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**Official Report
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(Hansard)**

Wednesday 20 August 2008

**Journal
des débats
(Hansard)**

Mercredi 20 août 2008

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Julia Munro
Clerk: Douglas Arnott

Présidente : Julia Munro
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 20 August 2008

Mercredi 20 août 2008

The committee met at 0900 in room 151.

INTENDED APPOINTMENTS

The Chair (Mrs. Julia Munro): Good morning, everyone. Welcome to the Standing Committee on Government Agencies. Our first order of business is deferred votes, so we will begin with those.

Ms. Lisa MacLeod: Madam Chair, may I request that we follow the voting procedure that we did yesterday, in the blocks? We'll probably use our 20-minute discussion after each—

Interjection.

The Chair (Mrs. Julia Munro): Yes?

Mrs. Maria Van Bommel: Yesterday, in hindsight, I looked at it, and I think that my colleague Mike Brown was very clear in saying that this is really about the individuals. I think it's absolutely appropriate that we recognize and respect those individuals, that we don't just lump them in. We proceeded to do individuals, plus we had the bundling. We need to respect these individuals. They make trips here. They have a right to be heard and they have a right to be dealt with as individuals and not as just some kind of process.

Ms. Lisa MacLeod: I appreciate where my colleague opposite is coming from on this. Having said that, we had requested early on in the process to bring forward all of the intended appointees for the brand new tribunal process within the human rights system. I acquiesced when requested to drop some of the names so that we could do this more expediently. Having said that, this is a major issue. The Human Rights Tribunal process and the human rights system in this province need to be brought to bear among the residents of Ontario. They need to understand what types of individuals they will be represented by on this tribunal.

The Liberals chose not to bring forward all of these committee members because it was a procedural issue. I acquiesced so that we could get as many people in as possible. I believe I was told that if I did not eliminate some of the names in the Human Rights Tribunal process, I wasn't going to have an opportunity to question any of the intended appointees.

So here we are today. I'm asking simply that—

Mrs. Maria Van Bommel: Who told you that?

Ms. Lisa MacLeod: I was informed by my staff, from the Chair and from the clerk that that was a possibility.

Mrs. Maria Van Bommel: It certainly didn't come from us.

Ms. Lisa MacLeod: It certainly was something that I was informed of, and that is why we dropped the—

Interjections.

The Chair (Mrs. Julia Munro): Excuse me; I would like to deal with this in what I consider to be the fairest and most expedient manner. I would ask that we not do the concurrences at the beginning of the meeting. We have people who have come, in some cases, from some distance to participate this morning. They were asked to come at 9 o'clock and times thereafter.

We will change the order and have concurrences at the end of our session, when the considerations around concurrences can have a more fulsome conversation without interfering with our intended appointees and their schedules. For that reason, I am moving now to appointment reviews.

NAOMI OVEREND

Review of intended appointment, selected by official opposition party: Naomi Overend, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): I would ask for Naomi Overend, the intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

Good morning, Ms. Overend. Welcome to the committee. I just want you to know that you have the opportunity, as you see fit, to make some statements. Then we will rotate with questions. If you're ready, we're ready.

Ms. Naomi Overend: Thank you, Madam Chair. I just want to make sure I can be heard. Can everybody hear me?

The Chair (Mrs. Julia Munro): Yes, that's fine.

Ms. Naomi Overend: I understand that you have the application for this position before you and you have my experience written down on my resumé. Rather than starting with that, I thought I would start with the experience that I've had prior to my resumé, and that was that I was a legislative intern in 1980-81. I worked for both a government member and an opposition member at the time, so I'm used to this process.

I had, at the time I was an intern, a career direction that had nothing to do with human rights. Despite the fact that I had, by that point, had my accident and joined the

ranks of disabled persons, I was more interested in environmental issues. But it happened to be that the year I was here at the Legislature was the year leading up to the International Year of Disabled Persons. That changed my career course and the direction of pretty well the rest of my career.

Following my time at the Legislature—that ended in 1981—I worked on some projects. Most notably, I worked on booklets advising individuals from various disability groups on what their rights were. I note parenthetically that, at the time I was writing this, disability was not an enumerated ground under the Human Rights Code.

Following that, I went to law school and articulated. That was four years of my life that passed, and I didn't work on any particular human rights issues until, following my articling year, I decided that, rather than doing my bar admission course, I would work. I worked for the employment equity for women program, so again, another rights-based program.

One of the things we were trying to do at the employment equity for women program was get more women crown attorneys. That was my next career direction: to be a crown. I temporarily moved into the criminal law field. However, very shortly after I started doing that, I was invited to apply for a job at the Human Rights Commission. That was the next 14 years of my life. I think it's that experience that probably most interests you and most makes me suitable for this current position.

During my time as a counsel to the Ontario Human Rights Commission, I had two major functions. One was to advocate before what was then the board of inquiry and what became the tribunal. In that role, I had more of an advocacy position. The other job that I had was working with the investigations branch and the commission itself to determine whether matters would proceed to a tribunal. In that gate keeping function, I had to act in more of a neutral fashion, more in the kind of role that I will be performing if I am accepted to be vice-chair of the Human Rights Tribunal. I was asked to provide advice and assist the commission and assist investigations on such things as jurisdiction and sufficiency of evidence. So I'm used to that role.

I have, for the last five and a half years, been a discipline counsel with the Law Society of Upper Canada. There have been some human rights issues that have arisen in the job, because discipline matters can involve matters of discrimination and harassment. But largely I have been outside the human rights field for the last five and a half years. The advantage is that it's given me some distance from the commission. Because the commission can be a party before the tribunal, I think it's a good thing to have some distance. The other thing is that it has exposed me to yet another administrative tribunal and yet another set of procedures and an evidentiary regime that's somewhat different. Also, I have a much broader sense of administrative law, having now worked extensively in two tribunals.

I would note that I haven't just worked at tribunals; I have done judicial reviews, I have done appeals, and I

have gone all the way to the Supreme Court of Canada. I've been involved in some fairly significant cases while at the Human Rights Commission.

That's my opening statement.

0910

The Chair (Mrs. Julia Munro): Thank you very much. We will commence questioning today with the third party.

Mr. Michael Prue: I have absolutely no questions.

The Chair (Mrs. Julia Munro): All right. We'll move to the government.

Mrs. Maria Van Bommel: Thank you very much for coming in. I have no questions either.

The Chair (Mrs. Julia Munro): Ms. MacLeod?

Ms. Lisa MacLeod: Welcome, Ms. Overend. I appreciate your dissertation here today. I also want to thank you for all the work that you've been doing in the community.

During the discussions on Bill 107, there were serious concerns brought up by the third party but also within the official opposition with respect to the reformations happening within the Human Rights Tribunal and the human rights system in Ontario and how it would impact those with disabilities. I want to read a letter from the Toronto Star from March 21, 2006:

“Reform to Rights Agency Opposed

“March 17

“The Dalton McGuinty government plans to replace the current human rights system with one that will require more hearings and more lawyers.

“People with disabilities—some of the very people the system is supposed to protect—oppose the plan and are speaking out. It seems the only people supporting the plan are human rights lawyers. Hardly surprising, considering the new system will expand their role enormously.

“The Liberals need to ask themselves who really stands to benefit from their new human rights system. If they do, I think they will see that it's not the people who should be. The government should abandon its proposed changes and focus on making the existing system work better.”

This was echoed several times in various articles throughout the province during the hearings on Bill 107. There were serious concerns. I remember sitting on the floor of the Legislature and looking at the gallery where there were a number of people coming because they were so concerned.

This is a question I've asked several previous people. In the context of what I've just read, individuals can now bring their complaints directly to the tribunal. The new system has been criticized, as I've just read, on the basis that only wealthy complainants will be able to bring forward human rights matters. The Attorney General countered with the new legal support centre, and it will provide complainants with any legal assistance they require, but we are still unsure if complainants will be guaranteed a lawyer. In your opinion, will all complainants be guaranteed a lawyer?

Ms. Naomi Overend: I actually don't know the answer to that question. It's really outside my purview as a member of the tribunal to answer that in any event.

Ms. Lisa MacLeod: Okay. I have another question. New section 46.1(1)2 enables a court to order monetary compensation for injury to dignity, feelings and self-respect where a finding is made under part I of the act and where it has been infringed. I guess when I look at feelings—I'd like to know your thoughts on awarding monetary compensation for injury to feelings.

Ms. Naomi Overend: When I was the counsel for the commission, there were damages that were given for both aggravated and punitive damages, and I think to some extent the code probably is just putting that down as something under which damages can be granted. I think that it is not a novel proposition, but in any event, without context, without facts, without a legal argument, I'm not sure that I can comment any further on that.

Ms. Lisa MacLeod: How would you qualify, just out of curiosity, hurt feelings? How would you qualify that in court?

Ms. Naomi Overend: I'm not going to be advocating before the tribunal, so I'm not sure I'm in the best position to be answering that question, but I think that certainly in the history of litigation, people get compensated for emotional distress, and there's a long history of that.

Ms. Lisa MacLeod: Okay. That leads me to my next question, and I've asked this of several people, so if the Liberals have been briefing their intended appointees, I'm sure you've heard of it. In your opinion, what is the difference between offensive conduct and discriminatory conduct, and do you think that the commission should oppose offensive conduct?

Ms. Naomi Overend: Actually, this wasn't part of the briefing, but I did review the Hansard for Monday, so I know that the question has been asked and I've had the advantage of thinking about this. I think that discriminatory conduct is a subset of offensive conduct, and it's only discriminatory conduct that is within the jurisdiction of the Human Rights Tribunal.

Ms. Lisa MacLeod: Which is the code itself.

Ms. Naomi Overend: The code itself, yes. If it's a matter within the code, then it's a matter within the tribunal. If it's offensive conduct as in, "I don't like your dog," then it's not something that would be before the tribunal.

Ms. Lisa MacLeod: Or, "I don't like people with red hair and freckles who are Conservative." That would just be offensive.

Ms. Naomi Overend: For instance, yes.

Ms. Lisa MacLeod: Or Michael Prue.

Ms. Naomi Overend: Since none of those are enumerated grounds.

Interjection.

Ms. Lisa MacLeod: I can dance; he knows that.

Here's another one I've asked, but I haven't asked it too many times of others. It is important, because as you know, my biggest concern isn't about the individual; it's

about the individuals collectively sitting on this tribunal and the major overriding philosophies that each brings to the tribunal itself, and what this new body is going to look like, not only in three months from now but in six years from now. That concerns me. I want to know as an Ontarian, and I think other people want to know as Ontarians, what this body will look like in terms of where it will come down on the major issues of the day.

