



ISSN 1488-9080

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 19 November 2002

**Journal
des débats
(Hansard)**

Mardi 19 novembre 2002

**Standing committee on
justice and social policy**

Legal Aid Services
Amendment Act, 2002

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

Loi de 2002 modifiant la Loi
sur les services d'aide juridique

Chair: Toby Barrett
Clerk: Susan Sourial

Président : Toby Barrett
Greffière : Susan Sourial

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
3330 Whitney Block, 99 Wellesley St W
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
3330 Édifice Whitney ; 99, rue Wellesley ouest
Toronto ON M7A 1A2
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY

Tuesday 19 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES

Mardi 19 novembre 2002

*The committee met at 1530 in room 151.*LEGAL AID SERVICES
AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT LA LOI
SUR LES SERVICES D'AIDE JURIDIQUE

Consideration of Bill 181, An Act to amend the Legal Aid Services Act, 1998 / Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

The Chair (Mr Toby Barrett): Good afternoon, everyone. This is the regular meeting of the standing committee on justice and social policy for Tuesday, November 19, 2002. We're here to consider Bill 181, An Act to amend the Legal Aid Services Act, 1998.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Chair: I, of course, received the government papers that purport to be amendments that have been tabled with the clerk. While I appreciate that pages 1 and 1(a) are in fact amendments, because they are worded as amendments, pages 2 and 2(a) aren't even amendments. I'm concerned because it's not a matter of whether it's an amendment that's in order or not; it's not even an amendment. I am troubled that the clerk would even receive those and distribute them; the fact that the government is foolish enough to file papers that aren't amendments as if they were amendments doesn't surprise me.

It appears they are marching orders to the government members, and in both official languages, to their credit, I suppose. It seems to me that if the government is going to give marching orders to its members, it should do it in a way that's somewhat sotto voce. Let's maintain some semblance here of members having independent minds and spirits. So I am asking the Chair to make quite clear that those are inappropriately filed with the clerk.

Mr AL McDonald (Nipissing): On a point of order, Mr Chair: I don't know what the member opposite is speaking of. We don't have those notes on our side.

Mr Kormos: Well, you should. You guys couldn't organize a drunk-up in a brewery. You don't even have your own amendments.

Mr McDonald: Mr Chair, we don't have the notes he's speaking of on this side, so I don't know what he's reading from.

Mr Ernie Hardeman (Oxford): Mr Chairman, we will all understand that there is a section of the bill that has had a considerable amount of consultation between

the time it was sent to the committee and now. I believe the section the member opposite is referring to is a section that an amendment would have applied to by trying to amend the section. The action in fact would be that that part of the bill would be totally deleted. The action he's referring to is just that the way to amend the bill to satisfaction through the consultation is to eliminate that section. The note he would be referring to would accomplish that. So I would suggest that order of priority.

I agree with the member opposite that's not an appropriate amendment, so it should not have been circulated as an amendment. It should not have been given to the clerk as an amendment to circulate, but I believe no harm has been done. Obviously, it hasn't been put to the committee. I'm sure the Chair in his infinite wisdom will rule it out of order when we get to that part, because it is not an appropriate amendment, and we will proceed with the bill in that fashion.

Mr Michael Bryant (St Paul's): Just so we're clear, the problem is that the executive council is providing recommendations to committee members not by way of e-mail, press release or memorandum, but through a vehicle that amounts to an amendment. I would say that not only is it out of order, but it is entirely inappropriate for the Attorney General, of all ministers, to be providing such direction, a minister who is supposed to have independence, political and constitutional, within the executive council. He should have been the first person in cabinet to stand up and say, "This is outrageous," instead of being the perpetrator of this legislative juggernaut.

I would add my voice to those on the government side and on the third party side who say that this is out of order and that it be ruled out of order at the appropriate time.

Mr Kormos: I apologize to Mr McDonald, since I'm not his whip nor his House leader, for his not receiving a copy of the materials the government filed. I'd just admonish him that in view of the fact he's paid some \$82,000 a year plus easily another four grand or five grand to be a vice-chair, it's important to do your homework before you come to committee. You're supposed to look at the papers your government has filed with the clerk. That's what a responsible member of the Legislature does, one who's really doing his work here. They do their homework and read the materials that are tabled with the clerk. They don't just come in here and expect to wing it for an hour, two hours or three hours.

