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**Official Report
of Debates
(Hansard)**

Tuesday 16 February 2016

**Journal
des débats
(Hansard)**

Mardi 16 février 2016

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 16 February 2016

Mardi 16 février 2016

The committee met at 0901 in committee room 1.

The Chair (Mr. John Fraser): Welcome back to another session. It's good to see all of you. Did I interrupt something?

Mrs. Marie-France Lalonde: We're just watching the Speaker.

Mr. Randy Pettapiece: Look at his beard.

The Chair (Mr. John Fraser): Sorry to interrupt.

Mrs. Marie-France Lalonde: Sorry.

The Chair (Mr. John Fraser): Welcome back to public appointments in government agencies. It's good to see everybody.

SUBCOMMITTEE REPORT

The Chair (Mr. John Fraser): As our first order of business, we have a subcommittee report. Can I have someone put that forward? Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you, Chair. I move the adoption of the subcommittee report on intended appointments dated Thursday, February 4, 2016.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. Any discussion? All in favour? Opposed? Motion carried.

INTENDED APPOINTMENTS

MR. CAL McDONALD

Review of intended appointment, selected by official opposition and third party: Cal McDonald, intended appointee as member, Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario.

The Chair (Mr. John Fraser): We have two appointments today to consider. Our first intended appointee is Cal McDonald, nominated as member, Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario.

Mr. McDonald, can you please come forward? Thank you very much for being with us this morning. You'll have time to make a brief opening statement. Any time that you use for your opening statement will be taken from the government's time for questions. The questioning will begin with the official opposition. Mr. McDonald, you may proceed.

Mr. Cal McDonald: Thank you, Mr. Chair and fellow committee members. It's a privilege to have the oppor-

tunity to provide some introductory comments regarding my experience and qualifications.

I have 30 years' experience at the management senior executive level with the Ontario public service. I retired in 2013 as assistant deputy minister with the northern development division for the Ministry of Northern Development and Mines. My responsibilities included, but were not limited to, the oversight of four agencies: the Northern Ontario Heritage Fund Corp., Ontario Northland Transportation Commission, Owen Sound Transportation Co. and Northern Ontario Grow Bonds Corp.

I was the ministry executive lead for the development and implementation of ServiceOntario in northern Ontario. I co-led the development and implementation of a 25-year growth plan for the north, and was executive lead for the economic recovery of the community of Elliot Lake following the mall collapse. I was responsible for the northern highways transportation program, including the four-laning of Highway 69. I developed and implemented an integrated approach to economic development in northern Ontario. I was also the ministry executive lead for the development of the Northern Ontario School of Medicine. I implemented recruitment strategies for health care professionals including bursaries, incentive grants, medical/dental clinics, health recruitment tours, eye/dental plans, etc.

Ensuring effective governance was my primary responsibility. My engagement encompassed all aspects of governance, including legislation, policies, programs, strategic planning processes, accountability, decision-making transparency, performance evaluation, and consultations, of course—people and relationships.

My education background includes a master of science degree, an honours bachelor's degree of physical and health education, and certificates from Queen's policy for executives and Western's Ivey executive business program. I believe that my education and diverse background would be an asset to the council.

To gain a better understanding of the council, I reviewed the college's website, mandate, the governing legislation, including the Regulated Health Professions Act and the Traditional Chinese Medicine Act, annual reports, current challenges, committees and reports.

In conclusion, if approved as a public appointee, I believe that I can contribute to the council's mandate of providing accessible, safe, competent and ethical traditional Chinese medical services and would accept my responsibility to serve and protect the public interest.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonald.

Mr. Bailey?

Mr. Robert Bailey: Thank you, Mr. McDonald, for appearing here today. I've got two or three questions here.

According to news articles, there have been practitioners and organizations practising traditional Chinese medicine without licences. The Ontario Superior Court has ruled they must stop this practising. We know from experience that this has been a serious problem, with some organizations even pretending to be regulators of Chinese medicine. How do you see the college, if you're a member, being able to stop that and clamp down on these actions?

Mr. Cal McDonald: I think there's a process well under way to manage that in terms of making sure that everyone is qualified. Obviously, the bottom line is, there can be no risk to the public, to the patient in general, and that can't be compromised. I do think there is a due diligence process in place: that you have to be certified through the college to practise, and if not, you go to court. And there's the act itself, the Chinese medicine act; there are a few provisions in there for fines, and otherwise where you can't practise.

