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(Hansard)**

A-47

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des débats
(Hansard)**

A-47

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
42nd Parliament
Tuesday 4 May 2021

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
42^e législature
Mardi 4 mai 2021

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 4 May 2021

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 4 mai 2021

The committee met at 0901 in committee room 2 and by video conference.

The Vice-Chair (Mr. Aris Babikian): Good morning, everyone. I call this meeting to order. We are meeting to conduct the review of intended appointments. We have the following members in the room: MPP Nicholls. The following members are participating remotely: MPP Stiles, MPP Martin, MPP Bouma, MPP Gates, MPP Miller, MPP Pang. We're trying to find a way for MPP Coe to join us. We are also joined by staff from legislative research, Hansard, and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it could take a little time for your audio and video to come up after I recognize you, please take a brief pause before beginning. As always, all comments by members and witnesses should be through the Chair.

We will start with discussing the business of the subcommittee report dated April 29, 2021.

Yes, MPP Stiles? Do you have a point of order?

Ms. Marit Stiles: Yes, I do. Thank you, Mr. Chair. I don't see how we can start until all the materials have been provided and are accessible by everyone. I know MPP Gates is also unable to access the materials online, and I still don't have the email. I appreciate there's been some technical difficulties. I don't see MPP Coe here, so I don't know if we should adjourn until those matters have been dealt with.

The Vice-Chair (Mr. Aris Babikian): Considering the difficulties—yes, MPP Bouma? Go ahead.

Mr. Will Bouma: If it's in order, Mr. Chair, I would move that we take a 10-minute recess to try to resolve these issues.

The Vice-Chair (Mr. Aris Babikian): Do all the members agree to MPP Bouma's motion? Okay.

The Clerk of the Committee (Ms. Julia Douglas): I think we can do it in five minutes.

The Vice-Chair (Mr. Aris Babikian): We will take a five-minute recess to try to solve the technical difficulties, and we will come back. Thank you.

The committee recessed from 0904 to 0909.

The Vice-Chair (Mr. Aris Babikian): The session is reconvening again. I will go through the instructions.

MPP Stiles, everything is sorted out with you?

Ms. Marit Stiles: Yes.

The Vice-Chair (Mr. Aris Babikian): Thank you.

This is the pre-instruction. It is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it could take time for your audio and video to come up after I recognize you, please take a brief pause before beginning. As always, all comments by members and witnesses should go through the Chair.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr. Aris Babikian): We will start with the subcommittee report. We have on the agenda the April 29, 2021, subcommittee report. We have all seen the report in advance, so could I please have a motion? MPP Nicholls, go ahead.

0910

Mr. Rick Nicholls: I move adoption of the subcommittee report on intended appointments dated Thursday, April 29, 2021, on the order-in-council certificate dated April 23, 2021.

The Vice-Chair (Mr. Aris Babikian): MPP Nicholls has moved the motion. Is there any discussion? I see none. Are the members ready to vote? Yes? All those in favour? All those opposed? The motion carries.

INTENDED APPOINTMENTS

MR. JOHN MUISE

Review of intended appointment, selected by government party: John Muise, intended appointee as member, Ontario Parole Board.

The Vice-Chair (Mr. Aris Babikian): We will now move to our review of intended appointments. Today we have Mr. John Muise, nominated as member of the Ontario Parole Board. As you may be aware, Mr. Muise, 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 allotted to the government.

You may begin, Mr. Muise, if you wish.

Mr. John Muise: Thank you, Mr. Chair, and members of the committee. Good morning. It is my pleasure to appear before you today. Since you already have my

résumé, I believe, and because we only have a half-hour, I'll keep my remarks brief.

I've spent almost 45 years in the criminal justice system, including 30 as a member of the Toronto Police Service. I retired with the rank of detective sergeant. For six of the years on the service, I was seconded to the Ontario Office for Victims of Crime. This was followed by three years as the director of public safety at the Canadian Centre for Abuse Awareness, now known as Abuse Hurts, an organization committed to the eradication of child sexual abuse. Since 2001, I have worked on and off as a volunteer at Abuse Hurts. In 2009, I was appointed as a full-time member of the Parole Board of Canada, and served for five years in the Ontario region.

As I stated, I've spent my entire professional life working in the criminal justice system. I believe the breadth of my experience and knowledge has and will contribute to quality parole board decision-making. I know that I have the right aptitude for impartial adjudication, in keeping with the principles of administrative justice. My focus has always been on public safety and, as you're aware, the law is clear: Public safety is the paramount consideration in decisions made by the parole board.

I support conditional release of offenders where appropriate and when the risk is manageable, because eventually almost all provincial offenders will be back in the community.

I look forward to your questions. Thank you.

The Vice-Chair (Mr. Aris Babikian): Thank you. Now we will go to the opposition. I see MPP Stiles. Go ahead, MPP Stiles. The floor is yours.

Ms. Marit Stiles: Good morning, and thank you for joining us this morning. We appreciate your appearing here today and your interest in this role.

I certainly don't question your qualifications and expertise in this area. However, we have seen a large number of appointees by this government over the last while that were rather partisan, and so we have a series of questions in the opposition that we ask in order to just ensure there is complete transparency and accountability around any appointments that this government is making. I'm sure you can understand how important that is in terms of public confidence in the process, so I'm just going to start with a few of those kinds of questions and then I want to ask you some more questions just on your experience and perspective on parole.

The first question is, are you or have you ever been a member of any political party, in Ontario or federally?

Mr. John Muise: Neither provincially or federally any party, ever.

Ms. Marit Stiles: Thank you. And have you ever given any donations to any political parties or candidates?

