

Montreal Gazette (September 11, 2004)

Kirby's bad judgment

EDITORIAL

Senator Michael Kirby is one of main players in Canada's increasingly politicized and polarized battle over universal health care. He is, it turns out, also a stockholder and director of Extencicare Inc., the private nursing-home giant based in Ontario.

In three transactions last month, Kirby exercised 4,000 stock options in Extencicare. He sold his subordinate voting shares at prices ranging from \$15.41 to \$15.45, after optioning them at \$2.60. In June, Kirby optioned another 4,000 shares. He continues to hold stock and options with a gross value of \$1.17 million.

This comes too close for comfort to what a reasonable person would see as conflict of interest.

The group of "reasonable" Canadians, mind you, does not include the former federal ethics lapdog Howard Wilson, who had declared Kirby free of any conflict because his groundbreaking 2002 Senate report on health care was not binding on the federal government.

Wilson failed spectacularly during his tenure as ethics commissioner to uphold minimal standards of conduct. His position on Kirby is no exception.

There is the further problem Extencicare might not be a model of health care. In September 2000, a U.S. jury awarded \$3 million in compensatory damages and \$17 million in punitive damages to the estate of a Georgia man who went hungry, dehydrated and unkempt in an Extencicare nursing home in Florida.

Kirby's report was well-reasoned and full of good ideas. It would be a pity if any of that were tainted or discredited by the fact the senator's private investments overlapped with the public-policy area he was handling.

Canadians should welcome a diversity of views on health care, an area desperate for fresh thinking. But the people who come forward must be completely free of industry ties.

