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**Official Report
of Debates
(Hansard)**

A-35

**Journal
des débats
(Hansard)**

A-35

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
43rd Parliament

Thursday 24 October 2024

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
43^e législature

Jeudi 24 octobre 2024

Chair: David Smith
Clerk: Isaiah Thorning

Président : David Smith
Greffier : Isaiah Thorning

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Thursday 24 October 2024

Jeudi 24 octobre 2024

The committee met at 0900 in room 151.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Mr. David Smith): Good morning, everyone. The Standing Committee on Government Agencies will now come to order. We are joined by staff from legislative research, Hansard, and broadcasting and recording. As always, all comments from members and witnesses should go through the Chair.

The first item on the agenda is committee business. Committee members, a government vacancy has arisen on the subcommittee on committee business. I recognize MPP Hamid.

MPP Zee Hamid: I move that MPP Martin be appointed to the subcommittee on committee business.

The Chair (Mr. David Smith): Any discussion? Are the members ready to vote? All those in favour? All opposed? That motion is carried. Congratulations.

SUBCOMMITTEE REPORTS

The Chair (Mr. David Smith): The second item of business will be the adoption of several subcommittee reports, which were distributed in advance.

The first one: We have a subcommittee report dated Thursday, June 6, 2024. Could I please have a motion? Go ahead, MPP Martin.

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, June 6, 2024, on the order-in-council certificate dated May 31, 2024.

The Chair (Mr. David Smith): Any discussion? Go ahead, MPP Pasma.

Ms. Chandra Pasma: I just want to note that because the government adjourned the Legislature for an unusually long 19 weeks, this committee was not able to exercise its role in reviewing government appointments. I sent a letter to the former government subcommittee member and to all members of the committee asking us to meet and review appointments and received no response from government members.

During this time, the government made 112 appointments, which this committee had no time to review. These appointees included PC donors, volunteers, staff, former PC MPPs and candidates, as well as candidates who had no relevant experience for the appointments they were

receiving. And for this particular report, the June 6 report, there were 12 appointments which we had no opportunity to review.

The Chair (Mr. David Smith): Any further debate? Are the members ready to vote? All those in favour? All those opposed? That motion is carried.

Second, we have a subcommittee report dated Thursday, June 13, 2024. Could I please have a motion? I recognize MPP Martin.

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, June 13, 2024, on the order-in-council certificate dated June 7, 2024.

The Chair (Mr. David Smith): Any further discussion? Go ahead, MPP Glover.

Mr. Chris Glover: I want to echo my colleague's concerns about this committee not meeting over the last 19 weeks. The Legislature was recessed for 19 weeks, and this committee did not have the opportunity to review appointments, which is a really fundamental role in our democracy. Over these 19 weeks, there were 112 appointments made, which this committee did not review. These appointments included PC donors, volunteers, staff, former PC MPPs and candidates, as well as candidates who had no relevant experience for the appointment they were receiving.

This is of great concern, I think, for all of us, and should be for all of us, as MPPs, because we have not been able to fulfill our role on this committee to review the appointments that are made to our government agencies. So I'd ask that we not do this again—that we actually meet regularly and have the opportunity to review all of the appointments that are being made.

The Chair (Mr. David Smith): Any further discussion? I recognize MPP Pasma.

Ms. Chandra Pasma: I just wanted to note that for the June 7 certificate, there were nine appointments which this committee had no opportunity to review.

The Chair (Mr. David Smith): Any further discussion? Are members ready to vote? I didn't get an answer.

Mrs. Robin Martin: Yes.

The Chair (Mr. David Smith): Yes, thank you. All those in favour? All opposed? The motion is carried.

Third question: We have a subcommittee report dated Thursday, June 20, 2024. Could I please have a motion? MPP Martin, go ahead.

Mrs. Robin Martin: I move adoption of the subcommittee on intended appointments dated Thursday, June 20, 2024, on the order-in-council certificate dated June 14, 2024.

The Chair (Mr. David Smith): Any discussion on this? Recognizing MPP Pasma.

Ms. Chandra Pasma: Again, I want to note 112 appointments over the course of 19 weeks which we had no opportunity to review. This June 14 certificate included nine appointments which we had no opportunity to review.

The Chair (Mr. David Smith): Any further discussion? Are members ready to vote? All those in favour? All opposed? The motion is carried.

Number 4: We have a subcommittee report dated Thursday, June 27, 2024. Could I please have a motion? Recognizing MPP Martin.

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, June 27, 2024, on the order-in-council certificate dated June 21, 2024.

The Chair (Mr. David Smith): Any discussion? MPP Glover.

Mr. Chris Glover: I want to note for the record that over the 19 weeks that this committee did not meet, there were 112 appointments made which this committee had no opportunity to review. On the June 27 report that we're voting on now, there were four appointments that were made and we did not have an opportunity to review any of those four appointments.

The Chair (Mr. David Smith): Any further discussion? Are members ready to vote? All those in favour? All opposed? The motion is carried.

Number 5: We have a subcommittee report dated Thursday, July 4, 2024. Could I please have a motion? MPP Martin, go ahead.

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, July 4, 2024, on the order-in-council certificate dated June 28, 2024.

The Chair (Mr. David Smith): Any discussion on this? Recognizing MPP Pasma. Go ahead, please.

Ms. Chandra Pasma: I want to note for the record again that over the course of the 19 weeks that the government adjourned the Legislature, there were 112 appointments which this committee had no opportunity to review. The June 28 certificate included 12 appointments and we were not able to review a single one of them.

The Chair (Mr. David Smith): Any further discussion? Seeing none, are members ready to vote? All those in favour? All those opposed? The motion is carried.

Number 6: We have a subcommittee report dated Thursday, August 1, 2024. Could I please have a motion? MPP Martin, go ahead.

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, August 1, 2024, on the order-in-council certificate dated July 26, 2024.

The Chair (Mr. David Smith): Any discussion? MPP Glover.