I think there are the rules of law to enforce. Either you're registered with the college, have been validated as being certified and have the appropriate experience and you practise accordingly—you're following the standards of practice that have been outlined by the act—or, if not, you don't practise.

Mr. Robert Bailey: This board would certainly be a different type of work experience—

Mr. Cal McDonald: Yes.

Mr. Robert Bailey: —than what you've been involved with most of your career with the public service. Can you explain why you have decided to apply to this board and if you have any experience—I didn't see it in your resumé, but maybe you do—in the field of traditional Chinese medicine or acupuncture?

Mr. Cal McDonald: In the field of Chinese medicine and acupuncture, I have no experience. I'm a public appointee. I assume they have technical people that are expert in that area, but I do consider myself more of an expert in the aspect of governance. I know it's a far reach from four-laning a highway to Chinese medicine, but in the context of governance, accountability, transparency, processes, value for money, people, relationships—all of those things transfer from one sector to another.

Mr. Robert Bailey: Okay. This is back to your former career, specifically being involved with the sale of Ontera: It's my understanding that there were significant job losses in northern Ontario, and I've seen articles where it said that it cost the taxpayers at least \$61 million. Do you feel that the—well, I guess you had to implement it; you were the deputy minister at the time, so obviously you supported it. Do you see any possibility that the public could have a lack of trust because of decisions that were made there and now in this new role

that you'd have to implement if you were a board member?

Mr. Cal McDonald: Not at all. No, I would have a hard time drawing that connectivity. Ontera's been around for 114 years—not Ontera; the ONTC, pardon me—so they have a long history. With over 1,000 employees, the overall ONTC is a huge employer for northern Ontario. It provides a transportation network, the Polar Bear Express, into Moosonee, Moose Factory—critical, critical infrastructure. The decision was made by the government of the day to send Ontera back to the private sector, to cancel the passenger train, and I guess it reaches a level of what level of subsidy is acceptable. But making some translation, if that's what you're inferring, in terms of the decision on Ontera, and that that would somehow impact or skew someone's perception of my abilities on this council, I would have a difficult time connecting those dots. I think the rest of my resumé will stand for itself.

Mr. Robert Bailey: I guess, to sum up—did you have anything right now?

Mr. Randy Pettapiece: I just wanted to continue on with that question, if I could.

The Chair (Mr. John Fraser): Sure. Mr. Pettapiece.

Mr. Randy Pettapiece: I can understand your answer to that question, certainly, but you were connected with it, as the deputy minister—

Mr. Cal McDonald: Assistant deputy minister.

Mr. Randy Pettapiece: I'm sorry, assistant deputy minister. You can understand, if the public is following these proceedings, especially those from the north who see that you were there when this happened, that it can be inferred—it's just an inference here. It's what the public perceives as to maybe what's happened, because ministers do take advice, I'm sure, from their civil service. That's why I believe my friend Mr. Bailey asked that question. It may be something that you might have to get over.

0910

I have a question here. The college has dealt with a number of issues in the legal system. Do you foresee any particular challenges confronting the college in the short- or long-term future, and how can you contribute to responding to these challenges?

Mr. Cal McDonald: I think in the future, quality assurance, as the other honourable member had mentioned, will be an issue. That's going to be ongoing. People would have to be certified by the college, and I think there has to be a due diligence process in place to maintain that.

There will be an evolution over time. There is now an emphasis on wanting to have accreditation as doctor. I would think that would probably evolve to specialists, other fields of specialty and wanting to advertise those services. That will no doubt evolve over time as well.

I would think there would be a stronger inclination to build more synergies in alignment with the other 28 health professions that fall under the Regulated Health Professions Act. There would be some natural synergies

in how they could join together in clinical training or in different areas. So I think that will evolve over time as well.

My particular involvement in that: From a public-interest point of view, their health, their safety, can't be compromised, so you obviously have to have an accredited, certified practitioner in place, and I think the college has a mechanism in place to do that.

Moving forward, if there was, for example, a trend to expand the focus or scope of the area of practice—currently the Traditional Chinese Medicine Act has a very defined scope of practice. Obviously, you have to open up the act, and there would be a huge change in the rules of law. There's an incredible process to do that.

