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**Official Report
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(Hansard)**

Thursday 14 June 2001

**Journal
des débats
(Hansard)**

Jeudi 14 juin 2001

**Standing committee on
the Legislative Assembly**

Committee business

**Comité permanent de
l'Assemblée législative**

Travaux du comité

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 14 June 2001

Jeudi 14 juin 2001

The committee met at 1541 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mrs Margaret Marland): I'm going to call this meeting to order. We have been delayed to this point because the House was still dealing with routine proceedings, and we now can start.

As you know, there have been two meetings of the subcommittee and we have tried as best we can to get the mandate of this committee confirmed by a motion in the House. Unfortunately, we don't have a copy of that draft motion at the moment, but our House leader was happy with the draft motion, and Mr Kormos, who is subbing in today, and of course is the NDP House leader, has informed me that he did not have any difficulty with the draft motion.

It was very straightforward; it simply was putting in a motion form the matter that was referred to in the throne speech about the fact that we would be looking at ways to enhance the role of private members and the consideration of the use of technology in the House. The status of that motion is that it has still not been dealt with in the House, although the NDP and the government House leader have approved it.

Mr Jean-Marc Lalonde has just brought to my attention an amendment to that motion which the Liberals are going to propose, so this is not an easy process because only the subcommittee, Mr Clerk, dealt with the draft motion. It is only a draft motion until it goes through the House.

I guess I'm seeking your advice, Mr Clerk. I would think it's inappropriate for us to deal with an amendment to that motion, since the motion is not before us and it will be up to the House leaders to either resolve it or the motion will be moved by the government House leader, and at that point the Liberal House leader could amend it.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Excuse me, Madam Chair, but where are we on the agenda?

The Chair: We're dealing with the matter of our entire mandate.

Mr Tascona: Oh.

The Chair: And that's why we have to deal with it first.

Mr Tascona: This is prior to the agenda. OK.

The Chair: We haven't started the agenda yet. We're dealing with the fact that this committee, at the moment, doesn't have the terms of reference for those matters that were referred to us.

So I would suggest—and, Mr Clerk, if you can confirm this with me—that this amendment which Mr Lalonde has brought with him today would need to be tabled in the House by his House leader at the time the motion is before the House, because it's a motion for the assembly; it's not a motion for this committee. It was just drafted for the purposes of the subcommittee as a guideline.

Clerk of the Committee (Mr Douglas Arnott): That is quite correct, Madam Chair. The government motion has not yet been provided as notice on the order paper.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): My House leader came up with this amendment. Since it was a draft, he was trying to get that included in the draft. That's why he submitted this one. But he also told me that this was sent to the government House leader.

The Chair: He has sent it to the government House leader?

Mr Lalonde: Yes.

The Chair: I'm going to rule that the original draft was referred to the House leaders. I think that's where this amendment has to go.

Mr Lalonde: Should I give a copy to the members?

Mr Tascona: I haven't seen any amendment.

Ms Marilyn Mushinski (Scarborough Centre): I don't think we should approve anything that hasn't been approved by the House leaders. This is an all-party committee.

Mr Tascona: Was this discussed in subcommittee?

The Chair: Yes.

Ms Mushinski: Who was on subcommittee?

The Chair: Excuse me. The original draft motion was discussed in the subcommittee.

Mr Lalonde: That's right. You've asked us if we had any comments, if we had approved the draft as presented. This is why I've gone to my House leader and he came back with this proposed amendment. We followed your recommendation.

The Chair: When I suggested to the subcommittee that they discuss the draft motion with their House leaders, Jean-Marc, I didn't ask that they bring it back to the committee. We were leaving it with the House leaders

because it was the House leaders that had to take it through the House.

Mr Peter Kormos (Niagara Centre): If I may, Chair, and I'm trying to help at this point, the motion that ends up being presented to the House for approval may well include this addition. The point is that whatever that motion is, it is the motion that the government House leader is going to present to the House. The motion she's going to present to the House is the one that the House leaders agreed upon. I leave it at that.

The Chair: What you're saying is the same thing as me—that this matter is not before this committee.

Mr Kormos: That this is irrelevant, with all due respect. Whatever the motion is, is the motion.

Mr Tascona: I haven't got the entire motion.

The Chair: You've just been handed it.

Mr Tascona: I was passed an amendment.

The Chair: You were on the subcommittee when we did this.

Mr Tascona: I don't have a copy of it here. I don't think other members do either.