Mr. Chris Glover: I just want to note for the record that during the 19 weeks the House was in recess, this committee did not meet and there were 112 appointments that were made to government agencies. This committee had no opportunity to review them.

I also want to note, for the record, my colleague MPP Pasma's attempts to get this committee to meet. She wrote to the subcommittee and to all members of this committee asking for us to meet over the summer so that we could review appointments, but got no response from government members.

The committee report that we're voting on for August 1 involved 22 appointments and this committee did not have an opportunity to review any of those 22 appointments.

The Chair (Mr. David Smith): Any further discussion? Seeing none, are members ready to vote? All in favour? All opposed? The motion is carried.

Number 7: We have a subcommittee report dated Thursday, August 22, 2024. Could I please have a motion? Recognizing MPP Martin. Go ahead, please.

Mrs. Robin Martin: I move adoption of the subcommittee on intended appointments dated Thursday, August 22, 2024, on the order-in-council certificate dated August 16, 2024.

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The Chair (Mr. David Smith): Any discussion? Recognizing MPP Pasma. Go ahead, please.

Ms. Chandra Pasma: I just want to note that over the 19 weeks that this government did not allow the Legislature to sit and there was no willingness from the government members to allow this committee to sit, there were 112 appointments which occurred that this committee had no opportunity to review. This particular certificate had 21 appointments and we were not allowed to review a single one of them.

The Chair (Mr. David Smith): Any further discussion? Seeing none, are members ready to vote? All those in favour? All opposed? The motion is carried.

Number 8: We have a subcommittee report dated Thursday, September 5, 2024. Could I please have a motion? Recognizing MPP Martin. Go ahead, please.

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, September 5, 2024, on the order-in-council certificate dated August 30, 2024.

The Chair (Mr. David Smith): Any discussion? Recognizing MPP Glover. Go ahead, please.

Mr. Chris Glover: I just want to note, for the record, that this is the Standing Committee on Government Agencies. Our role, our primary role, is to review government appointments to government agencies. Over 19 weeks, this committee did not meet and there were 112 appointments that were made. These included PC donors, volunteers, staff, former PC MPPs and candidates, as well as candidates who had no relevant experience for the appointment they were receiving.

The committee report that we're voting on right now for September 5 involved five appointments, and this

committee did not have the opportunity to review any of those appointments. I think that's a real abrogation of our responsibility as a committee, and I ask that in the future, we meet and review all of these appointments.

The Chair (Mr. David Smith): Any further discussion? Seeing none, are members ready to vote? All in favour? All those opposed? Seeing none, the motion is carried.

We have a subcommittee report dated Thursday, September 19, 2024. Could I please have a motion?

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, September 5, 2024, on the order-in-council certificate dated August 30, 2024.

Mr. Chris Glover: You did that one already.

Mrs. Robin Martin: I did?

The Chair (Mr. David Smith): You did.

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, September 19, 2024, on the order-in-council certificate dated September 13, 2024. My apologies.

The Chair (Mr. David Smith): Any discussion? Recognizing MPP Pasma.

Ms. Chandra Pasma: I just want to note that as a result of the unusually long adjournment of the Legislature of 19 weeks, or five months, there were 112 appointments which this committee was not allowed to review, despite the important role our committee plays in assuring the public that appointments are being made based on the basis of merit and not connections to the government.

On this particular certificate, there were 15 appointments made and the committee was not allowed to review a single one of them.

The Chair (Mr. David Smith): Any further discussion? Seeing none, are members ready to vote? All in favour? All opposed? That motion is carried.

We have a subcommittee report dated Thursday, October 3, 2024. Could I please have a motion? MPP Martin, go ahead, please.

Mrs. Robin Martin: I move adoption of the subcommittee report on intended appointments dated Thursday, October 3, 2024, on the order-in-council certificate dated September 27, 2024.

The Chair (Mr. David Smith): Any discussions? MPP Pasma, go ahead, please.

Ms. Chandra Pasma: Once again, this committee has an incredibly important role in our democracy, assuring the public that appointments are being made on the basis of merit and qualifications, and not based on connections to the government. Yet we have seen 112 appointments made which this committee had no opportunity to review, which included people with very close connections to the government, including PC donors, campaign volunteers, staff to the housing minister, former PC MPPs and candidates, as well as candidates who had no relevant experience for their appointment.

This September 27 certificate is the first time that we've been able to question any government appointees since May. I think that is not a great statement for our democ-

racy, and we certainly should have been able to get the support of government members in order to meet and carry out this committee's important mandate over the summer.

The Chair (Mr. David Smith): Any further discussion? Seeing none, are members ready to vote? All those in favour? All opposed? That motion is carried.

We have a subcommittee report dated Thursday, October 17, 2024. Could I please have a motion? Recognizing MPP Martin: Go ahead.

Mrs. Robin Martin: I move adoption of a subcommittee report on intended appointments dated Thursday, October 17, 2024, on the order-in-council certificate dated October 11, 2024.

The Chair (Mr. David Smith): Any discussion? Recognizing MPP Glover: Go ahead, please.

Mr. Chris Glover: Again, I just want to state for the record that, over 19 weeks, this committee did not meet and did not fulfill its mandate of reviewing government appointments to government agencies. This is a real abrogation of our responsibility. There were 112 appointments made in that period and several of those appointments were made in the committee meeting that we are voting on now, and I ask that the committee meet in the future so that we can review appointments and fulfill the responsibility of this committee.

The Chair (Mr. David Smith): Any further discussion? Seeing none, are members ready to vote? All those in favour? All opposed? That motion is carried.

INTENDED APPOINTMENTS

MS. ALEXANDRA BARTHOS

Review of intended appointment, selected by official opposition: Alexandra Barthos, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Mr. David Smith): Our first intended appointee today is Alexandra Barthos, nominated as member of the Human Rights Tribunal of Ontario.

You may make an initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning, we will start with the government side, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allotted to government. You may proceed.

Ms. Alexandra Barthos: Thank you, Mr. Chair and members of the committee, and good morning. It is an honour to be here under consideration for this appointment.

