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Monday 3 December 2001

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Lundi 3 décembre 2001

**Standing committee on
justice and social policy**

**Comité permanent de la
justice et des affaires sociales**

Portable Heart
Defibrillator Act, 2001

Loi de 2001 sur les défibrillateurs
cardiaques portatifs

Chair: Toby Barrett
Clerk: Tom Prins

Président : Toby Barrett
Greffier : Tom Prins

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY

Monday 3 December 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES

Lundi 3 décembre 2001

The committee met at 1601 in committee room 1.

SUBCOMMITTEE REPORTS

The Chair (Mr Toby Barrett): Good afternoon, everyone. We have two orders of business. On the agenda for today is Bill 51, An Act to help save the lives of Ontarians who suffer from cardiac arrest by promoting the widespread availability and use of portable heart defibrillators in public places. We have clause-by-clause consideration of that bill, but before that we have several reports of the subcommittee dated November 28, 2001. We will turn to that agenda item at this point.

Mr Mike Colle (Eglinton-Lawrence): Perhaps I could read the first report of the subcommittee.

Your subcommittee met on Wednesday, November 28, 2001, to consider the method of proceeding on Bill 105, An Act to amend the Health Protection and Promotion Act to require the taking of blood samples to protect victims of crime, emergency service workers, good Samaritans and other persons, and recommends the following:

(1) That the committee meet on Tuesday, December 4, 2001, for public hearings and clause-by-clause consideration of the bill.

(2) That the chief medical officer of health be invited to make a presentation before the committee.

(3) That the legislative research officer obtain relevant information from the privacy commissioner, as well as similar legislation from other jurisdictions.

(4) That amendments for the bill should be provided to the clerk by Friday, November 30, at 12 noon.

The Chair: You have the motion to approve the subcommittee report. Is there any further discussion on this subcommittee report?

Mrs Tina R. Molinari (Thornhill): Just a question of clarification, Mr Chair: We have this report. It says we're dealing with Bill 105 on Tuesday, December 4, then the next one is going to be dealt with on December 3, so just your guidance on the process here. I think the original date for this committee to deal with Bill 105 was December 4, because we anticipated some of the other business dealings. Now we have today, which is a day that is not taken up by another bill, to deal with—I'm sorry, I think I'm wrong.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): Bill 51 is today. Bill 105 is tomorrow. Isn't that the understanding?

Mrs Molinari: It's my error, Mr Chair. I apologize.

The Chair: Is there any further discussion on this subcommittee report concerning Bill 105? Are the members in favour of this report? That motion is carried.

Mr Colle: I have another report of the subcommittee.

Your subcommittee met on Wednesday, November 28, 2001, to consider the method of proceeding on Bill 51, An Act to save the lives of Ontarians who suffer from cardiac arrest by promoting the widespread availability and use of portable heart defibrillators in public places, and recommends the following:

(1) That the committee commence its clause-by-clause consideration of the bill on Monday, December 3, 2001.

(2) That amendments for the bill should be provided to the clerk by Friday, November 30, at 12 noon.

The Chair: We have the motion on this second subcommittee report. Are there any comments or discussions? With respect to this report, all in favour? This report is carried.

Mr Colle: I have a third report of the subcommittee.

Your subcommittee met on Wednesday, November 28, 2001, to consider the method of proceeding on Bill 86, An Act to rescue children trapped in the misery of prostitution and other forms of sexual exploitation and to amend the Highway Traffic Act, and recommends the following:

(1) That on December 10 and 11, the committee conduct its clause-by-clause consideration of the bill.

(2) That amendments for the bill should be provided to the clerk by Friday, December 7, at 12 noon.

The Chair: Any comments on that subcommittee report? Shall that report carry? Carried. That concludes the reports of the subcommittees.