Mr. John Muise: No, I have not. I have never given a donation. I can also add I have never run for political office and I've never canvassed on behalf of any politician. I will tell you, though: full disclosure, I am a lifelong member of the Toronto Maple Leafs fan club, so—

Ms. Marit Stiles: Oh, well, I don't know then. Well, thank you for that. It is refreshing, actually, so thank you very much.

I think you've written some opinion pieces in the past about parole, and I think specifically about particularly terrorism and stuff. I was reading through some of those, and I wanted to ask you, because you've mentioned in a few articles that I've read that we need to ensure—at the end of the day, most offenders will be released—that we have the programs and rehabilitation opportunities, including deradicalization programs and such, available in our prison system. I wonder if you could speak a little bit about that piece of this, because obviously, it's such an important role that you'll be playing here and you have significant experience. I'm just interested in what you think the correctional system could be doing better to prepare people to be good citizens once released.

Mr. John Muise: Thank you. It's a great question, actually, and it's a tough one, because it's a very, very difficult business. The reality is, I can probably look first to the federal correctional system, because it's one I know a lot about. I served as a parole board member, as I stated, for five years, and I've done a fair bit of policy work around it. There's absolutely no doubt that if somebody's going to come back into the community on an early discretionary release, the more things that are in place, the more pillars that are in place in the community to help them once they return is of benefit. More often than not, if somebody, for instance, has a law-abiding family structure or friend structure or they're going back to a job or they have housing that is stable, domestic relationships that are good, possibilities for that employment or training opportunity—those are all things that enhance the likelihood of somebody not only getting through that parole period but also carrying on in life as a law-abiding citizen.

This gets a lot more difficult when somebody, for instance—and often the person that we see is a repeat offender, somebody that commences their criminal history when they're young; they commit a variety of offences; their criminal record is dense. People that enter the revolving door of the criminal justice system go in and out and just keep doing that. For those folks, it's definitely a far tougher road to travel. Certainly, the things I talked about are sort of the science side of it, but at the end of the day, you're dealing with people, you're dealing with the human condition, and there are some people for which that will be a struggle through the rest of their lives. Sometimes, it's just that they get older and they eventually age out, but they've spent a life in the criminal justice system, and so it's never going to be perfect.

What I can say is parole, when given out appropriately, as I stated—when those supports are in place, you do have somewhat of a better chance of somebody returning to society in a law-abiding manner and getting through the rest of their life without committing crimes and without further victimizing people.

Ms. Marit Stiles: I really appreciate that. You focused a lot on the sort of supports that exist outside, once you're on parole. What could our system be doing better when

people are actually incarcerated to prepare them or to ensure that there is proper rehabilitation? What could we be doing better?

Mr. John Muise: I have a better understanding, again, of the correctional system, really, because that's where I worked. There was programming, and the programming was good. It was focused, and it was based on research. Whenever you have policy, wherever you can you should be able to back it up with research; you should be able to back it up with results.

0920

I think, probably, looking back at what they were doing on the inside of the federal criminal justice system, they certainly should have been looking at getting these young men ready to go back into things like the trades, for instance. At the end of the day, these are young men. Many of them are very strong. Some 80% of the people who go into the federal correctional system, as an example—again, it's the system that I know very well—have substance abuse or polysubstance abuse associated with their crime cycle.

So if you put the right conditions in place, as an example, whether they're parole conditions or stat release conditions, you have an engaged community parole officer, you have somebody that—for instance, if you could get them into framing, plumbing and all of those things that develop fabulous work habits, have expectations around getting to work and provide a very good income once you get established—I would have liked to have seen more of that.

But ultimately, I was a full-time member of the Parole Board of Canada and those are the things I saw. At the end of the day, I was working between the ditches and making very structured decisions about whether somebody should be granted or denied whatever form of release they were appearing before. So that's definitely one of the things that I would have liked to have seen, from my experience.

Ms. Marit Stiles: Thank you. That's helpful.

I'm sure I don't need to tell you this, given your own experience, but we know there's a significant overrepresentation of Indigenous people in our prison system. I wondered if you could speak to your own experience in terms of Indigenous cultural competency—perhaps is the way to put it—and how you would plan to ensure that parole services are culturally safe for Indigenous people.

Mr. John Muise: Well, there are a couple of things: One, I can tell you I recognize that there's a special place in terms of the law and, as a by-product, parole—there was a case in 1999; I'm sure you know this, the Gladue case at the Supreme Court of Canada. I'm putting it in a nutshell, but the Supreme Court said that sentencing courts and judges will have to take into consideration the background of Indigenous offenders. That has filtered out to the rest of the criminal justice system. I can tell you—again, back to my experience, five years at the federal board—we had a large number of Aboriginal circle hearings. Any time that somebody came—

The Vice-Chair (Mr. Aris Babikian): Five minutes left.

Mr. John Muise: Sorry; did somebody say something?

The Vice-Chair (Mr. Aris Babikian): Just a reminder: five minutes left. Go ahead.

Mr. John Muise: Oh. Any time somebody came before the board, it was often an Aboriginal circle hearing. Certainly, when writing your decision, you had to identify how you were mindful of the Gladue principle. It has become part of the structure of a parole board hearing. I know that to be the case at the provincial level.

I guess what I would say—what am I going to do? Well, I'm going to follow the principles of administrative law, like I would with any offender, and that is to be fair; to ensure that, if somebody is underrepresented or is struggling to understand, that my colleague and I provide a hearing that helps them understand, does what it can to make sure somebody is represented; and act in a professional and courteous manner and be mindful of what's in front of me.

I have some of my own personal experience with that. I'm not Indigenous, but I was born and raised in a deaf household. Both my parents were profoundly deaf, from birth.

I understand that we're not talking about racism; we're talking—I saw the discrimination that took place. I'm a little bit older than some of you, but around the same age, maybe, as others. I was around when people called my parents deaf and dumb, and I could hear, obviously. I saw it. There's a range of things. A lot of that was just a lack of understanding. Some of it was overt. People felt that they were shortchanged cognitively. Of course, that is not the case.