I believe that my strong legal background, experience in adjudication and commitment to fairness and accessibility will enable me to contribute significantly to the Human Rights Tribunal's mission of resolving claims of discrimination and harassment under the Human Rights Code.

I will begin with a brief overview of my education, experience and approach to human rights, and then I would be pleased to take questions.

While pursuing my bachelor of arts at McMaster University, I gained insight into how profoundly the topic of human rights has influenced fields such as ethics, political philosophy, law, medicine and public health.

My interest in the protection of human rights was one of the factors that led me to pursue a Juris Doctor degree from Western University. At Western, I focused chiefly on criminal law. I participated in a clinic in criminal law practice, shadowing both Public Prosecution Service of Canada lawyers and defence counsel. I clerked for the Honourable Justice Ford Clements at College Park court in a case involving misconduct allegations regarding Toronto Transit Commission officers issuing fraudulent tickets. I also volunteered for Innocence Canada, the only national, Canadian, non-governmental organization working to exonerate the wrongfully convicted.

With respect to my work experience, in 2014, I began practising law as a caseworker at Western's community legal clinic. I represented low-income people charged with summary conviction offences at the Ontario Court of Justice in London. For the last decade, I have served the public in criminal law, both as a prosecutor and as defence counsel.

From 2015 to 2017, I completed my articles in criminal and regulatory law, and worked as a sole practitioner in criminal defence.

0920

In 2017, I began conducting federal prosecutions on behalf of the Public Prosecution Service of Canada. I served as the federal crown agent in remote Indigenous communities on the shores of James Bay, including Attawapiskat, Kashechewan, Moosonee, Fort Albany, Peawanuck and Moose Factory. This experience deepened my understanding of the unique challenges facing Indigenous communities. When reviewing cases, I must consider any racism, historical mistreatment, lower socio-economic status, mental illness, substance use disorders and any discrimination which may bear on the matter.

I have continued to practise criminal defence, and in the past five years have begun practising family law as well. Practising law requires meticulous attention to detail, effective collaboration with others and the ability to communicate complex legal concepts clearly and in plain language, especially to self-represented parties.

With respect to my recent adjudicative experience, in March of this year I was appointed to two social justice tribunals: the Custody Review Board and the Child and Family Services Review Board. I adjudicate cases involving youth and provide recommendations on life-impacting issues such as their placement in custody. This has deepened my ability to address complex and sensitive matters with impartiality and professionalism, recognizing the diverse backgrounds and circumstances of the people involved.

I believe I have consistently demonstrated professional judgment, strong interpersonal and listening skills, and a commitment to ethical practices. I hope to bring my ability to manage a demanding workload while maintaining high

standards of integrity and professionalism to the Human Rights Tribunal as a full-time adjudicator.

The Chair (Mr. David Smith): Thank you very much. We'll hear from the government side. Go ahead, MPP Martin.

Mrs. Robin Martin: Thank you again, Ms. Barthos, for putting yourself forward for this position. Obviously, the Human Rights Tribunal does important work for the province of Ontario, and I feel some affinity toward your background. I did philosophy at McGill and law at the University of Toronto and then practised in litigation for many years, so I feel like I know you in some way, even though I don't.

I noticed that you have been recommended here as a full-time member for the Human Rights Tribunal. This would be in addition to your appointments, which you just described, as part of our Child and Family Services Review Board and our Custody Review Board. So what I'm wondering about, having practised law for some 10 years myself, is how you're going to manage caseload issues from being appointed to more than one tribunal. I'm sure you're used to working very hard, but do you foresee any difficulties with that?

Ms. Alexandra Barthos: I'll just note right at the outset that, while I will be intending to continue on on the Custody Review Board and the Child and Family Services Review Board, if my intended appointment was successful, I would be resigning my family practice and my practice as a federal crown.

In terms of managing a high-volume caseload, I'm certainly no stranger to that. I manage a high volume of cases currently, both in my practice in family and criminal defence, as well as as a federal prosecutor. This requires a high degree of organization. As soon as I receive a file, I put the relevant dates in my calendar for any conferences or hearings. I also put other notifications in my calendar for follow-ups one, two, three, four weeks in advance of that.

Each file has to be reviewed well in advance to ensure that any necessary steps are taken. For example, if I am calling the list as the crown, I have to be aware of every single file to be called that day. So I need to make sure—for example, if defence counsel has requested additional disclosure, I may need to follow up with a police officer. If I have received additional disclosure, it needs to be vetted of all confidential information before it can be produced to defence counsel by way of disclosure, and I also need to make sure only relevant documents are produced. So upon reviewing these files, I may note that this file is missing the certificates of analysis. Okay, have they been sent out to Health Canada? Have they been received back? Does it disclose that the substance in question is a particular controlled substance or a precursor? Conversely, if it is not a controlled substance or a precursor, that charge should likely be withdrawn.

I have to be on top of things such as which officers will be testifying, which matters may be set for trial on that particular date just so that I have to know every step in the case. I must know the crown's theory of the case because

if dates are being set, I need to know which officers I will need to be relying on, and to have their schedules.

In many cases, also, a judge directs that a certain step be taken before the next appearance. I might have to have a meeting with a defence counsel or complete something else. So I really have to manage my time efficiently to ensure I am effective at providing value for services as a public servant. I do believe that my ability to handle a high number of cases efficiently and with strong attention to detail would serve me well on the Human Rights Tribunal.

The Chair (Mr. David Smith): Recognizing MPP Hamid. Go ahead please.

MPP Zee Hamid: Thank you for being here. You actually answered much of my questions already.

I was wondering—we know that the Human Rights Tribunal has a very high caseload volume—if you could just briefly talk about things you haven't already mentioned. How do you manage and prioritize such large caseloads?

Ms. Alexandra Barthos: Thank you for that question. It's just about being organized and knowing my file as thoroughly as possible. I am never going to be surprised in court if I know it inside and out, if I know every witness, if I know every piece of disclosure that I am going to be relying on.

