



Legislative Assembly of Alberta

The 28th Legislature
First Session

Standing Committee
on
Families and Communities

Bill 204
Irlen Syndrome Testing Act

Thursday, October 24, 2013
3:30 p.m.

Transcript No. 28-1-19

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First Session**

Standing Committee on Families and Communities

Quest, Dave, Strathcona-Sherwood Park (PC), Chair
Forsyth, Heather, Calgary-Fish Creek (W), Deputy Chair

Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)
Cusanelli, Christine, Calgary-Currie (PC)
DeLong, Alana, Calgary-Bow (PC)
Fraser, Rick, Calgary-South East (PC)
Fritz, Yvonne, Calgary-Cross (PC)
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)
Jablonski, Mary Anne, Red Deer-North (PC)
Jansen, Sandra, Calgary-North West (PC)
Jeneroux, Matt, Edmonton-South West (PC)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Notley, Rachel, Edmonton-Strathcona (ND)
Pedersen, Blake, Medicine Hat (W)
Swann, Dr. David, Calgary-Mountain View (AL)
Towle, Kerry, Innisfail-Sylvan Lake (W)
Wilson, Jeff, Calgary-Shaw (W)
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Bill 204 Sponsor

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3:30 p.m.

Thursday, October 24, 2013

[Mr. Quest in the chair]

The Chair: Good afternoon, everybody. I'd like to call the meeting to order and welcome everybody in attendance for today's meeting of the Standing Committee on Families and Communities.

I'd like to ask that members and those joining the committee at the table introduce themselves for the record. We have a few here and quite a number on the phone. We'll start with folks around the table and then catch everybody that is on the phone.

If you do have questions or you want to speak, it would be easier, again, with this many members to have you e-mail the clerk with your questions or your request to speak, and we'll keep a list here as accurately as we can. If we miss you, then just shout out, and we'll make sure that you get your opportunity.

We'll start with introductions around the table, to my right.

Mr. Young: Steve Young, MLA for Edmonton-Riverview.

Mrs. Jablonski: Good afternoon, everyone. Mary Anne Jablonski, MLA for Red Deer-North.

Mr. Goudreau: Good afternoon. Hector Goudreau, MLA, Dunvegan-Central Peace-Notley.

Mr. Wilson: Jeff Wilson, MLA, Calgary-Shaw.

Mr. Reynolds: Rob Reynolds, Law Clerk and director of inter-parliamentary relations.

Ms Leonard: Sarah Leonard, legal research officer.

Ms Sorensen: Rhonda Sorensen, manager of corporate communications and broadcast services.

Dr. Massolin: Good afternoon. Philip Massolin, manager of research services.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: Dave Quest, MLA, Strathcona-Sherwood Park, and chair of this committee.

On the phones?

Mrs. Leskiw: Genia Leskiw, Bonnyville-Cold Lake.

Mrs. Fritz: Yvonne Fritz, Calgary-Cross.

Ms DeLong: Alana DeLong, Calgary-Bow.

Mrs. Forsyth: Heather Forsyth, Calgary-Fish Creek.

Ms Cusanelli: Christine Cusanelli, Calgary-Currie.

Mr. Pedersen: Blake Pedersen, Medicine Hat.

Mrs. Towle: Kerry Towle, MLA, Innisfail-Sylvan Lake.

The Chair: Welcome. All right. That seems to be it for now. I think Dr. Brown is planning on joining us, too, right away.

There are a few housekeeping rules. The microphone consoles will be operated by *Hansard* staff. If you can keep your cellphones and BlackBerrys off the table. The audio of the proceedings today will be streamed online. It's all going to be recorded by *Hansard*.

Item 2, approval of the agenda for today: if I could get a motion for that, please. Mrs. Jablonski. All in favour? Okay. Nobody opposed on the phones? Very good. Thank you.

I also have the minutes of our last meeting, on October 10, which was a pretty interesting discussion. Quite a bit went on. If everybody has had an opportunity to look at the minutes, any changes, errors, omissions? All right. If I could get a motion to approve that, then. Mr. Wilson. All in favour? Any opposed on the phones? Okay. Very good. Thank you.

Now, our objective today is to look at the draft report on Bill 204, so a copy of the report has been distributed. I hope everybody has had an opportunity to review it. It's not a lengthy report, as you can see. We'll be discussing the report today, so make sure you're looking at the updated version, with the revised formatting. It will have a "revised" stamp on the top right-hand corner. If you don't have this version, please let Jody know, and we'll make sure you get one right away.

Hello, Neil.

Dr. Brown: Hi.

The Chair: The format of the report itself is fairly standard. Before we get into the details, we'll get Dr. Massolin to give us an overview of the document. Everybody has got it? Okay. Very good.