I'm obviously very familiar with the government and its processes—due diligence and how that works. I see the big picture. I very much spent my career in risk analysis, doing analytics. I think I have a good lens. I think my value would be really looking at what the downside would be: “You can do this. You can do that. Here are the pros and cons.” That was my career for 30 years. The government of the day—I worked for all parties over 30 years. I gave them all fearless advice: “That may be your recommendation, but here are some pros and cons and here are some alternatives that may be more value for money, may be more efficient and much easier to implement.”

Mr. Randy Pettapiece: I think you said previously that you rely on those in the know, people who knew about the business of Chinese medicine, to do this.

Mr. Cal McDonald: Clearly.

Mr. Randy Pettapiece: As I understand it, you would be making your decisions on advice that you receive from those people, who are supposed to know what they're talking about. Is that how you're going to define your job?

Mr. Cal McDonald: Yes. A self-regulated profession. I get information from them. One thing I always do is, I do a jurisdictional review: What's happening in BC and Quebec and Newfoundland? What has been their experience? What has been going on in other countries, other jurisdictions?

When I move forward, if I'm looking at legislation, I've always had the benefit of lawyers and policy advisers. I've always had their input as well. That's one good thing about government: There's an incredible amount of expertise that you can draw upon. You can never take credit for—even my resumé, I can't take credit for that; obviously, there are hundreds of well-qualified, competent people who allowed me to achieve any of those things. You really have to rely on all of that expertise around you.

Mr. Randy Pettapiece: Okay. Thank you, Chair.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. Mr. Gates?

Mr. Wayne Gates: Good morning, sir.

The Chair (Mr. John Fraser): Good morning, Mr. Gates.

Mr. Wayne Gates: Welcome back, everybody. Happy new year.

How are you doing, sir?

Mr. Cal McDonald: Very good, thank you.

Mr. Wayne Gates: Very good. Cal, I've just got a couple of questions here. Again, we are provided some information. It was submitted to the PAS that you don't seem to have much experience in the field of traditional Chinese medicine. Given that, I'm interested to know what led you to seek this particular appointment.

Mr. Cal McDonald: I've always had a keen interest in health, starting with my educational background. I was a manager of health policy at one time. I had the advantage of working—the Ministry of Northern Development and Mines had a geographic mandate, so we basically we were involved in everything; we stepped on everyone's toes. You're interpreting everyone's legislation. I worked very closely with the Ministry of Health and Long-Term Care in the north. It's probably the number one issue in the north, next to jobs. As the demographics shift, it's probably going to be health. You can assume that if you're unemployed and you don't have a pension, it's your health. It'll probably become the number one priority; if it isn't now, it's very close. So it has always been very close to my heart.

I was very much involved in the med school. I spent years on the whole recruitment of physicians, allied health professions and PT/OTs across northern Ontario. I did apply to the North East LHIN as well, and something else—I think it was called HealthForce.

Mr. Wayne Gates: Yes.

Mr. Cal McDonald: But I did apply to the North East LHIN as well, the local health integration network. So I've always had an interest in health, and I still do today. I do a lot of reading in the area. It's just that, through my career and as things developed, I ended up spending a lot more of my time in economic development, but I ended up in a position where I could cherry-pick occasionally and spend a little more time in the health files that made sense.

Mr. Wayne Gates: I'll certainly agree with you that health is one of the biggest issues, not just in the north—

Mr. Cal McDonald: It's huge.

Mr. Wayne Gates:—but right across the province of Ontario. The cuts that we're going through are certainly challenging.

The other thing that I'll just add: I'm the transportation critic and the north has lots of issues. I saw that you did some work there. The north certainly has lots of challenges with their roads as well.

Do you use, or have you ever used, traditional Chinese medicine on a regular basis? And what services?

Mr. Cal McDonald: I think a bit of acupuncture on a hip, modalities of that nature, but I haven't been a practitioner of the services, no. I have limited services of any kind—

Mr. Wayne Gates: So it wasn't on a regular basis?

Mr. Cal McDonald: No.

Mr. Wayne Gates: Did your hip get better?

Mr. Cal McDonald: Yes. Well, better—it's not perfect.

Mr. Wayne Gates: Well, no disrespect, sir, but as we get older, our hips don't come back. I played a lot of sports; I can relate to it.