If Mr McDonald wants to have my House leader whip assistant, Ms Charlton, assist him with that, I'm sure she would. She'd be more than pleased to, but I trust you have your own staff who could make sure you're properly equipped with the materials you need before you come into committee so that you don't have to embarrass yourself by saying, "I don't know what you're talking about. I never looked at the papers. I just came in here because they told me to come here." Please, Mr McDonald, you're making a lot of money here. You've got to do your homework.

Mr Frank Mazzilli (London-Fanshawe): This side is doing its homework. We were forced into this legislation because of withdrawal of services by lawyers in some parts of the province. We can talk about all kinds of different things here, but let's get back to the real issue.

This bill will give Legal Aid Ontario the tools it needs. Any recommendations that are made or not made by the Attorney General cannot be confirmed by this committee. I would just ask that we get on with what we're here to do, and that's to review the legislation.

Mr Bryant: That's why they pay him the big bucks.

The Chair: I would just mention that this, entitled Information for Committee, is not an amendment. It's not a motion. I understand these kinds of information have been distributed before.

I would ask the committee, shall we continue with debate of the legislation? Any comments or questions, and on which sections did you wish to comment?

Mr Bryant: Let's speak to section 1. Let me start by saying that we oppose this section. We oppose this amendment. We oppose this bill. Firstly, given that time may run out, I may have to make all my comments now. I want to hear from the justice critic from the third party as well, so I will say this.

The amendment to section 2 of course guts the entire provision and guts most of the bill, which might lead some to suggest that this entire exercise has been a legislative charade, that the Legislative Assembly of Ontario has been used in the midst of a protracted negotiation to try to achieve a result that it could not achieve through good-faith negotiations and, as such, is a total abuse of this Legislature.

Others will say, and I would agree with them, that this bill truly does write a blank cheque that strikes at the heart of our legal assistance system in Ontario by permitting the kind of legal finagling that the government is now trying to undertake with respect to interfering in essence with our legal assistance system when in fact it had previously been independently controlled to some extent by Legal Aid Ontario. Clearly, the message has been sent to everybody that if Legal Aid Ontario doesn't toe the line, another bill will be passed or another amendment will be made and this will in fact go back to the executive council and the independence of Legal Aid Ontario will eventually be compromised.

This has been sorry chapter in the history of the Ministry of the Attorney General. For a minister who is supposed to be independent, the caretaker of the Con-

stitution, the caretaker of ensuring that justice is in fact administered in a fashion consistent with the principles of fundamental justice, it is outrageous that this has taken place. I cannot imagine a greater abuse of our legal assistance system than what has happened under the Attorney General in the past few weeks and months in this regard. I cannot imagine a more disastrous bill for the future of legal assistance. For that, we will not be supporting it.

1540

I also want to say that I would love to hear from the government. They can take advantage of this guillotine motion that's currently in place and not speak to this, but I would love to hear how it is that section 2, which is the bulk of this bill, would have been put into this bill and then taken out of this bill. Why was that done? Why was it put there in the first place? How is it that the Ministry of the Attorney General thought it appropriate to put this provision in place, to make these changes, only to reverse them a few weeks later? How can we trust the Attorney General to administer our legal aid system and our legal assistance programs in Ontario if we can have such dramatic, radical and inappropriate departures from the principles that this government actually set forth in its 1998 legislation that empowered Legal Aid Ontario with the independence it has and should continue to have?

With respect to the provision that remains, I say we don't need this bill to execute what the government says it wants to do. The government's pretending this is just about putting out a few fires and not about introducing radical changes to our legal assistance system, yet it is bringing in a clause that is just plain old redundant. If the Attorney General is of the view that the courts have ruled they can't do what they want to do, then I would have thought the Attorney General would appeal the decision instead of trying to immediately legislate, hear from a Court of Appeal before moving forward, as was done with respect to contingency fees. I think that was the right decision to make, and here it's the wrong decision that is being made.

I am very concerned that as a result of this, the Attorney General has permanently compromised his ability to fulfill his role as the superintendent of our legal assistance system, that he has severely compromised his capacity to make assessments as to the constitutional status of our present legal assistance system which, since 1999 in a Supreme Court of Canada decision, must meet a charter test, and that is clear.

We have had no opportunity to properly debate this bill. We've had no opportunity to hear, because of the guillotine motion that will implode and cause this debate to end in a matter of minutes, from the likes of Professor McCamus, who wrote the blueprint on legal assistance in Ontario, to hear from officials at Legal Aid Ontario, to hear from the people who are affected by this, to hear from the people who participate in the legal assistance system, both as providers and as consumers.