Dr. Massolin: Thank you, Mr. Chair. Yes, a very quick overview. It is a short report. It follows a standard format. As committee members are all aware, I'm sure, it contains some of the basic information, including how the bill was referred to the committee and some of the committee activities and then the meat of it, of course, section 4.0, which includes the recommendations. That is basically the motion that the committee agreed to at its last meeting. The final section there is an appendix that lists the oral presentations and the written submissions.

Thank you.

The Chair: Okay. I know that the bill's sponsor, Mrs. Jablonski, has proposed a number of changes that we can discuss.

All right. Mrs. Jablonski, bring forward your, I guess, motion or notice of amendment as it is and read it into the record, and then we'll get it distributed.

For those on the phone, Jody will e-mail it out right away.

Please go ahead.

Mrs. Jablonski: Thank you, Chair. As we all know, something that's important to all of us is children's mental health, and I know that we're anxious to get to that topic sometime here in the future. I would like to remind you once again that I believe that if we address the visual stress issues of children in school at an early age, we can prevent a lot of mental health issues with our children in the future.

These are the motions to amend that I'm going to present on the report on Bill 204, Irlen Syndrome Testing Act. The first amendment. I move that we change the word "interested" to read "invited" on page 4 under section 3.0 of the report on Bill 204. That would mean that the last line under 3.0 on page 4 would be: "The Committee received 75 written submissions, and six interested parties . . ." I want to change that to: six invited parties. The only word that would change there would be "interested" to "invited."

Dr. Brown: Mr. Chairman, a point of order here. Could I ask that we deliberate and vote on these motions separately in order that we could move things along a little quicker?

The Chair: Sure. That sounds like a good idea.

Sorry to interrupt. Is that agreeable to the committee? Everybody agreed on the phones? Then we will deal with these one at a time.

We'll go back to what we'll now make Mary Anne's first motion, that

the committee change the word "interested" to read "invited" on page 4 under section 3.0 of the draft final report on Bill 204.

Any discussion on that? All right. All in favour? On the phones? Any opposed? Then that one is carried.

We'll go to what we'll now make Mary Anne's second motion.

Mrs. Jablonski: The second amendment – and this will be right after what we just discussed – that I would like to make is that the committee add on page 4 under section 3.0 of the report on Bill 204 to read:

Far more people would have given oral presentations if time had permitted them to do so.

And

Fifty interested private citizens were in attendance in committee rooms A and B during the public hearings on September 25, 2013.

Shall we vote on that?

3:40

The Chair: I'm just going to ask Mr. Wilson for discussion.

Mr. Wilson: Sure. Thank you, Mr. Chairman. I'm just looking for clarification on the number 50. Was that a hard count that was done, Mrs. Jablonski?

Mrs. Jablonski: I'm going to refer to the clerk, but I understand that when I asked people how many were in attendance, I was given the number of approximately 50. The word "approximately" was used. If I change that to "approximately 50"?

The Chair: We'll take that as an amendment to an amendment from Mr. Wilson and change it to "approximately 50."

Okay. Any further discussion? All right. In that case, Mrs. Jablonski's amendment B with Mr. Wilson's amendment to the amendment is

changing "Fifty" to "Approximately 50."

All in favour? Agreed on the phones? Okay. I've heard none opposed, then, so we'll call that carried.

All right. Mrs. Jablonski, we'll get you to read what will now be amendment C into the record, please.

Mrs. Jablonski: Thank you. I move that

we add the following on page 4 under section 4.0 of the report on Bill 204 to read as follows:

Recommendations were made to the committee by the sponsor of the bill for possible amendments to Bill 204. However, committee members expressed that the bill in its current form without amendments, which could only be made in the Committee of the Whole, would not pass second reading.

I'd like to add that to the report.

The Chair: Before we have any further discussion, I'll get Mr. Reynolds, Parliamentary Counsel, just to comment on this amendment.

Mr. Reynolds: It's interesting. For the first part, I've never seen a recommendation like this before because, presumably, this is something that's usually in the transcripts of the meeting.

The other thing – and I usually wouldn't get involved with the content of the recommendation – is that I thought I had said, and

perhaps I'm mistaken on this, that if the committee recommends that the bill proceed and if that recommendation was accepted by the Assembly, the amendments, then it would de facto have indicated that it was changing the principle of the bill because the bill had not gone past second reading yet. I had thought, perhaps incorrectly, that I had bored the committee many times with that point earlier in its deliberations. In any event, I just wanted to see if there was any confusion.

Anyway, that's the case. If the bill had been recommended to proceed, then the Assembly would have taken notice of that if it concurred in the report, which is a little different than what's here.