I would like to know: What is the standard of proof that a complainant should meet to have a complaint upheld? I've asked other folks. Is it beyond a reasonable doubt, the balance of probabilities or some other standard?

Ms. Naomi Overend: It is the balance of probabilities and has been for many, many years. The standard of proof that's used in a disciplinary hearing is higher than that, but that has always been the standard proof.

Ms. Lisa MacLeod: And if a false complaint is brought forward and the false complaint sees an individual acquitted, are they entitled to some or all of their legal costs when they're acquitted, in your opinion?

Ms. Naomi Overend: I'm not sure that—this is one of those things where you really want to know the facts. There are extraordinary situations where you may want to order costs. Now that I'm thinking about it, I can't remember where there are provisions for allowing for costs in the new regime for respondents. But, and I say this from both my previous experience at the commission where costs were occasionally ordered against the commission and also costs awarded against the law society, you would only want to do it in extraordinary circumstances because you do not want to have a chilling effect on potential complainants.

Ms. Lisa MacLeod: The commission, under the new system, will be dealing with education and advocacy issues and will also be investigating systemic discrimination issues. If, as proposed, all individual discrimination issues come directly—and they will, now—to the tribunal, how would the commission ever be able to determine what systemic discrimination is and if it exists?

Ms. Naomi Overend: I'm not sure that my role as a tribunal member would necessarily have any influence on that. I understand that matters can be referred from the tribunal to the commission. The commission may, in its course of public education, come to know about a systemic issue. For instance, back in my day they were concerned about lack of access at eating establishments, so there was a systemic complaint there. Those may come to their attention. I'm not really sure how they are going to do that in the new regime.

Ms. Lisa MacLeod: Just one final question. I have a news story in front of me from a journalist from the National Post. You may have read it yesterday. It juxtaposes two comments, one from the vice-chair of this tribunal, Alan Whyte—and he will be, because he'll get the votes—and the other from Barbara Hall. I'd just like to know your opinion on this.

"Alan Whyte, a veteran employer-side labour lawyer, told an all-party panel vetting the two dozen government

nominees that he supports the media's broad freedom to report stories 'as they see fit.'

"Having said that, if there is some sort of discrimination that comes out in the reporting that is arguably contrary to the code, then I would also feel that it would be open to a complainant to challenge the reporting as being discriminatory on the grounds of race," said the candidate for vice-chair.

"His statement seems to contradict a high-profile clarification by Barbara Hall, Chief Commissioner of the Ontario Human Rights Commission, in the case of an Islamophobia complaint against Maclean's magazine, that the Ontario Human Rights Code 'cannot be interpreted to include the content' of print journalism."

I'm just wondering, does discrimination trump the free press or does the free press trump discrimination?

0920

Ms. Naomi Overend: Do you know what? I really wouldn't want to offer an opinion on that because an individual may bring a case before me, and I wouldn't want to be said to have prejudged that—and in fact I haven't prejudged that issue. It's one of those things that you really need to have full evidence and full argument on before you determine something like that.

Ms. Lisa MacLeod: I've brought folks before this committee for the very reason of seeing where they stand philosophically on this and what their inclination would be. To say, "It depends," is interesting. I think it's important, but it's also a very real issue that you are going to be confronted with.

I have no further questions.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes this interview. We appreciate you coming.

GISÈLE GUÉNARD

Review of intended appointment, selected by third party: Gisèle Guénard, intended appointee as vice-chair, North East Local Health Integration Network.

The Chair (Mrs. Julia Munro): Our second interview today is with Gisèle Guénard, the intended appointee as vice-chair, North East Local Health Integration Network.

Good morning, and welcome to the committee. As you may have observed, you have an opportunity to make any comments that you wish. Then we will have questions from the committee members. If you're ready, you may begin.

Ms. Gisèle Guénard: Bonjour à tous. Hello, everyone. Thank you for the opportunity to meet with you and to share my reasons for accepting the nomination for the position of vice-chair of the North East Local Health Integration Network. Permit me to respectfully share with you that, should I not be chosen to fill the role of vice-chair, rest assured that there are eight other highly qualified and dedicated individuals on our board, several of whom would rise to the occasion in the service of their communities as required. I would support the choice of

our governance committee and the standing committee as required in that decision. Your interest is much appreciated, and I look forward to answering your questions as best I can.

I joined the North East LHIN as a new member awaiting the official order in council in January of this year. I had recently retired from the position of CEO of the Espanola General Hospital and was approached by our current chair, Mrs. Mathilde Gravelle Bazinet, who was exploring whether or not I would be interested in a position as a member on the board of the North East LHIN largely because of my background and success in integration initiatives. I gave this a lot of thought and decided to put forward my application. After a public recruitment campaign in area newspapers and a panel interview, I was selected unanimously from among the finalists by the governance committee and, as I said, have been a member now for approximately eight months.

In May, Mrs. Gravelle Bazinet approached me once again, this time about the position of vice-chair, as Mr. Vaudry, acting in the position since January, was stepping down and the vacancy was to occur immediately. Once again I gave this a lot of thought, knowing that it required even more commitment. I decided to accept based on my deep respect for and belief in the mission that the North East LHIN is charged with. On May 30, at a meeting of the board, I was selected unanimously by the governance committee.

As you've seen from my resumé, I have a lifetime of experience in the health care sector that ranges from direct patient care as a registered nurse to management, coordination work, service as a professor in the academic sector, public health and executive leadership. I am well versed in change initiatives and have been involved with many along the way, several of which are highlighted in my resumé. Most recently, you will have seen my spearheading of one of Ontario's first, most integrated and most successful family health teams. In fact, the Espanola and area family health team and I in my former role are featured on the ministry's new family health team promotional video.

Primary care reform, with the family health team initiative as the flagship, is a massive change. The creation of any brand new organization from the ground up faces constant challenges. We created not only an effective primary care system for Espanola and area; we also integrated it with the community's hospital, the supportive living units, the long-term-care facility, seniors' apartments and the CCAC, all under one roof. This is now seen as an ideal model for small communities.

In my guiding of the strategic plan for this project and my input to the development of the family health team's governance structure, I ensured an evidence-based disease management program approach with the patient at the centre of all activity, and accountability built in through the operational plan, recruitment and training of the executive director. This created an immediate and significant access to care and health information for

hundreds of patients, many of them orphans. An example of this is that the first two nurse practitioners working in the family health team were immediately providing care through over 1,000 patient visits, mostly to orphan patients, in one quarter. These are all visits that would have occurred in the hospital's emergency department.

Some of the other transformation initiatives I've been involved in leading throughout my career included major changes to nursing curriculums, the construction and opening of a 32-bed long-term-care wing, the implementation of PACS on the north shore, the correcting of a long-standing ALC dilemma in our small hospital, the opening of new programs, the implementation of learning organization strategy in public health, the launch of a cardiac rehab program, and the repatriation of a diabetic program for our community—all told, creating thousands of new point of access to care opportunities for the patients of our community. I found that bringing stakeholders to the table and getting buy-in for the vision were the major drivers of success for all these initiatives.

I know from experience that continuous quality improvement and true change or transformation only occurs with a real shift in how we think, what we say and what we actually do. This is a very exciting time in health care for Ontario. Regardless of what we do at this time, the reality of health care in North America will be vastly different 10, 20 and 30 years from now than what we see today. The inception of the LHINs is the launch of the most powerful change agent to have been put in place since the idea of public health care for all gained acceptance. We are charged, as board members on the LHINs, to work with our communities to transform the health care system, in partnership with the ministry and all stakeholders from the grassroots up.

I was born and raised in the north. Je suis bilingue, d'origine francophone. I am fluently bilingual, from a francophone background. I have served at the bedside, as a nursing professor, as an administrator, as a public health agent, in acute care, in long-term care, and overseen supportive housing for the elderly. I have worked on surgical units, medical units, oncology patients, cardiac patients and people living in remote areas of the northeast with very little direct access to health care, as well as with the urban health care setting. I've had success with financial oversight of an integrated health facility, and have been responsible for strategic planning, infrastructure, IT and capital projects in health care.

The catchment area of the North East LHIN holds the daunting challenge of a diverse and vast area, stretching from Toronto's cottage country to the edge of the great white north, where many of our province's First Nations people struggle with complex realities vastly opposite to the daily luxuries you and I enjoy. We have 26 hospitals and over hundreds of disconnected health care agencies, all of which will require accountability agreements negotiation.

Yet, since our debut year of 2007-08, the North East LHIN has succeeded in establishing seven planning areas, the health professionals advisory committee, and

bringing together thousands of our residents at summits, meetings and focus groups from Moosonee to Parry Sound. We explored ideas and possible solutions on aging at home, aboriginal issues, mental health, francophone services, ALC and many other concerns. Our first 25 funded aging-at-home new programs are launched as an example of grassroots positive change and transformation.

We have seven priorities: aboriginal/First Nations/Metis health services; chronic disease prevention and management; information and communication technology/information management; French-language health services; health human resources needs; primary care reform; and reduced wait times.

I would not have accepted to stand as vice-chair had I not seen firsthand the level of qualifications of our staff and board. These people are the epitome of dedication and deeply committed to improving the health care system. The staff and board of the North East LHIN are working together towards a common vision, one goal: health and wellness for all. It is a lofty vision; however, we have to stretch a little to create real, sustainable, positive change.

I have the qualifications listed in section 4 of the North East LHIN's bylaw number 1. I am a regulated health professional and have served on many committees and participated in and led many change initiatives. As vice-chair, I understand the responsibility and duties of the office, and though I am new to such a position, I am a quick study, and am well known as a team player with leadership abilities. I will collaborate with my board members and with the staff as appropriate, in order for us to work as one cohesive team moving towards one vision.

0930

Not only do I believe in integration of health care systems at all levels, but I have seen it work. I have been a change agent to expand existing integrated health care systems. I have seen the positive impact of several agencies and levels of care working together in a community with one goal in mind: the well-being of the patient. I have worked closely with physicians, health care aides, and community members trying to make a difference for health care, board members, students, consultants and change agents. No one person and no one group can totally and single-handedly solve and meet the challenges at hand. However, I am willing to serve as requested, and I know that I have a basket of skills and experience that can contribute to the board of the North East LHIN and to the position of vice-chair in the current environment. Merci. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We will begin questions with the government. Mr. Lalonde.

M. Jean-Marc Lalonde: Merci beaucoup de votre présentation; c'est grandement apprécié. Votre expérience démontre vraiment que c'est le genre de personne dont nous avons besoin dans ce nouveau système qui est implanté depuis quelques années.

I'm looking at your background, the involvement that you had in the health care sector. It will definitely be a great asset for the North East Local Health Integration Network. So I want to congratulate you for all the good work that you've been doing and I hope that you will continue looking after the improvement there needs to be in some areas of the health care sector.