That is because the government is afraid to debate this matter. That is because the government wants to ram this

through and get powers it should not have. I'm not able to put questions to the ministry, the government, the experts or anybody. We are not able to hear from the bar, the bench, anybody. We're not able to hear from consumers and not able to hear from anybody. We weren't even able to hear from other members of the Legislature who might have wanted to speak to the bill. As a result, this bill is a legislative juggernaut being rammed down the throats of the people of Ontario in a fashion that I think ultimately will not serve the interests of Ontarians, our legal assistance system or the integrity of the office of the Attorney General.

Mr Kormos: At the outset, I should indicate and will that the New Democratic Party does not support this legislation. I believe we've made that quite clear in the House during debate around it. We voted against it in the Legislature, we're voting against it at committee today, we'll vote against it when it's reported back and we'll vote against it when it's called for third reading. That's number one.

Number two, I find it regrettable that once again this legislation, like so many other pieces of legislation, indeed darned near all of them coming from this government, was time-allocated. What that means for this bill, as Mr Bryant has already alluded to, is that it will have but 30 minutes of discussion here in committee, because at 4 o'clock, the magic hour as dictated by the time allocation motion, any discussion, any debate ceases, any opportunity to question the parliamentary assistant, Mr Mazzilli, about the bill is terminated. Mr Mazzilli may well find some comfort in that fact, but we in the opposition surely don't, because there are questions even about the amendments which warrant answers before this committee votes on them.

First of all, I want to say that I admire, both past tense and present tense, the huge number of extremely skilled and competent lawyers out there in the criminal bar and in the family bar who have been doing work on legal aid certificates for so many years now and have never expected to get rich by way of certificates. I also understand full well that this government's failure to adequately increase the hourly rate paid under a legal aid certificate, along with the crippling capping of billable hours particularly in family law, has done a disservice not only to those same lawyers but to their clients and to the justice system in both criminal and family areas.

Legal aid practitioners—lawyers who take on legal aid certificates—as I said, don't expect to get rich, but surely their bottom line has to be covered. It was incredible during debate on second reading to hear some of the stupid things coming out of the mouths of government backbenchers, especially during interjections, commenting on and suggesting that somehow a lawyer takes home the whole hourly rate—pockets it—and the government attempting to use that figure to paint a picture of greedy lawyers.

I know it's popular to bash lawyers, and we've seen more than a bit of it from this government. But when the cops are knocking on your door at 3 in the morning, I put

to any government member here that you want the best lawyer, the most capable lawyer to answer your phone call. All of a sudden your attitude toward lawyers is changed dramatically when you are tragically caught in the turmoil of a family breakdown. Once again, you can mock lawyers, you can be abusive toward them, you can use the anti-lawyer sentiment as a hot button to push. But when there's a family breakdown and you need good legal counsel, you want a lawyer as quickly as possible and you want the best possible lawyer.

Thank goodness there are those good lawyers out there who deserve to be compensated, from the legal aid perspective, who at the very least deserve to have their overhead, which is substantial for any competent lawyer, covered if you are going to expect them to perform the invaluable role that they play. Similarly, I will add that with respect to the family legal aid certificates, the maintenance of that artificially low cap on the largest number of family law certificates does a disservice to the clientele those lawyers accommodate—most of them women, many of them children. That's the long and short of it; that's regrettable.

Unfortunately, the government chose not to have committee hearings. Unfortunately the government chose to ignore the hundreds of people, if not more, who wrote to the government. I know who they are, and so does Mr Bryant, because they copied their letters to Mr Bryant and to me. I want to thank those lawyers for taking the interest, along with a number of other people—not just lawyers but people in the legal aid offices, people in legal clinics, amongst others.

What they were calling for was committee hearings around this issue—in and of itself a modest proposal. Quite frankly, this would have been an ideal forum to investigate the adequacy of legal aid tariffs or legal aid hourly rates. It would have been an ideal forum to investigate the adequacy of the number of hours allowed per file in the area of family litigation.

Mr Bryant: And the government House leader agreed.

Mr Kormos: At one point, as Mr Bryant astutely points out, the government House leader thought that was a good idea too, until he got sent packing by Mr Young. Mr Young blew a gasket. Oil was hemorrhaging all over the place when it was revealed to Mr Young that the House leader, Mr Stockwell, had cut a deal on behalf of Mr Young.

