

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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## **Official Report of Debates (Hansard)**

IN-13

## **Journal des débats (Hansard)**

IN-13

### **Standing Committee on the Interior**

Joshua's Law (Lifejackets  
for Life), 2023

1<sup>st</sup> Session  
43<sup>rd</sup> Parliament

Monday 10 July 2023

### **Comité permanent des affaires intérieures**

Loi Joshua de 2023 sur le port  
obligatoire du gilet de sauvetage  
par les enfants

1<sup>re</sup> session  
43<sup>e</sup> législature

Lundi 10 juillet 2023

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Chair: Aris Babikian  
Clerk: Thushitha Kobikrishna

Président : Aris Babikian  
Greffière : Thushitha Kobikrishna

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## CONTENTS

Monday 10 July 2023

Joshua's Law (Lifejackets for Life), 2023, Bill 93, Ms. Ghamari / Loi Joshua de 2023 sur le port obligatoire du gilet de sauvetage par les enfants, projet de loi 93, Mme Ghamari .....	IN-265
Ms. Goldie Ghamari	
Lifesaving Society Canada; Ms. Cara McNulty.....	IN-271
Ms. Lisa Hanson Ouellette	



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON THE INTERIOR**

**COMITÉ PERMANENT  
DES AFFAIRES INTÉRIEURES**

Monday 10 July 2023

Lundi 10 juillet 2023

*The committee met at 1004 in committee room 228.*

**JOSHUA'S LAW (LIFEJACKETS  
FOR LIFE), 2023  
LOI JOSHUA DE 2023 SUR LE PORT  
OBLIGATOIRE DU GILET DE SAUVETAGE  
PAR LES ENFANTS**

Consideration of the following bill:

Bill 93, An Act to enact Joshua's Law (Lifejackets for Life), 2023 / Projet de loi 93, Loi édictant la Loi Joshua de 2023 sur le port obligatoire du gilet de sauvetage par les enfants.

**The Chair (Mr. Aris Babikian):** Good morning, committee members and witnesses. The Standing Committee on the Interior will now come to order. We are here today for public hearings on Bill 93, An Act to enact Joshua's Law (Lifejackets for Life), 2023. Are there any questions before we begin? I see none.

I will now call on the member for Carleton, MPP Goldie Ghamari, to make her opening remarks. MPP Ghamari, you will have 20 minutes to make an opening statement, followed by 40 minutes of questions from the members of the committee. The questions will be divided into two rounds of seven and a half minutes for the government members, seven and a half minutes for the official opposition members, and five minutes for the independent members. I will give the remainder of the time remaining during the presentation and questions.

MPP Ghamari, the floor is yours.

**Ms. Goldie Ghamari:** My name is Goldie Ghamari. I'm the member of provincial Parliament for the riding of Carleton in the city of Ottawa. I'd like to start off by thanking my friend and colleague the former MPP for Parry Sound–Muskoka, Mr. Norm Miller, who tabled this legislation in the previous session.

I'm going to begin by speaking about a constituent of mine—her name is Cara McNulty—who is far too familiar with the types of tragedy that Joshua's Law aims to address. Her 11-year-old son, Joshua, who this bill is dedicated to, tragically passed away in September 2018 when the boat he was on with his father, brother and two other children capsized near Rockport, Ontario. Joshua was not wearing a life jacket at that point in time. Since then, Cara has been advocating for governments at all levels to make wearing a life jacket mandatory for children in small vessels through her initiative, Life Jackets for Life.

To quote Cara McNulty, "We're thrilled to hear about this bill. Any progress on mandatory wear legislation is a step in the right direction."

I'd like to thank Cara for her tireless advocacy and for her support of this legislation. It's why I'm so honoured to continue working on the efforts that MPP Miller started in the previous legislative session.

Mr. Chair, when I tell friends, constituents and even some of my colleagues here in the Legislature about this bill, many are shocked that it's not already the law for children to wear life jackets or personal floatation devices, also known as PFDs, on small vessels. They have a hard time believing that we're not already doing all that we can to protect children from these preventable tragedies.

Accidents are the leading cause of death for children in Canada, and not wearing a life jacket is the number one risk factor for drowning while boating.

In 2021, Drowning Prevention Research Centre Canada found that 80% of people who died in boating-related accidents between 2008 and 2017 were not wearing a life jacket, and another 5% were not wearing one properly.

According to the 2018 Canadian Drowning Report by Drowning Prevention Research Centre Canada, 67% of children aged five to 14 who died from drowning were not wearing a personal floatation device.

Behind each of these statistics is a life lost that leaves a family broken and a community broken.

Greg Wilkinson, a former board member of Safe Quiet Lakes, said, "The fact that 87% of drownings in Ontario involve people who were not wearing a life jacket tells us all we need to know."

Pamela Fuselli, the president and CEO of Parachute Canada, said, "Evidence shows that legislation, and the enforcement of legislation, is an effective approach to prevention."

Parachute's The Cost of Injury in Canada 2021 report showed that drowning was the third-leading cause of death in children aged 14 and younger.

Dr. Suzanne Beno, a pediatric emergency physician at SickKids and chair of the Canadian Paediatric Society's injury prevention committee, also lent her support for this bill, saying, "Life jackets are proven tools for saving lives. Age- and size-appropriate government-approved life jackets should be worn by anyone on a pleasure boat, regardless of age, but are particularly vital for children and non-swimmers."

The Ottawa Drowning Prevention Coalition says online, "Drowning is one of the leading causes of injury-

related incidents for Canadian children under the age of five.... Many drowning victims never intended to get wet in the first place. Children under five are especially at risk because they are mobile, very curious and the least capable to self-rescue of any age group.”

Matt Cox, president of the Ottawa Police Association, said in a statement, “The introduction of Bill 93, Joshua’s Law, which requires children under the age of 12 to wear a personal flotation device or a life jacket while boating or using recreational water equipment is long overdue.

**1010**

“We want to send our heartfelt thanks to MPP Goldie Ghamari and the Premier of Ontario, Doug Ford, for their hard work and commitment to improving a safer Ontario. The Ottawa Police Association who represents over 2,100 members are supporters of this new legislation.

“The city of Ottawa like many places in Ontario have many waterways, and we truly hope Bill 93 will prevent any boating tragedies this summer. Life jackets save lives.

“We as a policing community are committed to finding ways to keep the city of Ottawa safe. The Ottawa Police Association will support any level of government to attain this goal.”

I’d now like to talk about the bill itself and explain some of the details and describe how this bill will protect children from accidental drowning while boating. If passed, Bill 93 would make it mandatory for any child aged 12 years or younger to wear a life jacket or PFD while on a pleasure boat nine metres in length or less that is under way, or while being towed behind a boat—for example, water skiing, wakeboarding or tubing.

A pleasure boat is defined as any vessel used or designed to be used in navigating water, propelled by any kind of power, including human power, sail or motorized power, that is used exclusively for pleasure. The federal rules that lay out what safety equipment is required on boats are based on the length of the boat, and there are different requirements for boats of six metres, six to nine metres, and nine to 12 metres etc. This legislation applies to boats nine metres or less because this would cover most runabouts and water skiing and wakeboarding boats.

Under Bill 93, it is the responsibility of a parent or guardian to ensure that their child is wearing a personal flotation device or life jacket. If the child is under the supervision of another person 18 years of age or older who is not their parent, then that person is responsible for ensuring the child wears a life jacket.

Failing to ensure that child is wearing a life jacket or PFD would result in a fine of no more than \$200 on conviction. This responsibility is consistent with other provincial safety legislation. For example, the laws surrounding the use of seat belts in cars make it the responsibility of the driver to ensure that all passengers under the age of 16 are wearing seat belts, and the law requiring young cyclists to wear a bike helmet puts the responsibility on the child’s parent.

The proposed bill allows for an exemption for children who are in an enclosed cabin, where there is no danger of falling overboard. This legislation also includes a clause to give the government, through the Lieutenant Governor

in Council, the ability to create exemptions. This is because life jackets can interfere with some activities. Life jackets and PFDs have come a long way, but for athletes involved in competitive paddling or rowing, life jackets could get in the way. So if the bill passes, I would encourage the government to work with groups like Row Ontario to create an exemption for young athletes involved in formal, supervised training or competition.

I mentioned the federal rules around boat safety. Some people might question whether this bill is within provincial jurisdiction. To that, I would say that protecting the health and safety of our children is the responsibility of all levels of government. I would also point out the city of Calgary’s water safety bylaw, which requires any person in a vessel or other device used as a means of water transportation to wear a life jacket while they are within the boundaries of the city. When this bylaw was challenged based on the idea that waterways fall under federal jurisdiction, Judge Judith Shriar ruled that the bylaw was constitutional.

Looking beyond our borders, this legislation is extremely similar to laws that have been enacted by our neighbours in the United States. All 50 states have laws mandating life jacket use for children, and at least 30 of these states specifically require children aged 12 and under to wear a life jacket while in small recreational vessels.

In Ontario, this law could be put in place with no additional cost to boaters. It is already required under the small vessel regulation that boat operators ensure that there is an appropriately sized life jacket or PFD for every passenger on board. No law-abiding boater should have to go out and purchase additional life jackets with the passage of this bill. The only difference is that, instead of being stored somewhere on the boat, the child’s life jacket is already on their body, and that could make all the difference in the world. In an emergency, there is not always time to grab a life jacket and put it on properly, and this is especially true for children.

As the president and CEO of the Canada Safety Council said, “Too frequently, we see people drown without intending on even dipping their toe in the water, and these types of tragedies are entirely avoidable.”

If you’re in a boat and accidentally fall into the water, there’s not always time to locate the life jacket you have on board and put it on. Between 2008 and 2017, 34% of the people known to have not been wearing a PFD when they drowned had one present in the boat but were unable to put it on at the time of the incident.

Parents, guardians and all adults are responsible for protecting the health and safety of children. Joshua’s Law, if passed, would clarify that ensuring children in their care wear a life jacket or PFD while on a small pleasure boat is part of that responsibility. This bill won’t prevent all drownings, but I see this as a common-sense law that would reduce the chances of children drowning in boating accidents.

Every child we lose because they were not wearing a life jacket is a tragic and preventable loss of life. It permanently scars parents, families and communities, and it has a terrible impact on our first responders. That’s why I’m

asking my fellow members to protect children from avoidable harm by supporting Bill 93, Joshua's Law (Lifejackets for Life).

I'm pleased to have presented before the committee, and I look forward to your questions.

**The Chair (Mr. Aris Babikian):** Now we will move to the questioning period. We will start with the official opposition. MPP Shaw, go ahead.

**Ms. Sandy Shaw:** Thank you very much for putting this forward. It's an important law, and we're fully supportive of it. We supported it when [*inaudible*] brought it forward, and then when you brought it forward. It's just what we should be doing here. These are the kinds of laws we should be putting forward and supporting—where we find a gap in legislation and find ways to, as you said, in cases particularly of children's safety [*inaudible*].