Merci beaucoup d'être venue et puis vous pouvez être assurée que nous allons appuyer votre demande.

M^{me} Gisèle Guénard: C'est moi qui vous remercie. Thank you.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Merci, madame Guénard. I appreciate your coming before us today. I only have one quick question for you, and it's with respect to pediatric care in your part of the province. We have some severe challenges in eastern Ontario; we tend to be on the last of all the lists in terms of wait times. I'm just wondering what the level of pediatric care is in your region and if there are certain restraints that you have with respect to providing effective and accessible care to the children in your region.

Ms. Gisèle Guénard: A very interesting question. As you may see from my resumé, my background is not specifically in pediatrics. However, I do know that there is a tendency to have easily accessible pediatric beds in our city and, conversely, when it comes to more critical care issues, children are frequently transported to other areas. So it is an issue in our area as well. We will be looking at that, and I know mental health beds for children is an issue as well, and we're looking at where those should best be placed. So it seems to me, and I would need to research it more, that it is a common issue. Because pediatrics is such a small—by the numbers—component of the health care system, it's difficult to create centres of excellence everywhere. So, frequently, for a lot of communities this transportation issue becomes a reality and it's so difficult for families. I will be exploring—

Ms. Lisa MacLeod: How are you transporting the children? Is it mainly, if it's an emergency, by air, and to Toronto here, or is it—

Ms. Gisèle Guénard: Air ambulance. CritiCall is the system used, as it is throughout the province, and the actual transport is very efficient.

Ms. Lisa MacLeod: And do they come to Toronto to Sick Kids, or is it—

Ms. Gisèle Guénard: It could be Toronto; it could be Ottawa.

Ms. Lisa MacLeod: Oh, really?

Ms. Gisèle Guénard: Yes.

Ms. Lisa MacLeod: So they could be going to CHEO, depending on what the illness is.

Ms. Gisèle Guénard: Yes, exactly, and where there is a bed, because the CritiCall system functions in that manner. If there is a bed only available six hours from now in Sick Kids but there is a similar bed at CHEO, then it's going to CHEO.

Ms. Lisa MacLeod: How long does it take for the kids to actually get from Sudbury to CHEO or from

Sudbury to Sick Kids? Do you know what that commute would be like?

Ms. Gisèle Guénard: It can be as little as a couple of hours. I'd have to verify the actual flight plan time frame, but it's very fast.

Ms. Lisa MacLeod: So it's quick.

Ms. Gisèle Guénard: Yes.

Ms. Lisa MacLeod: Okay. So you have no complaints with that process.

Ms. Gisèle Guénard: No, we have not heard any complaints pertaining to that.

Ms. Lisa MacLeod: Great.

You talked a little bit about the mental health beds, and I only have one question, but your answer was interesting. In terms of the mental health beds, where are they placed right now? In the general hospitals?

Ms. Gisèle Guénard: Yes, exactly. There are some mental health beds within the actual North East mental health care system as well, and there is some discussion now as to where the beds should best be located—North Bay, Sudbury. We're exploring all of that. Both are fairly large centres, so we—

Ms. Lisa MacLeod: So is it possible to have a 12-year-old boy in the same ward, then, as an older man?

Ms. Gisèle Guénard: Not really, no. In the smaller hospitals, occasionally a pediatric patient is on a medical unit with adults, but it's very temporary and they are transferred to a larger centre as soon as possible. So it's all a matter of bed availability. But generally speaking, pediatric beds are available or a transfer is imminent; it's quickly done.

The Chair (Mrs. Julia Munro): Mr. Prue.

Mr. Michael Prue: Thank you very much, Madam Chair. Before I ask any questions or make any comments, I wonder if you would clarify, because I do believe the agenda is in error. When I saw the agenda yesterday, I was curious as to why a person from northeastern Ontario wanted to be selected as the intended employee to the North West Local Health Integration Network. That's what's on the agenda. When I looked at all the documentation and heard the deputant here today, it appears that that is not the case. Can you clarify for the record that the agenda is in error?

I guess you didn't listen to a word I said.

The Chair (Mrs. Julia Munro): I'm sorry.

Mr. Michael Prue: The agenda quite clearly says that the intended appointment is for the North West LHIN.

The Chair (Mrs. Julia Munro): The one I'm working from does say "North East."

Mr. Michael Prue: I just want the record to be absolutely clear, because if the agenda says we're choosing one thing, and we're doing something else—

The Chair (Mrs. Julia Munro): I appreciate that, and I apologize, but the one that I'm working from does say "North East." Certainly, by your raising it, we ensure that it's in Hansard as it should be.

Mr. Michael Prue: Thank you.

The second thing I'd like to preface my comments with is the fact that I'm here today, I must admit, coming

here a little unprepared, but I got the call last night that Madame Gélinas had to return to Sudbury for the birth of her grandchild, and therefore here I am. So I will do my best.

I see in this particular case that this intended appointee was held down by the New Democratic Party. I don't know what the rationale was, because I've looked at the resumé and what you had to say here today. Let me phrase this delicately. This is a geographically large community, but it is fairly small in scope, and Madame Gélinas works in the same field. Your paths must have crossed over the years.

Ms. Gisèle Guénard: Yes, we have met on a couple of occasions.

Mr. Michael Prue: I'm just trying to think of why this might have been held. Was there some political—

Ms. Gisèle Guénard: I have the same question. I don't know. I'll ask her next time I see her.

Mr. Michael Prue: The hospital boards in northern Ontario particularly, although it is not unique to northern Ontario, have had problems balancing the budget, I think, in part due to the great distances that people have to be moved, in part due to the smaller size of some of the hospitals. How would you, as a new appointee, go about making sure that these budgets are balanced? Do we need to put more stringent control on the hospitals, or in the alternative, do they simply need more money?

Ms. Gisèle Guénard: That is certainly a topic of discussion at, I think, every board meeting that I have attended to date. All the hospitals, as you know, must balance the budget or present a plan to balance the budget as per the legislation. Things are going in the right direction, there's no question in my mind. Where we see that hospitals are coming forth, in the first instance, with an agreement that looks like they won't be able to balance, once our staff starts working with them, new ideas emerge and a balancing budget is put forward generally. So it is going very well. We're very fortunate in that the staff we have in the offices of the LHIN who work the agreements with the hospital are from that sector. They are finance people from that sector, so they know a lot of the things that have worked in other hospitals and, without revealing where information comes from, they're able to suggest ideas to other hospitals that didn't know about it in the first place.

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So I think over time this transfer of information is going to occur. I'm not saying that some hospitals may not need more money at some point. I don't know, budget by budget, which hospitals those may be, and we'll have to explore that year by year. For now, things are going in the right direction, and we have signed agreements with all but one hospital.

Mr. Michael Prue: My second question would relate to the First Nations population. There's a fairly large First Nations population, predominantly, although not exclusively, in isolated areas: places with no roads, places with little communication. They are hugely under-represented in terms of the census, because I think they

don't participate. My travels to some of these locations show neglect, I don't know what else to say, from the federal government, Department of Indian Affairs and Northern Development. I despair at seeing the hospitals that are run federally and wonder what your view is about Ontario providing the same level of service to First Nations as we provide to everyone else.

Ms. Gisèle Guénard: I'm sharing those concerns, and what I'm seeing is really an excellent approach. As I said, I joined the board in January. In February, here we were in Moosonee, Moose Factory for a board meeting. So, because we have created seven planning areas—we don't just see that as a paper exercise. We actually hold our board meetings in those planning areas. So we go on-site. We've been to Moosonee, Moose Factory already once this year; we have a board member from that area. What we're seeing at all of our focus groups and community engagement initiatives is excellent participation from the First Nations sector. Their ideas are really coming forward and some of them are applying, for example, for some funded programs in the aging at home strategy, and it's going very well. I think this is an opportunity to actually make a difference, because they can be part of the whole change and transformation as we move forward. The board member who is with us, and of course he would speak for himself, is able to bring us excellent data and information that helps us make decisions. I think this is going to help the situation tremendously.

Mr. Michael Prue: I just want to make sure that you, as vice-chair, would support the LHIN actively going in to First Nations and providing service even though—and I understand there's a bit of a jurisdictional issue here—that may cause a few raised hackles or whatever in Ottawa.

Ms. Gisèle Guénard: All I can say at this time is that we're already in discussions with the federal and provincially based health sectors in our First Nations communities and we're already involved with improvement and integration initiatives with them. They're at the table with us.

The Chair (Mrs. Julia Munro): That concludes the interview. We really appreciate you coming.

LILY ODDIE

Review of intended appointment, selected by official opposition party: Lily Oddie, intended appointee as member, Council of the Ontario College of Social Workers and Social Service Workers.

The Chair (Mrs. Julia Munro): Our next interview is Lily Oddie, the intended appointee as member, Council of the Ontario College of Social Workers and Social Service Workers.

Welcome to the committee. As you may have observed, you have an opportunity to make a statement, and then we'll have questions. Begin whenever you're ready.

Dr. Lily Oddie: I'm very pleased to be with you today and to meet you and to hear your questions as to

my competency and interest in the proposed position as council member. I'd like to start off by giving you a brief summary of my background. In that summary, you'll see some of the motivation for why I'm applying for the position.

I'm a researcher and an evaluator and have a lot of experience in community development and in training. I graduated with a Ph.D. from the University of Alberta in educational psychology, learning systems. I've also taken many courses since that time to ensure that my professional competency was intact and to get updated on trends, especially in the area of human resources and organizational development.

My last period of employment was with the Immigration and Refugee Board, Toronto division. As you know, that's an independent administrative tribunal hearing cases for refugee determination, both inclusion as well as exclusion. We are charged with independent decision-making and hear many different claims from countries where it is clear that prosecution occurs and people are escaping horrific conditions.

It is essential that people appearing before the board have trust in the panel members, that we be objective as well as knowledgeable about the law and precedents that are established through our cases, sometimes being returned from the Federal Court, and also from our professional development activities, which are essential to our competency. We need good research communication skills as well as the ability to either give a decision from the bench or to give a written reason which, although the pressure is to give short reasons, must, however, be complete and meaningful to the incumbent—that is, the refugee and the lawyers involved.

My reputation as a board member was stellar. I did not get involved in administrative functions, however, other than as they related to the knowledge base of fellow members, and ensuring that I was up to date on the country conditions, which is an obligation for all members of the board.

My position prior to that was with Orlick Industries, which is an auto parts producer located in Hamilton with several plants. I was hired in the capacity of training and development and employee services, based on my work at McMaster University and the thread of training and development, human rights, as well as counseling services that has followed me through my 30 years of employment. In that context, I heard many confidential cases from plant floor personnel and also had input into training on health and safety issues, as well as the importance of adherence to human rights, principally and especially sexual harassment. I was also very much involved in the QS 9000 and ISO 14001 quality and safety issues.