Many years ago, I had to go to court for a case where there was a deaf person; a crown attorney had asked me to come and do some interpretation. My sign language is really bad now; I can't do it now. But they asked me to come and do some interpretation. When we were going down to court—it was a driving offence. The crown attorney looked at me—he was a good man. He said, "What is it with the fact that deaf people are allowed to drive cars?" It was a long time ago, but I had an opportunity. I said, "Well, sir, just so you know"—he didn't know. We weren't friends. We weren't drinking buddies. I said, "Sir, just so you understand, my dad has been driving since he was 18"—I guess probably, however old he was at the time, for 20 or 30 years—"and he's never had a ticket, and he's never had an accident. So, you know what, I think what happens is they compensate." I was able to provide a tiny little education in private. His face turned red. He was a good person. He learned something that day.

So, there are a number of things you can do just by doing your job professionally and properly, or when somebody doesn't have it right, just helping them to understand what is right and what's wrong.

Ms. Marit Stiles: Thank you. That's all the questions I have. I don't know if my colleague has any, but that's great. Thank you very much.

Mr. John Muise: Okay. Thank you.

The Vice-Chair (Mr. Aris Babikian): There's about a minute left for the opposition side. If you have any

questions, you can continue. Otherwise, I will go to the government side. No? Okay.

The government side, you have about 13 and a half minutes. MPP Nicholls.

Mr. Rick Nicholls: Good morning, Mr. Muise. It's nice to have you here, sir. I appreciate your full disclosure. I can remember 1962, 1963, 1964 and 1967, the years that my Leafs and your Leafs won the Stanley Cup. We've been a little frustrated over the last few years, but maybe there's hope for this year as well.

I want to thank you for your service, sir—45 years. Of course, back when I was in opposition, I served as the critic for community safety and correctional services. I made it a point of developing very good working relationships with our men in blue—that would be the police, this go around—but also having spent time visiting correctional centres throughout the province and, of course, working with our parole officers as well. It's a very challenging position, I'm sure.

But again, we had Adam Capay—I'm sure you're familiar with that situation—the gentleman who was held in solitary confinement or segregation for four years up in that Thunder Bay jail. Of course, I'm sure that on the parole board you will be dealing with situations such as that.

Very quickly: What motivated you to apply for this position, and was this the only one that you had applied to?

Mr. John Muise: Thanks for the question. The first time I watched was 1967, with my dad, so yes, I remember it well, still, to this day.

I don't want to sound too trite, but it's what I've done my whole life. It's a passion for me. Public safety is a passion. Parole is part of that. It's a way that I can contribute to public safety and to the community. It's in keeping with what I did as a police officer and what I did with the Parole Board of Canada and also with the Canadian Centre for Abuse Awareness.

The other part of your question: This is the only board that I applied to. It has been some time, actually—it's been almost a couple of years—since I've put my application in, and it's the only one I put it in to.

0930

Mr. Rick Nicholls: Thank you very much, sir. I know that you want to be able to, obviously, play to your strengths. Of course, there's no question about your capability and abilities to perform in this particular role.

I'll turn it over to our infamous MPP from Brantford—Brant, Mr. Will Bouma.

The Vice-Chair (Mr. Aris Babikian): MPP Bouma, the floor is yours. Go ahead.

Mr. Will Bouma: Chair, through you: John, thank you so much for joining us today. Reading through your résumé and your lifetime of public service, I know some of the trauma that you must have witnessed and experienced. You've been involved with the parole system from both sides, both the victim's side and from the police side, and I find that so fascinating.

I was wondering if you could explain further to the committee what you feel it takes to be an effective member of the Ontario Parole Board.

Mr. John Muise: It's a great question; I should have been ready for it, but I think I am. I think probably number one is just being professional and understanding, as an example. A lot of offenders, applicants, are crime victims themselves, so it's an understanding of what offenders have been through. You might only spend a couple of hours, but at a minimum, you can be respectful; you can listen. It's usually men—it is his hearing. It's not yours, not mine. The community has an enormous stake in it, but at the end of the day, it's the applicant's hearing, so listen, let him know you've heard him, and be respectful, because it doesn't always go the way they want—often, it doesn't—because of the nature of their criminal history. Just be respectful, and at the end of the day, when people walk away from that hearing, whoever is in that room, whatever the decision was, they were treated respectfully.

Again, back to the administrative law, the things that are expected of parole board members when they are doing their job: Just do it right, like any job. Again, I know that sounds a little bit trite, but that's a fact. There's a lot of people who engage in sound and fury, and it's something, I guess, that makes them feel good or makes them feel tough, but I prefer—when I was at the Parole Board of Canada, I engaged in a low-key manner and did my research and tried to do the job, tried to fill the adjudicative role, in a professional way. I guess it's a simple answer to a good question. Thank you.

Mr. Will Bouma: Considering that, as you said—you could tell you weren't prepped for it, and yet, I really, really appreciate your answer.

That makes me think of something else, though. I believe very, very strongly in the Gladue system, especially with just learning about the generational trauma that has been experienced by Indigenous people. I was having a conversation, because I have a very good working relationship with the Six Nations police on the territory here in my riding—I was talking to the police chief, and he mentioned that one of the issues that he has with the Gladue [*inaudible*] is that many times the victims of crime are also on the territory. So, when the Gladue system, to the appearance of the community, seems to cut short someone's sentence for a crime and that crime is repeated by that same person over and over again, how does the Gladue system respond to that? Because I didn't have an answer for him. I was wondering if you could just flesh that out for us, and how to do that justice to the victims of crime also.