I just have a couple of questions. Maybe they're too specific for this committee, in the details, but you did go in to explain a little bit of the rationale behind the age limit. So my question I'd like to ask you: Why did you pick the age limit of 12? Why did that come up? The statistics that you shared with us today said that 60% of children age 5 to 14 have drowned, and also that drowning is the third-leading cause of death in children age 14 or younger, so 14 comes to mind.

I just have to share with you that I have a bunch of grandkids—seven, actually.

France, do you have the same number—

*Interjections.*

**Ms. Sandy Shaw:** I'm one up on you.

But what I wanted to say is that I have two who are brothers; one is 11, turning 12, and the other just turned 10, and so there's a lot of [*inaudible*] between the two of them. Honestly, the difference between either one of them not wearing a life jacket is hard for me to see.

I did text my grandson to say, "What do you think of this law?" He said, "I think it's a good idea." Then I said, "Well, what do you think about the idea that your brother would have to wear a life jacket and you wouldn't?", and he did a whole thumbs-up, saying that he was going to tease his brother over that.

This is a serious question, though. It's hard enough to get [*inaudible*] at that age, and between the ages of 12 and 10, its going to cause, I think, some difficulties for parents making them wear it.

So, a long-winded question—how did you come up with 12?

**Ms. Goldie Ghamari:** There were numerous studies, but essentially what we did is, we modelled it off of pre-existing legislation in the United States. In the US, the majority of the legislation is for children 12 and under.

The idea behind this is to build good habits at a young age, so that even when children pass the age of 12, they're still wearing it as necessary. It's sort of like seat belt laws or bike helmet laws, where you instill it at a young age. The statistics show different ages, but the vast majority is 12 and under. We're looking at pre-existing legislation, seeing what works in other jurisdictions. Again, because

that's the age in the United States, we decided to stick with what works.

1020

**Ms. Sandy Shaw:** I can't find it now, but there was some reference to children who are 16. I think that they were required to wear a bike helmet until the age of 16? Is that—

**M<sup>me</sup> France Gélinas:** It's a seat belt.

**Ms. Sandy Shaw:** A seat belt, yes.

Anyway, I appreciate the explanation, but I would advocate that if we're going to do this, 14 seems like a reasonable age to me, but that's just based on the statistics and based on my experience of kids of that age. That would probably go a long way to make sure that more children are protected.

The other question I have is—and I think you've explained it well enough, but maybe I can get you to explain it to me again, which is the length of the watercraft.

I'll share with you that I have a 30-foot C&C. It's an old boat; it's like an old pickup on the water. It wouldn't fall under this category. What would it fall under? So, 30 feet in metres is what? Can someone do the math?

**Ms. Goldie Ghamari:** That's nine metres, so that would fall under it.

**Ms. Sandy Shaw:** That's great, because sailing is very difficult, especially with kids on board. There's a lot more movement than there is on other watercraft. So I just wanted to know that.

And you are just trying to cover a motorcraft size that is not covered? So you're just trying to find a niche, where it's not covered by the federal legislation?

**Ms. Goldie Ghamari:** What do you mean by "not covered by the federal legislation"?

**Ms. Sandy Shaw:** Well, why is it you think that—maybe you can explain it again to me. Why don't I just ask you that?

**Ms. Goldie Ghamari:** The reason that I went with nine metres and less is because that's the vast majority of personal boating vehicles for that size. For anything above that, generally you're getting into commercial and those sorts of boats. So nine metres or less pretty much covers the majority of waterways in Ontario.

Again, there is an exemption for if there is an enclosed cabin—so if the child is inside that enclosed cabin.

We went with nine metres or less because that would also include smaller, human-propelled craft like wakeboards or tubes, because the idea is not just the boat, but it's also if the child is being pulled on a tube—

**Ms. Sandy Shaw:** I was going to ask you about tubing.

**Ms. Goldie Ghamari:** Tubing, for example, yes—this would cover all of that.

**Ms. Sandy Shaw:** It says, "while being towed behind the boat," and you specifically mean tubing in that?

**Ms. Goldie Ghamari:** Yes, or towed on a wakeboard. The language here is to encompass as many scenarios and situations as possible.

**Ms. Sandy Shaw:** I have one last question around the enforcement role. I know we all know the stories; we hear the stories—we know there are spider-covered life jackets

tucked under seats in canoes and dinghies and all kinds of boats. So how do you propose to ensure—

**The Chair (Mr. Aris Babikian):** One minute.

**Ms. Sandy Shaw:** —that people are familiar with this law? That is important, because as I've shared with you, I think the reluctance on the part of young kids, especially that young age between nine and 12 or 13—you can't get them to do anything you want them to, to be honest with you. So how do you propose to enforce this act?

**Ms. Goldie Ghamari:** I think that's where it's really important, if the bill passes, that there would need to be some time before it becomes law in order to allow for social media campaigning and messaging. I know this is something that the OPP is very supportive of, and they see it as a positive step in the right direction.

I think, ultimately, it's up to parents. The idea here isn't to penalize parents. The idea is really to just—

**Ms. Sandy Shaw:** Save kids.

**Ms. Goldie Ghamari:** Yes, and to add some sort of consequence. So I'm hoping that at least if it is there, it starts off with warnings, perhaps, but then eventually it's about—

**The Chair (Mr. Aris Babikian):** Thank you, MPP Ghamari. The time is up for the opposition.

Now we'll move to the government side. MPP Flack, go ahead.

**Mr. Rob Flack:** Congratulations, MPP Ghamari. I think we're very supportive of your private member's bill and excited to see it become law.

Like MPP Shaw, I'm a boater as well. We have a family cottage in the Ottawa Valley, just down the road from MPP Yakabuski's famous community [*inaudible*]. I've spent countless hours on the lake throughout my life. I learned how to swim at a very young age, when there was—we always had life jackets, but they were the old orange ones that—

**Ms. Sandy Shaw:** Like the Titanic.

**Mr. Rob Flack:** Like on the Titanic. We had them in the boat, but you never wore them.

**Mr. John Yakabuski:** Well, given your age.

**Mr. Rob Flack:** My age?

Anyway, various different crafts that we have, whether it's canoeing, whether it's a small outboard—right now, we have what we would call a nice, 22-foot Honda boat.

Did you guys ever see the Seinfeld episode, The Soup Nazi?

**Ms. Lisa MacLeod:** Yes.

**Mr. Rob Flack:** I have my own boat Nazi, life jacket Nazi in my home, and that would be my wife, Denise. When we're out on the boat, if anyone doesn't have a life jacket on for any reason, my cellphone rings, because she's got the binoculars out and she's watching closely. Fortunately, we've never had an incident, even a close incident. Unfortunately, we know some people who have lost their children for that very reason, and that is why we always have ample life jackets in the boat, more than we need. One size doesn't fit all; you have to purchase the different sizes and make sure they fit the kids and adults.

By the way, we should also remember there are a lot of adults who don't know how to swim. They go on boats and they don't want to wear life jackets. I know one individual near MPP Yakabuski, in [*inaudible*—do you remember a few years ago when he fell off the boat? He was fishing, no life jacket, didn't know how to swim—good luck.

The big thing, though—you say it's not a penalizing piece of legislation, but to me, the opportunity to make it really effective is in communication. So I hope—I know you can't per se, but how do we make sure this law is very effectively communicated and, if you're ever on a lake where there's the OPP, that they will enforce it? Because we've seen it in a big way, which is good, but how will we really enforce it? And yes, they even put up billboard signs at cottagers' associations. I could go on and on. But we really need to find ways to communicate. Any ideas on how we can do that effectively?

**Ms. Goldie Ghamari:** I'm really hoping, if this passes, to work with the OPP on this, to work with them on communicating. I'm hoping that I can get the media involved as well. I know that this particular piece of legislation is something that the media has been very interested in. I think I've done approximately 30 interviews on radio stations, TV stations all across the province. So there is a lot of interest in this, and I'm certainly hoping to work on a communications strategy. It's sort of similar to—I think it was a decade ago when the province introduced that new law where if an emergency or first responder vehicle is pulled over, you have to change lanes. There was a whole communications campaign around that, to let people be aware of this new legislation. So I'm really hoping that the government can work with the OPP and media and whoever else to raise awareness. Hopefully there will be a bit of a grace period, as well, just to get that education factor across.

**The Chair (Mr. Aris Babikian):** MPP Yakabuski.

**Mr. John Yakabuski:** Thank you, MPP Ghamari, for proceeding with this [*inaudible*] legislation. It's a great idea, and honestly, I can support it 100%.

With respect to the MPP, this is not about enforcement; this is about parents parenting. If it is ingrained in your children at the early ages—and you have to remember, we're in a different age. My children and grandchildren are over the age of 18, and the thought of protecting children is—I was one of 14 children. Our parents let us out of the house at some time in the morning and just did a head count at the end of the day and saw if everything was okay. The truth is, today, parents are very conscious of the dangers that their children face.

The time limit is excellent, because you're getting out there and there all kinds of concerns and worries about safety—well, the last thing we need is more children drowning.

I live beside a cemetery, and I spent some time visiting cemeteries, because it's a great way of teaching your children about history. When you go through a cemetery, it's not too hard to figure out how many of these children died from drowning when you look at the ages. You figure out two things: how many women died in childbirth and



how many children died from drowning. It was a big problem, and we can eliminate so much of that. This is a great piece of legislation to do it.

**1030**

As far as enforcement, as someone who has certainly seen a lot of tickets himself in his lifetime, the police only get 1% or less of the people who are actually speeding down the highway—because it's impossible. You can't have 15 million police officers out on the highway, just like you're not going to have a police boat on every lake at all times. But by getting the message out that this is what we're doing here—and I think it's just wonderful. We're matching, I think, legislation that is on the books in at least 48 out of 50 states. Really, we're saying to Canadians and we're saying to Ontario, it's time.

**The Chair (Mr. Aris Babikian):** One minute.

**Mr. John Yakabuski:** So I really want to congratulate you and thank you for bringing this forward. I know our friends in the opposition are anxious to see it passed as well, because it's just a good piece of legislation. It will ultimately lead to a lot of lives being saved as we change the habits and the culture of people in Ontario.

**Ms. Goldie Ghamari:** Thank you very much, MPP Yakabuski. I appreciate that. I'm really hoping that if this bill passes in Ontario, it could be a catalyst to effect change across all Canadian jurisdictions and, hopefully, at the federal level.

**The Chair (Mr. Aris Babikian):** The government side has 27 seconds, if you want to go.

**Ms. Lisa MacLeod:** I just want to congratulate MPP Ghamari. Years ago, I brought in Canada's first concussion legislation, Rowan's Law. It's saving lives, and I know when kids have to sign up when they start to play sports, it has brought a lot of awareness. What you're doing today is saving lives in a different way, with water sports, and I'm very grateful for that—

**The Chair (Mr. Aris Babikian):** Thank you very much, MPP MacLeod.

**Ms. Lisa MacLeod:** He's cutting me off. But I think you're great.

I think you're great too, even though you cut me off.

**The Chair (Mr. Aris Babikian):** Save your thoughts for the second round.

We move now to the second round. MPP Gélinas, please go ahead.