Ms Mushinski: Your amendment is the proposed change?

Mr Lalonde: The proposed change is in the second section and other sections I struck out there.

Mr Kormos: With respect, Chair, that's not for this committee to concern itself with.

Ms Mushinski: I agree.

The Chair: Let's move on, then. We put as the first item here the meeting time schedule for this standing committee of the Legislative Assembly. We did discuss this again in the subcommittee and we asked that it be discussed in terms of a preference for meeting time. What we were wondering was whether we could change the meeting time for the Legislative Assembly committee from Thursday afternoon to another time. We've had a few subs in and out here, so it has not been easy to deal with, but we were proposing that a Tuesday afternoon or a Wednesday morning was possibly a better time, a more equitable time than 3:30 on a Thursday when members who have a long way to return to their ridings might normally, after routine proceedings, be able to leave on a Thursday afternoon.

So I'm looking for input on the meeting schedule, recognizing that we will have to look at how it works with other meeting times and House duties. That's up to each individual caucus.

1550

Mr Lalonde: We had quite a lengthy discussion on that. I would be willing to accept a Tuesday afternoon. But I want to make sure that everybody agrees to that—Tuesday afternoon instead of Thursday afternoon. As the Chair just mentioned, at times a lot of us have to go back to our ridings on Thursday afternoon.

Ms Mushinski: We've already got committees that meet on Tuesday afternoon.

Mr Tascona: I think the problem is I have House duty on Tuesday afternoon. There might be other members

who have other committee meetings. Do any other members have committee meetings on Tuesday afternoon?

Mr Ted Arnott (Waterloo-Wellington): I don't.

Ms Mushinski: I'm subbing today, so it is hard for me to speak.

Mr Lalonde: How about Wednesday afternoon?

Mr Kormos: I do not purport to address this with any awareness of what other obligations Ms Churley has. I'm not prepared to agree on her behalf without—

The Chair: Oh, in the subcommittee, she also agreed on Tuesday afternoon or Wednesday morning.

Mr Arnott: I think I proposed Wednesday morning as an alternative. That's just to suit my schedule. I'm not trying to impose it on anybody else if everybody else—

The Chair: Are there committees meeting Wednesday morning?

Ms Mushinski: Wednesday morning is the best morning, because that's the morning cabinet meets.

Mr Jerry J. Ouellette (Oshawa): What status are we at with regard to the cloning legislation?

The Chair: Just a second. There are other committees meeting Wednesday mornings?

Clerk of the Committee: Yes.

Mr Ouellette: I'm just saying what status are we at with the cloning legislation, because the two other proposed times I already have committee duty as well as House duty. The expectations are to be there. We are getting spread pretty thin as it is now. I'm voting in favour of Tuesday afternoon.

Mr Kormos: You're spread? Please.

Mr Tascona: I indicated my difficulties, as I have House duty that day.

The Chair: I do too, Tuesday afternoon.

Mr Tascona: I thought we were thinking about Thursday mornings, because we have private members. They could be in here, and they could still do the private members.

The Chair: What's the resolution to this, then?

Mr Tascona: Peter's subbed on, but I guess Marilyn says it is fine. Who are you subbed on for?

Ms Mushinski: Gary Stewart.

Mr Tascona: I don't know whether you can do that in terms of—if you want to do it Thursday morning, I'd be quite agreeable to do it Thursday morning.

Mr Lalonde: On Thursday morning, we have about one hour and 45 or 50 minutes because most of the time there will be a vote at five to 12.

Mr Tascona: You've got two hours.

Ms Mushinski: What did the subcommittee recommend? Did you talk about it?

Mr Arnott: Could I make a suggestion? There are a number of alternatives, obviously. Maybe it would be simplest just to leave it the way it is, Thursday afternoons.

The Chair: All right. Then, the answer to the first item is that we will keep the meeting schedule as it is.

You all have received a copy today of a document referred to as a final report. It is a case report. It has been submitted by the Ombudsman, Mr Clare Lewis. As you

will note, his covering letter is today's date, June 14. The date on the report is May 31. Since we received the report in the House—do all members have this letter?

Mr Tascona: Yes, I do.

Mr Lalonde: Which one are we referring to? We have two reports.

The Chair: You have one report, which is the thick one attached to this.