Mr. John Muise: Well, that's the thing that's being confronted. It's a very real issue. I'm guessing you might not know the section, but you know the principle: section 81, which allows an Aboriginal community to bring somebody back to their community and manage their parole much in the same way—again, I'm talking federally, because that's what I know—that, for instance, Correctional Service Canada would manage somebody's release, but members of the community would manage it.

But it didn't happen as much as I think they anticipated it might, that people in the system anticipated it might, because for a lot of communities, this person wasn't wanted back. They weren't wanted back, and part of that might be that they didn't have the kinds of additional supports—treatment supports or other similar kinds of support—in place to help manage the risk.

So even though, for instance, Gladue—section 81 comes out of Gladue, I believe. I think it was one and then the other. Even though section 81 is in place, it probably hasn't been used to the degree that it could be, because there are a lot of communities that were saying, “You know what? You've done enough harm. We don't necessarily want you here.” I didn't see as many section 81s as I thought I might, because there was a significant emphasis put on responding to Indigenous offenders because they have a significant representation of the offender population.

I don't know if that answered your question. I guess I'm saying it's a struggle.

Mr. Will Bouma: That's what I wanted to get into the record. I really appreciate your answer to that question. I apologize to my colleagues for taking so much time, but I'll turn it over now, Chair, to MPP Coe.

The Vice-Chair (Mr. Aris Babikian): The government side still has four and a half minutes. Any further questions? MPP Coe, go ahead.

Mr. Lorne Coe: Welcome, John, to the committee today. The parole board has to try to balance two imperatives: on the one hand, reintegration of offenders back into the community, and on the other, ensuring the safety of our communities. What factors do you take into consideration when you're doing that?

Mr. John Muise: Great question. In the simplest form, there are a couple of very important ones. One, obviously, is the criminal history, the criminal antecedent. As I stated to MPP Stiles, I think, if somebody comes before the board who has got a long and dense criminal history that commenced when they were young, has a variety of offences, is smattered with what I have referred to as “breach-of-trust offences”—telling the court they're going to show up for a court date but don't; abiding by conditions to control their criminal behaviour, like they beat people up when they've been drinking, they get out on bail, and they start drinking again—those kinds of things, breaches of trust. If you've got a long history of that, notwithstanding your best verbal intentions to the board that day, that is going to be a significant impediment.

Now we're looking at the provincial system. Does that then mean that the offender, the applicant, might stay in longer and then—we do have the luxury with provincial sentences of having almost always—certainly, often—probationary periods, where somebody could be managed in the community and hopefully assisted through that process for up to three years. That's one half. That's a big, big part of it. That's what I was talking about when I said I believe in conditional release where it's appropriate.

If you have somebody who does have some criminal history but has—the other half of this is the supports in the

community. Is there somebody or somebodies who are going to make sure that he's not going to end up on the wrong side of the tracks, who are going to make sure that he's not returning to alcohol or drugs or both? Is there somebody who has offered him legitimate employment and is acting like a mini-probation and parole officer as his employer? A lot of this is—I actually heard these words used by a correctional person from Correctional Service Canada, that there's a lot of “carrot and stick” associated with this, but if you can provide rewards at the end of that carrot and stick—“Hey, I stayed sober. Hey, I didn't use drugs. I'm getting a paycheque. I've got my own place.” So there are possibilities for some offenders. The trick is identifying which of those offenders there are possibilities for—

The Vice-Chair (Mr. Aris Babikian): One minute.

Mr. John Muise: —and of course, if you're going to grant, to ensure that the risk is not undue and that it's appropriate for the gradual reintegration of this person into society, as a productive member of society.

0940

Mr. Lorne Coe: Thank you for that response.

Chair, if we have additional time, I would move to MPP Pang, please.

The Vice-Chair (Mr. Aris Babikian): MPP Pang, I see you wanted to ask a question. You have 40 seconds.

Mr. Billy Pang: Okay. Let's look at the other direction, Mr. Muise. What sort of engagement do you have in your community as a volunteer or other services rather than your profession, and what have you learned from it that helps you to work on the OPB?

Mr. John Muise: Certainly, for the last 20 years, when I wasn't actually doing full-time work for the Canadian Centre for Abuse Awareness, which took up three years, I spent many, many years doing volunteer work. I've stood in the same room with people who have been victimized by sex offenders, through child abuse. I've learned the struggles that people have faced and—

The Vice-Chair (Mr. Aris Babikian): Thank you very much, Mr. Muise. The time is up. Thank you very much for coming and sharing your experience and your points of view with our esteemed committee members.

MR. MARC HUNEULT

Review of intended appointment, selected by official opposition party: Marc Huneault, intended appointee as vice-chair, Agriculture, Food and Rural Affairs Appeal Tribunal.

The Vice-Chair (Mr. Aris Babikian): Now we move to our next appointment. We have Mr. Marc A.J. Huneault, nominated as vice-chair of the Agriculture, Food and Rural Affairs Appeal Tribunal.

As you may be aware, Mr. Huneault, 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 the questioning, we will start with the government, followed by the opposition, with 15 minutes allocated to each recognized party. Any

time you take in your statement will be deducted from the time allotted to the government.

Mr. Marc Huneault: I am pleased to make an opening statement, Mr. Chair.

The Vice-Chair (Mr. Aris Babikian): Okay, Mr. Huneault. Go ahead.

Mr. Marc Huneault: Okay. Thank you. Good morning, Mr. Vice-Chair and members of the standing committee. My name is Marc Huneault. I'm pleased to appear before you today to discuss my appointment to the Agriculture, Food and Rural Affairs Appeal Tribunal.

I'm bilingual. I'm from northern Ontario. I work in both English and French in my law practice. I'll present in English today; however, I'm prepared to answer any questions you may have in French.