PORTABLE HEART
DEFIBRILLATOR ACT, 2001LOI DE 2001 SUR LES DÉFIBRILLATEURS
CARDIAQUES PORTATIFS

Consideration of Bill 51, An Act to help save the lives of Ontarians who suffer from cardiac arrest by promoting the widespread availability and use of portable heart defibrillators in public places / Projet de loi 51, Loi visant à contribuer à sauver la vie des Ontariens qui souffrent

d'un arrêt cardiaque en promouvant la disponibilité et l'usage généralisés de défibrillateurs cardiaques portatifs dans les lieux publics.

The Chair: Our next order of business will be clause-by-clause consideration of Bill 51.

Are there any comments or questions with respect to sections or amendments? We could begin with section 1.

Mrs Molinari: Is there an opportunity for some opening comments before we begin the clause-by-clause?

The Chair: Yes, if the committee's amenable to that. Shall we start with some general opening comments?

Mr Colle: If I could just comment, as you know, we had a couple of days of, I thought, very informative hearings here in Toronto and Ottawa. I put forth this bill. I thought the presentations and the comments and questions by the members of committee were very helpful in trying to find ways of perhaps improving the bill and making it basically easier to administer on a provincial level.

What I have done over the intervening time is that I've come forward with some amendments. The basic thrust of my amendments, as you'll see, is to make it not as compulsory on the ministry; in other words, the wording is changed to the ministry "may" come forward with certain protocols and certain procedures, thereby giving latitude to the ministry, given the fact this is a totally new direction in this area of first responders. I've made those. I'm just trying to facilitate starting the benchmarks for such a program. I've made it less restrictive, more reliant on the good judgment of the ministry, its officials and the minister, and also to make it clear the program would be introduced subject to the recommendations of prescribed stakeholders as selected by the ministry.

In other words, whether it be the first responders or the people in the private sector or the medical profession, they could make up a stakeholders committee that would be in consultation with the minister as these decisions are made that are outlined in this bill. In a nutshell, those are the two areas where I've made the most significant changes, giving the ministry the mandate to decide whether and where they feel it is important and vital, and to make that decision based on their consultation with their professionals and with stakeholders in the field of emergency first response.

1610

The Chair: Any further general opening comments before we begin clause-by-clause?

Mrs Molinari: I have been involved in the hearings on this bill in the last little while. I've also spoken to Ministry of Health staff. I need to make some comments.

Bill 51 calls for the widespread availability and use of portable heart defibrillators in public places, including those under provincial and municipal jurisdiction and privately owned buildings such as shopping centres, arenas and stadiums. This bill would require that the Ministry of Health and Long-Term Care develop training programs and protocols in the appropriate use of this equipment, also known as automatic external defibrillators, and oversee this program throughout the province.

While the government is supportive of the intention and purpose of Bill 51, we view public access defibrillation programs as a local community initiative that should be developed and implemented at a local level in accordance with local needs and resources. Indeed, as we've heard through the consultations, cities such as Windsor, Ottawa and Mississauga, to name a few, have already implemented successful public heart defibrillation programs. These programs should be used as a model for other interested municipalities to employ, if desired.

As well, there are many organizations and private businesses currently engaged in successfully promoting and implementing this initiative. Many recognized agencies and private businesses, such as the Heart and Stroke Foundation of Ontario, the Red Cross, St John Ambulance and others have already developed AED training programs and protocols for the lay rescuer, and have trained hundreds of non-health care professionals in the use of AEDs.

Implementation of the program would present substantial cost and complex logistical implications to the Ministry of Health, municipal organizations and private enterprises that have jurisdiction over buildings targeted for AEDs.

The passage of Bill 51 would require probably more than 10,000 buildings to be equipped with one or more AEDs as part of a required public access defibrillator program. The ministry would need resources to meet its legislative requirements, such as the development and administration of a training program and extensive monitoring and inspection to enforce the legislative requirements. Once established, a public access defibrillator program would also have a number of ongoing impacts on the business or public place in which the device is located. There is potentially added liability for a business or building owner to maintain the AEDs and trained staff required by Bill 51.