**M<sup>me</sup> France Gélinas:** Thank you for bringing this bill forward. I was also there when Norm Miller brought it in. I know how much time, effort and energy he put in. He had an intern in his office who worked on it pretty well the entire session that she was there. It's a very good bill which I hope will see the light of day.

You all know—I don't care if you know it or not, but I'm a competitive rower. And, yes, we have a lot of young rowers. Just so you know, when the rowers start, we tend to start them in a big boat, like in a boat with eight rowers. A rowing shell is really, really easy to tip, so if you're in a single and you're new, you're going to go for a swim. But if you're in a boat with seven other rowers and there are experienced rowers in the rowing shell, the chance of flipping is way lower. The eight-seat rowing shell is 18

metres long—two times the limit that you've put on. If you go down to the four-rower shell—so four rowers in one boat—then you're at 13 metres.

I know that the bill allows for exemptions, and you've agreed to talk to Row Ontario. You will hear the same thing from Row Ontario that you hear from me—that it would help them and every rowing club in Ontario if it was mandatory to wear life jackets in rowing shells no matter the size. As I said, most rowing shells are past the nine metres, but still, a lot of them tip in every club. Making sure that everyone wears a life jacket, especially the younger ones who are learning to row, would make a big difference, not only for drowning—it doesn't happen that often that somebody drowns while rowing—but being traumatized because they did not have a life jacket, they were not good swimmers. The whole thing is traumatizing. Anyway, I'm putting it out there. I know that you've agreed to talk to Row Ontario, so this is one thing that I wanted to flag.

The other part that we've talked about already—I agree that a lot of it will be communication. Parents want the best for their children. Even parents with 14 kids—my dad is the oldest of 14 kids—want the best for—

**Mr. Rob Flack:** Is that John Yakabuski?

**M<sup>me</sup> France Gélinas:** No, a different family.

**Mr. Rob Flack:** That's not your father?

**M<sup>me</sup> France Gélinas:** No, a completely different family.

Anyway, they all want the best.

I fully agree that we will need strong and robust communication. Once parents know, then it becomes non-negotiable; their kids will have to wear life jackets once they go in a boat.

I'm hoping the role—and that has to do with my first question. I have been here under your government, which has passed private members' bills that went nowhere. The AED—automatic defibrillator—bill was passed by Robin Martin. It received royal assent, and it is still not implemented. This bill passed three and a half years ago, received royal assent more than three and a half years ago, and still nothing has been done. So how confident are you that this bill will reach the finish line—and not only reach the finish line, but be implemented in Ontario?

**Ms. Goldie Ghamari:** I can't speak to other pieces of legislation. I'm not as familiar with—I remember that PMB, but I don't remember how it was supposed to be enacted. But I can say with mine, it seems like everyone has—there's unanimous support for Joshua's Law from all sides of the House, so I'm pretty confident that it will be passed.

In terms of enforcement, that would really be up to the OPP. Once this becomes legislation, then the OPP would have the ability to—anyone who's responsible for the waterways. So enforcement would really be up to them. Again, I'm hoping to work with the OPP and various police services across the province to come up with a strategy and a solution.

**M<sup>me</sup> France Gélinas:** Do you see a role, though, for the government to promote knowledge and communication about the bill?

**Ms. Goldie Ghamari:** Yes. Like I was mentioning earlier to MPP Shaw and to MPP Flack, I think communication is very important. You're going to hear from the next set of presenters: Cara McNulty, who has Life Jackets for Life—it's what she created; and the Lifesaving Society. The Ottawa Drowning Prevention Coalition has also provided written submissions in support of Joshua's Law. So there's actually a very, very well-connected number of groups within Ontario that are dedicated solely to saving lives through the use of life jackets. In their written submissions, drowning prevention Ottawa even has an infographic. So I believe that there is an opportunity for government to work with these organizations and the OPP to come up with a communications strategy, because I think collaboration at all levels in various groups is the best way to move forward on the communications piece on this.

**The Chair (Mr. Aris Babikian):** Fifty-one seconds.

**Mme France Gélinas:** To put things in perspective: MNR does most of the water enforcement in northern Ontario for people who are over the quota when fishing etc. They had a chart in their office. Some of the lakes in my riding are patrolled once every 30 years. [*Inaudible*] fishing will never see MNR on this lake, and there are many like this. So to leave it to enforcement, to me, is a wasted opportunity. This is something we all support, but we all supported the AED—we all supported the defibrillators—

**Ms. Goldie Ghamari:** I think, ultimately—sorry; I know we're running out of time.

The enforcement piece is important, but ultimately, this is about parents being responsible and taking care of their children—

**Mme France Gélinas:** And parents knowing that this is the law in Ontario. In order for them to know this, we need a strong communication—

**The Chair (Mr. Aris Babikian):** Thank you very much. The time is up.

Now we'll move to the independent member.

Just a friendly reminder: You have five minutes, MPP Schreiner. Go ahead. The floor is yours.

1040

**Mr. Mike Schreiner:** Thank you to MPP Ghamari for bringing this bill forward.

I'm sorry I'm late. I have a bill in front of another committee, so I was presenting there, and I came up to committee as fast as I could.

The one question I had is just a follow-up on the conversation from the previous round of questioning.

I'm supporting this bill. My children find me to be one of those annoying parents who would make them wear a life jacket in the canoe when no one else was wearing one. So thank you for bringing this forward.

My concern is just around what plans there are around public education, whether you plan on educating parents on the importance of taking personal responsibility to ensure that their children are wearing a life jacket, and helping them know that it—hopefully, if this bill passes—will be the law to wear a life jacket. Any thoughts on how that best can be done?

**Ms. Goldie Ghamari:** About a decade ago, there was new legislation, a new law, that basically mandated that if an emergency vehicle is stopped on the side of the road, you have to go over one lane; you have to move one lane. There was a big communications strategy about that. It was communicated all across the province. It was in the news. And now we all know that if you see an emergency vehicle stopped on the side of the road you have to move over a lane if you can.

Ideally, again, the government, working with the various life jacket and rescue organizations across the province, as well as the OPP—I think there's a very good opportunity here—as well as the media. There has been a lot of media attention on this. I think I've done about 30 media interviews on this, so far, with various radio stations and TV outlets all across the province. Everyone is interested in sharing this and communicating this. So I think there's a very good opportunity for government to collaborate with the OPP, with organizations like the Ottawa Drowning Prevention Coalition and the Lifesaving Society and the media to come together and make sure that this is communicated.

**Mr. Mike Schreiner:** I appreciate that. I'll just close by saying that I hope we can follow through on that if the bill does pass and that we do [*inaudible*].

I have no further questions, Chair.

**The Chair (Mr. Aris Babikian):** Now we'll move to the government side. You have seven and a half minutes. MPP Smith, go ahead.

**Mr. Dave Smith:** MPP Ghamari, there have been some questions from the opposition and from the independent member from the Green Party—I'll differentiate him from the independent members of the Liberals—about a communication plan and about how this would roll out and how the government would do things.

I just want to remind everyone that this is a private member's bill, and, as a private member's bill, we're not allowed to commit any government funding to anything. That would be something that the government itself would have to do.

With that in mind, are there any free things that you would be prepared to do yourself to promote this on the education side, because you're not allowed to commit government funding in a PMB?

**Ms. Goldie Ghamari:** I think social media is really important. I'm hoping to create a social media campaign, and I'm hoping that all MPPs will join me in sharing that information with their mailing lists and putting it out there. That's one thing I want to do. I definitely want to collaborate with the Lifesaving Society, with Cara McNulty and with others. There's a really good opportunity there to work with the OPP and local police unions and police associations in order to share this information and get it out there.

Ultimately, I think the media is going to be a huge ally with this as well, and hopefully there's enough media interest. They can assist me and assist Cara McNulty and the Lifesaving Society in making sure that the word gets out there, that parents are made aware of the fact that life

jackets are now mandatory for children 12 and under—if the bill passes.

**The Chair (Mr. Aris Babikian):** MPP Gallagher Murphy, go ahead, please.

**M<sup>me</sup> Dawn Gallagher Murphy:** I want to make a couple of comments, but first off, thank you, MPP Goldie Ghamari, for putting forth this bill. I'm one of those people who was very surprised that this was not already law, so thanks very much for bringing it forward.

My question and/or comment refers back to something MPP Shaw raised, and that's with regard to the age, but going one step further. I was just in my boat yesterday. My son said, "Come with me, Mom." He's 16, a very strong swimmer—stronger than me now, and that's a lot. But my son is also on the autism spectrum. Right away, I said to him in the boat, "Robert, how about your jacket?" He said, "Yes, you're right, Mom."

Going to the comment of parents being responsible, thinking about a child like that—16, who's a strong swimmer but also has a challenge—my question to you would be, are there some thoughts on how we can educate? Again, it comes back to parents being responsible. I know that, and I think all parents should be responsible for their child, whatever their situation is. So I just throw that out to you—thinking about this bill and the age and those who have, let's say, extenuating circumstances.

**Ms. Goldie Ghamari:** Again, I think ultimately it's up to parents to be responsible and to make sure that they're building those habits in their children at a young age—the safety habits, the life jacket habits—the same way that children are wearing bicycle helmets, the same way that we wear seat belts. I know in the 1980s, when seat belt laws were first introduced, there was pushback on that, but now it's second nature; we all wear seat belts—so I'm really hoping with life jackets it becomes the same.

I think that education piece is so important. The information is out there.

This is from the written submissions from the Ottawa Area Lifesaving Society. In part of their written submissions, they had some demographics. I think stuff like this would go a long way to educating parents and letting them know about the importance of life jackets.

Ultimately, it's not about whether or not the child can swim; it's also about whether or not the child is even conscious. If a boat is capsizing, if the child unfortunately goes unconscious, at least if they're wearing a properly fitted life jacket, not only will they float, but they will also be on their back, so their airway is going to be free, so they can breathe until they're rescued. Often, it's not even about the swim aspect; it's about that instantaneous situation [*inaudible*].

**The Chair (Mr. Aris Babikian):** Any further questions from the government side? You have one minute and 55 seconds. No further questions from the government side? Okay.

We conclude our testimony from our witness today and the question-and-answer period.

Thank you very much, MPP Ghamari, for coming and making your presentation.

We are going to take a 15-minute recess, because we need to set up the Zoom link for our next session of testimonies. Some of the witnesses are joining us by Zoom, so we are going to have a 15-minute recess.

*The committee recessed from 1048 to 1103.*

## LIFESAVING SOCIETY CANADA

MS. CARA MCNULTY

**The Chair (Mr. Aris Babikian):** We are resuming our session. We will have the next set of witnesses. We have two witnesses joining us in person and one witness joining us virtually. We have Wendy Schultenkamper from Lifesaving Society Canada joining us virtually, and we have Lisa Hanson Ouellette, senior research officer, Lifesaving Society Ontario, and Cara McNulty.

Each presenter will have seven minutes to deliver their presentation. After we have heard from all three presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. The time for questions will be broken down into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition, and two rounds of four and a half minutes for the independent members.

I would like to call upon Wendy Schultenkamper to make her presentation, if she is ready, and also Lisa Hanson Ouellette.