Mr. Cal McDonald: I think it's called rust.

Mr. Wayne Gates: Yes, it is.

Many practitioners of traditional Chinese medicine will understandably want to study, or will have studied, overseas rather than in Canada. As part of the regulated body for the profession, you'll be required to help ensure that anyone educated overseas meets Canadian standards. How will you handle the balance between ensuring practitioners meet Canadian standards and also ensuring that they will be able to conduct their practice in a manner that they have been trained to do, with the number one issue being, obviously, public safety?

Mr. Cal McDonald: I agree: It's a challenge, and you have to show extreme sensitivity. But you made the key point, that the bottom line is public safety. That's the baseline that we have to work from. Then you work back from there and see if you can't determine a process of qualification, maybe upgrades, or various steps of certification that people could go through to practise—language etc. At the end of the day, there can be no compromise to public safety or their individual health. Obviously, it has its own unique features, but medical doctors as well come from other jurisdictions and have to be recertified and go through before they can be placed within the health care system in Ontario. So there are well-established procedures to do that. I think, from my perspective, it's really being that lens to make sure that there isn't any compromise, that no one's going to get an inferior level of care, or anywhere that they would be compromised because this person hadn't had the appropriate training or had subliminal qualifications. That's not acceptable.

Mr. Wayne Gates: Traditional Chinese medicine: Do you believe it's growing in Ontario?

Mr. Cal McDonald: Is it growing?

Mr. Wayne Gates: Growing—more people using it as a—

Mr. Cal McDonald: I think, nationally and internationally, all of the alternative medicines are probably gaining more traction as they gain credibility in terms of people who are being healed or different modalities that are actually working for them in combination with traditional medicine. So I think it has its place.

Mr. Wayne Gates: Do you feel or foresee any particular challenges confronting the council in the near future? And how does the witness expect to contribute to responding to these challenges?

Mr. Cal McDonald: I think the language will be an issue, French or English. I think there has to be, obviously, some training and there has to be a program put in place to show that there is some developmental work being done to make that transition take place.

I saw a court ruling in one of the minutes, an individual—one of the council members said that, because of the sensitivity, she should be able to speak that language, but somehow there would be a translation into the health

care system. That was a bit disconcerting when I read that statement, when you think of how things can be mistranslated if you're going through a doctor or going through a nurse or going through a pharmacist or going to a hospital. So those things would have to have very, very strict—from my perspective, very rigorous—checks and balances that the care is not being compromised. So language would be an issue.

0920

As I mentioned earlier, I think that there is going to be pressure to expand the scope over time. I would think that's a natural evolution. I'm not reading tea leaves; I think it's just a natural evolution of any profession. That would have to be looked at very carefully through a professional lens and in terms of the whole health community, where it would fit and how it would apply.

Other specialties: I would think at some point the health practitioners will want to say, "Yes, I'm a Chinese practitioner of traditional medicine but I have a specialty in dermatology" or something—in endocrinology or whatever one of the specialty areas it might be. So there might be some evolution happening in that area as well that the board would have to get in front of on certification and who is qualified and how it would be registered and, again, protecting the patient at all costs, that they were going to get the service that they were entitled to in a timely fashion.

Mr. Wayne Gates: Yes. The most important part here is the patient, and the scope is one that I think you'll really have to watch.

Mr. Cal McDonald: Oh, clearly, but I think it's out there.

Mr. Wayne Gates: It is out there, but it's out there with a lot of other professions as well.

Mr. Cal McDonald: Yes.

Mr. Wayne Gates: Everyone wants to expand their scope. That's kind of where we are heading, right?

Mr. Cal McDonald: Yes. One of the minutes did reference where they had some synergies between a number of the 28 health professions, where the traditional Chinese medicines and others have worked together in clinical training. I thought that was excellent. Theoretically, that makes sense; yes, okay. But from a practitioner's point of view, that doesn't always happen. So that was excellent, and I think there could be a lot more work done in that area because, really, you're being treated by a team, and if they're all working together and they're sharing the same patient and have the same kind of clinical processes, the same kind of filing, it allows the flow of information and makes it a lot easier for the patient to move among those team members. I think there will be more of that in the future. Just by necessity they're going to be forced to do it because it's the same patient, right?