So really just a high degree of organization and knowing my files, knowing the facts and taking all necessary steps that have to be taken in order to assure justice proceeds in a timely matter.

I would also like to add that as a crown, I have never lost a case to delay, so that's something I'm proud of.

MPP Zee Hamid: Thank you.

The Chair (Mr. Dave Smith): Recognizing MPP Smith. Go ahead, please.

Ms. Laura Smith: Through you, Chair, thank you for coming here today. We appreciate this. I was listening intently on a number of—obviously you've got a vast amount of experience. It's interesting. Did you say you clerked at College court with Justice Ford Clements?

Ms. Alexandra Barthos: College Park court before he moved to Brampton.

Ms. Laura Smith: I was about to say. I used to swim in that area as well. I used to deal with matters under the child protection act. What you have described is a lot of what circumscribed the work that I did.

You've got two really relevant boards, custody and family, right now. What have you learned at your time at Child and Family Services Review Board and the Custody Review Board, and how do you think that is going to help you in your position, if you were appointed?

Ms. Alexandra Barthos: Thank you very much for that question.

It has been a really fantastic experience being appointed to these two boards. The onboarding process and all of the education supporting the members has been really wonderful. There is a very large degree of required readings that I found extremely helpful, and I believe it would transfer over across the boards. I would like to say that I really found my passion here. I've always considered it

important to be socially useful. I really enjoy serving the public. I've been doing that for a number of years, but when I started working at these two boards, it was like everything just fell into place and this sort of work was what I was meant to be doing. So I am really grateful for all of the wonderful people at Tribunals Ontario.

Sometimes, people say their doors are open but in practice they're busy or what have you, so it's just been really wonderful to work with such a fantastic group of people. The training that has been provided has been phenomenal and I do believe that that will assist in transferring over to the Human Rights Tribunal as well.

0930

Ms. Laura Smith: Thank you very much.

Ms. Alexandra Barthos: Thank you.

The Chair (Mr. David Smith): Recognizing Matthew Rae: Go ahead, please.

Mr. Matthew Rae: Thank you for coming into committee today. I know, as my colleagues mentioned, it can be quite a daunting experience, but I appreciate you being part of this important process.

As you are probably aware, parties appearing before the Human Rights Tribunal often don't have legal representation. This can create some challenges in those instances. Whether it's from your past experiences or your professional opinion, how do you ensure that all parties involved in a case understand the proceedings and the process of the tribunal and about the legal process as well overall?

Ms. Alexandra Barthos: Thank you very much for that question. I think you touched on an extremely important issue, and that is the number of self-represented litigants appearing before Tribunals Ontario. I think it's a wonderful way that they can have their day and access these important services that might otherwise not be available to them just due to financial constraints. It's very difficult for most people to consider hiring counsel, going and speaking about these issues in court. I do think it's wonderful that self-represented litigants are more involved and more represented in this process.

In terms of how I would make sure things are fair and that everything is understood, I think it's very helpful to listen to parties, to really hear the concerns that they are expressing and then to have an early meeting setting out, "Okay, this is the tribunal's mandate. This is within the scope of our power to do. Here's what we expect of you." And to at all times say, "If you have any questions, please feel free to jump in. I'm happy to explain things in different ways." I try and speak in plain language—we certainly don't need any legal Latin here—so those sorts of things, letting people know the services that are available to them and always, always applying the law in a fair and balanced manner.

Mr. Matthew Rae: Thank you.

Ms. Alexandra Barthos: Thank you.

The Chair (Mr. David Smith): That concludes the time.

We will turn to the official opposition for their comments and remarks. Recognizing MPP Pasma: Go ahead, please.

Ms. Chandra Pasma: Thank you very much for being here this morning, Ms. Barthos. I know it is not a very comfortable experience to be here, but it is an important part of the democratic process that you answer questions about your qualifications and experience so that the people of Ontario can have confidence that government appointments are being made on the basis of merit and qualifications, not connections to the government. We appreciate that you have come this morning.

The Human Rights Code of Ontario lays out the qualifications for the selection process for the appointment of members of the Human Rights Tribunal. I am going to read you section 32(3), which says: “The selection process for the appointment of members” to “the tribunal shall be a competitive process and the criteria to be applied in assessing candidates shall include”—not might include or could include, shall include—“the following:

“1. Experience, knowledge or training with respect to human rights law and issues.

“2. Aptitude for impartial adjudication.

“3. Aptitude for applying the alternative adjudicative practices and procedures that may be set out in the tribunal rules.”

Can you please explain to the committee how you meet the criteria for experience, knowledge or training with respect to human rights law and issues?

Ms. Alexandra Barthos: Thank you very much. At this time, I’ll focus on my experience with mediation and adjudication—

Ms. Chandra Pasma: But, sorry, the question that I asked you was your experience with regard to human rights law and issues, not your experience with regard to adjudication and alternative dispute resolution.

Ms. Alexandra Barthos: Thank you for that clarification. To be perfectly fair, I haven’t been appointed to this position yet, so I haven’t actually received the specific human rights training. With respect to my experience and knowledge of the training with respect to human rights, that hasn’t taken place yet.

What I can rely on is my general adjudicative experience, my experience with mediation and my experience applying the law in a fair and impartial manner—

Ms. Chandra Pasma: So you’re saying without the training that will be provided by the tribunal, you do not have any experience with human rights law?

Ms. Alexandra Barthos: Actually, I don’t think I was saying that at all. I beg your pardon; I was still trying to answer the question. Perhaps I could be permitted to do that and then come back to it, and hopefully that will have answered your question in a broad way.

I did understand that part of that question had to do with impartial adjudication and applying the law—

Ms. Chandra Pasma: The question was actually about your experience with human rights law and issues.

Ms. Alexandra Barthos: Yes, and I am attempting to answer that, so if I may be permitted—

Ms. Chandra Pasma: You’re attempting to answer a question about adjudicative practices, which I did not ask you about. I only have a few moments to ask questions on

behalf of the people of Ontario, so you need to focus on the questions that I am asking you and not questions I didn’t ask you.