**Ms. Lisa Hanson Ouellette:** Thank you for inviting us to speak today. It's a privilege to be here.

My name is Lisa Hanson Ouellette. I am the senior research officer with Lifesaving Society Ontario. I am a mother, wife, daughter, sister, godmother, ally and [*inaudible*]. I am joined today by my colleague Wendy Schultenkamper, director of operations, Lifesaving Society Canada [*inaudible*].

The Lifesaving Society is the voice of drowning prevention in Canada. It advocates for drowning as a public health issue. It works to prevent drowning and water-related injury through its training programs, Swim to Survive, Water Smart Public Education, and life-saving sport development, as well as the provision of research and aquatic safety management services. The society is a national, independent, charitable organization.

The society's position on mandatory wear for all is supported by research as the most effective method of drowning prevention among recreational boaters.

We're here today to share information for your consideration. The society seeks to normalize life jacket wear and recognizes that normalization is achieved through a combination of role modelling, practice, legislation, regulation, and, of course, enforcement of legislation.

In this presentation, personal flotation devices are referred to as life jackets; vessels are referred to as boats. This presentation and the statistics shared are recreational-boating-related. Detailed statistics and sources you'll find in table 1 on page 4 on your handout.

Grief comes in waves. It impacts us psychologically, physically, emotionally and socially. Loss affects families,

friends and entire communities. Losing Josh has [*inaudible*] impacting the province and the nation.

Between 2010 and 2019, there were 289 recreational boating fatalities in Ontario, an average of 29 per year. Some 92% of all recreational boating-related fatalities in Ontario were adults 20 years of age and older. In cases where it was known if a life jacket was present in the boat, 77% of people who drowned in Ontario were either not wearing a life jacket or they wore it improperly. This needs to change.

Each death represents a tragic loss for family, friends, and communities. The majority of these deaths can be prevented, through regulatory and/or legislative change whereby wear is mandated for all.

**1110**

A 2021 Ontario-based wear-rate study conducted by the Canadian Safe Boating Council revealed that children ages six to 12 wore life jackets approximately 87% of the time; teens, about 50% of the time; and adults and seniors, less than 18% of the time. See the trend?

By comparison, a 2021 national wear-rate study conducted by Transport Canada showed that children six to 12 often had the highest wear rates, about 75%; teens, 58%; and adults and seniors, less than 30% of the time.

An interesting observation from Transport Canada's wear-rate study was that passengers were 46 times more likely to wear a life jacket when the operator or driver was wearing one, suggesting that role modelling has a significant effect on wear rates. This is important to note, especially when considering children's learning of safe boating behaviours. We know that children learn by seeing and doing.

Both studies revealed that wear rates decrease as the age of boaters increases.

We have an opportunity to ensure our children can stay safe throughout their lives, learning safe boating behaviours early and applying these for a lifetime.

A bill that would mandate life jacket wear for passengers of all ages has the potential to lead to the normalization of life jacket wear in Ontario. Wearing a life jacket in a boat is something that should be expected, just as wearing a seat belt while driving a car or truck should be expected. We think nothing of hopping in the car and buckling up.

Mandating life jacket wear for children and youth only creates barriers to normalization. But mandating life jacket wear for children, youth and teens and continuing the mandating of life jacket wear for this age cohort as they age up can have a profound impact on drowning reduction and the normalization of life jacket wear in Ontario.

With these considerations in mind, the Lifesaving Society respectfully requests the following recommendations for amendment:

- increase the age for mandatory wear from 12 to 18 years of age to protect children, youth and teens;

- ensure that individuals and age groups identified in the bill be mandated to wear life jackets for the duration of their lives—

**The Chair (Mr. Aris Babikian):** Sorry; you have one minute left.

**Ms. Lisa Hanson Ouellette:**—while in, on or being towed by a boat; in other words, a graduated system whereby an 18-year-old continues to be mandated to wear a life jacket when they turn 19, 20 etc.;

- protect children, youth and teens by ensuring their safety is overseen by accompanying adults who model mandatory wear, at the same time ensuring adult supervision so that no child is left alone in the water should a boating incident occur.

Committee members, you have an opportunity to take the first step to normalization of life jacket wear in Ontario and set precedents for the rest of Canada by mandating life jacket wear. We are standing at a threshold, a point in time similar to that faced by decision-makers who mandated seat belt wear a long time ago. This is the time to normalize life jacket wear in Canada—

**The Chair (Mr. Aris Babikian):** Thank you very much. The time is up.

We have a second witness. I call upon Cara McNulty to make her presentation.

Please state your name for the record before you start your testimony. Go ahead.

**Ms. Cara McNulty:** My name is Cara McNulty. I want to thank you for the opportunity to speak to you today in support of Bill 93. I would like to thank my MPP, Goldie Ghamari, for her tireless advocacy and efforts in advancing this legislation. I would also like to thank MPP Norman Miller for bringing this act to the Legislature in the first place. I was thrilled to see that his efforts weren't in vain and that this bill has lived to see another day. I also see some familiar faces around the table from the debate, and I thank you for your support of this legislation.

I am Joshua Steinburg's mother. Joshua is the namesake for this bill. As you know, he died in a boating accident on the St. Lawrence River on September 1, 2018. He was 11 years old.

Josh was a kind, bright and funny boy. Always trying to make people laugh, Josh would be the boy to play a prank on you or smear cake on his face at a birthday dinner. He was affectionate and caring, rarely leaving the house without a hug and an "I love you." He had many friends, and I'm often told by his former classmates, "Josh was my best friend." He pulled his weight in sports but excelled academically. Good grades came naturally to him. He was carefree and a challenge to keep clean. He rarely had a sweater or a T-shirt that didn't have a stain on it by the end of the day. He loved playing soccer, playing guitar, swimming, *Diary of a Wimpy Kid*, and playing *Fortnite*.

I'll never forget the phone call I received that afternoon while shopping in Ottawa. We dropped everything and ran.

It took 49 agonizing days to find Josh and retrieve him from the St. Lawrence River. A seven-minute presentation is not enough time to give the proper credit to the massive search effort that occurred immediately after the accident. I personally searched shorelines, marshes and docks with the help of the members of the community of Rockport, Ontario with my partner and close friends. At certain points in time, it seemed like anyone who had a boat in the

area was looking; this was in addition to the OPP, the New York State Police, the Coast Guard and recreational divers. When Josh wasn't found, we brought in search and rescue dogs specifically trained for water searches and hired search-and-recovery experts from the United States, who, accompanied by recreational divers, finally found Josh after returning to the US and coming back for a second search effort.

During this time, we observed that boat after boat would go by with few people wearing life jackets or PFDs. I was aware of the rule of having a properly sized life jacket or PFD for each passenger on board a vessel, but clearly not many were actually wearing theirs. This was the reason for the initiative that I started with my partner, Gilles Gregoire, called Life Jackets for Life, whose purpose is to advocate for a change in the law and make life jackets and PFDs mandatory for kids in recreational boating.

Although I've been involved in this work for some time now, I wanted to appear today not to go through the details of the accident and the search or to present a long list of drowning statistics. There are many interested groups who devote their lives to drowning prevention and public safety that, I'm sure, have provided you with drowning data either verbally or by written submission. I'm here today as a mom. However, I'd be remiss if I didn't recite a few statistics that keep Life Jackets for Life driving towards its goal of mandatory wear.

Unintentional or preventable injuries are the number one cause of death for children in Canada. Drowning is the second- and third-ranking cause of unintentional child death, depending on age group. Many of these drownings have occurred on Canada's waterways while boating recreationally. Not wearing a PFD or life jacket is the number one reason for drownings in boating-related fatalities in all age categories above the age of four.

Parachute, Canada's leading advocate on injury prevention, found in a recent study that 1,700 emergency department visits in Canada in 2018 were children 14 and under, and an additional 200 visits for kids aged 15 to 19 were the result of drowning or near-drowning experiences. Parachute further cites the economic cost of drowning deaths in Canada for children 14 and under at \$38 million, the fourth-highest cost in the death outcome category for that age group; for kids aged 15 to 19, the cost was \$24 million, the fifth-highest cost. And none of these costs include the cost of search and recovery.

I have no doubt that many of you have heard stories of grieving mothers in your various constituencies. You know someone who has lost a child or, God forbid, you've lost one yourself; if you have, my heart goes out to you as a kindred spirit. It's a club that nobody wants to join.

I struggled with what I could talk about today that would be a different take or perspective that would clearly communicate to you that this, for me, is more than one grieving mother with a cause. I and my family will feel the effects of Josh's loss for the rest of our lives. But what about all of the other people affected by this tragedy? Josh's death deeply impacted many people and communities outside his family. We often talk about this particular

impact of drowning deaths, but we don't focus on it nearly enough.

There are many reasons why I'm here today in person over and above the loss and grief for Josh.

I'm here today for the dozens of recreational divers who dive as a fun hobby, who searched for, of all things, a young child's body.

I'm here for my best friend's husband, who saw Josh on the screen that day right when he was found. He never speaks of it again.

I'm here for my other best friend's husband, who brought his kayak from Ottawa almost every day for weeks and searched.

I'm here for the local fire chief, who told me at a thank-you barbecue we held for the community that he is still impacted by this tragedy.

**1120**

I'm here for Josh's daycare providers.

I'm here for Josh's older brother's friends who saw Josh more often than most, just hanging out at our house.

I'm here for the teachers and staff of St. Philip School in Richmond, Ontario who, in shock and grieving themselves, had to break the news or be the shoulder of strength supporting devastated students.

I'm here for every person who signed a petition or donated to the GoFundMe—

**The Chair (Mr. Aris Babikian):** One minute left.

**Ms. Cara McNulty:**—campaign that saved us from a crushing financial burden.

I'm here for all those who continue to wear the red Life Jackets for Life bracelets.

I'm here for Josh's friends. I'm here for their parents who had to help the children through grief.

Those friends courageously wrote letters to the then transport minister, Marc Garneau. The letters were sent to Minister Garneau and have not been shared publicly. If you'll grant me a couple more minutes, I can read a couple of those letters.

The bottom line is that this legislation will save lives. It will bring Ontario in line with some of its international counterparts like the United States, Australia, Ireland and New Zealand, and with the recommendations of the World Health Organization for countries to enact laws and regulations mandating the wear of PFDs and life jackets. It would also help to advance Canada in the fulfillment of its international commitments for drowning prevention it made to the international community through the UN resolution on drowning prevention.

I ask that Joshua's Law become the law of Ontario. It will be the first of its kind in Canada. This will not only form an invaluable precedent—

**The Chair (Mr. Aris Babikian):** Thank you. The time is up. You can continue your thoughts during the question-and-answer period.

Now we'll move to the official opposition. You have seven and a half minutes. MPP Gélinas.

**Mme France Gélinas:** Please finish your thoughts.

**Ms. Cara McNulty:** Thank you.

This will not only form an invaluable precedent for other provinces, but it will create a landmark in the legislative and policy efforts surrounding drowning prevention. Most importantly, it will prevent the cataclysmic and lasting impact the sudden and preventable death of a child has on family, friends, and communities at large.