Subsequent to that, the Ombudsman has e-mailed this afternoon notice to this committee that he has tabled his final report. He says he's looking forward to presenting the findings of his investigation to members of the standing committee. He says also in the letter, "It is my understanding that your next regularly scheduled meeting is June 21 and as such I look forward to meeting with you at that time or as soon as possible thereafter."

I need to know the wishes of the committee pertaining to when we invite Mr Lewis to come before the committee to discuss his report, which contains a recommendation. I should advise you that you've also received from the clerk an overview of procedures re Ombudsman's case reports. There is a process there where witnesses are invited to be heard in the following order: the Ombudsman and the governmental organization involved.

Mr Kormos: You indicate that Mr Lewis is available June 24. Am I correct in that regard?

Mr Tascona: June 21.

Mr Kormos: I am urging the committee to consider that. Don't forget the House is expected to rise June 27 or 28, which means that will be the one and only meeting, subject to summer sittings, before the fall. Everybody here knows this has been a contentious matter, so I think the committee should begin its work as soon as it can.

Mr Tascona: I would agree that next week will be fine, depending what else we have to do.

The Chair: I would like to suggest that we consider the possibility here that if you're going to hear from the Ombudsman—Mr Clerk, you can tell me—it says here, "Witnesses are invited to be heard in the following order," so it would suggest to me that they are both attending the same meeting.

Clerk of the Committee: Yes, that is correct.

The Chair: I would say that the committee might want to look at the fact that the governmental organization involved has just received this report today. Is it feasible for them to respond to a report that's been a year in the writing within the next two weeks, and is that in the best interests of the outcome of the report in any aspect if the responder is only given a week or two weeks to respond? That's up to you consider.

Mr Tascona: If I can ask a question. It says in this overview of procedures which we've been given, "Committee sets a date for consideration of the case report." What you're saying, then, is that it's all part of meeting in an open session to consider the report or meeting in a closed session to consider the report. That's all together.

The Chair: Mr Clerk, are they sequential or are they one or the other?

Clerk of the Committee: They are sequential. The first report being considered in open session with witnesses is the Ombudsman's report. The consideration usually in closed session has been of the committee's decision on what to recommend with respect to the evidence it's heard.

Ms Mushinski: And that can happen the same day?

Clerk of the Committee: Yes, sometimes it has.

Mr Arnott: Madam Chair, would it make sense to schedule the Ombudsman one week and then the governmental organization involved the following week, or would it be better to have them both the same week?

The Chair: I think the courteous thing would be to invite both of them the same day in order that they can hear each other.

Mr Tascona: I think the point you're making, Madam Chair—and I don't have any difficulty with that—is to perhaps contact the Ministry of Health in terms of their availability to deal with this report with us.

1600

The Chair: And you're having difficulty with that?

Mr Tascona: No, I don't. I think it's prudent to do that. We shouldn't be setting a date without having contact with them first. I agree with you.

The Chair: All right. So—

Ms Mushinski: May I ask a question perhaps of the clerk. In the past, under section 21(4), after recommendations have been sent to the Premier and then a report filed with the assembly through the Speaker, has it been the normal practice to refer it to a standing committee?

Clerk of the Committee: Under the standing orders that govern this committee, the reports of the Ombudsman are referred to this committee. Prior to this committee having the mandate to review Ombudsman's reports, they were referred to the standing committee on the Ombudsman and, prior to that, to a select committee on the Ombudsman.

Ms Mushinski: OK, and in so doing has it been the normal practice for the committee to schedule as quickly as possible a meeting with both the Ombudsman and the ministry affected?

Clerk of the Committee: My understanding is that the committee has attempted to schedule consideration as soon as it can. Of the last four case reports considered by the committee, two were considered within about a week—certainly under two weeks—of the tabling of the report, and two of them, tabled just before a recess, were not considered until a couple of months later.

Ms Mushinski: OK.

Mr Tascona: I would suggest, Madam Chair, that we advise the Ministry of Health and Long-Term Care that we've received this report from the Ombudsman and would like to set a date for consideration if they could provide us with dates.

The Chair: All right.

Mr Kormos: I understand the need to accommodate the folks involved, but the Ministry of Health is well aware of the issue before the Ombudsman and far more intimate with the procedure than any of us probably ever

will be. There are two stages to the initial open inquiry—that's the open stage. One is to speak to the Ombudsman and the other is to get responses from the organization involved, to wit, Ministry of Health. Surely the committee can entertain the Ombudsman, who appears prepared to be here on June 21. Quite frankly, it would be valuable for the Ministry of Health. They'd sit in then and hear what the Ombudsman—and if the Ministry of Health says, as they have every right to say, "We need more time to prepare a response," God bless. I don't see how that's problematic. This is even fairer, then, to the Ministry of Health, because they'd know what the Ombudsman is going to say in response to any of you people.