For me, the essential part of working with Orlick was that I had to be and was a team player. I had to be familiar with and accepted by the plant floor as well as the executive and supervisors.

When I worked at the St. Catharines YWCA, that YWCA was working with special-needs children, espe-

cially in summer camps and also with women who were abused. We ran a residence for women. Our funding was various. We were funded by United Way and also by Comsoc as well as the federal immigration training programs.

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When I worked for John Howard, it was a one-year project assignment following my defeat in the Legislature. The challenge that I was facing there was to make recommendations on a triumvirate set of executives, including the executive director, the manager of finance and myself as director of front-line services. At the end of my one year there, I did prepare a report for the executive and the board—we reported to a board of directors.

My involvement with front-line staff was very fulfilling. I accompanied them on many occasions to bail hearings and probation, and also met with them daily on their appointments for the day. I became very impressed—there were many social workers who were staffing not only at John Howard but also with the YWCA of St. Catharines—with the absolute necessity and the kinds of records that were taken down in all of the positions I've known that have hired social workers. I learned a great deal as well as being able to contribute to the organization.

I was a member of provincial Parliament for Hamilton Centre and also a member of cabinet for five and a half years in total. I believe that we ran a very exciting, dynamic constituency office and that I was also a responsible cabinet member in culture and communications as well as culture and citizenship.

During my tenure as director of the Centre for Continuing Education, I worked with a number of community-based providers of continuing education, as well as some what I would call big, well-recognized providers, including Mohawk and other colleges, as well as the boards of education. During that time, we were able to get transfer of credit as one of the accomplishments, as well as being able to provide front-line workshops prior to certain bills coming in, and I'm thinking of the special-needs children being placed in the education system.

I am also proud of my role with Athabasca University, which is, you may or may not be aware, an Open Learning institute. It was there that I was in both formative and summative evaluation, which means that I was working with not only the packages and the students to evaluate their learning progress, but was also actively involved in marketing the program in the community.

I was motivated to apply for, or at least to put my name forward for, this position because my mandate was coming to an end and I had applied to tribunals which were similar to the adjudicative work I did with the Immigration and Refugee Board. In March a friend of mine, a colleague from the board, asked if I had considered shorter terms of reference and perhaps a move away from tribunals to many of the other agencies and boards that you have under your purview today. It was suggested to me that if I had an interest in, for example,

the Council of the College of Social Workers and Social Service Workers, they were looking for expressions of interest from the public and it would be a government appointment. I said that I would think about and the friend gave me the name of Laura Dowsley, if I was interested. I did call her and said that I knew very little about the council but would let her know if I made an application. Subsequent to that, I did a lot of research over the Internet and brought down annual reports and standards of practice, and felt very comfortable with the work of the council and of the college, and was very proud of the members of the college. I could see the challenges and I could also see the accomplishments. After I had made my application, I informed Laura Dowsley that I was interested, and she said that she would look for the application coming back.

The Chair (Mrs. Julia Munro): I must ask you to wrap up because you have—

Dr. Lily Oddie:—exceeded the 10 minutes.

The Chair (Mrs. Julia Munro): Yes.

Dr. Lily Oddie: And so I'm willing and interested in any questions that you may have related to the possible appointment.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Thanks, Madam Chair. I'm going to be splitting my time with my colleague in the official opposition.

Welcome. It's nice to see you as a former member here. I wondered if you could expound upon—you talked briefly about your time in cabinet. I'm just wondering why you decided to leave cabinet, if you could expound on that.

Dr. Lily Oddie: I was asked, actually, by the Premier to leave, in the context of the investigation into the Starr incident. That was not the only reason. The Premier also wanted to give opportunities for more MPPs to share in the work of the cabinet executive. Those are the primary reasons. I was very glad, also, to get back to the back-bench, and I served on committees. I think I've made a contribution there.

Ms. Lisa MacLeod: Thanks. And you spent some time with the Immigration and Refugee Board.

Dr. Lily Oddie: Yes.

Ms. Lisa MacLeod: So you often sat and questioned people, much as we are today.

Dr. Lily Oddie: Yes.

Ms. Lisa MacLeod: You had a case that ended up going, I guess—and it was overturned by the Federal Court of Canada. Do you want to talk a little bit about that?

Dr. Lily Oddie: The process with the board is that there are many cases that come back. The lawyer for the refugee can appeal the case; then they get standing and present the merits of the case and their arguments. I had very few come back. The ones that came back, I learned from, and indeed all members of the board learned from.

Ms. Lisa MacLeod: This was a pretty serious one with a refugee from the People's Republic of China who was seeking refugee status because of her claims that she faced persecution for her Christian beliefs. At the time, you had—I guess it was a word that ended up confusing her, and it was “parabola” instead of “parable.” I just wonder, in this job, I guess you're going to have to have compassion, and I'm just hoping that—my comment, and you can respond to my comment, is, will you be able to bring that forward to the College of Social Workers and Social Service Workers?

Dr. Lily Oddie: Well, all I can say is that I did not make an error and mention “parabola.” The National Post, actually, made an error in not checking transcripts, as the judge did. So the chairman of the Immigration and Refugee Board from Ottawa made it very clear that the error was an error of translation and not an error of the member. I, of course, have compassion for China. That was one of the teams that I was on, along with the Pacific, but I just want you to know that that clearly was not made public, and I think that it should be made public because not only was it my reputation, but it was an error. I believe that the lawyer in question was questioned considerably about it after the fact and that there was some—

Ms. Lisa MacLeod: Did the National Post ever put forward a clarification?

Dr. Lily Oddie: They did.

Ms. Lisa MacLeod: Okay. My colleague will take the rest of my questions.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Thank you very much. I was a little bit disappointed when I heard you refer to that as the “Starr incident”; I think most other people would refer to it as the “Starr scandal.” Of course, that was involved with allegations of diversion of funds from agencies and councils to political ends. I think what we're looking for as well, of course, is complete honesty from appointments in their role. That, like I said, disappointed me, to refer to that as an “incident.”

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I see in your application, “Memberships in Professional Organizations”—you didn't put anything in there; it says, “Not applicable....” Are you not a member of any professional organizations at all? I'm just wondering why you didn't want to include that.

Dr. Lily Oddie: I'm going to reply to both of those questions. The first one is, I'm calling it the Starr affair, but the incident was very serious for many people. There were a number of concerns that were held by the Premier and cabinet and also myself. That was the whole issue of the campaign electoral expense act, as well as donations, and the overlap between appointments as well as donations. I'm not talking about tickets to events, but I'm talking about donations.

I believe that the government acted with dispatch, not only Ian Scott—in appointing Justice Houlden but also John Black Aird, who was, of course, the holder of all of our conflict-of-interest statements. I interacted with him

as well as with members relating to the public trustee and anyone else who wished to interview me. That also happened with other MPPs of all ilks who were of interest, not only to the public but to the inquiry.

As you know, the inquiry was halted because of the perceived possibility for conflict based on individual rights, as well as the openness and the wide-ranging need of Justice Houlden to understand all of the ramifications and the involvement of people in fundraising and appointments. The Supreme Court made a ruling, although I believe half of the hearings had already been held and evidence had been taken, that it was a human rights issue. Therefore, the criminal court proceedings did proceed—the Supreme Court was asked by the proponents being investigated to make a ruling, and they did. Ian Scott, as Attorney General, accepted that recommendation.

Now, in terms of my membership in boards and agencies, my whole 30 years, with the exception of the Immigration and Refugee Board, has been totally consumed, and productively so, with my active membership in boards and agencies. So when I was with McMaster University, I belonged to—

Mr. Randy Hillier: My question was why you didn't feel it was applicable to list any of your professional organizations. Or are you not a member of any?

Dr. Lily Oddie: In my complete resumé, I did, in fact, refer and gave a little vignette on the kind of—under “Community Involvement,” I said, “My career has involved significant community involvement, including business, professional, non-profit and social service networks and partnerships, including non-profit boards of directors,” and I gave some examples.

Mr. Randy Hillier: Are you a member of any professional organizations?

Dr. Lily Oddie: I am not at the moment. I should mention that when you become a member of the Immigration and Refugee Board, any such membership is not encouraged. In fact, I gave up my membership in the Mohawk board and any other community boards that I belonged to. Not only that, I gave up my political involvement as a matter of integrity and strongly believe that the public face of Immigration and Refugee Board members must be transparent, and it was. So that is the only explanation I gave you.

I have not been employed since December of last year. I'm currently very much involved with the YWCA in terms of attending programs, but have not made any move yet to join any boards or agencies. But I have many, many involvements with boards.

The Chair (Mrs. Julia Munro): We must move on. Mr. Prue.

Mr. Michael Prue: You have applied for a position where there's very low registration in the college by social service workers, and I wonder why you have an interest in adjudicating claims of people who, by and large, choose not to belong. The reason I'm asking that is, you must have run into, in your many years on the Immigration and Refugee Board, a lot of immigration consultants. They don't belong to their organization

either. Some of my friends may hate me for this, but I think it's one of the most ineffective organizations in the country. Isn't this much the same?

Dr. Lily Oddie: I'm not certain how the membership of the social service workers is counted, and I'm not sure whether the same emphasis is given to social service workers to join the college as it would be with the schools of social work. Certainly, the schools of social work, in making their presentations to the council on various issues, make it very clear that one cannot use the designation or the title “social worker” unless one joins the college. I have attended courses at Mohawk, but I don't recall this issue coming up in the courses that I attended.

I believe that in the 2007 annual report, the council and college are reflecting the college's desire to communicate better with students at the first instance, when they graduate. With adult graduates, it would make a lot of sense to encourage them to join the council as well as to share with them the benefits of being a college member, in terms of competencies and networking as well as assuring the public that you are in a regulatory body. So I think that is ongoing. I can't speak any further than that, but I think it is an excellent question.

Some criticism—and I've seen that in the proposed questions—was that perhaps the membership fee is too high and would dissuade social service workers, who traditionally make lower salaries, from joining. That may be the case; I don't know. However, the college has decreased membership fees, and I think council has encouraged them to do as much as they can in that area, given the difference between the expenses and the income that they generate from registration.

I don't know, also, in the statistics, whether some of those graduating are full-fledged community workers or whether they're social service workers.

I would love to see more involved. I think it is incumbent on the council and the college to increase their advertising and communications and also to see why some of those who have graduated from the social service program have not taken advantage. It could be that they have also taken more than one program of study; I'm not certain.

Mr. Michael Prue: May I ask why you left the Immigration and Refugee Board in December of last year? Was your time up, or was it that the new Conservative government didn't want to reappoint you? What was the reason?