Thank you for your time today.

**M<sup>me</sup> France Gélinas:** You mentioned that you were interested in sharing some of the letters that had been written. Do you want to share one now?

**Ms. Cara McNulty:** Sure. Thank you.

This letter was sent by one of Josh's friends, Cooper Ralph, age 12 years old, dated May 14, 2020.

"To the Minister of Transport, Marc Garneau:

"Josh was a good friend of mine, and a life jacket could have saved his life. I believe that life jackets should be the law so that no family should ever go through what Cara and her family went through. It was the worst year of my life so far [*inaudible*]. Just one question for you: Why are seat belts the law, but life jackets aren't? They both save lives!

"Signed,

"Cooper Ralph"

"May 20, 2020:

"Dear Mr. Garneau,

"I'm writing to you today in support of changing the law on life jackets for kids under the age of 14. My name is Chloe Kusiewicz. I'm a 13-year-old student. I was a classmate and friend of Joshua Steinburg, who died in a boating accident on September 1 of last year. His mother, Cara McNulty, is fighting to change the law so that other families don't have to go through what they did. She created the initiative Life Jackets for Life to bring awareness to the laws in Canada. I'm surprised to learn that other countries have this law, but we don't. We can do better. I agree that all children, and even adults, should wear life jackets at all times when boating. You have to wear seat belts, so why not life jackets?

"Josh's death changed everything for us, his friends. We were devastated by his loss. He was kind, funny and talented. We miss him terribly. We can't bring him back, but we can save other kids.

"I was happy to see Pierre Poilievre present this petition to the House of Commons. Please consider amending this law and make boating safer in Canada. Thank you for reading my letter. I hope to hear from you regarding this matter. I will give you my mom's email. I hope I hear about it in the news soon.

"Sincerely,

"Chloe Kusiewicz"

There are a couple more but I figure [*inaudible*].

**M<sup>me</sup> France Gélinas:** Thank you for sharing those very personal moments and a very difficult time with us.

I think I can speak for all of my colleagues to say we are in favour of this bill. I had the opportunity to speak to it when Norm Miller presented it the first time. I know how much time, effort and energy Norm put into this. He reached out across the aisle to make sure he would have support from all sides of the House. I would like to

guarantee to you that we in the NDP will be supporting this bill.

Madame Ouellette, you made some very interesting recommendations that you've tabled this morning. I agree with you that legislation is not something that gets changed every year. Most legislation is passed and never looked at again for decades to come. We have an opportunity right here, right now, to make it right. From what I understood from you, what you want is for everyone to wear a life jacket when they are on a boat.

**Ms. Lisa Hanson Ouellette:** Yes, and research supports that as the most effective drowning prevention method.

We also appreciate that Bill 93 is talking about children 12 years of age and younger. As a parent, as I mentioned, I wouldn't stop ramping up my supervision of my children when they hit 13. They're now 16 and 19.

We can see from the statistics that through role modelling—you've got adults who are wearing them less than 18% of the time; we have our youth, six to 12 years of age, 87% of the time; and of course the teens role-model, so now they're only wearing it half the time. We know that they're at great risk as well, just because of their development and things of that nature in terms of risk-taking. It's certainly something to be considered. When we've talked internally, people are always talking about wear for all—that is the most effective method, but we understand there are a lot of challenges to making that so. As such, when we said 18 and under, even 12 and under—if we could mandate it so that once they're locked in they're locked in, we protect them, they learn good skills, they learn safe boating and they hold on to that; they don't have an opportunity to slip out of that safety net.

As a parent and grandparent, anything to protect my kids, I think, needs to be done.

**M<sup>me</sup> France Gélinas:** Right now, the bill is for kids 12 and under. You would like it to continue—let's say the bill becomes law in 2023 and you are 12 years old; in 2024, 13 years old; in 2025, it would be 14 years old etc. If we cannot get that done, then what would be your preference for age? Would it be 12, 14, 16, 18?

**The Chair (Mr. Aris Babikian):** One minute.

**Ms. Lisa Hanson Ouellette:** At minimum, 18. You need to get it to as high an age as you can to protect them. When they get on the water and an incident happens, we don't want our kids left alone out there [*inaudible*]. Strong swimmers can drown. It has nothing to do with swimming ability. It has to do with an incident of hitting the water at high velocity. It's like hitting a wall, not hitting the softness of the water at all. There's a high risk there [*inaudible*].

**M<sup>me</sup> France Gélinas:** If we cannot do the thing and aim for 18 years old and under, to cover as many kids and get them into the right frame of mind—I agree that the decision-making of teenagers sometimes surprises me, if I'm to be politically correct. And yet, in those years—13, 14, 15—the law will help—

**The Chair (Mr. Aris Babikian):** Thank you very much. The time is up.

We'll move now to the independent members. MPP Schreiner, the floor is yours.

**Mr. Mike Schreiner:** Thank you to both presenters for taking the time to come today.

Cara, I'm sorry for your loss. I really admire you to have the courage to speak out and be such a fierce advocate on this issue. It says a lot about who you are. I was just wondering if you could talk a bit about what it would mean to you for this law to pass.

**Ms. Cara McNulty:** Well, for me personally, in a way it's honouring Josh's legacy—11 years old, *[inaudible]* a lot, so it's something for him.

Also, other than being here, I'm actually a lawyer by training—I've been in practice for 21 years—and it's nonsensical. It's nonsensical from a legislative perspective and a policy perspective in terms of child safety. We say how old a child has to be to smoke cigarettes, to drink, to drive. There's consumer safety legislation for baby toys. We protect our children, because we get it. We get it, from a policy perspective, that there are momentary lapses in judgement. There's losing an argument on *[inaudible]* and the risk patterns. So we put this legislation in place as a fail-safe.

1130

I've heard a lot of people say, "Where are the parents? It's the parents' responsibility." It is the parents' responsibility *[inaudible]*, but unfortunately, children are not with their parents every time they're on the water; they're with neighbours, they're with cousins, they're with the other parent.

So this is kind of a fail-safe. It's the backup. It's not the answer for 100% compliance, but it's there. It's a hell of a lot easier for kids arguing with you—to say, "Guess what? It's the law, and you have to obey or the police are coming."

*[Inaudible]*, so it's not just about Josh's legacy; it's about a piece of an area that is just very under-regulated from a safety perspective in the licencing regime, at Transport Canada—all of it. But it's one thing at a time. I'll just tackle this one. This one is a bit of a no-brainer in my view, but obviously I come with my own bias.

**Mr. Mike Schreiner:** Understandably so. Thank you.

Lisa, you've advocated for the bill being amended to include teenagers as well. Are there other jurisdictions around the world that have mandatory life jacket laws for teenagers that we could compare to?

**Ms. Lisa Hanson Ouellette:** I can't speak to that off the top of my head. If I had something in front of me, I could speak to it. I could certainly get back to you on that.

**Mr. Mike Schreiner:** I'd certainly appreciate that.

It's my understanding that we'd be the first jurisdiction in Canada to pass any sort of mandatory life jacket law. Is that correct?

**Ms. Lisa Hanson Ouellette:** Correct. We'd be setting a precedent, for sure, for the rest of the country. I may be a little bit biased, but Ontario can certainly—

**Ms. Cara McNulty:** I just wanted to add that I have recent boating registration certificates from Transport

Canada *[inaudible]* some of the numbers. And these are registered, so *[inaudible]*. Ontario has—

**The Chair (Mr. Aris Babikian):** One minute left.

**Ms. Cara McNulty:** —by far the highest number of registered boats in Canada.

**Mr. Mike Schreiner:** I probably have 30 seconds left?

**The Chair (Mr. Aris Babikian):** Thirty seconds exactly.

**Mr. Mike Schreiner:** Okay. I don't think I have time for another question.

Thank you for being here today.

**The Chair (Mr. Aris Babikian):** We'll move to the government side. I understand that MPP MacLeod wants the floor.

**Ms. Lisa MacLeod:** First of all, I would like to say thank you, Cara, for coming here and showing your bravery. I'm delighted that you shared your story and brought a human face to this tragedy. And I'm sorry for your loss.

I want to congratulate my colleague MPP Goldie Ghamari for making a difference. This is going to save lives; it's going to change lives.

A lot of stuff you said today really resonated, because I work with a lot of parents who lost children—one in an explosion at school; another from multiple concussions; and a third, actually, was murdered by the mother. The grieving parents I found in each case, just like you, showed how truly courageous and strong they were, not only to continue to live on, but then to make a change. You're going to make a change today; I think you see it from every member of the Legislature here.

Lisa, you talked about role-modelling, and I firmly believe, whether it was concussion legislation, whether it was anti-smoking, whether it was cycling, whether it was seat belts, that children do shame their parents into making change. Sometimes that is required by legislation, and while it should be common sense, we all know that common sense isn't so common.

Today, we're hearing loud and clear from our colleagues that all of us, parents who have children we love and want to protect, are here for you.

I'm so glad that you're working with Parachute. What a great organization. I've had the opportunity to work with them many times over the years.

Please just know, on behalf of everyone—I know my colleagues opposite also said the same thing—that we tremendously support this. Your story will save lives.

I don't know if any of my colleagues would like to say anything as well.

**The Chair (Mr. Aris Babikian):** MPP Smith.

**Mr. Dave Smith:** I have a question for both Lisa and Cara to answer.

Whenever there's a piece of legislation that comes out, there are always people in our constituencies who express their opinion based on it. I would say that the vast majority of correspondence that we have received has been very, very positive on this campaign, but I have received some negative comments; one of them, in particular, is that we're becoming a nanny state and that this should be the

choice of parents. I know how I responded to these individuals.

What would you say to someone who says that by enacting this we are becoming a nanny state and that we shouldn't be mandating anything?

**Ms. Cara McNulty:** My response would be that this isn't just about being a nanny state for parents and telling them what to do. First of all, that ship has kind of sailed a little bit. Secondly, there's an enormous cost. I haven't got a clue what the search-and-recovery costs were—and I don't want to know, to be honest—to find Josh. If it doesn't tear on their heartstrings a little bit to lose a child, if that's not enough for them to say that this legislation should be enacted and that it should be mandatory wear, then we have the numbers. If you decide, as a parent, that you shouldn't be forced to put a life jacket on your child—first of all, it's not top of mind for a lot of boaters to do it. I know a lot of people, parents, who say, "If it's a rule, 100%, we never deviate." And I say, "Great. That's fantastic. Spread the word. I hope everybody does what you do"—but they don't, unfortunately. You can see what happened to Josh. They hop in, it's wet, they've been wakeboarding, it's uncomfortable, it's hot—it happens. But if that doesn't convince people, then what about the costs?

So you don't want to put one on your child, you want to have that option or you want to [*inaudible*] that day—what about the emotional toll that is going to take on everybody around that child, including you, and then the financial burden on the taxpayers to have to pay?

We were fortunate enough to have GoFundMe; if it wasn't for them, Josh would not have been found. The OPP are only there for a certain period of time, which is understandable. That's the other thing, too—are you willing to risk never being found? That's what we were facing with Josh, without having the funds and the private help. That's the reality—they may never be found.