Dr. Brown: Neil Brown here . . .

The Chair: Neil, we'll just let Mary Anne go first, and then we'll put you right behind, if that's okay, and then anybody else. Okay?

Dr. Brown: Sure. Okay.

The Chair: Mary Anne.

Mrs. Jablonski: Thank you. If this is technically incorrect, then I would concede your point, but I believe that this is what we said in committee. The reason why it's important to put it in the report to the Legislature is because it's what happened, and they don't have the transcript in front of them when we go through this report in the Legislature. I would like people to know how we proceeded in committee, that I did make a recommendation for amendments but that we still decided that the bill should not proceed because those amendments would have to wait till Committee of the Whole. I thought that this is what we did in committee, and I simply wanted it reported in the report.

The Chair: Okay. I'm going to go to Neil Brown. Rachel Notley, the Member for Edmonton-Strathcona, has also joined the meeting, and we'll go to her after Dr. Brown and then to Steve Young.

Please go ahead, Neil.

Dr. Brown: Yeah. Thanks, Mr. Chair. My concern is that we're trying to characterize what transpired during the meeting, and, as Mr. Reynolds alluded to, I don't think it really is composed as part of the report. There is an official record, and that's the transcript. Anyone who wishes, you know, to refer to what exactly happened is free to look at that transcript. But I think it's dangerous for the committee to try to characterize the whole proceedings in such a manner. It may be misleading to some. I'm not saying that it's totally inaccurate the way Mary Anne has posed it, but I think it's an incomplete description of what transpired. What we're more interested in in the report is what decisions were made, what the recommendations were.

I'm not in favour of this motion.

The Chair: Okay. Thanks.

We've got two opinions with some legal expertise here, and now we're going to get a third one.

Ms Notley: I will say that I am very familiar with these arguments as we have just reviewed this very issue in a different committee, the whole question of whether minority efforts should be included in the report. In the interest of consistency, certainly on my part I think that it would be totally acceptable for us to include some sense of the discussion that proceeded in the committee even though it perhaps represented ultimately a minority of the committee.

That being said, I'm certainly fully aware of the arguments of the other side, having just seen the majority of the committee adopt the arguments of the other side in a different setting.

You've got my vote, Mary Anne.

The Chair: All right. Thank you.

Mr. Young, followed by Mr. Goudreau.

Mr. Young: Thank you very much. As alluded to by the Member for Edmonton-Strathcona, in the spirit of consistency, these reports are about what the committee decided and what the recommendations are going forward. The process of the committee is available in *Hansard*, and there's also the option to do a minority report, which in the previous committee is happening.

I'm not going to support this.

The Chair: Mr. Goudreau.

Mr. Goudreau: Thanks, Mr. Chair. Not to take away from the importance of this whole topic and the importance of testing for Irlen syndrome, I guess I go back to April 22, 2013, when the Legislative Assembly submitted a bill that had very specific things in the particular bill. I'm not sure that we can at this stage change that particular bill. You know, I guess I'm somewhat confused at that particular level. Under Standing Order 74.1(1) it says that it referred a particular bill to us, Bill 204, and we're either making a recommendation to support that bill to go back to the Legislature or not. I'm not sure that we're mandated to change that particular bill.

I, too, would be in favour of, you know, accepting a letter as part of this whole report from Mary Anne Jablonski to say, "This is what I saw as well" and to highlight certain things, but then the recommendation should stand as it was made on October 10, I believe.

The Chair: Okay. Anybody on the phones wish to make any comments?

All right. We'll go back to Mrs. Jablonski, then, and then we'll probably have to call the question fairly soon.

Please go ahead.

Mrs. Jablonski: Thank you. I need a technical clarification. This is a recommendation to put this statement into the draft. At this point in time it's not saying one way or the other whether we accept the bill or not or we're changing the bill. It's just showing that recommendations were made to make changes. That's all it's saying. I just need to know if this is technically incorrect in a report back to the Legislature.

3:50

Mr. Reynolds: Well, I had some concerns about what was in it, but it's entirely up to the committee to decide what it does or doesn't put in the report. Certainly, it's on the topic of the bill. Whether it's appropriate or not is a matter for the committee to decide.

The Chair: Okay. Any other comments?

All right. In that case, the question. You've all got C in front of you, so I won't read it out all over again. All those in favour of Mrs. Jablonski's amendment C?

Mrs. Fritz: Agreed.

Mrs. Leskiw: Agreed.

Dr. Brown: I oppose.

Ms DeLong: Opposed.

Mrs. Forsyth: Opposed.

Mr. Pedersen: Opposed.

Mrs. Towle: Opposed.