Dr. Lily Oddie: It was the latter.

Mr. Michael Prue: That happens all the time. Not just to you, but—

Dr. Lily Oddie: That aspect was certainly transparent.

Mr. Michael Prue: Just to digress a little: For 13 years, I was counsel to the Minister of Immigration before the board when it was adversarial, before it became a non-adversarial board. I do empathize a little with you in terms of the decision in the Federal Court. I had some of mine go there too, so it's not anything untoward.

In terms of your involvement with the board, you left because you were not renewed. Were there any other

difficulties? My colleague from the Conservative Party seemed to indicate that there may have been some. Was it just one case with one mistranslation? Is there anything else that we should know about?

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Dr. Lily Oddie: The translation had nothing at all to do with human rights. As you know, in refugee cases we not only look at the well-foundedness, but we look at credibility, so based on the evidence and based on my knowledge of country conditions and based on several reasons—we have to articulate every one of the reasons before we make the decision—I found that the claimant was not credible and was not a convention refugee, given the guidelines that we have for making that decision. The appeal was open to her, as well as appeals to get humanitarian compassionate grounds, but we were not an arm of immigration; we were independent in decision-making.

As I say, members learn from cases that are refused, and members take seriously comments from the press that end up not being correct. So the case was not refused because of the translation error or even indeed because of Christianity on its own; it was a multiple case involving more than one issue, and the issue of religion was not the primary reason for the denial.

Mr. Michael Prue: If I could, the last one's not a question; it's just a comment. As the last mayor of East York, we to this day appreciate what you did at the Brickworks.

Dr. Lily Oddie: Thank you.

The Chair (Mrs. Julia Munro): We have a moment. Mrs. Van Bommel.

Mrs. Maria Van Bommel: That's just fine, Chair. I just want to thank Dr. Oddie for appearing before the committee today.

Dr. Lily Oddie: Thank you very much for your questions.

The Chair (Mrs. Julia Munro): Thank you very much for coming.

MAUREEN ARMSTRONG

Review of intended appointment, selected by official opposition party: Maureen Armstrong, intended appointee as member and chair, Criminal Injuries Compensation Board.

The Chair (Mrs. Julia Munro): Our next interview is with Maureen Armstrong, the intended appointee as member and chair, Criminal Injuries Compensation Board.

Good morning, and welcome to the committee, Ms. Armstrong. As you will have noted, you have an opportunity to make any comments you wish, and then we'll have questions from the committee members.

Ms. Maureen Armstrong: Good morning. Thank you very much for having me here today.

Madame la Présidente, si vous me le permettez, j'aimerais commencer en français et plus tard je continuerai en anglais, si ça va.

The Chair (Mrs. Julia Munro): Oui.

M^{me} Maureen Armstrong: Merci beaucoup. C'est un grand plaisir d'être ici aujourd'hui. J'aimerais prendre quelques minutes pour compléter les renseignements que vous avez concernant mes qualifications pour le poste de présidente de la Commission d'indemnisation des victimes d'actes criminels.

Je suis née à Woodstock et j'ai grandi à Simcoe, dans le comté de Haldimand-Norfolk. Quand j'étais très jeune, je me suis intéressée au concept de la justice sociale, et quand j'avais neuf ans, j'ai déclaré mon intention d'être avocate. Plus tard, j'ai complété un baccalauréat en études de la gestion et en économie à l'Université de Guelph. Ensuite, j'ai travaillé deux ans avec une entreprise financière ici à Toronto. J'ai reçu mon baccalauréat en droit à l'Université Queen's en 1992. Mes études juridiques se sont concentrées sur le droit d'égalité.

Avant de commencer mon stage avec Nelligan Power, un cabinet d'avocat à Ottawa, j'ai voyagé pour un an en Asie, afin d'approfondir ma compréhension de la diversité culturelle. Je suis devenue membre du Barreau du Haut-Canada en 1995, la même année que j'ai rejoint la fonction publique du Canada. J'ai travaillé pendant plusieurs années avec la Commission canadienne des droits de la personne dans plusieurs postes. En plus, j'ai étudié une maîtrise en droit de la personne en Espagne et en espagnol.

Pendant mon travail avec la Commission des droits de la personne, j'ai acquis des connaissances détaillées du droit administratif et, entre autres qualifications importantes, ma connaissance de la langue française. En plus, j'ai eu l'expérience de fournir des services directement aux clients.

Depuis l'année 2001, je m'occupe de la gestion, avec une concentration sur la gestion de changement et la direction dans le secteur public. En janvier 2007 j'ai commencé une affectation avec Aide juridique Ontario, où présentement je suis vice-présidente de la région du centre et de l'est.

To describe my professional orientation succinctly, I would say that I am a public servant. I'm motivated and committed to public organizations and doing the best job possible for the people of Canada and specifically the people of Ontario. I believe in public service, in public institutions and the value we can bring to the lives of those for whom we serve.

I have no political affiliations and have not supported any political party, financially or otherwise, since the early 1980s. I've dedicated the past 15 years to serving the public in general and vulnerable communities in particular.

This brings me to the reason why I am so pleased to be considered for the position of chairperson of the Criminal Injuries Compensation Board. The CICB has a compelling social justice mandate of accepting and deciding upon applications for compensation from those who have been victimized by violent crime. It has a long, full history of performing that function, and many Ontarians have benefited from its hard work these past many years.

More recently, the organization has faced its share of challenges: keeping up with the demands for its service and being as responsive as possible to the applicants coming before it. It is therefore looking to develop new ways of doing business. With that I think I can help.

I have a great deal of knowledge and skill in transforming social justice organizations to make them more efficient and effective. At both the Canadian Human Rights Commission and Legal Aid Ontario I have been a leader in change processes designed to improve the overall functioning of those organizations. The commission's change process resulted in a reduction of time taken to complete human rights complaints from an average of 25 months to an average of 10 months. At Legal Aid Ontario, I have been part of the leadership team that has transitioned the organization from one based on product line and type of service to one structured geographically. In doing that, we have been better able to meet the needs of our clients and ensure that legal aid services are well coordinated within local communities.

So in seeking to become the chair of the CICB, I would like to bring to that organization my knowledge and skill of weaving good management practices into important social justice processes, and in so doing, deliver better results for the many victims of violent crime who need the board's help. I welcome the chance to lead the CICB to become an organization that is known for delivering excellent results for its clients and the public at large.

Thank you very much, Madam Chair. I'm happy to take any questions.

The Chair (Mrs. Julia Munro): Thank you. We'll begin with Mr. Prue.

Mr. Michael Prue: I guess the big question as the new chair of the board has to come down to, how would you deal with the very real flaws that the Ombudsman pointed out last year? He said people felt bureaucratized. He felt that people were not dealt with fairly, that the amount of compensation for those who were not gainfully employed, whether they be pensioners or students, was pitiful. I'm trying to think of all the words that Mr. Marin—he has very colourful and direct language when he speaks. What would you do to resolve all this?

Ms. Maureen Armstrong: Great question. I've read in detail, obviously, Mr. Marin's report, and he does indeed indicate a number of areas where at least he saw great concern with how the board was functioning at this time. Without obviously being there already, my first order of business, should I be appointed, is to do a full diagnostic of what the current processes are and where some of the challenges are coming from. I think one of the key ways of addressing process change is to bring it from a citizen-focused or client-focused perspective. I think that's a lot of what Mr. Marin was asking, that the processes be designed in such a way that they make sense, are intuitive and are accessible to the people the organization is designed to serve.

Mr. Michael Prue: He also said—and I thank Mr. Johnston for his always wonderful research. He quotes

the Ombudsman's view, and I quote it in turn, that the board has operated in the past to create a "bureaucratic culture that is harming those who are in need of help." How will you end that bureaucratic culture which is actually doing harm to people who are seeking compensation?

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Ms. Maureen Armstrong: I believe that quote is referencing in particular the very lengthy delays that the board has experienced, at least in the past, to process a complaint. I believe it was over three years; some three and a half years was the average time taken from the time someone applied for compensation until a decision was rendered. So first and foremost, I think that issue has got to be addressed. I would envision bringing the average time for processing to something definitely under a year.

Unfortunately, I can't give you details at this moment unless and until I'm in the organization and can learn more of the dynamics. But I think the first order of business is that the process needs to be simplified so it's easier for the clientele and they are receiving a decision from the organization in a very timely manner. I think that would have to be well within one year of the time that they applied.

M. Michael Prue: Merci. C'était une bonne réponse.

The Chair (Mrs. Julia Munro): Mr. Lalonde.

M. Jean-Marc Lalonde: Tout d'abord, je dois vous féliciter et vous remercier d'avoir pris le temps de vous rendre et faire la présentation ici-même à Queen's Park. Le fait que vous vous êtes adressée à nous en français en premier lieu : je crois que vous reconnaissez l'importance d'avoir les deux langues ici en Ontario, puisque nous avons 25 régions qui sont désignées bilingues par le gouvernement provincial et aussi nous comptons plus de 550 000 francophones en Ontario. Lorsqu'on parle de personnes avec des capacités affaiblies causées par des accidents de travail, nous savons qu'au-delà de 10 000 travailleurs de la construction proviennent de la province de Québec pour travailler en Ontario, et beaucoup d'entre eux ne peuvent pas s'exprimer en anglais. Donc, vous pouvez jouer un rôle très, très important dans le poste auquel vous posez votre candidature.

Merci, et je crois que vous détenez les qualités nécessaires pour répondre aux besoins.

M^{me} Maureen Armstrong: Merci beaucoup.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Thank you very much for being here today. I'll start off by asking, you're presently with the Canadian Human Rights Commission?

Ms. Maureen Armstrong: I am officially still an employee of the federal public service. I'm on an interchange assignment with Legal Aid Ontario.

Mr. Randy Hillier: Should you be successful in this, will you be resigning from the federal public service?

Ms. Maureen Armstrong: I would be taking a leave of absence from the federal public service; that's my hope.

Mr. Randy Hillier: They allow that to happen for a set period of time, do they?

Ms. Maureen Armstrong: That's correct.

Mr. Randy Hillier: We know that the Criminal Injuries Compensation Board has had its challenges. I think that for every board that we talk about, "challenges" is always used to describe them. However, this one has been reviewed by the Ombudsman and he's been very critical, as my colleague from the third party has said, of the bureaucratic culture and the harm, added stress and whatnot that they put on victims. I think it's good to hear that you want to reduce that wait time from three years to something less than a year, but really, for somebody who has been victimized by a crime and then has to proceed through a bureaucratic culture, which even at a year doesn't sound reasonable or sound like that should be the standard that we should be striving for, why would you think that a year would be necessary to make a decision on somebody who has been a victim of crime?