The cost of AEDs begins at approximately \$5,000, pads at \$35 per pair, and training costs generally exceed \$200 per person. The AED has an expected life of seven to 10 years regardless of use. The AED pads have a life of two years regardless of use. AED pads are single use and must be replaced following use. Training of responders must be maintained. Battery life is three to five years regardless of use. Staff turnover and vacations require ongoing training of new staff. Regular quality assurance and preventive maintenance is required for AEDs, all of which will increase costs.

It is for these reasons that the government is not supportive of this bill at this time. Again, let me reiterate that we are supportive of local municipalities undertaking such an initiative—we've heard the successes from the presentations—in accordance with local needs and local resources. Several municipalities, as I've stated, have already implemented such programs, and these should be used as templates for other interested municipalities.

The Chair: I see a number of amendments. I would ask for a motion on the—

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Opening comments, Mr Chair?

The Chair: Certainly.

Mr McMeekin: I appreciate the comments made by my two colleagues. Knowing a little bit about this with my health care background, I think there are a lot of concerns that have been raised, most of which my colleague has, I think, attempted to respond to in his amendments.

The one overriding question that hits me with respect to this is, how many lives might be saved? I know there's a cost to a lot of this. I don't think there's an expectation that this would be a requirement. I think Mr Colle has made it clear that those who have staff willing to be trained for some occurrence and who are prepared to struggle with the issue of the very essence of having the opportunity to save a life is something this bill really speaks to. I don't know how you put a cost on that.

The other aspect I found curious was the reference to local initiation of projects. A number of municipalities specifically don't embrace and haven't in the past embraced this kind of action because they felt there hasn't been the enabling legislation there to do that. In fact, and Ms Molinari may not be aware of this, we specifically made resolutions, amendments, during the hearings on Bill 111 that would have allowed this, but they were defeated by the government members who were here. It strikes me as passing strange that it would be raised at this point, when we made the specific amendments that would have allowed and empowered municipalities to embrace the suggestion the honourable member opposite mentioned. It's about saving lives. I guess that's my bottom line.

The Chair: If we turn to section 1 of the bill, I would entertain a motion for an amendment.

Mr Colle: I move that section 1 of the bill be amended by adding the following definition: "prescribed" means prescribed by the regulations made under this act." It's just a clarification of the definition.

The Chair: Any further explanation of that amendment?

Mr Colle: No.

The Chair: Any further discussion by any other member of the committee on this amendment? Are the members ready to vote on this amendment? This is found on page 1, the Liberal motion on section 1.

All those in favour? Opposed? I declare the motion lost.

Seeing no further amendments to section 1, shall section 1 carry? All those in favour? Opposed? Section 1 is lost.

On page 2, we have another amendment, to section 2, a Liberal motion.

Mr Colle: I move that section 2 of the bill be struck out and the following substituted:

"2. Subject to the recommendations of prescribed stakeholders or classes of stakeholders, portable defibrillators may be installed in readily accessible places in the following locations:

"1. Buildings under the jurisdiction of the province of Ontario, including buildings to which the crown in right of Ontario or a crown agency has title or of which the crown in right of Ontario or a crown agency is a lessee.

"2. Appropriate municipal buildings.

"3. Appropriate privately owned buildings to which the public has general access."

I don't know if—the ministry briefing—they read my amendments. That's what I can't figure out. They don't seem to take into account that there's no obligation on the government to do any of the installation. The intention of this type of amendment is, in essence, to put in provincial benchmarks and guidelines in consultation with stakeholders, so that you don't have a situation where in every municipality you have different rules and regulations on where this type of medical device could be used or how it will be used. That's what's happening right now. You've got a whole set of different rules in Ottawa than you have in Windsor, and then Toronto is implementing a whole new set of guidelines. So the medical practitioners are saying, "Why don't you have a set of guidelines that we could all understand?"