I have been a lawyer for over 25 years with a concentration in commercial and business law, construction and real estate-related litigation. I also practise real estate on a more limited basis than I used to, as my practice has transferred more to litigation. I have acted for lenders, municipalities, insurance companies and so on, but I'll address that later in my opening.

I was called to the bar in 1995, and I was called to the bar at a time when it was economically a little more challenging. The economy in Sudbury was suffering in the 1990s, and I started my practice at probably the worst time possible, but I'm still here. That being said, I've seen challenges, and challenges that businesses have faced in northern Ontario at that time, and some continue to do so, especially during this pandemic. I'm quite sympathetic to people's struggles in that respect.

The decision to settle in Sudbury [*inaudible*]. My family and my wife's family are from the area. We wanted our children to get to know their grandparents and extended families, and we were prepared to make the investment in our community to do so.

As a sole practitioner, I started a law office from scratch. I had articulated for a local firm known as Desmarais, Keenan. The economy didn't permit the opportunity to continue with that firm, and I made the decision with my spouse to start this law office. I practically started in a broom closet and let my assistant have the office to greet clients, and I shared a boardroom with one of my clients. I learned skills in marketing, finance, including book-keeping, office administration. I was the chief technology officer of my one-person law office, and I'm familiar with all the hardships of starting a small business in Ontario.

I did this for six years. I was approached by two local lawyers named Ronald Renzini and J.J. Paquette around the fall of 2001. I joined with their firm. I adapted new skills. At that time, our practice was—I described it as a main-street type of law practice. I acted for people; I acted for small businesses. I've had the occasion, in particular, in relation to this board, to act for some people in the agricultural world. But I also have the background to—the practice changed over time, but I did have the opportunity to help people in this respect. The practice has morphed more into a litigation practice, not personal injury, not family law, not criminal law. It was more in the nature of

acting for small businesses, individuals, real estate issues. It's allowed me an opportunity to appear before a number of courts, a number of tribunals, and I'll briefly canvass them before I get into why I might be a good candidate for this tribunal.

I've appeared before the Superior Court of Justice on many occasions. I've appeared in Divisional Court on judicial review applications, which was related to appeals from a tribunal of this nature. I currently have one file in Divisional Court in Toronto involving a mining issue, but I've acted on labour relations appeals, appeals from arbitrators. I've acted on appeals from the Social Benefits Tribunal, so I've had the good fortune to do so.

I've also appeared in provincial offences court, the Tax Court of Canada, the Federal Court of Canada. I've appeared before the Ontario Labour Relations Board, the CPP appeals tribunal, the EI Board of Referees, the city of Greater Sudbury planning committee, the city of Greater Sudbury committee of adjustment. I've attended multiple mediations, pre-trials, commercial arbitrations. I've appeared in labour arbitrations.

I appeared at a coroner's inquest in Moosonee once. That was an interesting experience. It was involving a workplace death.

The claims that I've appeared on range from below \$10,000 up to between \$5 million and \$10 million. I've handled all types of matters of litigation. I'm very familiar with the rules of evidence, very familiar with the principles of statutory interpretation.

I'm also a member—I've been appointed by the ANA under the Construction Act—the ANA being the Authorized Nominating Authority; it's ADR Chambers, I believe—as an ODACC adjudicator. I'm currently handling an ODACC adjudication, so I have that as well.

I've taken courses on the Construction Act but also on handling adjudication. There was some training involved that you have to take before applying for an adjudicator position, and you have to go through some testing and present video evidence that you can handle the aspects of managing a tribunal.

In terms of clients, I've acted for banks, insurance companies, municipalities over time. I've acted for First Nations, First Nation economic development corporations. I've acted for the Nickel Basin Federal Development Corp. I'm a former board member of Nickel Basin Federal Development Corp., a former board member of the Canadian Mental Health Association. I'm a volunteer with Sudbury Minor Hockey. I'm a volunteer with Adanac Ski Club. I'm a Rotarian. I've worked in my community.

It's kind of difficult, sorry. I feel like—I'm not used to selling myself, so I'm explaining my background. I find this challenging. I'm used to acting and representing my clients and advocating on their behalf, so if I'm going on, I apologize.

I do want to touch on how these aspects have dovetailed with my practice and what I can maybe provide to this tribunal. You're going to have an individual who has—I'm a member of legal associations: the Law Society of Ontario; the Advocates' Society; the AJEFO, which is the

acronym for l'Association des juristes d'expression française de l'Ontario. I have presented at the AJEFO annual congress as a presenter in French. I have presented at the Sudbury District Law Association Colloquium on the issues of construction law, real estate law and corporate commercial law.

I have also presented or worked with the Law Society on starting a new law practice. I was invited to go help new members of the bar start their practice, and some of the issues that they might be facing—finance, administration, marketing and those issues—and providing guidance to new members of the Law Society in that respect—in French. I was brought down for the French section for that particular matter.

0950

In terms of my personal background in relationship to agriculture, like many Canadians who have been here for decades—and I don't mean to label it that way, but many are one, two or three generations away from agriculture or farming. The reason I'm here is because of farming, because my great-grandfather moved from the Ottawa Valley to a farm in the Sudbury area. You think of Sudbury as mining or logging or something in the area of resources extraction, but the area that I grew up in is an area called Chelmsford, which is just about 15 minutes west of Sudbury. The CPR runs through that area, and the train was the method to arrive in Chelmsford. You may have heard of a community known as Valley East; I would call Chelmsford and Azilda "Valley West." Although no one ever refers to it as that; I'm just trying to give you geographically an idea that it is a farming area. There are livestock and crop farms in that particular area. We're near Manitoulin Island. We're near Verner and Sturgeon Falls.