Mr. Wayne Gates: Yes, it is. Thanks very much. I appreciate it.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Madame Lalonde.

Mrs. Marie-France Lalonde: Thank you very much, Mr. Chair, and good morning, Mr. McDonald. How are you doing?

Mr. Cal McDonald: Very good, thank you.

Mrs. Marie-France Lalonde: I want to say thank you for all your years working as a public servant. I know you mentioned 30 years. You bring great knowledge, I am sure. As I understand, you will be sitting as a public member on this new board. How will those 30 years of experience as an ADM, at the end of your career, help our college?

Mr. Cal McDonald: With my 30 years, it's the experience, the expertise, the skill, and, like I said, it really doesn't matter if you're dealing with infrastructure or you're dealing with—all the elements are going to be the same: the accountability, the decision-making and that broader context of governance: how things are done. I've always had a keen interest in the client, how they're served in a timely manner and if they're getting value for money.

I'm interested in a self-regulation context, how that works. That was of interest to me as well, when I looked at the colleges and how they're governed. The ABCs of government are a huge part of the government's mandate and budget, so it's interesting to look at governance in that context. I think that's what I can bring to the table. I can bring that value, that experience, because most of those things I've done before in one shape or another.

Mrs. Marie-France Lalonde: Very good. Thank you very much, and we look forward to seeing you at this college.

The Chair (Mr. John Fraser): Thank you very much, Madame Lalonde.

Mr. McDonald, thank you very much for appearing before us this morning. We will consider the concurrences at the end of this meeting. You're welcome to stay. You may step down now. Thank you very much.

Mr. Cal McDonald: Sure. Thank you.

MS. SANTINA MOCCIO

Review of intended appointment, selected by official opposition party: Santina Moccio, intended appointee as member, Animal Care Review Board (Safety, Licensing Appeals and Standards Tribunals Ontario).

The Chair (Mr. John Fraser): Our next intended appointee is Santina Moccio, nominated as member, Animal Care Review Board (Safety, Licensing Appeals and Standards Tribunals Ontario). Ms. Moccio, can you please come forward? Thank you. Have I pronounced your name correctly?

Ms. Santina Moccio: You did. Yes, you did, sir.

The Chair (Mr. John Fraser): Thank you very much for letting me know that.

You will have time to make a brief opening statement. Any time that you use for your opening statement will be taken from the government's time for questioning. The questioning will begin with the third party.

Thank you very much, and you may begin.

Ms. Santina Moccio: Thank you. Good morning, Mr. Chairman and members of the standing committee. I appreciate the opportunity to appear before you regarding my candidacy as an intended cross-appointee to the Animal Care Review Board.

I'm an experienced independent adjudicator. I'm a member of the Society of Ontario Adjudicators and Regulators. I was selected to serve on the Ontario Parole Board through a competitive, merit-based competition in 2007.

The Ontario Parole Board is a tribunal under the same cluster structure of Safety, Licensing Appeals and Standards Tribunals Ontario, as designated by the Adjudicative Tribunals Accountability, Governance and Appointments Act, or ATAGAA.

I have successfully discharged my duties as an independent, unbiased adjudicator to meet the Ontario Parole Board's mandate dedicated to the process of promoting public safety by making responsible decisions and assisting with offender reintegration.

Prior to this, I worked as a legal assistant and as a law clerk since 1989. Throughout the years, my education and professional life have remained within the legal realm. I have a great deal of experience in chairing hearings, formulating and writing decisions, applying policies, procedures, statutes and guidelines. I have analyzed expert reports. I have adjudicated and composed written decisions along with the rationale to support them. I consider the evidence of witnesses, experts and victims when preparing for and considering cases.

My experience has allowed me to develop the skills necessary under tight timelines to analyze information and render a decision immediately following the hearing. I follow policies and procedures to ensure issues are clearly identified and communicated. I conduct hearings that set the tone for equal, active and open dialogue and information exchange. I've been fortunate enough to conduct hearings both in person and by video in a dignified manner, without bias or prejudice, showing respect and fairness for all parties.

My experience and ongoing training while a member of the Ontario Parole Board has further enhanced my skills and abilities. My role has grown progressively within the Ontario Parole Board. I'm often called upon to sit on complex hearings and to chair high-profile hearings. My reviews have been positive.