1620

Also, I talked to someone who put in a program at Cadillac Fairview who said, "If I go to London, they're asking me to put in certain criteria before I can go into my Cadillac Fairview building in London, but then in Ottawa there's a whole new set of different criteria." He said, "It's going to make it very difficult for us to train people or to work with the private sector, since there's such a hodgepodge of different regulations."

What I've tried to do with this amendment is basically say it's up to the provincial government to look at these jurisdictions and say to them that they may, in consultation with the stakeholders, be installed, subject to the ministry's deliberations. So there's no compulsion and there's no fixed cost. It's a matter of putting in a process here that's province-wide. That's what this amendment's all about.

The Chair: Further discussion? OK, are the members ready to vote?

On page 2, the Liberal amendment to section 2: all those in favour? Those opposed? I declare the amendment lost.

Section 2 itself: all those in favour? Those opposed? I declare section 2 lost.

Section 3: on page 3 we have a Liberal amendment.

Mr Colle: I move that subsection 3(1) of the bill be struck out and the following substituted:

"Guidelines

"3(1) In co-operation with prescribed health and emergency service stakeholders or classes of health and emergency service stakeholders, and with such other stakeholders or classes of stakeholders, including stakeholders from the private sector, as may be prescribed, the Minister of Health and Long-Term Care shall develop guidelines on the use and maintenance of portable defibrillators."

Just to reiterate, it's the same thing, where we're trying to get the ministry to take a lead on prescribing the norms that would be required. The sad thing is, inevitably this is going to happen, so then they're going to have to react after the fact when you have a hodgepodge of regulations already in place. I thought it would be prudent for the ministry to set up these guidelines in advance so you don't have these contradictory and different types of regulations and norms across the province. Right now, I don't know how many municipalities there are in the province: 500 or 600 left? You're going to have a whole real contradictory group of rules and regulations.

Interruption.

Mr Tilson: Mr Chair, do we need to see what's going on here?

The Chair: No.

Mr Tilson: As long as there are no bells?

Mr McMeekin: I can tell you what's going on. There was a recess around a point of procedure on the appropriateness of the motion. The Speaker has adjourned the House while he considers the item.

The Chair: OK. Sorry, Mr Colle. Continue.

Mr Colle: That's all. Basically I think it sets a provincial standard to develop these guidelines across the province.

The Chair: Any further discussion on this motion? Are the members ready to vote?

We're voting on the Liberal motion on page 3, an amendment to section 3. All those in favour of this amendment? Those opposed? I declare this amendment lost.

With respect to section 3, all those in favour of section 3? Those opposed? I declare section 3 lost.

Section 4: I see no amendments; section 4.1 is a new section. Any discussion on section 4? Seeing none, are the members ready to vote on section 4?

All those in favour of section 4? Opposed? I declare section 4 lost.

New section 4.1: on page 4 we have a Liberal motion.

Mr Colle: I move that the bill be amended by adding the following section:

"Regulations

"4.1(1) The Lieutenant Governor in Council may make regulations,

"(a) prescribing stakeholders or classes of stakeholders that make recommendations on whether portable defibrillators should be installed in buildings;

"(b) prescribing stakeholders or classes of stakeholders that shall be consulted in developing the guidelines on the use and maintenance of portable defibrillators;

"(c) prescribing guidelines on the use and maintenance of portable defibrillators in public places.

"(2) A regulation made under this section may be general or particular in its application."

This is just an opportunity to ensure there are regulatory powers for the minister so that the minister can make decisions in terms of what further refining of guidelines is required in terms of the installation and the timetable etc. In essence it is giving the minister power to

invoke regulations to implement some of these issues that come up from time to time.