Ms. Alexandra Barthos: Okay. Respectfully, I’m here because of a merit-based process. I’ve been through it not once, but twice now. I made the application. I went through the interview process. There was a testing component. I’m here, happy to answer any questions, today. I would like to discuss my experience with mediation and adjudication, because I believe those are qualities that will serve me very well on the Human Rights Tribunal if I am appointed. I’m certainly not trying to waste your time. I’m just trying to understand and answer your question.

Ms. Chandra Pasma: Okay. Your experience seems to be with real estate—that’s your most recent education—and then criminal law, primarily during your practice, with some family law. But I’m not hearing anything about experience and familiarity with human rights law.

Do you have any experience practising human rights law or any training in human rights law?

Ms. Alexandra Barthos: We did receive training as part of the onboarding for the Custody Review Board and the Child and Family Services Review Board. I don’t currently practise human rights law. I am a lifelong learner. I enjoyed learning the courses at Humber real estate; that’s certainly not my primary practice area. For the last decade, I have been working full-time in law—sometimes full-time and part-time. I do believe that I have the general qualities that would enable me to serve effectively on this board.

Ms. Chandra Pasma: Okay. The Human Rights Code promises people the right to be free from discrimination on certain protected grounds like race, gender and disability with regard to employment, accommodation, goods and services, facilities, contracts, and membership in trade and vocational associations. What experience do you have with employment law?

Ms. Alexandra Barthos: Thank you for that question. At my prior law firm, Riopelle Group, from 2017 to 2019, I was the head of civil litigation. We did have these kinds of claims. It comes up in my work from time to time as well. I’m not an employment lawyer—as I have indicated, I’m a criminal and family lawyer—but I do have broad civil litigation experience as well.

Ms. Chandra Pasma: What experience do you have with accessibility laws and with issues regarding people living with disabilities?

Ms. Alexandra Barthos: As a crown attorney, these are things that we all have to be mindful of: Is disclosure being provided in a format that is accessible? Maybe someone with a visual impairment needs large print. We try and meet the people where they are. We make the services that we have available to them. We advise people. They are able to proceed in French or in English. They’re able to have an interpreter. Oftentimes, they’re able to have a support person as well.

It’s often about listening to how we can best accommodate any issue that a person is raising and dealing with it that way.

Ms. Chandra Pasma: But you don't have experience interpreting and applying, for instance, the Accessibility for Ontarians with Disabilities Act?

Ms. Alexandra Barthos: I must disagree with you there. I've been serving on the Custody Review Board and the Child and Family Services Review Board since March, and certainly, those things come into play.

Ms. Chandra Pasma: What experience do you have dealing with issues relating to racial discrimination?

Ms. Alexandra Barthos: I did practise law in remote Indigenous communities. Certain times, racism exists. We all have to be mindful of it. We all have to do our best to adjudicate cases impartially, to examine ourselves for any unconscious biases that we may have and just continue doing continuing professional development, being as educated as possible, being on top of changes and developments in the law and policy.

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Ms. Chandra Pasma: What experience do you have dealing with issues relating to gender-based discrimination?

Ms. Alexandra Barthos: I think I would refer to my previous answers. Any kind of discrimination that comes up in one of my cases can be relevant. It has to be considered from their point of view. As an adjudicator with the Custody Review Board, the Child and Family Services Review Board, it's just about listening to people's needs and trying to meet them.

Ms. Chandra Pasma: Okay. Thank you. The backlog of cases at the Human Rights Tribunal has been growing under this government, despite the fact that the number of applications filed every year is going down. Tribunal Watch has flagged that this is due, in large part, to the fact that we have a large number of adjudicators who have no experience in human rights issues and who do not know how to navigate complex discrimination law.

Given your lack of experience in these issues and the fact that you are going to rely on the training provided by the Human Rights Tribunal to give you experience with human rights law, how are you going to contribute to bringing down the backlog, without taking away the right of applicants to have an oral hearing or to attempt mediation?

Ms. Alexandra Barthos: Thank you for that question. Well, first of all, these are extremely important rights and interests that are affected. People should have a right to have their say. Hearings should proceed on their merit.

I don't agree with some of the things you said, that I lack the background experience for this. I handle an extremely high volume of cases in my current practice. It comes down to organization, being on top of things.

I realize that this is a demanding tribunal with a high volume of cases. I'm prepared to roll up my sleeves and get to work. For the past 10 years, I have been serving the public and I see this as a natural extension of that. I'm not afraid of hard work, and I'm looking forward to getting to it if I am appointed today.

Ms. Chandra Pasma: I certainly don't want to imply, in any way, that you're afraid of hard work or that there's

not a lot of work involved in managing a law practice, and appointments to government tribunals and agencies in addition.

But this particular tribunal, we've seen that appointments from adjudicators who do not have experience in human rights issues and the law relating to human rights issues are slowing down the ability of the Human Rights Tribunal to hear cases. This is why, even though the number of applications is going down, there is now such a large backlog that at the rate the Human Rights Tribunal is clearing cases, it will take three years just to clear the backlog, not even to mention the new applications that are coming in.

With your lack of experience on human rights issues and on discrimination law, how are you going to contribute to reducing those wait times and clearing that backlog, given that it will take you longer to understand and adjudicate issues fairly because you have no background to lean on, and will have to learn with each case how to apply the law?

Ms. Alexandra Barthos: Thank you for your question. Again, I must respectfully disagree that I lack the experience in human rights issues or discrimination to do this job.

In my work at the Custody Review Board, I have never missed a service standard. I don't intend to miss any service standards at the Human Rights Tribunal if I am appointed. I understand that there is a high volume of cases, but I have never let a case fall to delay, and I don't intend to start now.