I have clients in these areas. I've acted for people in Manitoulin. I've acted for people from Sudbury East. I've acted for farms. I've given guidance to a potato farmer in Blezard Valley. I have acted on a farm road allowance dispute on Manitoulin Island, where the farmer was objecting to an easement being granted by the municipality on an unopened road allowance. I have—I keep going on, I suppose; I apologize for that.

In terms of personal experience, I also have obtained training on the finance side as a board member of Nickel Basin Federal Development Corp. I was one of the founding board members. I obtained training on finance and secured lending. I have participated as a board member on the lending committee; all board members do for that CFDC. The board would keep me familiar with the difficulties and challenges of small business. So that, coupled with my earlier experiences of opening my law practice and acting for small businesses for the last 26 years—I have some significant experience in the challenges that individuals and small businesses face in that respect.

I can read a financial statement. I know about book-keeping issues. I know about finance and marketing. I know about secured lending. I have experience with labour laws, occupational health and safety laws. In all of this, you apply principles of statutory interpretation, and those

skills are the asset that I can bring to this tribunal. I have a very strong and fundamental understanding of the principles of statutory interpretation. I interpret statutes on a daily basis. I give guidance to my clients in that respect and advocate on their behalf. I also have a strong understanding of the issues of principles of evidence, not only before the courts but also before tribunals and boards and commissions. If you're looking for someone with significant litigation experience, who has these skill sets, I think I can fill this role with respect to this particular tribunal.

I'm not sure if I've gone on beyond five minutes; I apologize if I have. But I think that I might be a fairly strong candidate for this particular tribunal, and I'd welcome any—sorry, Mr. Chair. I'm stealing your thunder by welcoming any questions. This is my court experience, because that's where I'd normally ask a judge. Sorry.

The Vice-Chair (Mr. Aris Babikian): Thank you, Mr. Huneault. We will go to the government side for questioning. You have three minutes left. MPP Nicholls.

Mr. Rick Nicholls: Good morning, Mr. Huneault. You had me at "litigation." You had me at a number of different things. The fact that you are bilingual: You had me there. So you didn't have to sell yourself a whole lot, but you did a great job. Being vice-chair of the Agriculture, Food and Rural Affairs Appeal Tribunal is a big deal.

Recently, I just had a motion passed with regard to stray current. If you don't know anything about stray current, you should look it up, because I'm sure that you're going to be having farmers talking to you about that. I had a chance to speak with the current chair, Mr. Glenn Walker, who's from my riding of Chatham-Kent-Leamington, and he was talking about some of the litigation issues that they're dealing with. But the fact that you are bilingual is a very, very, strong asset.

So very quickly, looking at your background and so on, I'm just wondering, what made you interested in wanting to serve on the tribunal?

Mr. Marc Huneault: Well, I was looking for a tribunal that I might have a personal interest in. Agriculture certainly appeals to me: the issues of food security, the issues of how important it is to our local economy. I notice when I go to the grocery store, you see fruit, vegetables and so on imported from other countries, and I always think to myself how we need to have a strong agricultural base in the province of Ontario and how to maintain that.

I'd like to learn more about that and learn how I can maybe help serve my fellow Ontarians in this respect, so I applied for it. I'm quite interested in learning more about it. I have some familiarity—not significant but some familiarity with the statutes that this tribunal addresses, and I'm quite willing to learn more.

The Vice-Chair (Mr. Aris Babikian): One minute left.

Mr. Rick Nicholls: Thank you very much. I will turn it over to MPP Miller.

The Vice-Chair (Mr. Aris Babikian): MPP Miller, go ahead.

Mr. Norman Miller: Of course, you're from northern Ontario, so I'm wondering how you feel that having

regional representation of different areas around the province—whether that’s an important factor for this position you’re applying for?

Mr. Marc Huneault: I think it’s a very important factor. I think northern Ontarians need to feel part of this process. There’s farming throughout the province in a number of areas, and I’ve dealt with clients who have—although not in the farming sense, but they did operate farms in the Cochrane area.

I also dealt with—there are a significant amount of farmers, a body of farmers in the Sudbury area, in Manitoulin and so on. I think it’s important that they feel a sense that their community is represented at this tribunal and that they have someone who can identify with some of the issues of living in the north and being part of northern Ontario.

Mr. Norman Miller: Thank you. I would agree that I think that’s important.

I think we’re probably out of time, I’m guessing.

The Vice-Chair (Mr. Aris Babikian): Thank you very much. The time is up. Now we will go to the opposition side. You have 15 minutes. Who wants to start from the opposition? MPP Gates, go ahead.

Mr. Wayne Gates: Good morning, sir. I just want to ask you a quick question to start off. Your presentation was 12 minutes. There was no way you could have went another three minutes so I didn’t have to listen to Rick and the PC Party talk? That would be good, but it was very well done.

I want to ask you about a question about the Sudbury Wolves. You said you’ve lived in Sudbury your entire life. I’m sure you’re quite familiar with the Sudbury Wolves?

Mr. Marc Huneault: Yes, I am.

Mr. Wayne Gates: Do you have season tickets?

Mr. Marc Huneault: No, I do not, but I’ve attended many games.

Mr. Wayne Gates: Yes. As a supporter of a Junior A team, I’ve been to Sudbury many times. I’ve been to watch the Wolves play against my Niagara IceDogs a couple of times. I’m a big Junior A fan. So support those Wolves there. They could use all the help they can get after the pandemic, with season tickets. Maybe you can consider that to help them out next year, anyways. I was just—

Mr. Marc Huneault: Mr. Gates, I just want to add that our firm does have season tickets.

Mr. Wayne Gates: That’s good.

Mr. Marc Huneault: I just want to clarify that. Yes, I agree; it’s very important.

Mr. Wayne Gates: They’re very important to the local economy up there, for sure.