Mr McMeekin: The thought occurs to me, based on some of the comments we heard earlier from the member opposite which professed, I thought appropriately and well, the concern and the reference to local implementation, can anyone answer whether it is the intent of the government that the Ministry of Health will be looking at regulations and whether these will be regulated? Or will municipalities be encouraged—a wink is like a nod to a blind horse—to develop programs in the absence of regulations? That presumably was the thrust of the government's original comments about why they wouldn't be supporting it: the difficulty around regulations.

It seems to me that if this bill isn't embraced—and I have a feeling, Mike, that it's probably not going to be—at the very least there ought to be some undertaking on the part of the government to look at this important issue and to in fact cause some investigation to be done around the regulations which might be brought into play with respect to a more widespread use of defibrillators.

Mrs Molinari: I can just comment and basically reiterate that we are supportive of the local municipalities undertaking such initiatives. As we've heard from the presentations that were made during the hearings, there are a number of municipalities that are quite successful in their implementation. We're certainly supportive of those municipalities that take it on based on local needs.

Mr McMeekin: I still don't understand why it wouldn't have been embraced when we talked about the Municipal Act, when we looked at that. I suppose it was because it was a Liberal amendment, but I wouldn't want to get political. Anyhow, enough said, Mr Chairman.

The Chair: Any further discussion? Seeing no further discussion, we are now dealing with the Liberal motion on page 4. Are members ready to vote?

All those in favour? Those opposed? I declare the amendment lost.

With respect to section 4.1, all those in favour? Those opposed? I declare that section lost.

Section 5: I see no amendments. Are members ready to vote on section 5?

Shall section 5 carry? Those opposed? Section 5 is lost.

Section 6, the short title: all those in favour of section 6? Those opposed? I declare section 6 lost.

We will now vote on the long title. Those in favour? Those opposed? I declare the long title lost.

The next question—I just want to check. Because no sections and no amendments have been carried—I can't ask if there's no bill, essentially. The bill has been defeated to this point.

Therefore, shall I report that the bill be not reported?

1630

Mr Bob Wood (London West): On a point of order, Mr Chair: Perhaps you could explain just how this works. No clauses of this bill have been passed, so what report does this committee make to the House?

The Chair: I, as Chair, would certainly inform the House, but I would have no report, essentially. I will stand and report, but I have nothing to report.

Mr Wood: I guess what I'm not grasping here—if a bill passes, it then is reported to the House and the House either adopts—

The Chair: If the committee is amenable to the Chair doing that.

Mr Wood: Let us assume for the sake of argument that this bill had received support in some form. It would then be reported to the House and the House would adopt that report or not adopt it, as the case may be. So what's the status of this bill after whatever it is we're going to do is done? What is it we're going to do, if anything, and what's the status of the bill?

The Chair: The status of this bill is that this bill has been defeated to this point in this committee.

Mr Wood: I understand that. What I'm asking for guidance on is, what is the next step? Do we report that we recommend the bill not proceed, or do we just report that all sections were lost? What do we do in relation to the House?

The Chair: I guess on behalf of the committee I as Chair will make a report to the House. I'm not clear on the exact wording of what that report would be. Mr Galt? And I can ask the clerk to explain this too.

Mr Doug Galt (Northumberland): My thinking would be that you would report that hearings had been held and that as a result of the hearings there is no report to proceed further with this bill because there is no bill. But I think you need to report that hearings were held.

The Chair: I do have to report to the House on what occurred. Could I ask the clerk to better describe what may occur.

Clerk of the Committee (Mr Tom Prins): The committee is obligated to deal with all the bills before it. So by reporting back, basically the Chair would be reporting back that all the sections had been defeated and then it's out of the committee's hands. If members voted against that, then the bill would remain in committee, no report would be made back to the House, and it would just stay here at committee.

Mrs Molinari: Do we have to then approve that the Chair report in the Legislature that the bill was defeated at committee?

Clerk of the Committee: That's what the report would indicate.

Mrs Molinari: We would have to vote on that?

The Chair: I need the committee's approval to go back to the Legislature to report.