Nobody has ever suggested that Solidarity Forever was a popular tune amongst the government caucus or cabinet, but certainly the rift between Mr Young and Mr Stockwell was revealed and the lack of confidence in Mr Stockwell—the lack of confidence as demonstrated by Mr Young—was apparent in Young kiboshing the deal that Stockwell had made.

That's unfortunate that Mr Young would show such disregard for a fellow cabinet minister, Mr Stockwell. But having said that, I can understand why sometimes Mr Stockwell's advice is hard to take. And clearly Mr Young didn't want to take Mr Stockwell's advice at that point.

1550

I also know that the lawyers who embarked on the effort to impress the government with the seriousness of the underfunding of legal aid did so with a great deal of thought, with a great deal of concern for the future of the legal aid system; no two ways about it. I know many of those lawyers. I attended many of the meetings they had, be it in Niagara or in the Hamilton area. I know Mr Bryant similarly spoke directly with those lawyers. He knows them professionally and knows them to be competent and committed people; people like Mark Evans down in Welland, who's an outstanding criminal lawyer, who will readily acknowledge that he was no longer able to accept legal aid certificates and wouldn't be able to accept them until the tariff was improved so that he could sustain his overhead, staff, resources and so on.

These lawyers did not undertake their so-called action lightly. I am not proud of the way Mr Young, the Attorney General, bashed them and misrepresented the fact at the press conference held by Mr Young to announce this legislation. I found that most regrettable and most unbecoming of an Attorney General. I also want to indicate that I've been through a few Attorneys General here at Queen's Park in darned near the last decade and a half, and I have never seen the Attorney General's office so politicized and so partisan as I have with Attorneys General in this government. I caution government members who may not find that an attractive observation to please look at some of the predecessor Attorneys General to their Mr Young and Mr Flaherty. Who was the one who preceded Mr Flaherty?

Mr Bryant: Harnick.

Mr Kormos: One Charlie Harnick, that's right. Thank you for reminding me.

During the tenure of those three successive Attorneys General, I've witnessed the Attorney General's office being used in a partisan way, the Attorney General approaching things in a very partisan manner. I've got to tell you, from the predecessor Attorneys General, be it with the New Democratic Party government or with the Liberal government that I was here with during the 1987-90 government, I did not witness that. In fact, I saw Attorneys General holding themselves above the fray and conducting themselves in a far less partisan manner. That's not to say that Mr Scott wasn't a strong Liberal or that Ms Boyd or Mr Hampton weren't strong New Democrats, but there was a role for that partisan activity and then there was a role for them performing their job as Attorney General, and they removed that from the political debate. They really did. There are no two ways about it.

I find that a regrettable practice that we're witnessing here with respect to Attorneys General. I witnessed it when I saw David Young at his press conference go after the lawyers, talking about threatening tactics with clients when in fact the letter he was referring to that went out to lawyers merely told lawyers, or asked lawyers, to please canvass with their clients whether or not they have their own means or resources to pay a private retainer. Quite

frankly, the legal aid system expects that of a person accepting a legal aid certificate. Lawyers are called upon to be part gatekeeper for the legal aid system, and a lawyer who accepted a legal aid certificate from a client who had their own means would himself or herself not be conducting themselves entirely appropriately. Lawyers are called upon to in effect determine that the legal aid certificate wasn't wrongly issued, and I don't say it by way of directive but certainly by way of practice.

We are opposed to this legislation. We believe the issue is one that has to be resolved in a process of candid negotiation. I would love to see an all-party committee review this matter, hear submissions from lawyers, judges, any number of constituencies out there. I hope lawyers haven't been taken to the cleaners. Part of me thinks the bar has been hoodwinked by the promise to address tariff increases. This is one of the few times I hope I'm wrong and can be proven wrong, but part of me says no, I don't think I am. I think lawyers got hoodwinked. So be it. It's not for me to judge their conduct or to tell them how to conduct themselves, but they certainly demonstrated the best of good faith by indicating that they were willing to move along and let the matter of tariff be addressed down the road. I hope they haven't made a serious error in doing that.

We do not support this legislation.

I pose a direct question to Mr Mazzilli, and that is with respect to his amendment contained on page 1—Mr Mazzilli, take a look, please. Mr Mazzilli is the parliamentary assistant. His income is around \$82,000 a year plus another 12 grand or 13 grand or so by virtue of being parliamentary assistant.

Mr Mazzilli, you talk about "adding, after 'disadvantaged communities' ... 'that need to achieve an effective balance among the different methods of providing legal aid services.'" I hope you will advise us what the intent and purpose of this amendment is.