Ms. Maureen Armstrong: It could be that it's less than a year. As I say, without having the opportunity to work within the organization and see the scope of questions and issues that they need to face in order to determine, first, whether someone has indeed, on a balance of probabilities at least, been a victim of a violent crime and then to determine the scope of information required to decide what the level of compensation ought to be—obviously it takes some time to do that. So I could be wrong. I'd like to say it'll be four to six months; maybe it's even less than that. I'm erring on the side of caution by saying the commitment I would be working toward is that it be at least under 12 months from the three or three and a half years it's taking now.

Mr. Randy Hillier: Three years is just atrocious and deplorable. How we allow that to happen is beyond me.

The Ombudsman has provided 10 recommendations. Are you familiar with those recommendations, and do you have a view on how they would be implemented, should you be successful?

Ms. Maureen Armstrong: I have, of course, reviewed his recommendations. I think a number of them appear to make a lot of sense and to be very good. I believe that the board has actioned a number of those recommendations, if not all of them, at this point in time. He speaks of things like making the documentation much more user-friendly and simplified for clients coming forward, and I understand that much of that has been done already. Certainly, if there are other elements that he's raised that have not yet been addressed, that would be a key focus for me, should I be appointed chair.

Mr. Randy Hillier: In my experience, one of the reasons we get into these atrocious backlogs and time frames is because of transparency and openness. Nobody knows how long it is taking other than the affected individual and the bureaucracy that is involved. Have you given any consideration to creating more public awareness and accountability of these time frames, such as putting on the website the length of time and disposition of decisions, so that all can see and judge the

effectiveness of the criminal injuries board, instead of waiting for an Ombudsman's report?

Ms. Maureen Armstrong: I thoroughly agree that transparency is very vital to organizations such as this. It's vital for the people who may come before them, so they have a realistic expectation of what they may encounter. It also can serve as a very valuable motivational tool for the individuals working in the organization. If you set goals, you have clear ideas of where you want to go. You are going to publicly tell the world how you're doing against your goals of time. I think it's a very valuable tool for making a healthy organization and one that functions well.

Mr. Randy Hillier: So, if you're successful, we may be able to look on the website down the road and see how well you're doing in achieving those goals?

Ms. Maureen Armstrong: Indeed.

The Chair (Mrs. Julia Munro): That concludes the interview. Thank you very much for being here today for us.

Ms. Maureen Armstrong: Thanks for the opportunity.

PETER WATTS

Review of intended appointment, selected by official opposition party: Peter Watts, intended appointee as member, Ontario Film Review Board.

The Chair (Mrs. Julia Munro): Our next interview is with Peter Watts, the intended appointee as member, Ontario Film Review Board.

Welcome to the committee. As you may know, you have an opportunity to provide the committee with comments of your own, and then we will entertain questions from the committee members. Whenever you're ready, please proceed.

Mr. Peter Watts: You'll have to excuse me; I'm suffering from a summer cold.

Mrs. Liz Sandals: Are you the person who's spreading it?

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Mr. Peter Watts: No, I'm not spreading it around. I got it from one of my grandkids. I see somebody else wiping their nose over here too. Mine has gone to the throat.

I want to thank you for this opportunity of being appointed to the Ontario Film Review Board. As you can see by my resumé, I was a member of the board from 1999 to 2005. I was not re-appointed for a further term. I had been assured that my re-appointment was forthcoming, but due to unknown factors it was not. I immediately re-applied and was advised in May of this year that my application was being reconsidered. I completed the conflict-of-interest documents and returned them to the executive assistant of policy and consumer protection services.

During my tenure on the board, I worked closely with all three chairs on several projects.

I have been a resident of Burlington for over 40 years. I am a father of four with seven grandchildren and have

been happily married to my wife, Pat, for almost 50 years. Next year is the big one; I can't forget that one.

The OFRB is extremely important in designating classifications for all movies shown in Ontario theatres. As times change, so does the content of the movies, with more language, more violence, more sexual scenes etc. This means that board members must be very vigilant in performing their duties. The classification of each movie allows theatregoers to realize the type of movie they or their children are about to see. As a parent and grandparent, this is extremely important.

I have been, and am still, involved in many church and sporting organizations and am aware of the many changes in the world today. I have been appointed as the revisions supervisor for both federal and provincial elections and have worked with all political parties. In this position, I must be non-partisan.

I thank you for this opportunity and would be pleased to answer any questions you may have.

The Chair (Mrs. Julia Munro): Thank you. The government is first in our rotation. Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Mr. Watts, for appearing before our committee and also for considering this very important role.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Mr. Watts, it's a pleasure to have you before us. The reason I wanted to call in the folks from the Ontario Film Review Board is because I think it's an important body that is going to make some very tough decisions, and it has made some very tough decisions, as you mentioned.

I'd like to just ask you a little bit more about certain examples where you've had some tough choices to make with respect to films that you've classified in the past.

Mr. Peter Watts: Fat Girl was one, a French movie, going back to—I think it was about 2004 or 2005. It was a movie that was presented in French. There were scenes in it with underage sexual activity. We turned this down. There were other occasions throughout that movie where the scenes were—it was against the law in Ontario to be performing these sexual activities because the people who were in it were underage. We turned it down, but then it went to the Court of Appeal and there was a big foorferaw. Anyway, we didn't take into consideration, according to the judge, the intrinsic value of the entire movie, so it was allowed. It was released to the general public, but nobody went to see it because it was that terrible a movie.

Another one that I was involved with was—

Ms. Lisa MacLeod: The free market always makes decisions for us, I guess, doesn't it?

Mr. Peter Watts: Fortunately, it didn't get a lot of publicity. Had it gotten a lot of publicity, a lot of people would have gone to see it.

Another one was called Smoke. It was a marijuana documentary, and we on the board saw this one scene of monkeys being tested with marijuana. It looked to us as though the monkeys were in distress and they were being harmed, so we turned that segment down. That was

appealed. Because it was archival footage, it was allowed to be presented in the movie. That got a lot of publicity and it got a lot of people going to the theatre to see it. It was a terrible movie.

The next one was The Passion of the Christ, which was very controversial and a movie which I think everybody should have seen, but with the guidelines that were in place at that time it would have gone into an R classification, which meant you had to be 18 years of age and over to see it. We then allowed it to be reduced down to a 14A movie as long as there was a lot of publicity, a lot of warnings, telling people about the violence and that sort of thing.

Ms. Lisa MacLeod: That actually brings me to another question, then, because it's quite fascinating that you say if you turn something down, chances are they're going to get a lot of publicity and more people will come to see the movie that shouldn't be seen anyway. How do you get around that? You're going to have a public policy role. How do you get around that?

Mr. Peter Watts: Well, you don't, because there isn't a movie that comes into Ontario that you can turn down. There really isn't. It's one of those situations where the courts say you've got to take the intrinsic value. The producers now realize that, so they don't put scenes in the movies that are going to be controversial or that would cause us to—

Ms. Lisa MacLeod: So you generally think it has sort of taken care of itself for the most part.

Mr. Peter Watts: Yes, it's taken care of itself.

Ms. Lisa MacLeod: Okay. Those are all the questions I have. Do you have any questions? No, my colleague doesn't. So, Madam Chair, were finished.

The Chair (Mrs. Julia Munro): Thank you. Mr. Prue.

Mr. Michael Prue: I just want to get this right: Really, you see the job primarily, or almost exclusively, as just putting a classification on them.

Mr. Peter Watts: Exactly.

Mr. Michael Prue: And you did that for a number of years. You got dropped, but you want to come back.

Mr. Peter Watts: Yes, I do.

Mr. Michael Prue: You must have enjoyed it a lot.

Mr. Peter Watts: I did.

Mr. Michael Prue: I always like a man who enjoys his work. Thank you very much.

The Chair (Mrs. Julia Munro): I think that concludes the questions. Thank you very much for coming.

Mr. Peter Watts: Thank you for your time, and thanks for putting up with my lousy voice. I used to have an announcer's voice, but I don't have that anymore.

SUSAN KAMINESKY BLAIR

Review of intended appointment, selected by official opposition party: Susan Kaminesky Blair, intended appointee as member, Ontario Film Review Board.

The Chair (Mrs. Julia Munro): I'd like now to call on Susan Kaminesky Blair, the intended appointee as

member, Ontario Film Review Board. Good morning and welcome to the committee. As you may know, you have an opportunity to make a statement at the beginning, if you wish, and then we'll have questions from the members.

Ms. Susan Kaminesky Blair: Thank you. I'd just like to say a little bit about myself.

The Chair (Mrs. Julia Munro): Certainly.

Ms. Susan Kaminesky Blair: Good morning, Madam Chair and members of the committee. I'd like to thank you for allowing me the opportunity to come and introduce myself to you today. My name is Susan Kaminesky Blair and I'm a resident of the Beaches area of Toronto.

Originaire de Montréal, j'ai passé sept ans à l'école française et je suis bilingue.

I grew up in the Ukrainian community, and I can speak in, read and understand the language. I also studied German and Spanish at CEGEP. I've lived in Quebec, British Columbia and Ontario, as well as Germany, Switzerland and Japan. I've travelled extensively through Europe, Asia, Canada, the US and Mexico. I feel that these experiences have made me appreciative of and sensitive to the diversity of cultures that exist here in the province of Ontario.

I first became aware of the Public Appointments Secretariat and the opportunities it afforded the citizens of Ontario to serve their communities when I worked as the office manager for the Minister of Culture and minister responsible for francophone affairs in 2004. I've seen the value and importance of people being active in my community, and I'm eager to become more involved myself. I've chosen to apply to the Ontario Film Review Board and feel qualified to become a member.

Working in online data research as a data-tagger, I'm skilled at capturing online commentary and then identifying and categorizing the attributes relevant to any given project. I feel I will easily be able to apply these skills to the classification of film.

I love movies, and as someone who has aspired to be in them, I've studied acting and have appeared in film and television productions and numerous commercials. I have first-hand knowledge of the technical aspects of filmmaking, and I understand the casting, producing and editing of films as well. I appreciate all the hard work that goes into creating a finished product.

I've been fortunate to have friends and acquaintances throughout the province, of varying ages and ethnicities, and we share similar values and standards when it comes to ensuring our communities are safe, vibrant and strong.

I'd just like to conclude by saying that it would be a privilege to serve the people of Ontario by helping to provide them with the information necessary to make informed decisions about what films they and their children watch. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the official opposition.

Ms. Lisa MacLeod: Thank you for appearing today. I appreciate that.

The reason that I've called you, as I mentioned to your soon-to-be colleague Mr. Watts, is that I think this is a very important board. It was essentially just to reiterate the importance of that, because a lot of these movies our children see, and it's important that they are put in the proper context.