The Chair: All right. Ms Cusanelli? Chris, are you on there? Okay.

Ms Notley: Can we just maybe record since we've kind of recorded half the committee already? Would that be all right?

The Chair: That would be fine.

Ms Notley: In favour.

Mr. Wilson: Agreed.

Mr. Goudreau: Opposed.

Mrs. Jablonski: Agreed.

Mr. Young: Opposed.

The Chair: Very good.

Let's take a minute here just to do a quick tally. The motion is defeated 5 to 7.

Mrs. Jablonski, we'll get you to read your amendment D into the record, please, and then as a motion, and then we'll have some discussion.

Mrs. Jablonski: Thank you, Chair. This is a simple amendment. I'm just adding the words "or Irlen syndrome" at the end of the recommendation on page 4. I move that we change bullet 3 on page 4 of the report to read as follows: the nature of visual conditions that require testing, including but not limited to visual stress or Irlen syndrome. So I'm just adding the words "or Irlen syndrome."

Mrs. Forsyth: Mr. Chair, can I just get a clarification and ask Mary Anne why she's doing this?

The Chair: Absolutely.

I'm sorry. I should have said that we'll just open that up for discussion now, so Mrs. Forsyth first.

I also just want to put on the record that on the last motion Ms Cusanelli was having some difficulty with her phone, but she was opposed to motion C, the previous motion.

Mrs. Jablonski: Heather, I got your question. You wanted to know why I wanted to add the words "or Irlen syndrome." We discussed in our last meeting that visual stress is another name for Irlen syndrome, but I'm concerned that not everybody would know that if they didn't participate in the meeting or they didn't read *Hansard*, the script, or had access to that. Just to make it clear, I'm still talking about Irlen syndrome when we use the words "visual stress," so "visual stress or Irlen syndrome." That's why I wanted to add it, just for clarification.

Mrs. Forsyth: Okay. Thank you.

The Chair: Okay. Anybody else? Ms Notley.

Ms Notley: Thanks. I'm just a little concerned that if it says "visual stress or Irlen syndrome," we may actually be creating an impression that there's something that's visual stress that's different from Irlen syndrome, so I'm a little unsure about that. I do think, obviously, given the history of everything, that we all know what we're talking about. I understand what you're trying to get at because visual stress, to those who are not informed, could mean anything, right? I know we don't want that either. But at the same time, I want to make sure that we get away from sort of the copyrightish obligation to link it right up with that particular thing as opposed to a more generic way of referring to that condition.

Now that I've heard your explanation, I understand what you're trying to do, and I do support that. I'm just not entirely sure that your wording gets us there, but I suppose we've got this debate in the background, too, so that helps.

Mrs. Jablonski: If it makes it any more acceptable, we could put a front slash, and it would be "visual stress/Irlen syndrome," or we could put "Irlen syndrome" in brackets. I just want to make it clear that we haven't entirely abandoned Irlen syndrome.

Dr. Brown: I would prefer to see it stay the way it is. At least in that sense it's ambiguous because one could interpret visual stress as being something other than Irlen syndrome, or it could be the same. It leaves a little bit more wiggle room there.

The Chair: Thanks, Neil.

Mr. Reynolds, any thoughts on what this word change could mean or not mean or be interpreted as?

Mr. Reynolds: Thank you. Once again, I don't want to seem like I'm passing the buck, as it were, but I don't find that this recommendation would necessarily be contradictory to what the committee has already approved. To some members, to Mrs. Jablonski, it seems like a refinement; others interpret it differently. With respect, Mr. Chair, I'd just leave it to the committee. I don't really have anything to offer in this regard.

The Chair: All right. Any other discussion?

Mr. Goudreau: Mr. Chair, I was just wondering. It seems to me that there's more than one visual stress. Instead of putting "or Irlen syndrome," I would put "including Irlen syndrome" as part of all the visual stresses that a person might be tested for.

The Chair: Okay. We'll take that as a friendly amendment to the motion, then.

Mr. Goudreau: That's right.

The Chair: Okay. If everybody got that, Mr. Goudreau is amending the motion to: the nature of visual conditions that require testing, including but not limited to visual stress, including Irlen syndrome. I think we have to clean that up, but was that the intent?

Mr. Goudreau: That's right.

The Chair: Okay. All right. How about "otherwise known as Irlen syndrome"?

Dr. Brown: No.

The Chair: No?

Dr. Brown: No.

The Chair: Okay.

Mrs. Jablonski: "Also known as."

The Chair: We've got a couple of friendly amendments on the table now. I'm sorry. Whose was "also known as"?

Mrs. Jablonski: Mine.

The Chair: That was Mary Anne's.