I participated in aboriginal circle hearings, hearings of female offenders and hearings with victims present. I've received training on mental health related issues. As a result, I'm acutely aware of how mental health can impact one's life. I have received training in cultural diversity, risk assessment and concepts of administrative justice, among other training modules. My hearings have included unrepresented parties and those with their lawyers present.

I find that there are many similarities in the adjudicative process, regardless of the purpose or subject under which it's being carried out. Cross appointments allow for the benefit, skill and insight of experienced adjudicators.

cators like myself to apply our knowledge in various other boards, such as the ACRB. My adjudicator training and experience are immediately transferable to the ACRB or any other board within the cluster.

Over the last few years, under the legislation of ATAGAA, administrative responsibility for several adjudicative tribunals was transferred to a cluster structure. This initiative promotes efficiencies and access to justice, and has promoted a more user-friendly manner within which to resolve disputes. The courts are indeed backlogged, and individuals may find the court system expensive, daunting or intimidating. Clustering and administrative justice offers a more accessible, more cost-effective way to address the dispute, especially for self-represented individuals.

Another benefit to clustering is the opportunities it creates for capacity within and across the tribunals. This increased capacity can come from enhanced professional development, and it can also come from having more members to assign to hearings. Cross appointments of members to sit on two or more tribunals within SLASTO can provide benefits in both these particular areas.

I've received, as I mentioned, Ontario Parole Board-specific training, but I've also received SLASTO cluster-wide training offered by our executive team under the leadership and guidance of our executive chair. I have attended all professional development conferences, and as such, in addition to training, I've become familiar with the work of the other tribunals within our cluster.

I am interested in this appointment to the ACRB to apply my transferable skills to a new board and to broaden my knowledge and adjudicative experience. I'm very enthusiastic about our new cluster and wish to take advantage of the opportunities that the structure offers in providing individuals in our communities throughout the entire province with accessible, fair and respectful dispute resolution.

0930

To prepare to serve on the ACRB, I reviewed its mandate, its mission, and I'm aware of its legislation; that is, the Ontario Society for the Prevention of Cruelty to Animals Act. In addition, at our cluster's most recent training conference, I attended a session focused specifically on the work of the ACRB. With specific regard to animal care and my exposure to that, my hearings for the Ontario Parole Board have also included offenders incarcerated for animal-related offences.

As you've seen from my resumé, I am a long-time community volunteer. My CV outlines the breadth of my experience in community involvement over many years. This includes serving on boards and committees for the Hamilton Police Service, literacy organizations, children and youth, women's issues and the marginalized. I was a finalist for the YWCA Hamilton 2009 woman of the year award for community service. My volunteer experience is varied and demonstrates my versatility and adaptability.

With regard to individuals appearing before the ACRB, I understand that this can include members of the

farming community. My experience with the farming community comes from serving as vice-chair of the Hamilton Conservation Authority. To address farmland-related concerns, under my leadership we created a liaison committee including key Hamilton Conservation Authority staff and also including members of the local farming community to engage in outreach, education and feedback exchange.

I am confident that my skill set and experience mentioned make me an ideal candidate for this cross-appointment, and I thank you for your consideration.

The Chair (Mr. John Fraser): Thank you very much, Ms. Moccio. Mr. Gates?

Mr. Wayne Gates: Good morning. How are you?

Ms. Santina Moccio: Fine, thank you.

Mr. Wayne Gates: That was a very good presentation.

Ms. Santina Moccio: Thank you.

Mr. Wayne Gates: Do you have any pets of your own?

Ms. Santina Moccio: Not at the moment, but I have in the past. I've had pets as a child, and as an adult as well, but at the moment I do not.

Mr. Wayne Gates: Okay. As a member of the Animal Care Review Board, you will hear from individuals who have had their pets seized. Currently in this province, some breeds of dogs are essentially illegal to own and can therefore be removed from their owners. What is your opinion of so-called breed-specific legislation in Ontario?

Ms. Santina Moccio: With regard to the legislation, one must follow the legislation. If a specific breed is prohibited, then it would be removed.

Mr. Wayne Gates: That's your opinion?

Ms. Santina Moccio: That's my knowledge.