You're talking about children in this context, but when we're talking about adults, just to convince people to wear it—okay, you don't want to wear one, a 55-year-old fisherman or whatever the case may be. But they're not going to look for you. They're not going to find you. They're not going to spend months looking for you. They have a certain period of time, and then you're basically gone; you are a missing person, technically, without a body being found. I know, because I had to give DNA samples to the police in case Josh was never found. You are a missing person. You have just complicated your estate. You now have to be legally declared dead, and you don't get a death certificate until you get that death registered.

Anyway, it's not just about you and your choice and your personal freedom. You live in this world with many, many, many other people, and we all have to make decisions. We have this legislation as a backup in case we slip up and make mistakes. It's not to penalize people. I've boated for many years with my ex-husband—on the St. Lawrence River, ironically. We had a cottage after that. We had a great time on the water. Everyone had a wonderful time on the water.

Life jackets are now comfortable. They're sustainable. There are many, many options out there. It's not the toilet seat—

**The Chair (Mr. Aris Babikian):** One minute.

**Ms. Cara McNulty:** —that you used to put on over your head.

That's probably not the most articulate answer, but—

*Interjections.*

**Mr. Dave Smith:** Some of these individuals we've been hearing from have said that it's their right, and my response has been that with every right comes a responsibility, and your responsibility to your child outweighs anything else that you may put forward as an excuse.

**The Chair (Mr. Aris Babikian):** Government side, you have 28 seconds.

**Mr. John Yakabuski:** We have another round.

**The Chair (Mr. Aris Babikian):** Next round, okay.

We'll move now to our second round of questioning, and we will start with the official opposition. MPP Shaw.

**Ms. Sandy Shaw:** I just want to thank you—I couldn't say it any more eloquently than Lisa MacLeod said, that you being here, how courageous you are and how it's hard to believe how fresh your grief is. I lost a sister not through an accident, but through childhood illness. It's 40-plus years ago, and it's still very up and down. So I have enormous respect for you doing this.

I also have to share that I have a lot of grandkids. I have a grandson who is 11. We talk about trying to keep the dock clean. When I talk to my grandson—I would say, at the end of the day, "How happy are you? How good was your day?" And you try find out how dirty his T-shirt is. So that was really meaningful.

**1140**

What I said earlier when MPP Martin was presenting is that the 12-year age limit seems indiscriminate to me, and given that I have this 11-year-old grandson turning 12 and basically the same size as 10, it just seems nonsensical, which is a word that you used, to have a 10-year-old be required to wear a life jacket and a 12-year-old—loophole—not.

I know we did hear from Madame Ouellette on the age limit.

Maybe, Ms. McNulty, you could talk a little bit about if you would you like to see this bill expanding beyond the 12 years of age—because in the case of Josh, he would have been turning 12 the very next year, when it wouldn't be required.

**Ms. Cara McNulty:** That is a really good question. I'll reiterate or summarize what I wrote in Life Jackets for Life's submission on this very point to Transport Canada—two of our policy options.

Obviously, yes, 12 is young. Ideally, in a perfect world, it would be mandatory for all, similar to what Australia has done. That would be a huge, huge win for safety. The focus of Life Jackets for Life has always been on children, knowing the difficult hurdle it is, legislatively, to get mandatory for all. So the recommendation, I guess, that what I would think would be 16 to have it—it coincides



with the driver's licence age. But I didn't do public consultations and hear from all the interested groups.

To be honest, if 12 is what we get to start this, then let's do it. Let's start it, because otherwise, we get mired down, with more lives at risk. To me, 12, just to get this—as I said in my presentation, this will be landmark. It's the first of its kind. And what this will do is generate research and more studies to see how it's working—is it actually reducing any drowning levels? Is it increasing survival rates for that age category? So I'm in favour because you have to start somewhere.

**Ms. Sandy Shaw:** I will just add that that's the purpose of this committee—to hear deputations of this kind and to move amendments based on what you're saying and based on the recommendations. That's what we're here to do, to make this legislation—as you said, it's good and important and groundbreaking legislation; we can still make it better, and that's the job of all of us here, to do that.

**Ms. Cara McNulty:** One last thing: At the age of 16, [inaudible] having a Pleasure Craft Operator Card from Transport Canada, where they can start driving pleasure or recreational vessels.

**Ms. Sandy Shaw:** In particular, given the submission, with the statistics on [inaudible] you referred me to, and with the idea that you want to normalize this behaviour—again, referring to my friend, I just wanted to let you know that MPP Gélinas is very adamant about this and has spent years telling her kids and grandkids that it already is the law, so that they would do it, which speaks to how difficult it is to get your kids to do what they need to do to keep them safe. At the age of 12, they're just dying to say, "I'm 12; I don't need to wear this," and so that's why we're focusing on this point. The drop in wear rate from 12 and under to 13 to 17 is significant, and we'd like to see in that age range that we are continuing to keep kids safe and prevent further loss of life.

The recommendation is quite clear—and maybe Madame Ouellette would like to speak to this. The recommendation was also fine; it was very clear—to increase the age of mandatory wear from 12 to 18 to protect children and teens. So we talk about the age of 16—you would have to make an amendment to this one piece of legislation to improve it to age 16. I think that is something that we would [inaudible].

**Ms. Lisa Hanson Ouellette:** It would be a step in the right direction. I think that what's key for mobilization, of course, is [inaudible], and so as these kids age up, that's where mobilization comes in. They can learn safe boating practice; they can learn the application and importance of personal flotation devices, life jackets. It becomes second nature, similar to the seat belt, over time. And so, as they age up, then, years from now, we have adults who are doing it.

**The Chair (Mr. Aris Babikian):** One minute left. Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I thank you for coming and sharing your story again.

I don't like to give people false hope. This is a private member's bill. Very few private members' bills make it to

the finish line, and with this government, when they do make it to the finish line, even then sometimes they don't get enacted.

I give the example of the automatic defibrillators. It was very similar—family after family coming to us to say, "If we had known that the defibrillator was there, we would have used it. They exist. All we need to know is—give 911 the location." We passed the law. It was a member of the Conservative government who passed the private member's bill, and it still, three and a half years later, has not been put forward.

So I thank you. If we can support you in any way, count on us. I don't want to give you false hope either. Even if this bill makes it to the finish line—

**The Chair (Mr. Aris Babikian):** Thank you, Madam Gélinas. Time is up.

We'll move to the independent member, MPP Schreiner. Go ahead.

**Mr. Mike Schreiner:** I'll ask this question to both of you, but it comes out of the table in your written submission, Lisa. Is there any sense of why the wear rates are so much lower in Ontario compared to the national average?

**Ms. Lisa Hanson Ouellette:** I have some more statistics. It's really interesting, because Ontario—let me grab one more paper here—289 recreational boating fatalities in Ontario. This accounts for approximately one third of all recreational boating fatalities in Canada. That's a lot. It's absolutely awful, and it makes quite a statement.

We can even look at additional statistics. In fact, there's a new fatal drowning report coming out from Ontario. We just finished it. We just received it and are ready to post it shortly. The Drowning Prevention Research Centre Canada prepares this on behalf of the Lifesaving Society. So that will be on our website probably this week with [inaudible] more statistics. Statistics were paused during the pandemic because it's required that the researchers go into the [inaudible] to collect. So we're comparing apples to oranges right now in terms of years of data. But if we go back and compare Ontario a couple of years ago to the last national report which was produced, I believe, in 2020 [inaudible] since. I'm all for detail. I'd like to know the here and the now—so they say they know that nationally. But it is significant—

**Mr. Mike Schreiner:** Yes. I'm a numbers person too, so I agree with you on that end.

Cara, do you have any thoughts on that, given your research—why Ontarians have such a lower wear rate?

**1150**

**Ms. Cara McNulty:** I don't know. That's something we can ask the [inaudible], but my gut when you asked that question was oceans—we're not surrounded by oceans. We have Great Lakes.

I wonder if it has to do with the number of registered powerboats, because powerboaters have probably been the biggest offenders; I think the numbers actually do show that. They're the biggest offenders for low wear rates. Ontario has got some big—in the St. Lawrence area, there are some huge powerboats zooming by. And that's just one area.

**Mr. Mike Schreiner:** Obviously, there's support across all political parties for this bill, which is good. That's a positive step forward.

Are there some additional things that you think Ontario could do, in conjunction with this bill, to normalize wearing life jackets, to increase wear rates? Any thoughts on that?

**Ms. Lisa Hanson Ouellette:** I think that if we were to ensure that our kids are safe in the water and [*inaudible*] to wear a life jacket or a PFD, there should be at least one adult on-board who's also there to supervise—

**The Chair (Mr. Aris Babikian):** One minute.

**Ms. Lisa Hanson Ouellette:** —a child in case of an incident so that they're not left in the water alone. There should be consistent supervision and role modelling, of course, that continues. Hopefully we will see over time that our teens are [*inaudible*] more than 50% of the time, which is quite concerning to see that [*inaudible*].

**Mr. Mike Schreiner:** Do you want to add anything to that, Cara?

**Ms. Cara McNulty:** I did a school visit last year and did a presentation on the importance of wearing life jackets, and it occurred to me that that is something that—

**The Chair (Mr. Aris Babikian):** Time's up.

We'll move to the government side. MPP Yakabuski, go ahead.

**Mr. John Yakabuski:** Thank you very much for joining us today—and particularly you, Cara. We have four children and 12 grandchildren, and I can't even imagine what you went through.

I was a canoe ranger in Algonquin Park in 1976. I would classify myself as a poor swimmer. By the very nature of the name “canoe ranger,” I spent a lot of time in the canoe, and I never once had a life jacket on. I think about that sometimes now, and I know I was fortunate. At the time, the ministry didn't even require us to wear a life jacket. Today, if you're working for the ministry, if you're on a boat of any kind, you must wear a life jacket; it's mandatory, but at that time—and that was quite a few years ago—it was not mandatory. I was probably better positioned, even though I was not a good swimmer [*inaudible*]. I still wouldn't be much good, but I'm less physically able to defend myself in the water at my age—maybe a little better back then. I wouldn't even consider getting into a boat without having a life jacket on today, because I guess I understand my own mortality better.

What I think I'm getting at is this whole process, the one-time goal [*inaudible*] after Norm Miller did—and I think I spoke to him when he presented it a few years back, that this really is about changing attitudes, changing cultures and changing views. We have seat belt legislation, which is mandatory, and there is a pretty significant penalty if you don't wear it. But the vast majority of people who drive vehicles wear their seat belts not because it's the law, but because they understand absolutely that that seat belt will save their lives—that, in conjunction with airbags, will have a good chance of saving their lives in a crash.

I think what we're trying to do here is clearly send that message out to people that this is a good thing and we need to change the culture so that our children who are seven, eight, nine, 10, 11, 12, when they're getting into a boat—we are engraving into them that this is what happens. No float, no boat. I just came up with that. No float, no boat—you're not getting in, we're not going anywhere unless you have that life preserver on. I think this is what we're trying to do here.