I note that you have previous government experience working for Madeleine Meilleur, the Liberal cabinet minister from Ottawa-Vanier, and that you come well qualified in terms of your references. I noticed that a former chief of staff to Lyn McLeod, the former Liberal leader, is also one of your referees.

Essentially, the only question that I have is, do you understand the importance of this board, and do you have an understanding of what community standards are?

Ms. Susan Kaminesky Blair: I believe I do. I certainly am active in my community. I have many friends; I have many friends with children, although I do not have any myself. I'm completely aware of the difficulties that they face in raising their children and making intelligent decisions to eventually have them grow up and go out into the world and become responsible citizens themselves.

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Ms. Lisa MacLeod: Do you have a direct example of where freedom of expression meets the community standards? I think you were here when Mr. Watts was speaking.

Ms. Susan Kaminesky Blair: I arrived five minutes ago—sorry.

Ms. Lisa MacLeod: Okay. Sorry. He described three films, actually, and there was one of them—and he can correct me if I'm wrong; just yell and I'll know—where there were monkeys that were being forced to smoke marijuana, so they decided to reject the movie. It went to the courts, and the courts said it was documentary footage or archival footage, so it was allowed to be seen in Ontario. People flocked—is this the one where people actually went to the movie? They went to the film. The point is that people might say, "That's freedom of expression." Mr. Watts and the review panel members at the time saw animals in distress and that's why they rejected it, if I'm correct. I'm just saying that that's sort of what you're going to be confronted with, basically with every movie, although we have to understand the challenges of the worldwide Internet, so everybody gets to see any movie they want to at any time, anyway.

My point is that that may be something you're going to be confronted with. How would you make that decision based upon those sorts of confines of expression and community standards?

Ms. Susan Kaminesky Blair: Okay. I'm an intended appointee, so I have not actually participated in the classification process yet, although I know that there are varying levels of how they classify the movies. There is discussion amongst the members with any given movie that they do watch. I've sat in on a viewing of a movie at the film board. I would imagine that it would be on a per-film basis and a decision would be arrived at mutually

amongst all the members. It's impossible to generally paint a picture without knowing the specifics.

Ms. Lisa MacLeod: Okay. Thank you.

The Chair (Mrs. Julia Munro): Thank you. Mr. Prue.

Mr. Michael Prue: I just want to explore your time here with the Ministry of Culture. You were here for a very short period of time.

Ms. Susan Kaminesky Blair: I was.

Mr. Michael Prue: Can you tell me how you got the job and why you left it?

Ms. Susan Kaminesky Blair: I had reached a bit of a slump in my acting career and I was looking for other opportunities, perhaps—I have a bit of an administrative background. I've done several contracts where I've been, for lack of a better way of putting it, an office manager in various positions. I'd do a lot of logistic work, again, to support the acting career—anything but waitressing. At that point, I decided to drop out of acting completely and when the government had changed I applied for the position because the culture aspect interested me, and the chance to better my French was of great appeal as well. I came in blind, though. I was just expecting an administrative position in an interesting new unit.

Mr. Michael Prue: But you only stayed for a very short period of time.

Ms. Susan Kaminesky Blair: I did.

Mr. Michael Prue: Why was that? That's really the question.

Ms. Susan Kaminesky Blair: I decided to pursue other challenges instead. I came in, I set up the office with a new ministry, I moved the office and towards the end of the year I decided that I was better challenged elsewhere.

Mr. Michael Prue: Was this a political appointment at all?

Ms. Susan Kaminesky Blair: Absolutely not.

Mr. Michael Prue: It was just a regular—

Ms. Susan Kaminesky Blair: It was a job.

Mr. Michael Prue:—job in the civil service.

Ms. Susan Kaminesky Blair: Yes.

Mr. Michael Prue: Okay. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you. Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you very much, Chair, and I want to thank Ms. Kaminesky Blair for coming in today and considering this role on the Film Review Board. It's a very important role that you will have. Thank you.

The Chair (Mrs. Julia Munro): Thank you. That concludes the interview, and we appreciate your being able to come here today and the comments that you made.

Ms. Susan Kaminesky Blair: Thank you.

The Chair (Mrs. Julia Munro): Now, our first order of business, then—having had the interviews—is deferred votes.

Ms. Lisa MacLeod: Madam Chair?

The Chair (Mrs. Julia Munro): Yes?

Ms. Lisa MacLeod: I'm just wondering, in terms of organization, if it's possible for us to deal with the Human Rights Tribunal appointees from yesterday and today—we will not be seeking a deferral today—at the end, and deal with everyone else on an individual basis. It still means that we're dealing with them on an individual basis; it just means we're dealing with the Human Rights Tribunal folks at the end.

Mrs. Maria Van Bommel: We will be seeking a deferral of the vote on today's candidates. Also, as I said earlier, we will not be in favour of bundling or lumping individuals together.

As the member opposite has said many times, she wanted to talk to each of the individuals who were being appointed to this particular board. She wanted to know what their inclinations—basically, their values and principles—were.

Now that you've had an opportunity to question those people, get responses, I would think you'd want to actually pass judgment on an individual basis based on the responses that you got.

Ms. Lisa MacLeod: I think you misunderstood. That wasn't what I was asking. I didn't ask to bundle them; I just asked that we deal with those ones on an individual basis after we've dealt with the others individually. It's a matter of order. It means that if we have six Human Rights Tribunal—

Mrs. Maria Van Bommel: Are you asking to defer—

Ms. Lisa MacLeod: No, not at all.

The Chair (Mrs. Julia Munro): Just a minute. There are two suggestions that are on the floor, one of which is a discussion item; the other is not. The fact that you have asked for a deferral on those—

Mrs. Maria Van Bommel: Today's candidates, yes.

The Chair (Mrs. Julia Munro):—that have been done today: That, as everyone knows, is not a debatable request.

Mr. Michael Prue: I would, though, like to know the propriety, the reason for it.

Mrs. Maria Van Bommel: I think, at this point, we would like to see that we deal with the deferred issues first that are currently on the table.

The Chair (Mrs. Julia Munro): All right. What I would like to go back to is the question of doing the deferred votes as they are on the agenda. We can do them individually.

I would ask that we—

Ms. Lisa MacLeod: Madam Chair, my only confusion is: I guess, from the deferred votes from yesterday, I'm just wondering if it's possible to reorder them, that we just deal with species at risk, Durham Regional Police, workplace safety, South East LHIN and the North West LHIN that way at the end, because I'd like to have a few minutes through a discussion. I don't think it's necessary for me to discuss, unless the government wants that, part of my discussion before a vote. I'd rather just do that all at one time, because I'm entitled to 20 minutes per each. I figure, if we deal with it closer to the bottom,

I will only need, between myself and my colleague, 20 minutes for discussion before the vote.

The Chair (Mrs. Julia Munro): Excuse me. I'm confused about whether or not discussion is the 20 minutes that you are asking for as an opportunity personally to discuss, or are you talking about—

Ms. Lisa MacLeod: The committee discussion, Madam Chair.

The Chair (Mrs. Julia Munro): The committee discussion is not a 20-minute—

Ms. Lisa MacLeod: According to the rules and procedures in the standing orders, it is.

The Chair (Mrs. Julia Munro): No, no. When you ask for a 20-minute, that's for you to have a private conversation.

Ms. Lisa MacLeod: Okay. According to the rules and procedures, though, and you can double-check it, each time we have a vote in committee I'm entitled to 20 minutes.

Interjection.

The Chair (Mrs. Julia Munro): My attempt a moment ago was to clarify the fact that when you referred to 20 minutes, whether you were talking about debate time or the wait time.

Ms. Lisa MacLeod: Debate. But there is also a 20-minute recess time, which I could be afforded under page 19 of the—

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The Chair (Mrs. Julia Munro): That's all I'm asking: to distinguish between what it was that you were asking for.

The other issue that I would just raise to you, as a general comment, is, recognizing the position that people have taken on both sides with regard to the question of having a vote that would cover more than one person, you could, I think, quite legitimately look at it in a manner similar to that which you do in clause-by-clause debate, where there are areas of a particular section that are simply put together and people can raise those individually.

Mrs. Maria Van Bommel: We would be agreeable to doing them in an order that puts the people of a like appointment or agency together, as long as the votes are done on the individuals.

Ms. Lisa MacLeod: Just so that my colleague opposite knows, that was my intent. I apologize if I didn't convey it as clearly as that, but that's my intent.

Mrs. Maria Van Bommel: That's fine. We're agreeable to that.

Mr. Kevin Daniel Flynn: We could have had the votes by now.

The Chair (Mrs. Julia Munro): Democracy is not a swift instrument.

I think we now have reached the point where we can take the deferred votes from yesterday. They will simply be done in the order of the Human Rights Tribunal, and then the others as they appear. Are we all on the same page here?

We will consider first, then, the intended appointment of Ailsa Wiggins, the intended appointee as member, Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: I move the concurrence of the appointment of Ailsa Wiggins.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Ms. Lisa MacLeod: Yes. I'd like to make a few remarks, and my colleague would like to make a few remarks as well, and then I think we'd like to get on with voting, as my colleagues opposite would.

Our biggest concern in the official opposition is that this is happening in the middle of the summer—and not only that this public appointments process is happening in the middle of summer, but this process started in 2006 with respect to the overhaul of the human rights system here in Ontario, and we're now going to start to see the fallout of that decision by the Legislature in 2007.

I think that it would behoove all of us to reflect on the types of folks and the philosophy we would like to see in the tribunal. A process is one thing, but a major philosophy in how we deal with human rights in this province is quite another. I wanted to bring forward as many of these folks as possible to ask them the critical philosophical questions so that I would have an idea of what we're going to expect, whether it's two months down the road, three months down the road or six months down the road.

With the changes in the Ontario Human Rights Commission and how the system works and, ultimately, now that the tribunal has more power than, arguably, it ever had, the individuals who are appointed to this tribunal will effectively shape the human rights system in Ontario. That's why I asked the questions of the difference between offensive conduct and discriminatory conduct. That's why I asked the deputants whether they agree with Chief Commissioner Hall over whether or not they would like to see, like she does, human rights complaints in Ontario spike. That's why I asked them if it was a good or a bad sign that the number of complainants in Ontario has declined over the past several years despite our population growth. That's why I asked them, what is the standard of proof that a complainant should meet to have a complaint upheld? Many of them said it should be the balance of probabilities. That's why I asked them, if Chief Commissioner Hall has said that there are known and unknown causes of discrimination, do you think it's your job to discover new types of discrimination? That's why I asked whether or not they thought it was possible for non-minority groups to be discriminated against.