Mr. Wayne Gates: I think you might even have touched on this, but maybe you can elaborate, if you like: In your 18 years in the legal profession, mostly in the area of criminal law, from what I see, were you ever involved in a case that involved an animal attack? Were you involved in any other cases that might be relevant to your role on the board?

Ms. Santina Moccio: During my professional life prior to my adjudicating life, no, there weren't criminal matters involving animals. However, as I mentioned in my intro, cases before the Ontario Parole Board—my hearings in particular—have included those incarcerated under the OSPCA Act for mistreatment of animals.

Mr. Wayne Gates: What do you believe are the major challenges to be faced by the ACRB in the foreseeable future?

Ms. Santina Moccio: One of the challenges, I believe, would be its perception of heavy-handedness. The whole experience can be very daunting, especially for self-represented parties involved, those without a lawyer.

The ACRB process also, I know, has very tight timelines. An appeal must be launched within, I believe, five days of the animal being seized, and then a pre-hearing conference needs to happen within 10 business

days of that. A way in which to mitigate that would be to change that perception. The ACRB has moved in the direction of conducting pre-hearing conferences in an effort to resolve the issues at hand before it gets to a hearing stage.

Mr. Wayne Gates: So you'd like to see it being a little more open and transparent, particularly for people who don't have the money to get a lawyer? There have to be other ways to do it.

Ms. Santina Moccio: Absolutely.

Mr. Wayne Gates: Okay. Thanks very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Mr. Rinaldi?

Mr. Lou Rinaldi: Yes. Thanks very much. Sorry.

Interjection.

Mr. Lou Rinaldi: What are you talking about?

Mr. Wayne Gates: Sorry. Go ahead.

Mr. Lou Rinaldi: Thank you very much for being here today. Obviously, your presentation, as my colleague mentioned prior to me, was quite impressive.

Ms. Santina Moccio: Thank you.

Mr. Lou Rinaldi: Can you maybe elaborate a little bit, from your experience—oh. Sorry. I'm on the wrong page here. I apologize.

Your role that you play now, as an adjudicator: Can you emphasize a little bit more how that would best serve the role that you're hoping to fulfill?

Ms. Santina Moccio: Absolutely. The skill set required is that of fair, unbiased adjudication and mediation—I have nearly a decade's worth of experience in that—especially given that more self-represented parties are going to mediation and prehearing conferences in an effort to avoid the court stage.

As I mentioned before, courts are backlogged. It's very expensive and it can be very intimidating for those who don't have legal representation. My experience includes all of the training I've received that I mentioned in my introduction and it includes—the majority of the hearings that I adjudicate on are with self-represented parties. They don't have their lawyers present. It can be very emotional. I'm very well aware and experienced in mental health issues that could tie into that. I believe my skills, as I've described them, are immediately transferable to the ACRB.

Mr. Lou Rinaldi: Thank you. You mentioned just a minute ago about the emotional piece. I know that with some folks, animals—well, the same as human beings. It becomes an attachment.

Ms. Santina Moccio: A member of the family.

Mr. Lou Rinaldi: That's right; a very emotional attachment. We had two dogs and three cats at one time in my house. I know how that feels.

So you feel your skills will be able to separate the emotion from the issue?

Ms. Santina Moccio: Absolutely. Again, my experience is in conducting a fair hearing. It includes experience in conducting a respectful hearing for all parties involved. I make sure that the party involved understands the proceedings, understands what's going on, and I

render my decision in clear, plain language. I make sure he or she understands that throughout the entire process.

Mr. Lou Rinaldi: Thank you very much. Thank you and good luck.

Ms. Santina Moccio: You're welcome. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Mr. Pettapiece.

Mr. Randy Pettapiece: May I ask the proper pronunciation of your last name?

Ms. Santina Moccio: It is Moccio.

Mr. Randy Pettapiece: Moccio, okay. Thank you. I have a long name and I get asked stuff like that all the time.

Anyway, I didn't hear a lot of agriculture experience in your background. Can you give us an overview of what experience you have in the agriculture field?

Ms. Santina Moccio: Absolutely. I mentioned that, as vice-chair of the Hamilton Conservation Authority, my experience with farmers comes with that. There were issues that came up with respect to crop drainage, for example, when the farmland would abut onto conservation-authority-owned land, and so we struck up a committee approved by the board that included key senior staff of the Hamilton Conservation Authority. We also included members of the local farming community. It was sort of a liaison committee to mitigate any issues before they became large or hard to manage, and it has worked out quite well. It's been a very respectful process and there's information exchange and positive feedback.