So I’ll ask you some questions. What prompted you to apply for the Agriculture, Food and Rural Affairs Appeal Tribunal? I know you said a little bit in your comments, but there are a few problems that we’re seeing, particularly around agriculture, food and rural affairs, with farming. So maybe you can expand on what’s going on in Sudbury around farms.

Mr. Marc Huneault: Well, personally, the issues that I deal with in terms of my clients who are farmers are more

on the business side of things. The actual issues that they’re facing that I would be dealing with on the tribunal are going to be—I can assist on the issues of statutory interpretation and so on. The problems that farmers are facing locally I can’t really comment on, other than perhaps it’s access to markets; the issues of finance that every farmer, I believe, would have a struggle with, with the cost of equipment, the cost of materials; the challenges they face in terms of weather—things of that nature.

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Those were what, in my discussions with people who are in the agricultural world, they tended to talk to me about and share. But I can only address what they’ve shared with me, and it’s more in a general, peripheral sense. So I apologize; I don’t have any in-depth knowledge of this issue.

Mr. Wayne Gates: You don’t have to apologize. But there is, obviously, a lot of concern—right around the province, quite frankly, not just in Sudbury—around weather for our farmers and insurance costs as well. Those are just two things that I wanted to make sure we got out there. I know they can lose their whole crop pretty quick with a bad storm, and we’ve had a lot of those over the last number of years.

I’m going to ask you a couple of things, and I ask this to a lot of people who come here, because it seems to be what happens here, quite frankly. It’s my understanding that you have a history of political donations.

Mr. Marc Huneault: Yes, I do.

Mr. Wayne Gates: Would it be fair to say that you’ve donated \$1,200 to the PC Party this year?

Mr. Marc Huneault: I have.

Mr. Wayne Gates: Would it also be fair to say that your total donations were \$2,106?

Mr. Marc Huneault: I don’t know the total donations but that might be accurate. I really couldn’t say for sure one way or the other.

Mr. Wayne Gates: Do you belong to the PC Party?

Mr. Marc Huneault: I do.

Mr. Wayne Gates: Do you work for the riding association?

Mr. Marc Huneault: No, I do not.

Mr. Wayne Gates: What prompted you to make the donations?

Mr. Marc Huneault: I’m a Rotarian, as I mentioned during my earlier discussion, and I generally support local politicians. More recently I’ve made donations to the Conservative Party, but I’ve also made donations to other local representatives, and not just from the Conservatives. I believe in a strong, local, grassroots politician that will represent our riding, and in that sense I have made donations to the Liberal Party and some members of the NDP. Sorry, Mr. Gates, I hate to tell you this but I’ve done it when they ran as mayoral candidates, former NDP members, such as Mr. Rodriguez, the late John Rodriguez.

I like strong, local people who want to support our community. In this case, what got me involved with the Conservatives was Mr. Fred Slade, who is a fellow Rotarian and who has run a number of times both

provincially and federally. I think he's a strong candidate. He hasn't been successful in Sudbury, but that's what got me involved with my donations.

Mr. Wayne Gates: I appreciate that. I can tell you that I go to a lot of Rotarian functions. They do incredible work. I want to make sure you understand that. Being a Rotarian is certainly good for every community. Like I said, I attend a lot at Rotarian; I do a lot of breakfasts—I speak at them—so I understand what Rotarians are all about.

I will give you some advice. I know you don't need it by the sounds of your credentials, but we also have a very good candidate, a good young man named Jamie West. He's a strong candidate in Sudbury and doing a good job on behalf of them. I just thought I'd let you know. I don't know if you've ever met him, but if you get the opportunity, you should. He's well respected in Sudbury.

Do you believe that your donations had any influence on you receiving this position?

Mr. Marc Huneault: No, I don't believe that it had any influence at all.

Mr. Wayne Gates: You believe your credentials were good enough?

Mr. Marc Huneault: Well, I have the credentials and I was interviewed by the chair, Glenn Walker, from this tribunal. I spoke to him about it and I understand that he made a recommendation for me to be appointed to this committee after conducting the interview.

Mr. Wayne Gates: Okay. Are you aware that today's committee meeting is not accessible by the public?

Mr. Marc Huneault: I was not aware of that.

Mr. Wayne Gates: On top of the inaccessibility for public oversight, the Conservative members on the committee have regularly refused to grant extensions on appointments. This means that they don't ever have to appear before this committee.

What is your take on the practice from this government? Do you think it was important for you to be here today?

Mr. Marc Huneault: Well, I can't speak to the policy of the government. It's certainly not my role. I'm here applying to be a vice-chair for this particular tribunal. But I can say that if the government and this committee believe it's important that I appear before it, then I have no reason to disagree. I don't know, really, how to answer the question.

Mr. Wayne Gates: Well, maybe I can help you. Anybody who wants to be appointed should—

Interjection.

The Vice-Chair (Mr. Aris Babikian): Excuse me, MPP Gates. MPP Martin has a point of order. MPP Martin, go ahead.

Mrs. Robin Martin: Just on a point of order, the reason the witness is struggling to answer the question—although I thought he answered it fine—is because the question is inappropriate and irrelevant to what he is here for. Can we just get back to whether he's a good appointee for this board? Thank you.

The Vice-Chair (Mr. Aris Babikian): Thank you, MPP Martin. MPP Gates, continue your questions, but please stick to the—

Mr. Wayne Gates: I believe the time is mine to ask questions. I think the question was more than fair and, quite frankly, Marc answered it quite well. He's absolutely right: He should appear before this committee. I think everybody should appear before the committee for openness and transparency. That's what this is about. It's a public forum. So I want to say to the individual, he did answer the question, he answered it fairly, and I'll leave it at that. I have no idea why they would have jumped in on that, and I apologize to the individual for that.

Do you have any background previous to your position as a lawyer that related to agriculture? I know you touched a little bit about that on your presentation, but maybe you can talk a little more about that.