Ms. Chandra Pasma: Okay. Thank you. But the issue is not, do you know anything about human rights issues? It is, do you have any experience with human rights law and applying it to issues that include employment, accommodation and labour—which are all things that you haven't dealt with, because you've been working on criminal law.

These are cases where people are incredibly vulnerable and complex situations. What this requires is knowledge and experience of human rights law, so that people are getting a fair hearing, but also a fair hearing in a reasonable amount of time.

We've seen an increase in complaints to the ombuds-person about the Human Rights Tribunal. So what are you going to do, given the lack of experience in human rights law, to ensure that every person who files an application to the Human Rights Tribunal feels that, at the end of the day, they have received justice and they have been treated fairly?

Ms. Alexandra Barthos: I'm going to manage my cases. I'm going to impartially review the evidence that's put before me. I'm going to rely on my prior experience as a lawyer, interpreting the legislation and applying it.

I must respectfully disagree again that I do not have the experience to make a significant contribution to this tribunal. I'm prepared to do the hard work. I'm prepared to continue learning, to read everything that they give me. I'm prepared to hit the ground running. There is a learning curve whenever you join anything, but I am a quick study.

I have already managed a number of cases for the Custody Review Board, even though I was only appointed in March. I am here to learn and to do the work, and I believe I am a good fit for this position.

Ms. Chandra Pasma: According to Tribunal Watch, the Human Rights Tribunal has been dealing with the backlog by making jurisdictional and procedural dismissals. What appears to be happening is that members have been narrowing the scope of the tribunal's jurisdiction in order to exclude cases, and also setting arbitrary deadlines for new paperwork to be filed to applicants who are unrepresented and who have not heard from the tribunal for years because of the backlog. Then, these applicants are missing the deadline because they didn't expect this communication.

These applicants never get an oral hearing, they never get mediation and they never get any resolution or semblance of justice from the Human Rights Tribunal. Do you think that's fair?

Mrs. Robin Martin: On a point of order, Chair.

The Chair (Mr. David Smith): MPP Martin, a point of order.

Mrs. Robin Martin: I've been trying to resist, but I don't think this is an appropriate question for the witness, who isn't yet a member of the tribunal, to comment on past practices at the tribunal. She's here to discuss her qualifications and I think that's what we should be hearing about.

The Chair (Mr. David Smith): Recognizing MPP Martin for what she said, could we try to—in the time that is allotted to you, I would like you to stay focused on the applicant who's before us. Let's make certain that the questions are in line with that.

Ms. Chandra Pasma: Thank you for talking out my time, MPP Martin and Chair, but I think it is relevant to the qualifications of the member, because this is a current practice.

What are you going to do to ensure that every applicant before the Human Rights Tribunal actually receives justice, instead of having their case dismissed so that the tribunal can clear the backlog faster?

The Chair (Mr. David Smith): That concludes the available time. Thank you very much for being here this morning.

MR. WAYNE BARWISE

Review of intended appointment, selected by official opposition: Wayne Barwise, intended appointee as member, Ontario Infrastructure and Lands Corp.

The Chair (Mr. David Smith): Our second intended appointment today is Wayne Barwise, nominated as member of the Ontario Infrastructure and Lands Corp. You may make any initial statement at your—is he here?

Interjections.

The Chair (Mr. David Smith): Good morning, Mr. Wayne Barwise. Thanks for coming to this hearing today. You may make any initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning, we will start with

the government side, followed by the official opposition, with 15 minutes allotted to each recognized party. Any time you take in your statement will be deducted from the time allotted to the government party.

You may proceed, sir.

Mr. Wayne Barwise: Good morning. My name is Wayne Barwise and I'm here as a potential appointee to the board of directors of Infrastructure Ontario. I'd like to first provide a brief overview of my background and secondly comment on my interest in the position. I'm a business executive with approximately 35 years' experience in real estate development, investment and asset management, both as a successful entrepreneur for 14 years and subsequently as a corporate executive. My experience includes all major asset classes along with the development of several billion dollars in property in Canada and internationally.

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I recently retired from Cadillac Fairview, and Cadillac Fairview, for those of you not familiar, is a global real estate company wholly owned by the Ontario Teachers' Pension Plan. At my retirement, CF had approximately \$40 billion in assets and acted as an owner, investor, developer and operator of real property. I retired after 17 years, on January 1, 2024, as executive vice-president of development and was subsequently retained as an executive adviser to the board of directors and the executive committee from January 1 to June of this year.

I served on the executive committee of the company for 13 years. The executive committee was responsible for the corporate strategic plan, including its investment, operating and development activities; responsible for the people and culture of the company; the financial performance of the company; and its ESG policies and implementation.

Additionally, I have served on a number of community boards in both health care and education, including Branksome Hall, a private girls' school with 900 students. I served for 10 years on that board, three and a half years as the chair of the board of governors.

I served as a founding member of Branksome Hall Asia. We negotiated with the national government of South Korea and built a US\$200-million school in South Korea for 1,100 students.

I served for seven years on the Harvard University advisory board called REAI, which is the Real Estate Academic Initiative, which promoted interdisciplinary education between the schools of business, law, design and public policy.

In 2015, I joined the board of St. Michael's Hospital and served on the quality committee. I subsequently joined the board of Unity Health after the merger and integration of three hospitals: St. Michael's Hospital, St. Joseph's Hospital and Providence. I currently chair the board's planning and construction committee and serve on the governance committee.

In terms of education, I graduated from the University of Toronto in 1982 with a bachelor of architecture, and in 1985 I graduated from Harvard University with a master

of architecture in urban design, specializing in urban development and real estate finance.

My interest in the IO position aligns with and stems from my history of contributing back to the community in areas where I have expertise in order to hopefully benefit public sector organizations.

Specifically, what I can bring to IO is—I will highlight five things:

- (1) large-scale board and governance experience;
- (2) comprehensive real estate experience in transactions, leasing, acquisition, disposition, operating, financing, development and construction, and partnership structure;
- (3) large-scale enterprise strategic planning;
- (4) major project execution and best practices for on-time, on-budget delivery—at CF, our team completed over \$11 billion during the past decade on time, on budget; and lastly
- (5) multi-sector experience with institutional, government, corporate and entrepreneurial sectors.