Mr. Randy Pettapiece: But you will be dealing—we had a number of issues with the OSPCA. What would the conservation authority experience give you when dealing with animals? I don't understand. You'll be dealing with cases to do with animals.

Ms. Santina Moccio: Correct. My previous answer addressed my experience with farmers, but with regard to animals and the ACRB, as I mentioned to member Rinaldi, the skill set required is fair, respectful adjudication. I have nearly a decade of experience with that. With regard to the emotional aspect, as I mentioned before, animals are considered a member of the family, and I know that, myself personally, I have experience in mediation with regard to my involvement on the children's aid society. This involves parents whose child has been removed from their custody and from their care. So I understand that emotions can run high, and I know how to deal with that.

Mr. Randy Pettapiece: I would suggest that animals are a little bit different than children.

Do you know what downer cow syndrome is?

Ms. Santina Moccio: Pardon me?

Mr. Randy Pettapiece: Downer cow syndrome?

Ms. Santina Moccio: No, I do not.

Mr. Randy Pettapiece: Umbilical ruptures? Do you know what animal that pertains to?

Ms. Santina Moccio: I don't have specific animal experience.

Mr. Randy Pettapiece: I see.

Ms. Santina Moccio: My experience is adjudicative.

Mr. Randy Pettapiece: Many individuals who have to file an appeal to the board cannot afford the legal representation. I think you answered that a little bit over here, but could I hear that answer again? What would you do that would help that out?

Ms. Santina Moccio: Well, once again, it's an effort to resolve the dispute before it gets to the court process. The court process is expensive, and perhaps the party can't afford to hire a lawyer, so this process addresses that fairly, openly, transparently and respectfully.

Mr. Randy Pettapiece: Well, I'll tell you about a case that happened in my riding. I come from rural Ontario. We are very heavily populated with animals, and the OSPCA walked onto this guy's yard—he scared the daylight out of him. He was so frightened that he didn't even go to the legal system; he just paid the fine to get them off of his back. He was doing what we had considered normal farm practices for years, yet somebody decided to not change the rule a bit but to enforce some rules that were on the shady side. The farmers that I know do not disrespect their animals. They feel bad when a cow goes down or when a hog dies or whatever. But there are ways of shipping hogs that aren't going to make it to market, and he was donating that meat to food banks. He shut that process down because he's so frightened of the OSPCA. I have difficulties with understanding—because of your parole board experience, and whatever experience you've had—how someone on this board, with no farming experience and who does not know the issues out there, can do a job with this type of an issue, other than with this type of board. I hope you're not in over your head, but it's difficult for me to understand why anyone who doesn't come from a farming background, or who at least hasn't studied it before they applied to this type of board, would be applying to it.

Why did you apply to this board?

Ms. Santina Moccio: I applied to this board because I'm very interested to apply my transferrable skills to a new board. I want to broaden my knowledge and impartial adjudicative experience—and the adjudicative experience is transferrable to any board within the cluster. I'm enthusiastic about the new cluster and I wish to take advantage of the opportunities that that structure offers while continuing to serve the people in the province.

Mr. Randy Pettapiece: Thanks, Chair.

The Chair (Mr. John Fraser): Ms. Moccio, thank you very much for appearing before us this morning. We'll consider the concurrences right after you step down. You're welcome to stay. Again, thank you very much.

Ms. Santina Moccio: Thank you.

The Chair (Mr. John Fraser): You may step down.

Okay, we will consider the concurrence. Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I move concurrence in the intended appointment of Cal McDonald, nominated as member, Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Any discussion? All those in favour? Opposed? The motion is carried.

Congratulations, Mr. McDonald. Thank you very much.

We will now consider our second intended appointee.

Mr. Lou Rinaldi: Chair, I move concurrence in the intended appointment of Santina Moccio, nominated as member, Animal Care Review Board (Safety, Licensing Appeals and Standards Tribunals Ontario).

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Any discussion? All those in favour? Opposed? The motion is carried.

Congratulations, Ms. Moccio. Thank you very much.

Thank you very much. The meeting is adjourned.

The committee adjourned at 0945.

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