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Monday 19 November 2001

Lundi 19 novembre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 19 November 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 19 novembre 2001

The House met at 1845.

ORDERS OF THE DAY

ONTARIANS WITH DISABILITIES
ACT, 2001

LOI DE 2001 SUR LES PERSONNES
HANDICAPÉES DE L'ONTARIO

Resuming the debate adjourned on November 8, 2001, on the motion for second reading of Bill 125, An Act to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments to other Acts / Projet de loi 125, Loi visant à améliorer le repérage, l'élimination et la prévention des obstacles auxquels font face les personnes handicapées et apportant des modifications connexes à d'autres lois.

The Deputy Speaker (Mr David Christopherson): It's my understanding that the member for Prince Edward-Hastings has time left on the clock.

Mr Ernie Parsons (Prince Edward-Hastings): Thank you, Mr Speaker. I appreciate the time to continue speaking to Bill 125. There has been a break since last Thursday, and that break has given me an opportunity to talk to even more of the disabled community and to hear their viewpoints on this.

It has been suggested to me that this bill is somewhat unique in that it does not have a name assigned to it. This government traditionally assigns very cute names to each of its bills. I would suggest that they've struggled, but that the community believes that Cam's Scam would be an appropriate title for this bill.

I would like to go through and review some of the statements made—

Hon Dan Newman (Minister of Northern Development and Mines): On a point of order, Mr Speaker: I would ask you to review what the member opposite just said. It was very unparliamentary.

The Deputy Speaker: I will review it. I would ask the member if he would refrain while I review that, but if you would refrain from that language. As you can see, it's going to cause provocation. I'd ask you to consider that as you give the rest of your speech.

Mr Parsons: Thank you, Speaker. It has given the opportunity, though, to review a number of statements that have been made over the past few months, and I would like to share some of them with the House.

In question period on November 7, the minister made the statement, "I want to reassure the House that the 11 principles were followed very carefully in the drafting of this legislation." I would ask the minister to review this legislation, because indeed we can find at best one of them that was followed. There may be a misunderstanding on the part of the government, but there does not seem to be an apparent adherence to the 11 principles.

The statement was made that, "It gives full force and effect, something never before done in Canada, to the disabilities community so they have a voice and a say as we develop the regulations on an access council for Ontario." The bill itself doesn't require any input whatsoever from the disability community before legislation is drafted, and certainly nothing that is enforceable.

The statement was made on November 7 that, "It includes all sectors of our economy, something that was very important," and we agree it is extremely important that every sector be included. However, this bill imposes no requirements whatsoever on the private sector.

The question was asked, "Minister, what was the reaction within the disabled community to the tabling of this legislation?" The answer was, "It was very evident on Monday, with the presence of about 30 different organizations representing disability stakeholders in our province. Duncan Read, the past president of the Ontario March of Dimes, indicated that it was a historic moment." The inference is there—in fact, the statement is there—that the disabled community support this bill. Of the 30 different groups that form the Ontarians with Disabilities Act Committee, one has indicated support for the bill. Doing some very quick and rough math, that means that 29, or about 97%, of the disability groups have not supported it.

The minister referred to the report prepared by the Liberal caucus. Steve Peters toured the province, consulting with those with disabilities. The minister has had this for quite some time and has referred to it very positively, and we appreciate that. However, the real question is, given the input from all of the persons in Ontario, does this act improve their life? Does this act remove barriers?

If we look at some of these, the first statement says, "There is a severe limit of affordable, accessible rental accommodations throughout the province." Does this tabled Bill 125 help that situation? Not a bit.

1850

"The lack of automatic doors is a problem." Does this bill help that? No.

"The interior design of accommodations are insufficient for the needs of many in the community." Does the ODA apply to private buildings? No; it doesn't help.

"The cost of transportation is a concern." This bill provides for no money whatsoever to implement or to enforce the bill. Will it address the cost of transportation for those with disabilities? Not at all.

"There is a severe lack of assistive devices and adaptive equipment to make learning easier for the disabled." Does this help? No.

I had the opportunity on the weekend to have contact with an individual in a wheelchair in my community who resides on the fourth floor of a seniors' building. Because of preventive maintenance, the elevator is going to be shut down for one entire week, 24 hours a day, for an entire week, the week before Christmas. Does this bill cause people to think or do something that would enable her to be able to get in and out of her apartment? No. She is going to be held hostage in her apartment, and I would suggest that that happens all across the province. Will this bill help? Not at all.