Dr. Brown: I think leave it as "or," the way it is, because there could be types of visual stress other than Irlen syndrome. I mean, if you look at a welding arc too long, you get visual stress, I suppose.

The Chair: Well, yeah. "Visual stress, including Irlen syndrome": you wouldn't interpret that as meaning the same thing, Neil?

Dr. Brown: Well, that would be okay. "Including" is okay.

The Chair: Okay. All right.

Hector, could you just read that back, what you want the whole thing to read like, then?

Mr. Goudreau: So

the nature of visual conditions that require testing but not limited to visual stress, including Irlen syndrome.

The Chair: Okay?

Dr. Brown: Yeah.

4:00

The Chair: We have Mrs. Jablonski's amendment, and then we'll deal with them both at the same time.

I'll go to Mr. Goudreau's friendly amendment to change "or" to "including." All in favour? All right. I'll don't think we need to do a tally. That one's carried. Motion D is now carried with the changes.

We'll go on to Mrs. Jablonski's amendment E. If we can just get you to read that into the record, and then we'll have a discussion on it.

Mrs. Jablonski: Thank you, Chair. I move that

we add the following recommendations on page 4 under section 4.0 to read as follows:

The Standing Committee on Families and Communities recommends to the Assembly that the bill proceed.

And

The Standing Committee on Families and Communities recommends that the following considerations for possible amendments to Bill 204 be made:

1. Change the title of the bill to read: Visual Stress Testing Act;
2. Wherever Irlen syndrome occurs, change to read "visual stress";
3. Include in the bill that a teacher who recognizes the symptoms of visual stress must recommend to the parents or guardians that the student have a complete and comprehensive eye exam by an optometrist or ophthalmologist, and if this exam rules out more prevalent vision, neurosensory, and eye health conditions, the student then be tested for visual stress.

The Chair: All right. Now that that's been read into the record so we all know what we are talking about, there are some significant

procedural issues with this, which, essentially, would kind of overturn the decisions the committee already made. I'm going to get Parliamentary Counsel to speak to this. Thank you.

Mr. Reynolds: Yes. Well, thank you, Mr. Chair. I'll be very brief. I don't think that it will come as a shock to Mrs. Jablonski, who in another capacity is Deputy Chair of Committees of the Assembly, that typically when a committee makes a decision, it cannot pass a motion that is the negative of that decision. I mean, you could look at *Beauchesne's* paragraph 698 for that. Some of the members here were just at a previous committee meeting, where – this is very much the case that when you've made recommendations, the committee is not supposed to revisit those because you've already made those decisions. However, in order to do such a thing, you would have to rescind the committee's previous vote. There would have to be a motion to rescind the recommendation that you agreed to last meeting, and then you'd have to proceed with another one.

Dr. Massolin may have more to add on rescission in general for those following at home or with access to *Beauchesne's*. You may wish to consult paragraphs 592 and 593 with respect to rescinding resolutions. All right. Well, we'll let Dr. Massolin speak to it. Obviously, this would have our committee overturning our own decision. Dr. Massolin, if you could speak to that, that would be appreciated.

Dr. Massolin: Yes. The only thing I would add – it's not just a procedural comment but rather a practical one – is that the committee has already made that decision, so I suppose that it's up to the committee to decide whether they want to reopen that.

The Chair: Okay. Mrs. Jablonski.

Mrs. Jablonski: Mr. Chair, thanks very much for this opportunity to speak. I think that you all realize that testing children for visual stress or visual impediments to learning is very important to me. I think that we can make a very positive change in our school system, where 80 per cent of the work requires good visual acuity. Testing children for visual impediments, for visual stress, and for Irlen to be included in all of that is really important.

This is important enough for me that I raise it again. I would make the comment that we had a great presentation on September 25, but many of the committee members were substitutions, so I wanted to bring this again to the entire committee in whole and not to a committee that was populated by people who were substituting for members that could not be here.

The Chair: Okay. Well, if there's any further discussion – this would be a very unusual circumstance of a committee rescinding its own decision, but we'll put it to a vote.

Ms DeLong: I just wanted to make a comment that our system does allow for substitutions. Substitutions are part of our system, and to assume that because we have substitutions, the working committees are not valid I think throws into question our whole system, so I do have to object to overturning the decision of that meeting simply because there were substitutions.

The Chair: Okay. We'll actually need – and I assume this will come from Mrs. Jablonski – a motion to rescind the committee's previous decision to recommend that the bill not proceed back to the House.

I'm going to read it into the record. That was just off the top of my head. We have something a bit more specific here. Jody's got a finer version of what I was proposing Mary Anne propose.