Mr. Marc Huneault: Prior to my life as a lawyer?

Mr. Wayne Gates: No, no, as a lawyer. During your presentation, you had said that you had some dealings with agriculture as a lawyer.

Mr. Marc Huneault: Yes. I've had two cases involving agriculture that I can recall. I mean, we're going back over 25 years, and sometimes peripherally. But I've also provided advice to a local farming family that's been around for a number of generations on financial issues.

Mr. Wayne Gates: Okay—

Mr. Marc Huneault: —secure lending, marketing. Actually, not the marketing side; it's not a lawyer's role, but it sort of touches on that in terms of helping—they're asking for some guidance on how to grow their particular farming business.

Mr. Wayne Gates: I appreciate that. I'd like to ask you some questions regarding agriculture in our province. I noticed that this year, the tribunal has heard six cases, half of which have been individuals appealing decisions of the Dairy Farmers of Ontario. It's my understanding that through our national supply management system, marketing boards like the Dairy Farmers of Ontario are granted these powers.

I was hoping you could speak about how you view our supply management system services and how they've served our dairy farmers in Ontario and consumers. Do you believe the tribunal is an effective system for appealing rulings of the agricultural marketing board?

Mr. Marc Huneault: I can't really comment on that. I'm sorry. Really, I'm here for applying for this particular role on the tribunal, and you're asking me about questions of policy, which I think are beyond what my role is here today. So I apologize. I just don't feel I can answer that question.

Mr. Wayne Gates: Again, you don't have to apologize, although I do appreciate your response.

Do you believe that a country or a province should be able to feed itself, in particular after what we've seen with COVID-19 and the fact that we do not manufacture our own vaccines? We had to rely on other countries to get our vaccines. Probably, maybe, one of the biggest mistakes we made as a country was to stop making our own vaccines. Really, it's raised its ugly head during COVID-19, and

hopefully, in the near future, we get back to making vaccines. But do you believe that our country should be able to feed itself—not just our country, our province?

Mr. Marc Huneault: Well, I think I touched on that during my opening, but yes. In an ideal world, I'd like to see that. I'd like to be able—

The Vice-Chair (Mr. Aris Babikian): My apologies, Mr. Huneault. MPP Gates, I will kindly ask you to focus on our candidate, his role in the proposed commission and his credentials. Go ahead.

Mr. Wayne Gates: Chair, I'll respond to that quickly. I thought food was part of agriculture. Maybe I'm wrong; I thought that was part of it. I thought we grow our own food. Maybe a bad time to jump in there, Chair.

1010

I'll go back to this question. Speaking more generally about agriculture in Ontario, I'd like to ask you about the rapid loss of our agricultural land. Right now, I understand that we lose roughly 175 acres of farmland every day in this province to development. Do you think this should be of concern to policy-makers in the province?

Mr. Marc Huneault: Again, I can't answer that. That's a policy decision, and my role here is to appear before the tribunal.

Mr. Wayne Gates: Just to add to that, it works out to five farms a week. So I'll go back to what I'm saying: I believe that this is about agriculture. This is about our farming.

I'll ask you another question, because it's coming from the OFA. Our friends at the OFA, particularly those representing down in Niagara, have raised some concerns with this government approaching MZOs, ministerial zoning orders, and the impact they could have on farmland. With the stat I shared today on our rapid loss of farmland, do you share those concerns?

Mr. Marc Huneault: Once again, Mr. Gates, I can't answer that question. It's a policy question and it's really beyond my role, even on the tribunal, is the way I see it. So I'm sorry, I'm just not in a position where I can—my opinions don't really matter on those issues. I'm here with respect to my application to sit on this tribunal.

The Vice-Chair (Mr. Aris Babikian): Three minutes left.

Mr. Wayne Gates: So you can't respond to a question—I just want to get this right, sir. You can't respond

to a question around how we're losing farms, which is agriculture and farms? The OFA is raising alarms, and you want to sit on the committee, on this tribunal. I would think that you would understand the fact that we can't continually lose our farmland to development, and I think that should be something that you, living in Sudbury—or living anywhere in the province of Ontario, quite frankly—should be concerned about.

I really appreciate your time, sir. I'm done. Thank you.

The Vice-Chair (Mr. Aris Babikian): Thank you very much, Mr. Huneault, for your presentation, your input, sharing the time with us and answering our questions.

Now we will move to the concurrence. We will now consider the intended appointment of Mr. John Muise, nominated as member of the Ontario Parole Board. MPP Nicholls.

Mr. Rick Nicholls: I move concurrence in the intended appointment of John Muise, nominated as member of the Ontario Parole Board.

The Vice-Chair (Mr. Aris Babikian): MPP Nicholls moved the concurrence of Mr. John Muise. Any discussion? Any further discussion? I see none. Are the members ready to vote? Yes?

All those in favour? Thank you. All those opposed? I see none. The concurrence carries.

Now, we will move to consideration of the intended appointment of Mr. Marc Huneault, nominated as vice-chair of the Agriculture, Food and Rural Affairs Appeal Tribunal. MPP Nicholls will move the concurrence.

Mr. Rick Nicholls: Again, I move concurrence in the intended appointment of Marc A.J. Huneault, nominated as vice-chair of the Agriculture, Food and Rural Affairs Appeal Tribunal.

The Vice-Chair (Mr. Aris Babikian): Okay. Any discussion? Any further discussion? I see none. All those in favour?

Interjection.

The Vice-Chair (Mr. Aris Babikian): Are the members ready to vote? Yes?

All those in favour? All those opposed? I don't see MPP Stiles—okay. The concurrence carries.

That is all the business we have today for this session for this week, so thank you very much for your patience and presence. The meeting is adjourned.

The committee adjourned at 1015.

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