I can't say enough about how much it means for both of you—and I know Wendy [*inaudible*] speak when she was here, by Zoom—to bring us not only some of the data, but the passion and the belief about how important this is.

This is a huge first step—the first jurisdiction in Canada. Ironically, we're following the United States; you'd think that we'd be ahead of the curve on something like this, but we're happy to take second seat to the Yanks, if we have to, on this one. I really do believe it's a great first step.

I want to thank you so much for bringing your perspective and your personal story to us today.

**Ms. Cara McNulty:** Thank you for your support.

**The Chair (Mr. Aris Babikian):** Anyone else from the government side? You have three minutes and 32 seconds.

MPP Gallagher Murphy, go ahead.

**M<sup>me</sup> Dawn Gallagher Murphy:** Cara, thank you very much for being here. Thank you for talking about your truth, what you feel. As a mom, I just can't imagine what you went through. Honestly, from the bottom of my heart, thank you for making such a brave statement today. That's number one.

Number two: Thank you for supporting MPP Goldie Ghamari on her journey with this private member's bill. It is so significant. Members of provincial Parliament are creating PMBs through working with constituents. I see that you have a great relationship. Thank you for your support for MPP Goldie Ghamari. This is a bill that we fully support. Everybody has stated here that we fully support it. It is a bill that we want to see come to fruition sooner than later. Hats off to you. Thank you for being here. Thank you for all the support.

**The Chair (Mr. Aris Babikian):** No more questions?

Thank you very much to the witnesses for coming and sharing your voice with us.

The committee agreed that after the public deputations are over, we would go to clause-by-clause examination of Bill 93.

Is the committee okay to continue, that we should go to clause-by-clause examination after—

*Interjection.*

**The Chair (Mr. Aris Babikian):** The other issue is, is the committee okay to continue sitting after our noon break to do the clause-by-clause hearing?

MPP Gélinas?

**M<sup>me</sup> France Gélinas:** Is there a way we could do clause-by-clause right now, or do we break and come back at 1 p.m.? Can we do clause-by-clause now?

*Interjections.*

**The Chair (Mr. Aris Babikian):** That's what I'm asking for.

**M<sup>me</sup> France Gélinas:** I'm sorry. Yes.

**The Chair (Mr. Aris Babikian):** So we're all in agreement to continue to clause-by-clause examinations? Okay.

Just give us a couple of minutes to organize things around here.

*Interjections.*

**The Chair (Mr. Aris Babikian):** May I ask the committee members to take their seats?

The committee will now move on to the clause-by-clause consideration of Bill 93, An Act to enact Joshua's Law (Lifejackets for Life), 2023. If a member indicates that they wish to move an amendment, we will take a short recess to allow the member to consult with legislative counsel regarding the motion.

Are there any questions before we begin?

MPP Gélinas, go ahead.

**M<sup>me</sup> France Gélinas:** Can I have a friendly ask of the other side, just to see how much work I want to put on legislative counsel: Is there any openness to go to 14 rather than 12, or am I wasting my time?

*Interjection.*

**Ms. Lisa MacLeod:** You could say anything to waste a person's time, but I can't say we would support it. All the work you do is worthy.

**M<sup>me</sup> France Gélinas:** Thank you, Lisa.

**The Chair (Mr. Aris Babikian):** We will move now to section 1. Is there any debate on section 1? MPP Gélinas?

**M<sup>me</sup> France Gélinas:** I'd like to move an amendment for section 1(1) that "the child" means a person 16 years of age or younger.

**The Chair (Mr. Aris Babikian):** We will take a brief recess until the motion is wrapped and presented to the committee.

*The committee recessed from 1204 to 1214.*

**The Chair (Mr. Aris Babikian):** We are back. MPP Gélinas, will you read your amendment, please?

**M<sup>me</sup> France Gélinas:** I move that the definition of "child" in subsection 1(1) of the bill be amended by striking out "12 years of age" and substituting "16 years of age".

**The Chair (Mr. Aris Babikian):** We have the amendment from MPP Gélinas. Any debate on the amendment? Yes, go ahead, MPP Gélinas.

**M<sup>me</sup> France Gélinas:** I would say since the first time the bill was presented by Mr. Norm Miller, questions about the age have risen. I realize that in the United States, they use a certain age. We also know that in other parts of the world, such as Australia, they made a bill identical to ours mandatory to all people. We all want the same thing: We want people to be safe; we want the statistics of 289 recreational-boating fatalities to go to zero. The people who commented on this bill back when Norm Miller presented it, as well as when it was reintroduced, made it clear that the more people are mandated to wear their life jacket, the more lives we will save.

I fully agree that a lot of what we are doing will save lives because of communication, because of encouraging people to do the right thing.

I don't know anybody who does not want to protect children from death—I think it goes pretty easy. We all want to protect our children. We all want them to be safe. We all want them to grow up to be healthy adults. We have an opportunity here this morning to make sure that more of them get to grow up to be healthy adults, and that's by making the mandatory age to 16. The Lifesaving Society presented again this morning—others that have submitted statistics, when they talked about children drowning, always put it at 16.

I think most of us have children; some of us have grandchildren. We all know that it is a whole lot more difficult to get a teenager to do something they don't want to do than it is to get a 10-year-old to do it. When a grandma tells her 10-year-old granddaughter to put her life jacket on, she doesn't argue at all. She's happy. She wants the pink one, and the other one wants the one that has the princess on it. I'm all good with that. When it comes to my 15-year-old grandson, asking him to put his life jacket on, it takes a little bit more of a conversation—"Oh, I'm not going to go in the boat. I'm going to stay on the dock" etc. To make it the law makes it a whole lot easier.

I will put on the record that I have lied to my children and grandchildren for years and told them that it was the law and made them wear their life jacket. And it worked. I'm not proud that I was lying, but I'm proud of what I accomplished—by saying, "You haven't got a choice, bud. It's the law. You'll get to do what you want once you're an adult and you get to vote and you get to drive and you get to do all the other stuff." Once you make it that it's the law, nobody argues anymore. They put their life jacket on, and you go on and have a great time in the boat.

It is fun to take your family boating. It is fun to spend time on the water. We are very fortunate in Ontario to have this opportunity.

As legislators, we have this opportunity to protect more kids, and to protect more kids who are harder to convince to do the right thing, and to protect more kids who die from drowning because they're not wearing their life jacket.

We have the statistics in front of us. In Ontario, 12 years and under—87% of them already wear their life jacket. We wouldn't need the bill for 87% of them. But when it comes to 13 to 17 years old, then there's only 50% of them who wear their life jacket. The bill will be even more effective at protecting more lives if we put it to 16, because right now 50% of them wear their life jacket; the other 50% don't. Under 18—there's 13% of them who don't wear their life jacket. Don't get me wrong; it is worth doing for 13% of kids—for 1% of kids, it would be worth doing. But we have an opportunity to do more. We have an opportunity to protect more kids from drowning and to bring that statistic from 289 to zero—and that's by saying yes to 16 years of age.

1220

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Yakabuski.

**Mr. John Yakabuski:** Thank you to MPP Gélinas for proposing this amendment.

I'm not going to be able to support this amendment, and I'll explain our reasoning on this.

This is a major, major change in legislation in the province of Ontario—the first province of any and the first jurisdiction in Canada to move ahead with this type of legislation. As you said and others have said, what we're trying to do here is effect change, and this is, in fact, doing just that. This is going to change attitudes—the fact that we're actually bringing in a piece of legislation that requires the wearing of life jackets in a vessel under a certain size for anyone 12 years of age and under. This doesn't mean that this is the end of the pursuit or any further things down the road—or down the river, as we might say more appropriately; we're not suggesting that that's the case. We also believe that this matches legislation that is in almost all of the United States of America.

We're beginning with this, and we believe it's truly life-changing, because this is going to—and I will say to Madame Gélinas that my parents lied to me, and I have lied to our children, and I'm very certain that our children are lying to their children now under certain circumstances that sometimes require parents to. For the sake of expediency, they just can't tell the whole truth and nothing but the truth. So we appreciate that, and it is effective sometimes. When they find out later in life that it has been happening, then they say, "Oh, but no. Our kids are"—they end up doing it as well. However, sometimes we do those things because we are doing that to protect our children, to protect them from the fact that they haven't lived long enough to experience everything that we have.

So this is a case, too, where, for expediency purposes, safety purposes, we'll actually have a piece of legislation that says, "You don't have to lie to your kids anymore. This is the law."

If we can get our children, eight, nine, 10, 11 and 12, wearing life jackets, notwithstanding the statistics that you reported; if we could have that change from their perspective and their attitude—I don't have statistics, but I do know human nature, and if I have become accustomed to wearing this device for several years now, I am more likely to continue wearing it.

You were talking about how the makeup of life jackets today is far different from the ones that I was expected to wear back in 1976 and [*inaudible*] I never did. They're much more comfortable today, less intrusive. People can actually conduct pretty much normal activities while wearing a life preserver today.

So it's a big change, but what it is is about a cultural change, an attitudinal change by implementing a very reasonable improvement to the fact that we have no legislation today. I think it's the right thing to do—and at this point, this is where we were willing to go here on this side of the aisle.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Shaw.

**Ms. Sandy Shaw:** I would speak in favour of this amendment that was moved by MPP Gélinas that we

change the definition of "child" in this act from 12 to 16 years of age.

I want to start by, again, thanking MPP Ghamari for bringing this bill forward. It is a significantly important bill, and we are all in favour of this bill. I also want to thank her for the opportunity to have heard from Cara McNulty. It was a privilege to hear from such a strong woman and strong advocate for not just her child, obviously, but for all of our children. That was a very moving experience for us here this morning.

The reason that we believe this a reasonable amendment, to change it to 16 years of age—there are a number of reasons. One, as MPP Yakabuski has said, we are moving legislation that is a significant change, but as we all know, legislation does not get amended very often once it has been enacted. Again, we're hoping that this does pass and that it does get enacted. So the fact that we have an opportunity now—it's the purpose of committee hearings, to listen to deputants and to take into account what they're recommending from their experience, from their expertise, and make changes to this legislation to make it a better piece of legislation. That's what we're intending to do with this amendment.

The two deputants that we heard this morning both made the recommendation that the age should be increased. We've heard from the organization, the Life-saving Society of Canada, who said it in their oral deputation but also have it in their written deputation that they want to increase the age for mandatory wear—they are saying from 12 to 18 years of age to protect youth and teens—and the data that they provided, that comes from Ontario statistics, supports that.

Again, repeating that children under the age of 12—87% of them are wearing life jackets, which is excellent news, despite the fact that it's not currently the law. But that number drops significantly over the age of 12. It drops by a significant amount to almost half—43% is that drop. So that's a huge number of kids who all of a sudden are not wearing their life jackets for many reasons.

I explained that siblings—especially siblings of the same age—are very, very competitive. If one sibling turns 12 and can throw off their life jacket by law, the one who's 11—or the cousins who are 11—will not be able to wait until the age when they're able to do that.