Ms Rempel: This would just be some approximate wording, but I believe Mrs. Jablonski is moving that

the motion carried on the October 10, 2013, meeting of the Standing Committee on Families and Communities, indicating that a report would be prepared recommending that Bill 204, Irlen Syndrome Testing Act, not proceed but that the Ministry of Health and the Ministry of Education collaborate to prepare a report for public release outlining best practices to ensure greatest quality of visual assessment in Alberta schools with specific reference to

- (a) consistency between school board practices and policy,
- (b) the effectiveness of different models of publicly supported in-school visual assessment programs, and
- (c) the nature of visual conditions that require testing, including but not limited to visual stress

be rescinded.

The Chair: That's enough. Motion moved by Mrs. Jablonski. All in favour of us rescinding the discussion? All right.

We'll have some brief discussion. Please, go ahead.

Mrs. Jablonski: Thank you, Chair. Once again, I would say to you that we had six presentations to us in committee by people that were invited, and we had the approximately 50 people that were here in attendance who would have liked to have had the opportunity to present. We received 75 written presentations, and if you did an analysis of those written presentations, you would see that 50 were in favour of this bill and 25 were opposed.

I know that the bill has some concerns, and that's why I've brought recommendations for amendments come the future. I'm not asking this committee to pass the bill. I'm simply asking this committee to send the bill back to the Legislature, where it can be debated by all of those who choose to debate it. If it passes, wonderful; if it doesn't pass, then I will accept that. This is an opportunity, once again, for me to get Bill 204 back to the Legislature. I'm not asking you to pass it. I'm simply just asking you to send it back to the Legislature, where everyone can have a chance to debate it.

4:10

The Chair: All right. Is there any other discussion? I just want to remind everybody that the bill that would go back to the Legislature would be the original Bill 204 unchanged, not the one that included all the different discussion and potential changes or amendments that we had around the table. It was the original 204 that was going back.

Any other discussion?

Mrs. Leskiw: Mr. Chair, if it did go back, could these amendments that Mary Anne has been making not be made during second reading?

The Chair: No. It would have to go to committee. The bill would have to survive to Committee of the Whole.

We kind of need to stay on the – we're going all over the place here. We're actually reopening the whole discussion we had the other day and actually the discussion we concluded the other day. I'm going to have one more comment from Mrs. Jablonski, and then we're going to call the question.

Mrs. Jablonski: Thank you, Chair. I know you're being very patient.

I would just like to point out that although we can't make any changes to the bill in second reading and it has to get through second reading, in the presentations that are given to the House

during second reading, there's no reason why we couldn't talk about making amendments even though we can't complete them in the second reading. We could introduce the amendments just to say that these are going to be recommended, of course not taking any action on them, so people would understand that changes are recommended to the bill.

Once again, I'm just asking you to send the bill back to the Legislature, where everyone can have a chance to debate the bill in public.

Mrs. Towle: Mr. Chair, can I jump in or get on the speakers list?

The Chair: You bet. You're number one for takeoff here. Go ahead.

Mrs. Towle: I can appreciate Mary Anne Jablonski's passion. I know how passionate she is about this bill, and I know she's worked very, very hard. I guess I'm a little bit confused why we're coming back to this conversation. I thought today's meeting was about recommendations to take back to the House in the report. I was under the impression that we had already settled the issue of a motion to get it back on the floor, that that had already been dealt with in the previous meeting. It's not that I don't appreciate her passion. It's not that I don't appreciate what she's trying to do, but clearly it has to get through second reading, has to get to committee, which, if it can't even get through this committee, is probably unlikely. I'm not really sure why we're even entertaining this motion when I thought we already handled this at the last meeting.

The Chair: Okay. We've been all over the place because the chair has been really lenient up till now, but we're going to call the question. This is the motion to rescind our previous decision. It's pretty lengthy, so I won't read it all over again.

All in favour of rescinding our previous decision? All right. The motion is defeated.

We need another one.

Mrs. Jablonski: So, Chair, since we decided not to rescind our decision from last time, I would ask that we remove the first part of amendment E, which is that "the Standing Committee on Families and Communities recommends to the Assembly that the Bill proceed." I would ask that we remove that but continue to include the rest of the amendment.

The Chair: Okay. Correct me if I'm wrong, Mr. Reynolds, but because we didn't rescind the previous decision, it just stands, so that ends the discussion on any other changes.

Mr. Reynolds: Yes. I mean, the committee has recommended that the bill not proceed, so I'm not sure how you could recommend amendments to the bill. Maybe I'm missing something here, Mr. Chair, but I'm not sure how you could recommend amendments if you're saying that the bill shouldn't proceed, because the Assembly would never get to the amendments.