Interjection: But you have nothing to report.

The Chair: Exactly. I have no report. But I'll still stand and indicate that.

Mrs Molinari: With all due respect, Mr Chair, you would report the fact that a bill was put before the committee, hearings were held, and the bill was defeated at committee.

The Chair: Yes. I don't know how much detail I'll get into. A lot of that's in Hansard.

Mr Galt: You have a report: there's no bill to bring back to the Legislature.

The Chair: Traditionally, a committee Chair, as I recall, identifies the committee and makes the motion and really doesn't get into the detail of what the particular legislation was. It's a very terse, brief report.

Mr Tilson: I think the question is, how do we get it out of the committee? I know we can't defeat a bill, can we? This committee can't defeat a bill. The bill's—

Mr Colle: That's the House's problem.

Mr Tilson: Yes. Only the House can defeat or pass a bill. The question is, how do we get it out of here? How do we get it out of this committee and back into the House? It seems to me that the process is that you make a report, which is either carried or not carried.

The Chair: Yes, that is my understanding. There could be a vote on that.

Mr Tilson: Otherwise it stays in here forever.

Mr Wood: What is its status in the House?

Interjection.

Mr Wood: It goes back to the House, simply that it has gone to committee and it's now back in the House, so they'd have to refer it again to another committee if they wanted it further considered. It's had second reading, and that's it.

Interjections.

The Chair: Just to summarize—and shortly after I finish an explanation, I will be asking permission of the committee to report to the House, and what I report to the House is what occurred here. It's in writing; you know, certain amendments, certain sections, in this case, were declared lost. I will report to the House.

Mr Wood: What I'm not grasping is, when you do that, the House then adopts that report, the same way they normally adopt a committee report? What happens?

The Chair: Sometimes there's a vote.

Mr Wood: No, but they always adopt it or not adopt a committee report, do they not?

Mr Galt: Sometimes it's put to a vote.

Mr Wood: Yes. It may or may not be voted on, but they always adopt it, or not adopt it. I guess they could, if they wanted, not adopt.

Mr Tilson: That's why you're being paid the big dollars.

The Chair: And if they adopt the report of this committee, the bill is officially dead as far as the Legislative Assembly is concerned, is my understanding.

Mr Wood: Is that the case? Without wishing to be cruel about this—we may as well deal with it—obviously the committee does not support the bill, and if the House agrees with that, we may as well take the bill off the order paper. There's no point in having it there if indeed it doesn't have the support of the House in detailed form.

The Chair: I guess that's up to the Legislative Assembly.

Mr Wood: Just so that I've got this right, we are going to report that none of the sections were adopted, and if the House accepts that, the bill then goes off the order paper. Is that what happens?

Mr Galt: We can't take it off the order paper.

The Chair: The clerk could check as far as the order paper, if you wish. That's getting beyond what this committee does.

Mr Wood: I'm trying to get clear in my mind what it is we're doing—

The Chair: Let's wait a minute and we can get an answer to that question too.

Mr Wood:—so that I understand what we're doing before we vote on it.

Clerk of the Committee: The bill would come off the order paper.

Mr Wood: It comes off the order paper and what happens?

Clerk of the Committee: If the Chair would report back to the House that the bill not be reported and the House adopts that motion, at that point the bill would come off the order paper.

1640

Mr Wood: OK. The Chair is then going to ask us if he should report to the House that the bill should not be reported.

Clerk of the Committee: Right.

Mr Wood: If the House adopts that report, it then goes off the order paper.

Clerk of the Committee: Yes.

Mr Wood: Thank you.

The Chair: I do wish to put this final question. Maybe just so that people understand the question I will be putting to the committee, normally a Chair—I wouldn't say normally, but in other cases the standard question is, shall I report the bill to the House? However, in this case the bill was defeated, the amendments, the sections, those several titles. So if the bill has been defeated, which it has to this point, the question I put then—and I will put it in a minute, but I'll let you know what the question is: shall I report that the bill be not reported? That's the question that's coming. As Chair, I am in favour of doing a report tomorrow. However, it's in your hands. Discussion?