Similarly, I hope you will explain how, when you enter into agreements with lawyers, groups of lawyers or law firms for the provision of legal aid services, you're going to avoid dump-trucking, because at the end of the day, when you've got bidding on this sort of thing, you tend to get the matter bid down to the lowest bidder, and the fastest way to resolve any number of cases or files is to cop a plea, plead them in.

I want to know how you're going to avoid dump-trucking. In other words explain to us, Mr Mazzilli, please, the monitoring process that will be in place. Also, and this was raised in the Legislature, explain to us how you are going to avoid political cronyism, like the federal Tories did with their drug prosecutors, federal prosecutors, and then the federal Liberals did with their drug prosecutors, where mere cronyism was responsible for some of the appointments. That's not to say that they were all without merit.

Mr Mazzilli: Some real good ones, too.

Mr Kormos: Well, no, it's not to say they were all without merit, but there were some dogs as well. Mark my words, they warranted collars and leashes and some

of them still do. Explain how this won't result in political cronyism, political patronage. I now defer to Mr Mazzilli to respond to those two very specific questions.

The Chair: I'll mention there are about two minutes remaining for Mr Hardeman and Mr Mazzilli. I'll leave that with you.

Mr Mazzilli: I'll take a moment to compliment the Attorney General on a job well done. Certainly what he was faced with in this province was a situation where if cases were not heard—those two parties can remember the Askov decision. You can remember that; you were in power. Serious cases of rape, of crimes against persons were thrown out of court because people had no legal representation or cases could not be heard on time.

Our Attorney General has taken steps to avoid that. He's done so in a way that is a long-standing practice. Legal aid lawyers can continue to accept certificates. If your parties didn't give lawyers a raise for 15 years, perhaps you can explain that to the lawyers, and it's not up to the Attorney General to do that.

All this bill does is give Legal Aid Ontario some flexibility. As Mr Kormos stated—it doesn't matter what amendment—they're opposed to this legislation. They've said that clearly—and Mr Bryant. Notably, of course you're lawyers; I understand that.

The other thing is that there is a long-standing practice in this country, as you've heard, of federal prosecutors—the shipload of drugs comes in from who knows where. Guess what? It's a private prosecutor hired by the federal government. In my time I've known those people to do a very good job. They're very dedicated, and I'd like to know their rates compared to—

Mr Kormos: What is that ship doing down in the Bahamas?

Mr Mazzilli: That ship is going to be sunk.

The Chair: It now stands at 4 o'clock, and as per the time allocation motion passed by the House on Monday, October 21, 2002:

“That the standing committee on justice and social policy shall be authorized to meet for one day at its next scheduled meeting time for the purpose of” clause-by-clause “consideration of the bill; and

“That, no later than 4 pm on that day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

“That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the com-

mittee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported and received by the House.”

As it is 4 pm, I shall put the questions. We will commence with section 1. I understand there is a government amendment to section 1.

1600

Mr Kormos: I'm not about to move it.

Mr Hardeman: It doesn't need to be moved. I think the Chairman just read that it was deemed to have been moved after 4 o'clock.

The Chair: Thank you for that information.

Does the amendment carry?

Mr Kormos: Whoa, whoa. Which amendment? You've got to identify the amendments. There are two amendments tabled.

The Chair: I identified section 1. There's an amendment—

Mr Kormos: No, page number is the method, but that's OK. Go ahead, Chair.

The Chair: This is found on page 1. Does everyone have page 1? Members, on page 1 of your package of amendments there is a government amendment to section 1 of the bill.

Does the amendment carry? Carried.

Does section 1, as amended, carry?

Mr Kormos: No. Recorded vote.

The Chair: As I had indicated, our direction from the House defers any recorded votes. That means we would defer that.

We now go to section 2.

Shall section 2 of the bill carry?

Interjections.

The Chair: Carried.

Mr Hardeman: I said no.

The Chair: Oh, I'm sorry. I'm getting confused here.

Mr Kormos: Whoa, Chair—point of order. This is serious. The government screwed up. Remember what I said about not being able to organize a drunk-up in a brewery? They neglected to follow their own directions.

Mr Hardeman: It was the Chair. I said no.

The Chair: It was the Chair who made that mistake.

Mr Kormos: But your colleagues are all saying yeah.

The Chair: Shall section 2 of the bill carry?

