insolvency. That is probably the more appropriate experience for this particular position, but I've also had the good fortune to do some other more interesting cases. For example, I acted on the election case in the federal election in Etobicoke Centre, where I actually acted for the Liberals. We took that case to the Supreme Court of Canada, and we challenged it in a divided court. Unfortunately, we lost, but the good part of it was that it inspired the whole discussion on electoral reform in this country and I think led to significant legislative change and created some awareness with respect to that.

In that role, as a lawyer, I think that was a positive development for all parties concerned and for all elected members. If that's of some benefit—there are many other cases, of course, over the years; it has been, unfortunately, a longer career than I care to recall. But it's helpful at times to take an issue, move it forward and move the law forward, move the common law forward. You folks take good care of legislative law, but the common law, of course, governs a great deal of what we do day to day.

Mr. Roman Baber: To conclude, as a final question: Mr. Tighe, I'm of the view that one of the principal mandates of the body for which you're being considered is to foster investor confidence and, in turn, transparency in the capital markets. We have been seeing over the last decade and a half, surely, some issues with transparency that pertain to the previous government, but we've also seen questions of transparency and fostering investment confidence when it comes to the corporate and capital markets. Specifically, you've been involved in a number of high-profile insolvencies, where such confidence has been shaken up, that you were able to review. Can you give an example of one of those?

Mr. Gavin Tighe: Sure. I've done a number of insolvency cases over the years, including CCAA filings

and involving significant amounts of money, for example, Playdium, which was one of the leading CCAA cases of the time.

The key issue there is really this: It takes money to move a business forward, whether that's investment or whether it's lending. When there's tightening up of investable money or the ability to borrow, or whatever, because there is a lack of confidence in the finances and what is being shown to those who had put their money in it either as creditors or investors, that slows everything down. That slows business down, that slows growth down and that slows jobs down.

0930

My view is that it all starts from that simple proposition: that you have to have trust and confidence in what the financial statements of a given entity say. As I've pointed out, I've seen the train wreck on the other end of things when it has gone awry. The idea of the council, in my view, is to try as best we can—I don't think that anyone can guarantee that that's never going to happen again, because no matter how rigid your rules are or how rigorously they're enforced, someone can find a way around them or through them. But you've got to make that as difficult as possible. You have to have these rules that are important and they are rigorous and they are adaptive to changes in the financial climate.

I agree with you 100% that the way to encourage investment is through confidence, and confidence is built on trust.

The Chair (Mr. John Vanthof): Mr. Roberts.

Mr. Jeremy Roberts: Thank you so much for appearing here today, Mr. Tighe, and for your interest in this position.

Whenever I'm looking to hire staff in a political office or in a government-type role, along with looking at their political experience or relevant experience in that field, I'm always interested to know if they have that spirit of public service—if they've been involved in charitable work; if they've done some work on any foundation boards, any community activism, any community work—because I think it's important for somebody taking on a role in government to have that sense of public service.

I know you have a very impressive legal background, but is there anything in terms of your community involvement that you could share with the committee?

Mr. Gavin Tighe: In terms of community involvement, I've tried to use my role as a lawyer to advance causes that, in my view, are important. Those have been, to a significant respect, things that I've done either pro bono or matters that I've taken on at significantly discounted costs, where I have supported those matters going forward. The election case would be one example of that.

Other cases that I have been involved in, for example: We challenged, on behalf of a group of interested parties, the prohibition against political parties in municipal politics. It was an important discussion to have, in my view. While I may or may not support that in a personal way, it is an important discussion to have.

Unless lawyers are prepared to take those causes forward, those discussions will never happen. So the reality is that it's fortunate, in terms of being a litigator, that you do have that opportunity at times to take forward cases that probably would never get taken forward.

I can go on in terms of more formal community involvement, but that's the thing that is what, I will say, is unsaid oftentimes with the legal profession: their ability to use their time—frankly, in legal practice, time is money—to move the ball forward.

Mr. Jeremy Roberts: That's great to hear. It's clear that you have an interest in making sure that we're moving society forward in positive ways. I'm really pleased to hear that.

On behalf of my colleagues here, we'd be really thrilled to have you in this position. I think you'd do a fantastic job.

Mr. Gavin Tighe: Thank you very much.

The Chair (Mr. John Vanthof): That concludes the time allocated. I thank you very much for being at the committee. You may step down. Your grilling is over.

We will now consider the intended appointment—
Interruption.

The Chair (Mr. John Vanthof): Is that me? I very much apologize. That will never happen again.

We will now consider the intended appointment of Mr. Gavin Tighe, chair and member, Public Accountants Council for the Province of Ontario. Mr. Baber.

Mr. Roman Baber: Mr. Chair, I move concurrence in the intended appointment of Gavin Tighe, nominated as member of chair, Public Accountants Council for the Province of Ontario.

The Chair (Mr. John Vanthof): Could you reread—
“as member and chair”?

Mr. Roman Baber: “As member and chair.” My apologies. I'll repeat: I move concurrence in the intended appointment of Gavin Tighe, nominated as member and chair, Public Accountants Council for the Province of Ontario.

Mr. John Vanthof: Thank you. Concurrence in the appointment has been moved by Mr. Baber. Any discussion? Seeing none, all those in favour? Opposed? I believe it's carried.

We are adjourned. Thank you very much to everyone who attended.

The committee adjourned at 0936.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Président

Mr. John Vanthof (Timiskaming–Cochrane ND)

Vice-Chair / Vice-Président

Mr. Taras Natyshak (Essex ND)

Mr. Roman Baber (York Centre / York-Centre PC)
Mr. Rudy Cuzzetto (Mississauga–Lakeshore PC)
Mrs. Amy Fee (Kitchener South–Hespeler / Kitchener-Sud–Hespeler PC)
Mr. Vincent Ke (Don Valley North / Don Valley-Nord PC)
Ms. Andrea Khanjin (Barrie–Innisfil PC)
Mrs. Marie-France Lalonde (Orléans L)
Mr. Taras Natyshak (Essex ND)
Mr. Rick Nicholls (Chatham-Kent–Leamington PC)
Mr. Jeremy Roberts (Ottawa West–Nepean / Ottawa-Ouest–Nepean PC)
Ms. Marit Stiles (Davenport ND)
Mr. John Vanthof (Timiskaming–Cochrane ND)

Substitutions / Membres remplaçants

Mrs. Belinda Karahalios (Cambridge PC)

Clerk / Greffière

Ms. Jocelyn McCauley

Staff / Personnel

Mr. Andrew McNaught, research officer,
Research Services