The media is a very important component in any democracy, and in the last year and a half we've seen cases right across Canada, and right here in Ontario, be the subject of human rights complaints. I think it is a legitimate question to ask if the tribunal applicants in the intended appointments believe, as Chief Commissioner Hall does, that the media should be seen through the filter of human rights.

I think it's also a legitimate question to ask about false complainants and what happens to those who are acquitted. It's not that I have a particular bent on either side, but I think it's legitimate that as a member of a standing committee deciding who these appointees are, and so many of them—we know that there have been over 20 people appointed this summer to the human rights tribunal process—it's legitimate for any Ontarian and any member of this committee to ask the critical questions, because this is a defining moment in human rights in this province.

We are embarking upon a new system and we need to make sure that the system works and that the system doesn't hurt the people it's supposed to protect. We have some legitimate questions on whether or not this is going to be the privatization of human rights. Those issues came up during the discussions of Bill 107. It's interesting to think that in the last Parliament we dealt with Bill 107, but now we're dealing with how this system will be defined. I think it's legitimate to ask: Will only wealthy complainants have the ability to seek a tribunal hearing? I think it's legitimate to say: If you're underprivileged, are you going to have access to a lawyer? Those questions have never been answered, and I think it's legitimate to ask each one of them. Does discrimination trump free press or does free press trump discrimination? We don't have to have that answer today, but we have to have that discussion in Ontario. That's why we brought forward the intended appointees; that's why we work with our critic, Christine Elliott, who stood very firmly opposed to Bill 107 and worked very hard in bringing the views of all sorts of different Ontarians to the table during the hearings. That's why we were vigilant in the last three days in wanting to hear everybody; we wanted to hear where they stood on them. I've got to admit: They're great people; they're great Ontarians. But you can't just take a public appointment and not know where you stand.

So my vote today will be cast in opposition, not so much for the individuals we saw in the last two and a half days, but in opposition to this new tribunal process, which my party disapproved of. I think the jury is still out, so to speak, on how this tribunal process will impact the residents of Ontario.

I want to thank my colleagues. I know that many of them had other things that they could have been doing this summer and I want to thank them on all sides for coming, for allowing us the opportunity that is so fundamental in democracy: to air differences of opinion. And I look forward to getting on with the debates and listening to my colleague from the official opposition.

Thank you, Madam Chair, and thank you to the staff here who've worked so hard.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: I share many of Lisa's concerns. I think it's important that we understand that this new human rights tribunal and the expansion of it will have unforeseen consequences, unintended consequences, and it will have significant impacts on Ontario and Canada.

We've seen the growth of the human rights system moving into limiting or trying to infringe on individuals' freedom of speech and freedom of expression. These are not things that we should take lightly; these are things that are the essence. One of the fundamentals of democracy is to have differences of opinion. Diversity of opinions is just as great, if not greater, than diversity of population. Diversity of opinions is what progresses society, and we cannot limit that diversity of opinions without affecting our progress and our prosperity.

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As Blackstone said many years ago, "The public good is the protection of every individual's private rights." I also believe that it is fundamentally important and an obligation of every member of this committee to scrutinize these appointments and determine their competencies, determine if there are conflicts of interest and determine if there is undue bias within those individuals which may impair their judgments, which we and all Ontarians will bear the consequences of.

So it disappoints me that, on the opposite side, there was no scrutiny, there were no questions. It was a rubber stamp. We need to have a fuller discussion, a fuller debate, if we are going to provide value to the people who have elected us, to the people who expect us to represent their interests.

Like my colleague, I will be voting against the intended appointments for the tribunal. I believe that it has not been scrutinized significantly enough, or honestly enough, to represent the people of Ontario.

The Chair (Mrs. Julia Munro): Mr. Prue.

Mr. Michael Prue: Just very briefly, and I have the dubious advantage of not having heard most of these. I didn't hear any of the people that we are going to determine from yesterday, having substituted, at the last minute, for my colleague Madame Gélinas. But I listened intently to what my two colleagues from the official opposition had to say, and I must state—although I agree with most of what they said—to me, the defining moment is not today; the defining moment was when the government made the decision to stop the committee hearings. That was the defining moment, when those who were in opposition who wanted to come forward and explain why they felt that parts of the bill were not appropriate, were not allowed to do so. The bill was then rammed through the Legislature. That was the defining moment.

Today, this committee must look at the appointees. The appointees did not ram the bill through. The appointees are merely trying to do a job that they have the qualifications for. I have had an opportunity to speak with Madame Gélinas's office in terms of her impression of the people from yesterday, and, in her opinion—and I will be following that—all of those who came forward were qualified. In spite of the fact that I did not support the government's bill, and in spite of the fact that I think the government was wrong in ramming through the legislation and cutting off public debate, that is not the fault of those who are seeking this office. Therefore, I

will be supporting the list, because I think the individuals are well qualified. I will not visit upon them the mistakes that someone else made.

The Chair (Mrs. Julia Munro): Ms. Sandals.

Mrs. Liz Sandals: I would just like to comment a little bit about the process by which the applicants have come to us, in terms of the amount of scrutiny which they have already received. My understanding is that the positions on the tribunal were publicly advertised in the mainstream media. There were over 500 applications for those positions received. This is much like any other job application process, where the applications have been gone through and the people who are highly qualified have been chosen.

I must say that, having been here Monday, Tuesday and today—and I will admit, I took a break yesterday for treasury board. Having heard the majority of the people over those three days, I have been extraordinarily impressed with the strength of the qualifications and, actually, quite impressed with the diversity of background. I agree that you want to make sure that on the tribunal there is a variety of perspectives. We've heard from people who have done management-side law; we've heard from people who have done union-side law. We've heard people who have been involved with community agencies. We've heard people who have been advocates in presenting cases; we've heard people who have perhaps defended people who have been accused of some sort of a code violation before the tribunal. We've heard from people with a tremendous depth and variety of legal experiences and legal qualifications, but what they have all had in common is that they are highly qualified, and they're qualified in the area of human rights interpretation in some way.

In listening to the questions, the other thread which seemed to be common was that each of the potential appointees, when questioned about how they would rule on hypothetical cases, all said, "We would have to look at what the law said, we would have to look at what the code said, and we would have to judge the merits of the individual case based on the code, based on the law, based on precedent." Having heard that—the high degree of qualification and that commitment as a neutral party, regardless of what side they may previously have represented—they all understood that as a neutral party, it was their responsibility to interpret the facts in the individual case based on what the law of Ontario said.

I am very pleased with the quality of the people. I've been very pleased to have this opportunity in August. I think most of us who are MPPs understand that part of our job is to do committee work in August, so this is what I expect to be doing in August. I will be very pleased, as I think my colleagues on the government side will be, to support all of the applicants.

The Chair (Mrs. Julia Munro): Any other discussion? If not, all in favour?

Mrs. Liz Sandals: We need to have concurrence for the individual people, do we not?

The Chair (Mrs. Julia Munro): I just did.

Mrs. Liz Sandals: Oh, okay. Sorry.

Mrs. Maria Van Bommel: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Eric Whist as member and vice-chair of the Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Eric Whist.

The Chair (Mrs. Julia Munro): Any comments?

Mrs. Maria Van Bommel: Recorded vote, please.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We look at the intended appointment of Brian Cook as member and vice-chair of the Human Rights Tribunal.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Brian Cook.

The Chair (Mrs. Julia Munro): Any comments?

Mrs. Maria Van Bommel: Recorded vote, please.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We'll now consider the intended appointment of Mary Truemner as member and vice-chair of the Human Rights Tribunal.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Mary Truemner.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

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The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Sheri Price as member and vice-chair of the Human Rights Tribunal.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Sheri Price.

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Next is David Shannon, as member of the Human Rights Tribunal.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of David Shannon.

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Mrs. Maria Van Bommel: Before we move on, I would like to withdraw the deferral motion so that we can deal with the appointment of Naomi Overend to the tribunal, and we'll deal with all the candidates that we had today, as well.

The Chair (Mrs. Julia Munro): So the question will remain the same. We will consider the appointment of Naomi Overend as member and vice-chair of the Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Naomi Overend.

Mrs. Liz Sandals: Recorded vote, please.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

That's the only one from there, so we will move back, then, to the deferred, if you are able to follow where I'm going here.

We will consider Robert J. Gregor as vice-chair of the North West Local Health Integration Network.

Mrs. Liz Sandals: Recorded vote—oh, sorry.

Mrs. Maria Van Bommel: I have to move the concurrence.

The Chair (Mrs. Julia Munro): You're getting ahead of yourself here.

Mrs. Maria Van Bommel: We're all anxious to expedite all these things. I would move the concurrence of the appointment of Robert J. Gregor.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

I would now ask to continue on our deferred with the intended appointment of Allan Harris as member of the Committee on the Status of Species at Risk in Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Allan Harris.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

I would now ask you to consider the intended appointment of Jane Bowles as member of the Committee on the Status of Species at Risk in Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Jane Bowles.

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Next would be the intended appointment of Allan Furlong as member, Durham Regional Police Services Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Allan Furlong.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): I declare the motion is carried.

Next is the intended appointment of Peter Morgan McCague as member, Workplace Safety and Insurance Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Peter Morgan McCague.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

The next one is Thomas Rankin as vice-chair, South East Local Health Integration Network.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Thomas Rankin.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

Ms. Lisa MacLeod: Madam Chair, may I request just a brief 30-second recess? I know we're about to adjourn, but I want to speak to my counterpart on the government side.

The Chair (Mrs. Julia Munro): All right, for 30 seconds.

We want to look at those appointments from earlier today. I believe we will begin with the intended appointment of Gisèle Guénard as vice-chair, North East Local Health Integration Network.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Gisèle Guénard.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

The next intended appointment is that of Lily Oddie as the intended appointee as member, Council of the Ontario College of Social Workers and Social Service Workers.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Lily Oddie.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none—

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Next is the intended appointment of Maureen Armstrong as member and chair of the Criminal Injuries Compensation Board.

Mrs. Maria Van Bommel: I move the concurrence of the appointment of Maureen Armstrong.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

Next, the intended appointment of Peter Watts as member of the Ontario Film Review Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Peter Watts.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

Our final selection, then, is Susan Kaminesky Blair as the intended appointee, member of the Ontario Film Review Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Susan Kaminesky Blair.

The Chair (Mrs. Julia Munro): Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

I want to thank all members for their attendance, cooperation and participation. As we adjourn, I would just remind you that we are adjourned until 9 a.m. on Thursday, September 11.

Mrs. Liz Sandals: Is that sort of 9 to 12, 1 to 5, those days?

The Chair (Mrs. Julia Munro): To 4.

Mrs. Liz Sandals: Okay.

The Chair (Mrs. Julia Munro): Thank you very much.

The committee adjourned at 1120.

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