"Printed materials are difficult to obtain in alternate formats such as Braille." It is extremely difficult just to access provincial documents for citizens in Ontario who are blind. They do not have access to the documents in Braille form.

"Current voice mail systems are barriers to the hard of hearing and the deaf." This does not help, and I would suggest they are actually barriers to everyone.

"Television programs oftentimes do not have closed captioning." We take for granted, those who are not disabled, that we can turn on the TV and watch and get the news and understand what the issues are. Click your television sets to the button that allows you to have closed captioning, and see how many shows do not. Does this bill assist to provide that for the disabled community? Not one little bit.

"Pay phones are rarely accessible for those in wheelchairs and are difficult to use for those with poor motor skills." This bill doesn't help that.

"Many are faced with attitudinal barriers and outright discrimination while attempting to find housing." This does absolutely nothing.

We can go on and on and on through this bill.

"There is little protection for the rights of persons using assistive animals."

This is a good document because it is what the people who have disabilities have stated. The minister, when he took this role on nine months ago, started touring the province and consulting with people to find out what they needed to remove the barriers. That startles me and saddens me in a way, because this government promised in 1995 to consult and to produce a bill. That means, until nine months ago, there has been nothing done. There has been no consultation; there has been no dialogue. Now we're seeing a rush. We saw that the 11 principles that were unanimously endorsed are not all being met. There was also a unanimous resolution which would require that this bill be in effect by November 23. Not intro-

duced, but in effect by November 23. Clearly, that principle is not going to be followed. We're going to see some rushed consultation.

Interestingly, this bill doesn't apply to municipalities that are smaller than 10,000. We now have some sense of where the government's going to hold their public consultation meetings. They're in cities like Toronto, Ottawa, Windsor—all cities over 10,000. The people who reside in smaller municipalities won't even have the right to get into city hall, and this government doesn't want to go and hear their opinions.

If there was ever a need to do more extensive public consultation, it was with the disabled community, who have insurmountable barriers at times to come to us. We need to go to them, and that's not happening.

This bill does virtually nothing to address the barriers identified by the disabled community. These are not things that I've said; these are not things the Liberal Party has said. These are things said by full citizens of this province who realize they don't really have the right to work in this province, and will not under the new legislation. They don't have the right to accessible housing, and won't under this.

They have been misled, perhaps unintentionally, but they certainly were under the perception that the Ontarians with Disabilities Act would provide the full range of people with disabilities the opportunity to be active participants in our society. This bill won't do that. The time is not right to go and do consultations and promise to make amendments in the coming years. For every one of those citizens, a day is a year—a day trapped in their house, a day without employment. They have skills that could meaningfully contribute to our province, and yet there have been no barriers removed for them in getting a job.

The right thing to do with this bill is the same as was done with the last ODA bill introduced by this government: withdraw it. This is more of a barrier than it is a help. This will prevent any new meaningful bill from coming forward. This bill needs to be withdrawn and done right, and done in a manner that reflects the input from the community and reflects the needs of each and every one of our citizens.

The Deputy Speaker: Members now have up to two minutes for questions or comments.

Mr Tony Martin (Sault Ste Marie): I want to commend the member for Prince Edward-Hastings for a very excellent précis of this bill, for a very excellent analysis of what's in it, what's not in it and, ultimately, some recommendations that this Legislature ought to take very seriously. The member went through the bill a week ago, when the House rose for constituency week, in a very detailed fashion and brought up some very excellent arguments in terms of what he saw as shortcomings of the bill and recommendations that he would make. I would suggest that anybody who wanted to get a good look at what it is we on this side of the House will be concerned about as far as this bill is concerned might

want to look at Hansard of last Thursday and see for themselves.

I think he certainly has raised a lot of the issues that you'll hear raised by a lot of us in the House over the next few days as this bill is being debated, questions such as, does it apply to the private sector? He has obviously said no, and others out there have said the same thing. Are there resources to support any implementation, any fast-tracking of this bill for the people out there today depending on this to facilitate them participating more fully in their community? The answer is no, there are no resources to go along with this bill, no new money targeted to help municipalities, communities or even the private sector, if they choose on their own to move on some of these issues.

Does it help people right now in their everyday lives? Will life be different for people the day after this bill becomes law in this province? He says no, and I suggest that if you talk to many of the people in the disability community out there, they'll say to you the very same thing. Does it live up to the 11 principles of the resolution passed in this House? The answer, again, is no.

Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors): I'd like to thank the honourable member for his contribution. I listened, as I did when he began, and to his completed comments this evening. I just want to remind him that he brought to the attention of the House his own Liberal Party's consultation tour filled with an identification of problems, but even the Liberal Party makes no promise, no commitment—no financial commitment whatsoever—to the 1.5 million disabled persons in our province. It just says that all of this would be a nice starting point for discussions regarding any components of any future legislation.

What we have before us in the House is a bill which, by its own construct, goes further than any other piece of legislation in Canada. The member opposite knows that. But we have yet to hear one single commitment. The member opposite was clear that he has problems with telecommunications, with closed captioning, with the access to payphones and so on. I just want to remind the member opposite that those are federal government issues and that the federal government is absolutely silent on its support for the disabled community. The federal Liberal government is doing nothing in this country. We'll be the first province in Canada to implement any legislation. If we're going to look at an ADA model, the reason the federal government stepped in is because no state in the US would come forward; but in fact, we're coming forward.

He mentions transportation. Private sector transit services and all transit systems in this province will mandatorily have to file and comply with their accessibility plans. The province has put up \$3 billion, the municipalities have put up \$3 billion, but again, the federal Liberal government has run for cover. The money for transportation has been put on the table by our Minister of Transportation, Brad Clark, and nothing has come forward.

Finally, attack me, attack this bill, but I thought it was deplorable the way you attacked the Ontario March of

Dimes, those volunteers and individuals who contributed their efforts. You unashamedly attacked these people in this House and you should withdraw that.

1900

Mr Mario Sergio (York West): I congratulate my colleague the member from Prince Edward-Hastings for a wonderful rendition, if you will, on yet another bill, yet another attempt by the government to solve the problem we are having in our province when it comes to Ontarians with disabilities. You would think that after all the years they promised they would be bringing something really, really useful to Ontarians with disabilities, they would have gotten it right and said, "We have been out there, we have been listening and here it is. Yes, indeed, it's acceptable and it's going to do wonderful things for people with disabilities." They still didn't get it.

We will be approaching, perhaps, a vote on second reading. Will they be listening when this goes to committee? I hope so because all the people that we have spoken to say this is not addressing the needs of Ontarians with disabilities.

What is the government telling us today? They have a bill in front of the House. As they have done many, many times, they will bring in this convoluted bill, will make some minor changes, nothing will happen and then they will bring in another bill. We've been waiting for this for five or six years. I think it's about time the government gets serious in dealing with Ontarians with disabilities and brings in a bill that meets the requirements and needs of Ontarians with disabilities.

I hope this will move to the committee level, that they will be hearing from all sides and, indeed, that this will come back to the House in a format that will be acceptable and will address the needs of Ontarians with disabilities.

Hon Brad Clark (Minister of Transportation): It would appear that the opposition party is now rehashing old arguments from years gone by. I have to correct the record for the member across the way who just stated, not a few moments ago actually, that we didn't put any funding in place for transit so therefore we can't improve transit for the disabled. That's just categorically wrong. This government has come up with a plan of \$300 million a year over 10 years. This is the first time a government of Ontario has actually put money into transit over a long period of time—10 years. We're planning for a decade. The municipalities are there. They've put the same money in: \$300 million a year over that 10-year period.

So quite clearly they can plan for their capital re-investment, for their fleet renewal and to provide services for the disabled. What the municipalities are upset about is the fact that the federal Liberals are not there, that our Liberal friends in Ottawa are missing in action. They made promises about coming forward with funding for transit, but they haven't come forward. They're the only ones that are missing in this picture—the only ones.

If you sit back and look at all the transit authorities, all the municipalities with urban transit, all the different

groups that have come forward—the environmental groups, everyone—have praised the government for this incredible reinvestment in transit. The only group that has not pointed a finger at our Liberal friends in Ottawa are the Liberals here. That might be slightly conspicuous. You would expect them not to cry foul. They have yet to stand up to the federal Liberals on any matter. So for the member to state that we haven't come forward with any transit funding is categorically wrong. It's false. We have come forward. The only government that has not come forward with money for transit in the province of Ontario is the federal government.

The Deputy Speaker: The member for Prince Edward-Hastings has up to two minutes to respond.

Mr Parsons: I want to thank the members for Sault Ste Marie, Burlington, York West and Stoney Creek for their comments.

First of all, I would like to clarify that the March of Dimes has never been attacked by myself. I indicated they were the only group that supported this bill. It is not an attack on them when I indicate that they supported the bill.