Mr Tilson: Can the clerk enlighten us at all about the procedure?

Mr Wood: He already has.

Mr Tilson: Has he?

Interjections.

The Chair: Sure. Anything further? You understand the question. You heard the question.

Interjections.

The Chair: Rather than the normal question, shall I report the bill to the House?, in this case the bill has been defeated, so the question now becomes, shall I report that the bill be not reported?

Mr Colle: A recorded vote.

The Chair: We could have a recorded vote. Are the members ready to vote? No further discussion?

Mr Tilson: No, I'm not ready.

The Chair: All right. Further discussion?

Mr Tilson: I don't understand the procedure. We cannot defeat this bill. This committee, I don't believe, can defeat this bill.

The Chair: I think you just have, sir.

Mr Tilson: You say we can.

The Chair: By your votes.

Interjection.

The Chair: To this point, this bill has been defeated.

Mr Tilson: That's true.

The Chair: As I explained, and we can ask the clerk for further detail, because the bill has been defeated to this point, the question changes from the standard question and the question now that a committee Chair would put is, shall I report that the bill be not reported? That's the question that's coming now, as far as procedure.

Mr Colle: On a point of order, Mr Chair: Would it be normal for the House to be apprised of what has transpired? You're telling us not to inform the House of what's transpired here.

The Chair: Yes, it sounds that way, but I understand that I will still be approached by a page and I will give the page all the details—the votes, the fact that the sections were lost, the amendments were lost—and that would go to the Speaker. Even though the question says “not reported,” I'm still handing over the report.

Mr Colle: Yes, but you can't; then you're contradicting the directions of the committee, which say not to report. It's not on.

The Chair: I haven't asked the question yet—

Mr Wood: You report that the committee says the bill should not be reported. If the House adopts that, that's the end of the bill.

Interjections.

Mr Wood: In effect, the committee is saying to the House, don't proceed with this bill, and if they adopt that, then they won't proceed with it.

Mr Colle: Yes, but there's no bill. You've gotten rid of that option from the House. They don't have that option.

Mr McMeekin: Here's our constitutional expert.

Mr Tilson: Uh-oh, we'll be here till 6 now. We'd almost got out of here.

Interjections.

Mr Colle: There's nothing left to report. Every clause has been defeated, even the name and the short title. The question is, have we superseded the powers of the Legislature by basically getting rid of the bill, where there's nothing to report back to the House with?

The Chair: Any further discussion?

Interjections.

Mr Tilson: What's the motion, Mr Chairman?

The Chair: In a case like this where the bill has been defeated to this point, normally the question is, and I quote, “Shall I report that the bill be not reported?” That's the question that is normally given.

Mr Peter Kormos (Niagara Centre): I think the word is that this committee is now functus. It has completed its consideration of the bill. The bill has been defeated in committee, regrettably, but there's nothing to

report back. The committee is now functus. The committee has nothing left to consider, short of another bill.

Mr Tilson: I ask the question, do we have to, I'll use the term, get it out of this committee, back into the House? Do we have to even do that?

The Chair: You have to decide that. I'm going to ask that question, "Shall I report—"

Mr Galt: To the clerk, which tidies it up the best? Leaving it here or getting it back and having no bill to report?

Mrs Molinari: He already told us what we need to do. We need to pass that motion.

Clerk of the Committee: If you don't pass the motion, the bill would remain here in committee. If you do pass it, then the Chair would be making a report back to the House.

Mr Kormos: With respect, there is no bill anymore.

Mrs Molinari: We've received the advice of the clerk on how to proceed with this. The advice was given that we vote in favour of the Chair making a report to the Legislature that says that you will not report the bill, or whatever the wording is—

The Chair: Just for clarification, I did not hear the clerk tell you to vote in favour of it. OK? Just a point of clarification. Sorry to interrupt. Go back again.