I'm encouraging the committee once again to start the process on June 21, when the Ombudsman says he can be here. Advise the Ministry of Health. If they can start participating, fine. If not, I submit the committee then has to consider a request for a postponement or adjournment of the matter by the Ministry of Health.

Mr Tascona: I don't see any difficulty with that, in terms of advising the ministry that we're going to invite the Ombudsman for next week. If they're available to participate or attend, they're welcome to do that.

Mr Lalonde: Or if they want to make comments before we meet. But I agree that we should invite the Ombudsman for next Thursday and advise the ministry about it, and if they have any comments they will have to send them to us prior to that meeting.

Mr Tascona: Well, the way it reads to me, there's a formal process here in terms of—but what I'm hearing here from the clerk is that we meet in open session to consider the report. The invited witnesses are heard in the following order: first, the Ombudsman, whom we are looking to invite, and, second, the government organization involved. It doesn't anticipate comments before they come in. I would propose that we follow the procedure and meet with the Ombudsman next week and also advise the Ministry of Health and Long-Term Care that that is our intention and ask them to attend. If they wish to participate at that time, they can, or at a later date.

The Chair: Is somebody going to move a motion? Or, you've moved receipt and to invite them both?

Mr Tascona: Yes.

The Chair: OK, with the proviso that if the governmental organization chooses only to observe and not participate, you're going to give them another date at another time?

Mr Tascona: Well, whether they're able to participate at that time—the Ombudsman may not be finished. He may take up the whole session. If he doesn't, they may indicate to us prior to that, if they wish, whether they can attend in full participation or whether they wish to hear him and then participate at a later date.

Mr Kormos: I don't want to make something so simple more complicated. As I understand it, Mr Tascona is proposing that basically the consideration of the case report begin June 21, as simple as that, recognizing that

the Ministry of Health may request a postponement of their presentation as witnesses, at which time the committee will entertain that request.

Mr Tascona: Certainly we're going to entertain it at that time.

The Chair: Is there any more discussion on that motion?

Mr Tascona: That's basically it, but we're going to have to notify them that that's what we're going to do: we're going to consider the report; the Ombudsman is invited; they're invited; if they're in a position to fully participate on that date, they can; if not, then they will advise us of another arrangement or date.

The Chair: All in favour of that motion? Carried unanimously.

The next item: apparently there are twice-a-year reviews with the Clerk and the Sergeant at Arms, pursuant, as you see, to a requirement of the Board of Internal Economy. The question is, when would the committee like to do that? It is possible to do it in the last week of June. It is also possible to schedule it for the fall.

Actually, we should really be looking at 3 and 4 together. One thing I want to say about 4, the annual review of the television broadcast system, is that we may want to leave that until we have completed our review of enhancements, if any, to the use of technology in the House, because it may involve the broadcast system—it may not. It makes sense to perhaps leave that annual review of the television broadcast system until the late fall, hopefully when we've done some work.

Mr Kormos: It seems to me that if you're commencing the review or consideration of the Ombudsman case report on the 21st, you may find that flows naturally into the next meeting, which would be the meeting time contemplated for this. It seems to me you should reserve that time in case it does, because if you get your motion from the chamber, presumably part of your summer is going to be occupied with that. Items 3 and 4, subject to what other people might say, don't have any urgency attached to them, whereas the other two have time frames. I'm just suggesting that both 3 and 4 be deferred until the fall.

Mr Tascona: I would agree with that.

Mr Kormos: This is record-breaking.

1610

The Chair: Any further discussion? Mr Kormos has moved that 3 and 4 on our agenda be deferred for scheduling in the fall. All in favour? Agreed unanimously.

Item 5: we really dealt with that, I think, at the outset. Hopefully we'll have that motion through the House and confirmed for us next week.

Item 6 is attendance at the National—something—of State Legislatures. What does the "C" stand for?

Clerk of the Committee: Conference.

The Chair: I missed the magic word: the National Conference of State Legislatures' annual meeting in August.

Ms Mushinski: Is it going to be in Alaska?