The Chair: Sorry. Not being able to express a legal opinion, I think that would be my interpretation. I think it's over.

Okay. There will be some other changes, though, because we've supported some of the sponsor's other changes that she wanted to see in the recommendations in the draft report.

Does anybody else have any changes that they'd like to make to the report? Mr. Goudreau, please let it be a little one.

Mr. Goudreau: We can't allow it to go that easy, you know.

The fact is that we are making comments on the report as a whole, and section 4, the last paragraph, states: "The Committee further recommends that the Ministry of Health and the Ministry of Education collaborate to prepare a report for public release." I find that very open ended, and I would suggest that we put a deadline, within a year or, I would suggest, by November 1, 2014, for that report to be made, a very specific timeline here.

The Chair: Yeah. If it's okay with you, we'll deal with that when we get to the item after the next, about the communications strategy. Hector, is it okay to talk about it then?

Mr. Goudreau: Well, I'd like to have it as part of this particular report, you know, that it's part of the report that they've got a timeline to put it together. I'm open on the timeline, but I'm suggesting within a year.

The Chair: Okay. We'll take that as a motion or an amendment, then?

Mr. Goudreau: An amendment.

Ms Notley: Do you have to rescind again?

Mr. Goudreau: No. It's to add: the committee further recommends that within a year or, we can say, by November 1, 2014, the Ministry of Health and the Ministry of Education collaborate to do these things.

Dr. Brown: Wait a minute, Mr. Chair. With respect, I'm not sure that we're supposed to be revisiting the deliberations here. I thought we were talking about the wording of the report. If a decision hasn't been made to do such-and-such within a certain time period, then really we have to go back to discussing that as a separate issue. We're talking about the wording of the report here, which is supposed to reflect what actually happened in the committee meeting, as I understand it.

The Chair: I'm just going to ask Mr. Reynolds to comment, and then we're going to move on. I'm so glad you came today.

Mr. Reynolds: Thank you, Mr. Chair. I heard someone around the table say: well, do you have to have a motion to rescind it? I don't believe that that's quite the case. With Mrs. Jablonski's previous motion it was a direct contradiction of what had been decided by the committee before, so I think that a motion to rescind was necessary. In this case if the committee wants to open up its recommendations, that is up to the committee in the sense of being compatible with what it has already recommended. I mean, it's up to you, Mr. Chair, in your role as chair, but certainly Mr. Goudreau's amendment doesn't seem to be contrary to what has been passed by the committee. That's just one suggestion.

The Chair: Okay. Then we will allow it.

Ms Notley, do you want to comment?

Ms Notley: I would just like to say briefly that I support this proposed amendment.

The Chair: Okay. Can you just read it one more time, Mr. Goudreau, and then we'll call the question?

Mr. Goudreau: That

the committee further recommends that by November 1, 2014, the Ministry of Health and the Ministry of Education collaborate to prepare a report for public release.

So it's to put a timeline to this.

4:20

The Chair: All right. Okay. If there's no further discussion, then all in favour of Mr. Goudreau's amendment or change? All right. Everyone around the table has agreed. On the phones? All right. That should be everybody, and it looks unanimous. That one passes.

We will need to get these changes made very quickly since we're planning on tabling this on Monday, we hope, so I do need a motion that

the Standing Committee on Families and Communities authorize the chair in consultation with the deputy chair to approve the final report on Bill 204, Irlen Syndrome Testing Act, after the revised draft report has been distributed to the committee members for comment.

If you're available tomorrow, Heather.

Mr. Goudreau: I'll move that.

The Chair: All right. Mr. Goudreau has made the motion. Any other discussion? Mr. Reynolds.

Mr. Reynolds: No. It's just a little indigestion, but thank you.

The Chair: All right. Apparently, I misread the signal. Any other discussion on the motion?

Dr. Brown: Call the question.

The Chair: All right. All in favour? I've got all agreed around the table. Phones? All right. We are unanimous, so that passes. Mrs. Jablonski, you just want to make a comment?

Mrs. Jablonski: Yes. Thank you. Once again, I want to thank the committee for their diligent work and for their sincere consideration of this bill. I'm very proud of the work that we've done.

I would just like to clarify the next step. I understand that when this report goes to the Legislature, anyone who would like to speak to the report has the opportunity to stand and speak for 10 minutes each. Would that be correct?

The Chair: Mr. Reynolds.

Mr. Reynolds: Thank you so much, Mr. Chair. It's a very interesting question that you pose in the sense that the reports from special and standing committees are presented during the daily Routine, so that's before we get to Orders of the Day. The reports, as you know, are presented just before tablings, et cetera. There has not been a situation to our knowledge with respect to reports on private members' bills from legislative policy committees or their predecessors where there has been a debate. Certainly, when the chair presents the report, there is a motion to concur, and a motion to concur is debatable if that answers your question. Whether the debate would actually occur during the daily Routine is an interesting question. I mean, there would be a debate.