Mrs Molinari: OK. What I'm trying to say, then, is that we have received the advice from the clerk on how to proceed now that the bill has been defeated. Every clause has been defeated, and the bill has been defeated in committee. The clerk has given the committee advice on how to proceed with this to get it out of committee and into the Legislature and, Mr Chair, you have the motion that will be put on the floor for us to consider, based on the events that occurred in this committee. Quite frankly, I don't know why we're still discussing it.

The Chair: I understand the question that I will be asking does seem a little confusing. I hear what you're saying. Maybe it could have been worded a little better.

Mrs Molinari: I have faith in the advice of the clerk. If that's what the clerk has stated that we need to do, then I suggest we proceed.

Mr Kormos: Once again, with respect, the Chair doesn't report to the House. The Chair, for instance, doesn't report attendance. It doesn't say, like a social column, "The committee met from 3:30 until 6:00, and a good time was had by all." The Chair reports bills back to the House. That's what the Chair's obligation is, in my submission. The Chair's obligation is to report bills back, to be return to the House, having been removed from the House and laid on the committee's table, in effect. Were the bill amended, that would be the bill you would report back. In other words, the fruits of the committee's labour would be what's reported back.

This committee has defeated every element of this bill. Had the committee not defeated the long title, for instance, the report back to the House would have been Bill 51 with a title and a blank page, literally. That would be the report back to the House. But the committee doesn't have anything to report. It can't artificially concoct some-

thing, because it isn't your job to report the little niceties, and who served tea at committee that afternoon. The Chair is required to report back bills.

So I'm putting to you that now you have no bill. Yes, this committee defeated, in every respect, Bill 51. It would have been interesting because it would have been a novelty, and certainly would have gotten some press, and it would have been dramatic for Mr Colle to be able to go to the press with Bill 51 and the long title, "Blank after committee," but the committee has even left the front page blank. There is no bill. The bill's gone. There's nothing to report back, and you can't report back nothing.

Mrs Molinari: How do you get it out of committee?

Mr Kormos: No, it doesn't exist anymore.

Mr Wood: You should hear the clerk's explanation.

Mr Kormos: But it doesn't exist anymore. Bill 51 doesn't exist.

The Chair: I will be taking that piece of paper, however, and there will be "lost, lost, lost" written on it and initialled by the Chair, and that report is going to be reported to the House.

Mr Tilson: Mr Chair, will you repeat the question?

The Chair: Certainly. If the bill had carried, then the question would be, shall I report the bill to the House? However, this bill has been defeated to this point. So the question changes. The question that I will be asking is, shall I report that the bill be not reported?

I will now ask that question. I understand there was a request for a recorded vote. Are the members ready to vote?

Mr Colle: Yes, a recorded vote. Is it possible also to get some kind of written explanation? I think this is unprecedented. I don't think there's ever been a bill where even the title has been defeated in committee, so I'd like to somehow get our staff to report on that, on what that does to the procedures.

The Chair: The clerk has advised there was another situation like this, this session. That's in Hansard.

Mr Colle: I'd like reference to that. I'd like to see that.

The Chair: That could be forwarded to the members.

All right then, no further discussion. Are the members ready to vote on the question I'm about to ask? This is a recorded vote.

Shall I report that the bill be not reported? All those in favour?

Ayes

Galt, Molinari, Tilson, Wood.

Nays

Colle, McMeekin.

The Chair: I will report that the bill be not reported. This committee is now adjourned.

The committee adjourned at 1652.

CONTENTS

Monday 3 December 2001

Subcommittee reports	J-671
Portable Heart Defibrillator Act, 2001, Bill 51, <i>Mr Colle</i> / Loi de 2001 sur les défibrillateurs cardiaques portatifs, projet de loi 51, <i>M. Colle</i>	J-671

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