In summary, I hope to bring a successful and varied sector track record and perspective to the many initiatives and projects that IO has under way. I thank you for your attention and I hope this has given you a good overview. I'm happy to respond to your questions.

The Chair (Mr. David Smith): I'd like to turn to the government side for questioning, recognizing MPP Martin. Go ahead, please.

Mrs. Robin Martin: Thank you, Mr. Barwise, for being here and for putting yourself forward for this opportunity at Infrastructure Ontario. It sounds like you have a wealth of experience and expertise to bring to the table. Thank you for listing out the specific things that you can contribute, because I think that gives us a lot of information about what you're bringing to the table that will really help Infrastructure Ontario, should your appointment be approved. And also, frankly, your community experience on community boards—I'm sure you're a great asset to the boards that you've participated on.

So I guess my question is, can you tell us a little bit about the exciting projects that you've been involved in through your previous employment that would be relevant to what will happen at Infrastructure Ontario, should you be appointed?

Mr. Wayne Barwise: Sure. Thank you. Well, firstly, thank you for your kind words.

I've been fortunate. I've had a very exciting career involving a number of very interesting projects, including the completion of 7,000 residential units across the country, some market housing, including also some affordable housing. I completed about five million square feet of office projects across the country. A notable one which was recently completed was 160 Front Street. You might recognize it downtown; it has a big TD logo on it that's now lighting up the skyline.

As well as a few million square feet of retail and also the densification of retail properties into vibrant, mixed-use communities—most retail centres sit on 70 acres of land. There might be a million square feet of a retail centre, and it's surrounded by acres of parking, and we started transforming those retail centres into mixed-use commu-

ities that have housing, entertainment, recreation and so on.

Also, some of the really exciting projects have been building a school in South Korea, negotiating with the federal government there to do that, and also working on approximately \$2.7-billion worth of hospital expansion at St. Michael's Hospital and St. Joseph's hospital.

Mrs. Robin Martin: Thank you.

The Chair (Mr. David Smith): Recognizing MPP Pang: Go ahead.

Mr. Billy Pang: Good morning. Thank you for your presentation. Also, I'm impressed by your academic and your work experiences.

So my question is, how will your experiences benefit the IO board when it comes to handling real estate in Ontario?

Mr. Wayne Barwise: Yes, so Infrastructure Ontario's mandate is to execute the projects and initiatives approved or directed by the province. I underline the word "execute." That is really what most of my career and background has been based on. It's been based on coming up with strategic plans, but more importantly, taking those plans and executing them on time and on budget, and that requires a good knowledge of best practices as it relates to many different disciplines, be it finance, law, construction and so on. So I think that's one of the ways that I'll be able to bring that experience to contribute in a way that aligns with Infrastructure Ontario's mandate of execution.

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The Chair (Mr. David Smith): That concludes the time that we have for the government's side.

We now will be turning to the official opposition. MPP Glover.

Mr. Chris Glover: Thank you, Mr. Barwise, for being here and for putting your name forward. This process that we're going through is a really important process. Our role is to review appointments for government agencies and to ask the questions that the public may want us to ask. So I have a number of questions to ask.

The first has to do with your work at Cadillac Fairview. You mentioned that you worked there from 2007 to 2023 and then also did some sort of contract or consulting until June of this year. Is that correct?

Mr. Wayne Barwise: That's correct.

Mr. Chris Glover: Cadillac Fairview owns lands on which the East Harbour transit-oriented community is being built. The government allocated \$333 million towards this project in the budget of 2024. Infrastructure Ontario leads this transit-oriented community program on behalf of the ministry. So, as a board member, you will be responsible for overseeing decisions that are worth hundreds of millions of dollars in benefit of your former employer. Does this constitute a conflict of interest?

Mr. Wayne Barwise: At any time there is either a perceived conflict or a real conflict, and if it relates to something I've been previously involved with or have an interest in, then it would be my duty to recuse myself from any of the discussions or deliberations related to that item.

Mr. Chris Glover: Would you then recuse yourself from any conversation in this appointment regarding the East Harbour transit-oriented community project because of the relationship with Cadillac Fairview?

Mr. Wayne Barwise: Again, I'd hope in this position, in terms of advice, I would be able to help Infrastructure Ontario management and the board. But if it were an item that presented a conflict, then I would recuse myself, and I think under these circumstances, it's not uncommon to put some protocols in place to follow as it relates to that.

Mr. Chris Glover: In your role as a board member at Unity Health, were you involved in any way in the hiring of Vas Georgiou at St. Michael's Hospital?

Mr. Wayne Barwise: No, I was not.

Mr. Chris Glover: Were you involved in any way in the decision to offer the renovation contract for St. Michael's Hospital to Bondfield?

Mr. Wayne Barwise: No, I was not.

Mr. Chris Glover: You were on the board of Unity Health, of which St. Michael's Hospital is a part, since 2015, including as the chair of the planning and construction committee. In 2015, St. Mike's awarded a contract to Bondfield Construction, a company owned by John Aquino. It was later revealed that Vas Georgiou, who was the CAO of St. Mike's, was involved with two of Aquino's businesses but never disclosed this even though he participated as one of the evaluators on the bids. He also communicated with Aquino throughout the process. This was an apparent conflict of interest between Vas Georgiou, the CAO of St. Michael's, and the Aquino business that was awarded contracts by St. Mike's. This came to light only after an investigation by Zurich insurance, which insured Bondfield.

Infrastructure Ontario conducted an investigation of the St. Michael's deal and failed to come up with any evidence of wrongdoing, only to have Zurich insurance investigators turn up a mountain of evidence.

What are your thoughts on where things went wrong with Infrastructure Ontario's inexplicable failure to notice evidence that was right under their noses?

Mrs. Robin Martin: Point of order.

The Chair (Mr. David Smith): MPP Martin?