The Chair: No. My understanding is it's going to be somewhere that's hotter than where we are today.

Mr Lalonde: San Antonio, Texas.

The Chair: San Antonio, Texas. We'll hand you out the budget report so you can decide whether all members of the committee should go or subcommittee members. I shouldn't have said "subcommittee"; I should have said all members of the committee or four members of the committee, which could be anybody.

Mr Tascona: Is this in Canadian or American dollars?

The Chair: I don't know. The clerk will advise us of that when he gets back to his seat.

We should also advise you that last year the entire committee attended this particular conference, and the people I've heard from found it quite valuable. Jean-Marc, you were there, so you might like to comment.

Mr Lalonde: Yes, and we got a benefit out of it. After attending some of the workshops, we introduced this system in our own riding, which has created jobs.

The Chair: Oh, good.

Mr Kormos: This is San Antonio, Texas, in August?

The Chair: Yes.

Interjection.

The Chair: That's what I said. It's hotter than here today.

Did you attend last year, Mr Tascona?

Mr Tascona: No, I didn't go. I can't go to this one either.

Mr Ouellette: What has the precedent been for this committee? You mentioned last year, but in previous years?

Mr Tascona: There wasn't. It's my understanding that it was the first one they've gone on in a number of years.

Clerk of the Committee: That's quite correct. The previous attendance officially had been subcommittee attendance in Cincinnati, I believe, in 1994. Prior to that it was the subcommittee in Orlando, Florida, in 1993, I believe. Over the course of many years, the predecessor standing committee on procedural affairs, and then this committee, had a long association, with full attendance by committee most of the time, occasionally subcommittee only and in some years no attendance.

The Chair: So as I see it, we probably have at least three options here: the full committee, a number of members, or not to attend at all. One other aspect we are anticipating is that because of the nature of the mandate that has been given to the committee in terms of the use of technology and procedural advancements, or whatever term you want to use, to enable private members to fulfill their responsibilities, we will need to do some travelling to other Legislatures and places of government assembly. I bring that to your attention because of the financial outlay for this, some of which may possibly be better used—that's up to you to decide—to cover the consequences of doing research in other meeting places, looking at that other mandate.

Mr Arnott: In light of that, Madam Chair, I'd like to move that only the subcommittee be authorized to attend this conference.

Mr Lalonde: I'll support that.

The Chair: That would be four members. Are you going to define it as the subcommittee or four members?

Ms Mushinski: Up to four members?

Mr Arnott: I think four members, one being the Chair and one representing each recognized party in the House.

Mr Lalonde: Should we not have the subcommittee instead of four members?

Mr Arnott: I'm just concerned about the cost. I really don't care. Do you feel strongly that it should be the subcommittee, Jean-Marc?

Mr Lalonde: It's because we are the ones who have to meet once in a while outside when it is not the committee.

Mr Arnott: Well, the subcommittee, and if a designated party's subcommittee member is unable to attend, perhaps another person could be designated to sub in as a subcommittee member. Would that be OK?

Mr Kormos: I support that.

The Chair: OK. What is the motion now?

Mr Arnott: That four members be authorized to attend the conference, one representing each party, as well as the Chair.

The Chair: I would prefer not to name the Chair as having to go.

Mr Kormos: May I be helpful perhaps? One member from each caucus, plus the Chair or its designate. I said "its" to be gender-neutral.

Ms Mushinski: I'll have you know that Margaret is not an "it."

Mr Kormos: I'm just trying to mind my Ps and Qs.

The Chair: It says here one staff, and that would be, I imagine, up to the clerk's department to decide. Right, Doug?

Is there any more discussion on this? Is there any more discussion on Mr Kormos's motion, I guess, because it is a little clearer?

Mr Kormos: OK, but I thought Mr Arnott had adopted that as a friendly amendment.

The Chair: Could you read that motion, please?

Clerk of the Committee: Mr Arnott moved that the committee request authorization of attendance at the National Conference of State Legislatures' annual meeting of four members of the committee, including one representative of each caucus and the Chair or designate.

The Chair: All in favour of that? Opposed, if any? Was that three to two? Was it carried?

Ms Mushinski: It was four to two, actually, Madam Chair.

The Chair: Thank you.

Mr Lalonde: What was the result of the vote?

The Chair: It was passed by four to two.

Is there any other business to bring before the committee? OK. All in favour of adjournment? Thank you. We are adjourned.

The committee adjourned at 1619.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

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