When we see the wear rate of adults—18%—what we're seeing is this kind of social pressure that I know I've heard about from my grandkids on a boat, with the adult men not wearing their life jackets. The young teenage boys don't want to do that either. They're trying to emulate the men who are modelling their behaviour, particularly when they're out fishing.

So this would start a pattern of behaviour, a generation of behaviour that I believe will not stick until they are into their young adulthood—and 12 is not that age.

We did hear from Cara McNulty, Joshua's mom, and she represents her organization—not just as Joshua's mom, but her organization, Life Jackets for Life. Life Jackets for Life—that has more than one meaning: to save lives, but also that people should be lifelong wearers of life jackets, is the message that was delivered.

When I asked her—because 12 seemed such an arbitrary age to have picked out—what did she feel would have been a better age limit, she said 16, and that’s why we’re making this amendment 16. She said 16 years of age, and that coincides with how old you are when you need to get a driver’s licence. At 16 years of age, you can have your driver’s licence. She also said that 16 is the age at which you can apply—and that includes to take the test—to get your pleasure craft operator’s licence. So that was really the rationale for why it should be 16. It also is easy to understand. The number is 12—if you’re 12, you don’t need to wear a life jacket, mandatory. If you’re 16, you can get a driver’s licence. When we talk of the volume of communication—the idea is clear communication. The notion that 16 is when get your driver’s licence, 16 is when get your boating licence, 16 is when you’re required by law to wear a life jacket—it just makes absolute sense.

### 1230

If the government does not support this amendment and it passes as the age of 12—it’s poignant to note that Joshua was 11 when he drowned and when he died. So the year that he would have turned 12, when he would no longer be required by this legislation to wear a life jacket, is the year in which this tragic accident happened. Again, it is poignant and telling and compelling, in my opinion, that we want to extend that slim period in which he would be required to wear his life jacket, to extend this protection to young teens beyond the age of 12.

I fully support this amendment. I certainly hope that the government side and MPP Ghamari, whose legislation this is, would see fit to amend it as well.

**The Chair (Mr. Aris Babikian):** Any further debate?

**M<sup>me</sup> France Gélinas:** Recorded vote.

**The Chair (Mr. Aris Babikian):** Any further debate? I see none.

Is the committee ready to vote? The members have requested a recorded vote.

### Ayes

Gélinas, Schreiner, Shaw.

### Nays

Flack, Gallagher Murphy, Leardi, Sarrazin, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The amendment is lost.

There is a second amendment, again by MPP Gélinas. Please go ahead and read your amendment.

**M<sup>me</sup> France Gélinas:** I move that the definition of “child” in subsection 1(1) of the bill be amended by striking out “12 years of age” and substituting “14 years of age”.

I don’t want to take any more of your time than I need to. Again, for some of us who have been here for a long time—a bill is not something that is changed easily; once we’ve passed it as 12 years of age, you can expect that for the next decade it will be 12 years of age.

There is a very crucial age group—13 and 14, they are teenagers; 12-year-olds are not, but 13 and 14 are teenagers. There are many changes in the way that what a teenager wants to do things—the way they communicate, their relationship with their parents, their relationship with their friends etc. I think it would be wise of us to take that into account. The 13- and 14-year-olds do hang out with 12- and 11-year-olds lots—especially when you’re talking about boating. They still follow their parents everywhere they go, and they still come visit their grandmother every weekend.

Once the communication goes out that after the age of 12 you don’t need to wear a life jacket anymore, the ones who will be pushing the hardest to have this law respected are going to be the 13- and 14-year-olds who do not want to wear their life jackets anymore because the law said they don’t need to—and if the law said they don’t need to, who are you, as their mom or their grandmother, to tell them otherwise? You can have those kinds of conversations with a young person a little bit later in their lives, but at 13 and 14 years old, those will be really hard conversations to have.

I encourage us to err on the side of protecting our children and change the definition to “14 years of age,” so at least the habits that they will have done at eight, nine, 10 and 11 continue at 12, 13 and 14 years old. Those habits will be a whole lot stronger, to encourage them to continue to wear their life jackets for the rest of their lives whenever they get in a boat.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Ghamari.

**Ms. Goldie Ghamari:** I appreciate both amendments that have come forward. Obviously, I can’t vote on them, but I can certainly speak to it.

The reason that I went with the age of 12 is because that is what the majority of US legislation has, and legislation around the world—12 is the cut-off date. It’s proven that it works. And in terms of feedback and consultations, that’s the number that I received. That’s the feedback I received on that, and as I recall, at no point during debates or otherwise or before did anyone from the NDP side ever bring up changing the age, so this is something new that’s being brought forward right now. There was ample opportunity for the NDP to reach out to me at any point in this process to say, “Consider this.” There was ample opportunity to bring it up in the House—and it was not.

I appreciate the anecdotes and the information that you’re providing, but I struggle to support any amendments that are based on personal anecdotes. I prefer to focus on facts, on numbers, on figures and on pre-existing legislation that’s proven. Obviously, as my colleague said, there’s an opportunity down the road to revisit it.

Really, the purpose of this bill here is twofold. The purpose of Joshua’s Law is, one, to obviously engrain those proper life jacket habits in children and have that grow with them, but the second purpose, as well, is for Ontario to be a catalyst—for Ontario to start the conversation about mandatory life jacket laws. I know this is something that Cara has been working on at the federal level with the federal Minister of Transport for years.

Nothing has been done there. I'm really hoping that, at least, if something is started in Ontario, that will start the conversation—and like she is saying, that will bring about more research, more studies about its effectiveness, and get other provinces and other jurisdictions to start talking about it as well.

So that's why I introduced it as 12—and that's the number I would prefer that we stick with, because that's where the data and the numbers are in the piece of legislation I've set out here.

There's always an opportunity down the road to work with other jurisdictions and, hopefully, the federal government to take this law across Canada, and there might be an opportunity at that time to revisit it to see what age actually works.

**The Chair (Mr. Aris Babikian):** Any further debate? MPP Shaw.

**Ms. Sandy Shaw:** I'm just going to start by saying that this is what committee is for. This is where we move amendments. Amendments aren't moved in the House when we have a second reading on bills. This is the purpose of a committee—to listen to the deputants, the experts; listen to their expertise and, in fact, their personal anecdotes and take that into account when we're passing a bill. We want this to be the best bill possible and, again, as we all agree, protect as many children as possible.

I asked a question about whether this bill would include children tubing. I'm sure you all know what this is, but that's a giant rubber ring, I suppose—or sometimes it's a raft—where kids are towed at high speeds behind a boat on a body of water. It's unbelievable to me to think that you can have a law that would have an 11-year-old wearing a life jacket, but his or her cousin or sibling, who may be a few months older, is not required to wear a life jacket while tubing. This is a high-speed, dangerous activity, and why we would not want to make sure that we extend this law to protect as many children as possible is baffling to me.

This bill is named after Joshua, and Joshua's mother came here to say that she would like to see the age increased to protect more children if possible.

That is why we moved both of these amendments. My sense is that the government will not support either one of these. But we are here to do our job, and that's what we do as the opposition—this is the definition. We're trying to make this a bill that is as effective at protecting our youngsters as possible. We are hoping that, while you wouldn't support our amendment changing it to 16 years of age, this arbitrary age of 12 that has been selected for this bill can be changed to 14. So I speak in support of this amendment as well.

**The Chair (Mr. Aris Babikian):** Any further debate? Any further debate? Seeing none—

**Ms. Sandy Shaw:** Recorded vote, Chair.

### Ayes

Gélinas, Schreiner, Shaw.

### Nays

Flack, Gallagher Murphy, Leardi, Sarrazin, Dave Smith, Yakabuski.

**The Chair (Mr. Aris Babikian):** The motion is lost.  
1240

Now I will put the question in regard to section 1. Is there any further debate on section 1? Seeing none, is the committee ready to vote? All in favour of section 1, please raise your hands. All in opposition? Seeing none, section 1 is carried.

Section 2: Is there any debate on section 2? Is the committee ready to vote? All in favour of section 2, please raise your hand. Any opposition? Seeing none, section 2 is carried.

We'll move to section 3. Any further debate on section 3? Seeing none, is the committee ready to vote? All in favour of section 3, please raise your hand. Any opposition? Seeing none, section 3 is carried.

We'll move to the preamble. Any debate on the preamble? Seeing none, is the committee ready to vote? All in favour, please raise your hand. Any opposition? Seeing none, the preamble is carried.

Shall the title of the bill be carried? Any debate? Seeing none, all in favour please raise your hand. Any opposition? Seeing none, the title is carried.

Shall Bill 93 carry? All in favour, please raise your hand. Any opposition? Seeing none, Bill 93 is carried.

Shall I report the bill to the House? All in favour, please raise your hand. Thank you. Seeing none—I will report the bill to the House.

**Mr. Mike Schreiner:** We're all in favour, just to be clear.

**The Chair (Mr. Aris Babikian):** Okay.

Before the end of the meeting, I would like to remind members that the subcommittee on committee business has agreed to an end time of 6 p.m. for our meeting on Bill 31, held in October—sorry; held in Peterborough on Thursday, July 19.

**The Clerk of the Committee (Ms. Thushitha Kobikrishna):** July 13.

**The Chair (Mr. Aris Babikian):** Sorry, guys. Should I go over it again?

**M<sup>me</sup> France Gélinas:** No, we're—

**The Chair (Mr. Aris Babikian):** No, you're okay? That's fine.

So it is July 13.

Seeing as there is no other business, the committee is now adjourned until 10 a.m. on Thursday, July 13 in Peterborough. Thank you very much.

*The committee adjourned at 1245.*



## **STANDING COMMITTEE ON THE INTERIOR**

### **Chair / Président**

Mr. Aris Babikian (Scarborough–Agincourt PC)

### **Vice-Chair / Vice-Président**

Mr. Mike Schreiner (Guelph G)

Mr. Aris Babikian (Scarborough–Agincourt PC)

Mr. Ric Bresee (Hastings–Lennox and Addington PC)

Ms. Jess Dixon (Kitchener South–Hespeler / Kitchener-Sud–Hespeler PC)

Mr. Rob Flack (Elgin–Middlesex–London PC)

Mr. Anthony Leardi (Essex PC)

Mr. Stéphane Sarrazin (Glengarry–Prescott–Russell PC)

Mr. Mike Schreiner (Guelph G)

Ms. Sandy Shaw (Hamilton West–Ancaster–Dundas / Hamilton-Ouest–Ancaster–Dundas ND)

Mr. Dave Smith (Peterborough–Kawartha PC)

Ms. Marit Stiles (Davenport ND)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

### **Substitutions / Membres remplaçants**

M<sup>me</sup> Dawn Gallagher Murphy (Newmarket–Aurora PC)

M<sup>me</sup> France Gélinas (Nickel Belt ND)

Ms. Lisa MacLeod (Nepean PC)

### **Also taking part / Autres participants et participantes**

Ms. Goldie Ghamari (Carleton PC)

### **Clerk / Greffière**

Ms. Thushitha Kobikrishna

### **Staff / Personnel**

Ms. Pia Anthony Muttu, research officer,  
Research Services

Mr. Bradley Warden, legislative counsel