Mrs. Robin Martin: We're here to learn the qualifications of the witness for the position with Infrastructure Ontario, not to have him comment on a history provided by the member for Spadina-Fort York, which is an interesting exegesis, but not what this committee is about.

The Chair (Mr. David Smith): I believe MPP Glover should be allowed to continue the questioning to satisfy what he's trying to get to.

Mr. Chris Glover: The question was, what are your thoughts on where things went wrong? Because Infrastructure Ontario looked at this deal, didn't find anything wrong, but then Zurich Insurance found a mountain of evidence that there was a conflict of interest. What do you think went wrong with Infrastructure Ontario's investigation?

Mr. Wayne Barwise: I'll say two things: One is I joined the board of the hospital after Vas Georgiou was hired, and also after the project was awarded to Bondfield. Due to the

fact that all three parties—the hospital, Zurich, Infrastructure Ontario—and the lenders are all involved in litigation and it's before the courts, I don't feel it's appropriate that I comment on it.

Mr. Chris Glover: Let's see. Infrastructure Ontario also advised the OPP to end their investigation, because they were going to conduct their own investigation. Infrastructure Ontario called off the OPP and said, "Hey, we're going to conduct our own investigation." But then it failed to turn up clear evidence of wrongdoing.

Do you think it is appropriate for Infrastructure Ontario to be advising police forces that they should not investigate potential cases of corruption?

Mr. Wayne Barwise: Again, I don't think it's appropriate for me to comment on this specific case.

Mr. Chris Glover: Okay. Would you recuse yourself from decisions involving this case at Infrastructure Ontario?

Mr. Wayne Barwise: If there are conflicts that arise as between the hospital and Infrastructure Ontario, then I would recuse myself from those discussions.

Mr. Chris Glover: Okay. Let me back up a little bit here and just say: In the case where the OPP is starting an investigation, if this nomination goes through, you're going to be on the board of Infrastructure Ontario. If you are a member there, if the OPP is investigating a possible case of corruption, do you think it would be appropriate for Infrastructure Ontario to tell the OPP not to bother with the investigation?

Mr. Wayne Barwise: Again, I don't think it's appropriate for me to comment on that.

Mr. Chris Glover: Okay. As a board member, what do you think Infrastructure Ontario needs to do to restore confidence and integrity of its procurement process, and how will you contribute to that work?

Mr. Wayne Barwise: Look, I think Infrastructure Ontario, as with any organization that's involved in procurement and implementation of large-scale capital projects, should always be open to look for ways to improve best practices. That's an area in which I hope to be able to help out and contribute. I would think that the management and the board would always be open to looking for ways to make things better.

Mr. Chris Glover: I'm going to ask some quick, uncomfortable but necessary questions. Have you ever been a member of the Progressive Conservative Party, provincially?

Mr. Wayne Barwise: I do believe in the democratic process. I believe in participating in it. I have been a member of the Progressive Conservative Party. I have also been a member of other parties, as well, over the years.

Mr. Chris Glover: Okay. Have you ever been a member of the Conservative Party, federally?

Mr. Wayne Barwise: Yes, I have.

Mr. Chris Glover: Have you ever donated to the Progressive Conservative Party?

Mr. Wayne Barwise: I have donated to the Conservative Party. I have donated to other parties. I have donated to independent candidates. Again, I believe in the democratic process, and I have donated where I believe the policies aligned with my values and beliefs.

Mr. Chris Glover: Have you ever worked on a Conservative election campaign?

Mr. Wayne Barwise: No.

Mr. Chris Glover: Did anyone ask you to apply for this position?

Mr. Wayne Barwise: No.

Mr. Chris Glover: Those are all my questions. Thank you.

The Chair (Mr. David Smith): That concludes the allotted time for the official opposition. We are now going to concurrence.

Number 1: We will now consider the intended appointment of Alexandra Barthos, nominated as member of the Human Rights Tribunal of Ontario. I'm recognizing MPP Martin. Go ahead please.

Mrs. Robin Martin: I move concurrence in the intended appointment of Alexandra Barthos, nominated as member of the Human Rights Tribunal of Ontario.

The Chair (Mr. David Smith): Any discussion?

Mr. Chris Glover: Recorded vote.

The Chair (Mr. David Smith): Are members ready to vote?

Ayes

Dowie, Hamid, Martin, Pang, Pinsonneault, Laura Smith.

Nays

Glover, Pasma.

The Chair (Mr. David Smith): That motion is carried.

Second, we will now consider the intended appointment of Wayne Barwise, nominated as member of the Ontario Infrastructure and Lands Corp. I'm recognizing MPP Martin.

Mrs. Robin Martin: I move concurrence in the intended appointment of Wayne Barwise, nominated as member of the Ontario Infrastructure and Lands Corp.

Mr. Chris Glover: Recorded vote.

The Chair (Mr. David Smith): Any discussion? Are members ready to vote?

Ayes

Dowie, Hamid, Martin, Pang, Pinsonneault, Laura Smith.

Nays

Glover, Pasma.

The Chair (Mr. David Smith): That motion is carried.

The deadline to review the intended appointments selected from the September 27, 2024, certificate is set to expire on October 27, 2024. Is there unanimous consent to extend the certificate by 30 days? I heard a no.

That concludes our business of the day. The committee now stands adjourned.

The committee adjourned at 1013.

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Vice-Chair / Vice-Présidente

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Mr. Andrew Dowie (Windsor–Tecumseh PC)

Mr. Chris Glover (Spadina–Fort York ND)

MPP Zee Hamid (Milton PC)

Ms. Sarah Jama (Hamilton Centre / Hamilton-Centre IND)

Mrs. Robin Martin (Eglinton–Lawrence PC)

Mr. Billy Pang (Markham–Unionville PC)

Ms. Chandra Pasma (Ottawa West–Nepean / Ottawa-Ouest–Nepean ND)

Mr. Steve Pinsonneault (Lambton–Kent–Middlesex PC)

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