Mr Bryant: On a point of order, Mr Chair: You can't have a rematch on a vote. You just said that it carried, and if it carried, it carried. I understand you may want to change your mind.

The Chair: As I said, as Chair I may have misspoken and I've asked the question again.

Mr Bryant: All right.

The Chair: Please bear with me.

Mr Hardeman: On a point of order, Mr Chair: I would request that we have a recorded vote on section 2 to clarify, to make sure we all understand how it was voted.

Mr Kormos: It's too late now.

The Chair: I understand it is too late.

If we turn to section 3, shall section 3 of the bill carry?

Mr Kormos: No. Recorded vote.

The Chair: We'll defer that as well.

Shall section 4, the short title of the bill, carry?

Mr Kormos: No. Recorded vote.

The Chair: Shall the long title of the bill carry?

Mr Kormos: No. Recorded vote.

The Chair: That's deferred.

Mr Kormos: Before we do that, we'd better have the deferred votes, before we have the report back to the House—do you know what I'm saying?

The Chair: I know there is a certain point where we no longer defer votes.

Mr Kormos: Yes. The report back to the House is the wrap-up. So go back and do the deferred votes now, so that we have something as voted upon to report back to the House. Otherwise it becomes nonsensical.

The Chair: That would leave the two remaining questions open.

I would now ask the committee to return to section 1, which contains that amendment, and I would pose the question. Does section 1, as amended carry?

Mr Kormos: No. We asked for a recorded vote—all in favour and then all opposed—so we can count the names.

The Chair: OK.

Ayes

Beaubien, Hardeman, Mazzilli, McDonald.

Nays

Bryant, Kormos.

The Chair: I declare that section carried.

We now skip down to section 3. This is a recorded vote.

Shall section 3 of the bill—

Mr Kormos: No, "all in favour." We already did that.

The Chair: I think I should pose the question again just to clarify.

Mr Kormos: So they can change their minds again?

The Chair: Shall section 3 of the bill carry?

Ayes

Beaubien, Hardeman, Mazzilli, McDonald.

Nays

Bryant, Kormos.

The Chair: Carried.

Shall section 4, the short title of the bill, carry?

Ayes

Beaubien, Hardeman, Mazzilli, McDonald.

Nays

Bryant, Kormos.

The Chair: Carried.

Shall the long title of the bill carry?

Ayes

Beaubien, Hardeman, Mazzilli, McDonald.

Nays

Bryant, Kormos.

The Chair: I declare that carried.

Shall the bill, as amended, carry?

Mr Kormos: No. Recorded vote, please.

The Chair: No recorded vote on this one. Shall the bill, as amended, carry?

Mr Kormos: I said no. Recorded vote. I've got to say no or else it would be approved. You couldn't ask for a recorded vote if I agreed.

The Chair: OK. We'll have a recorded vote on this one.

Ayes

Beaubien, Hardeman, Mazzilli, McDonald.

Nays

Bryant, Kormos.

The Chair: That's carried.

Shall I report the bill, as amended, to the House?

Mr Kormos: No. Recorded vote, please.

Ayes

Beaubien, Hardeman, Mazzilli, McDonald.

Nays

Bryant, Kormos.

The Chair: I shall report the bill to the House.

The committee is adjourned. Thank you.

The committee adjourned at 1608.

CONTENTS

Tuesday 19 November 2002

Legal Aid Services Amendment Act, 2002, Bill 181, <i>Mr Young</i> / Loi de 2002 modifiant la Loi sur les services d'aide juridique, projet de loi 181, <i>M. Young</i>	J-131
---	--------------

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Chair / Président

Mr Toby Barrett (Haldimand-Norfolk-Brant PC)

Vice-Chair / Vice-Président

Mr AL McDonald (Nipissing PC)

Mr Toby Barrett (Haldimand-Norfolk-Brant PC)

Mr Marcel Beaubien (Lambton-Kent-Middlesex PC)

Mr Michael Bryant (St Paul's L)

Mr Garry J. Guzzo (Ottawa West-Nepean / Ottawa-Ouest-Nepean PC)

Mr Ernie Hardeman (Oxford PC)

Mr Peter Kormos (Niagara Centre / -Centre ND)

Mr AL McDonald (Nipissing PC)

Mrs Lyn McLeod (Thunder Bay-Atikokan L)

Substitutions / Membres remplaçants

Mr Frank Mazzilli (London-Fanshawe PC)

Clerk / Greffière

Ms Susan Sourial

Staff / Personnel

Ms Laura Hopkins, legislative counsel