The Chair: Go ahead, Mrs. Jablonski.

Mrs. Jablonski: A clarification on process: is there an opportunity to have this report reported during private members' time on a Monday? Can that be arranged?

Mr. Reynolds: Can it be arranged? I think that this is an unprovided-for case in the sense that a report hasn't been debated. You may have the opportunity to raise this with the Speaker. I

imagine if the report was presented on Monday the 28th – I can't speak for the chair if he wanted to . . .

The Chair: That is the plan at this point.

Mr. Reynolds: Then, certainly, I could see how you might suggest that it be taken up during private members' time, but it would be up to the Speaker to determine such a request.

Mrs. Jablonski: So the procedure would be for me to approach the Speaker to ask him if he could allow this to be presented during private members' time?

Mr. Reynolds: Well, no. Sorry. The report itself would not be presented during private members' time. The report itself would be presented during Presenting Reports by Standing and Special Committees. I think the issue you're driving at is when it would be debated. You could certainly stand up to debate it after the motion for concurrence was moved by the chair and see what happens there, and then you might want to make the suggestion that it could be debated during, technically, Public Bills and Orders Other than Government Bills and Orders.

Mrs. Forsyth: Chair, I have a question that I want to get some clarification on from Rob, and I'm sorry, but his indigestion is probably going to go higher. Is it up to the member to debate it, or is it a recommendation from the committee that we don't have a problem with it being debated? From what I can recall from all my years here, I don't recall when it's gone to a committee – and I go back to Art Johnston's bill on cellphones – that it was ever something that was debated.

Mr. Reynolds: No. You're absolutely right, Mrs. Forsyth, and I thought I said that. During the legislative policy committees or their predecessors, policy field committees, there's never been a situation where a motion for concurrence has been debated. That's the situation. So there isn't a provision as to when that debate would occur.

Mrs. Forsyth: I guess what I'm trying to get clarification on is: is it the committee that makes the decision – we make a motion that we want it debated or not – or is it just up to any individual member, after it's gone through a very stringent committee process, to stand up and say that they want to debate it?

Mr. Reynolds: The motion to concur is a debatable motion. Once the committee reports, the committee really doesn't have anything else to say with respect to the bill. The committee has spoken through its report. Once it's in the Assembly, it's up to the Assembly to determine when the motion for concurrence will be debated. I think you might want to look to the Speaker to make a decision about this. I'm sorry that I can't be clearer or more definitive about that.

Mrs. Forsyth: That's fine. Thank you.

The Chair: Okay. That's where we're going to have to end the discussion on that. We're already looking at running a couple of minutes over, which I would rather not do. Assuming that the final copy can be ready – and I'm sure it can – and printed, it's my intent to table it on Monday. Does anybody have any concerns with that? Okay. Very good.

Under other business, the communications strategy, the committee has already authorized the chair to approve the communications sent out on behalf of the committee. We'll just go

to Ms Sorensen to see what she recommends as far as getting the word out about our final report.

Please, go ahead.

Ms Sorensen: Thank you, Mr. Chair. I'll be very brief, mainly because I can't talk for very long. I would just recommend that we follow the same approach that we've used throughout the entire process, and that would be that we would issue a news release highlighting the work of the committee thus far, including what has been changed and approved within the report, and that we would, furthermore, post postings on Facebook and Twitter leading followers of this issue to the news release.

The Chair: Okay. No questions? All right. Thank you.

I just want to thank everybody for all their work on this. It has been a very, very interesting process with a lot of fascinating discussion. I think it really was an example of how well these committees can work. I think we've had, like I say, a very successful process.

Our next meeting will be at the call of the chair.

Mrs. Forsyth: Chair, can I just ask you about the next meeting?

The Chair: Sure.

Mrs. Forsyth: The other standing committees have fairly regular meetings when we're in session. I believe it's either on Monday or Tuesday. Can we please do that when we're in session? We've left the mental health initiative discussion off the table for a lengthy time, and I think it's important that we get back to it. Could we start organizing a meeting in session on either a Monday or a Tuesday or a Wednesday, if possible, so that we can start dealing with mental health? It's an incredibly important initiative.

The Chair: Certainly. Well, we'll have some discussion on schedules and what can be co-ordinated, and we'll see what we move on to next.

A motion to adjourn? Mr. Wilson. All in favour? All right.

Thank you very much, everybody.

[The committee adjourned at 4:30 p.m.]