The issue of transportation is a very real one. I can understand there may be big, new, shiny vehicles driving past Ontarians with disabilities. The issue is the absolute maximum that an Ontarian with disabilities receives: \$930 a month. Take that and pay rent, buy groceries and do the very basics of life. They do not have the money to pay the user fees to get on the bus. That's the problem. A nice, shiny bus driving past them does not provide transportation.

This is a partisan issue that really should not be. Every person in this House, every person in Ontario can identify a relative, a friend, a neighbour, who has a disability. Each and every one of us in this House, whether because of age or because of accident, runs the risk of having a disability. The disabled community is us. We are part of them as much as they are part of us. Each of us needs to stop and say, "Will this bill make life better for our friend, our neighbour, our relative, our co-worker?" That's the challenge we face; not the rhetoric, not to be able to go on the election trail next year and say, "We passed an ODA." The question we have to answer is, have we improved life for our fellow citizens?

In terms of priorities, do we want to give \$2-billion tax cuts to corporations that are doing well or do we want our neighbour to be able, with dignity, to travel to a place of employment or to travel to a business to shop? That's the real question, and this bill doesn't help our friends, our neighbours and our relatives.

The Deputy Speaker: The floor is now open for further debate. The Chair recognizes the member for Sault Ste Marie for the third party's leadoff debate.

Mr Martin: I appreciate the opportunity tonight to put some thoughts on the record where this very important piece of work is concerned. Before I do, I want to give credit to a few people who have helped me come to a fuller understanding of what is needed today in Ontario if we are going to meet the needs of 1.6 million disabled

citizens across this province. They have helped me, since I was appointed by our caucus as the critic for disabilities well over a year ago, to come to terms with the record of this government where people living with disabilities are concerned and what it is they really need in their everyday lives by way of support, regulation and initiative by this government if they're going to participate fully in their communities, as they all want to do; if they're going to be able to live up to the capacity we know they have, and they particularly know they have, to participate in meaningful and wholesome ways in their community, whether it's as a volunteer, whether it's within their family, whether it's simply looking after their own needs, or out there in the workaday world gainfully employed using the abilities they have at their disposal, that they are able to access and avail themselves of, if only we would get rid of some of the barriers they encounter each day as they try to do that.

There are some people in my own office who have been very helpful and who have worked very diligently to put together some of the notes that I will be using tonight in my comments as I critique this bill. They are people like Sarah Jordison, who works as a legislative assistant, and Lea Bothwell, in my Sault Ste Marie office, who has worked with me to pull together over the last year and a half some very committed, intelligent and hard-working individuals, most of them living with disabilities, many of them advocates for groups or individuals living with disabilities who have responded to this government as it time after time put out notices that an ODA was coming down the road, to suggest to them each time that if they were going to do something real and meaningful that it had to have some teeth in it—that was the term they used—and if the government really wanted to know what was required in that bill and what they meant by teeth, they would simply have to go and have a chat with them.

1910

One of the people in Sault Ste Marie who worked very closely with Lea Bothwell in my office to make sure that we had these meetings, that they were well organized, that we got good input and that we were moving forward always in the development of ever new and more advanced thinking and contribution to the government if they were interested in it—and in fact we did on numerous occasions in our community, through the leadership of Lea and Dorothy McNaughton, who took over the chair of that group in very short order after it started off to work to make our community aware of what some of the challenges were, of what it was that the disabled were talking about when they spoke of the need for an Ontarians with Disabilities Act in our province and what in fact it should look like. They wrote letters to the government. They developed petitions in the community. At one point they undertook, I thought, a very ambitious initiative to gather barrier diaries from those disabled in our community who were interested in documenting for us those things that they ran into each day that many of us who don't live with obvious disabilities don't en-

counter or might not have any understanding about. Those barrier diaries were submitted to the government so that they might have those to look at, to assist them as they put together a bill that would help to remove some of those barriers.

They appeared before city council on a number of occasions. They sat down with reporters to make sure there were articles in our local newspaper on a regular basis to keep the public engaged and informed and, through that, to be informing the government, to be encouraging the government, to be challenging the government to bring forward a bill that dealt with the question of disabilities and getting rid of barriers and improving the lot and the life of those 1.6 million citizens in this province who are still waiting tonight, and will be over the next few weeks as we debate this bill, to see if in fact there is something in it that will be useful to them.

If this government is true to its word that it wants to do something that's going to be helpful, they will be willing to go back out to the community now that they've tabled the legislation to see what those who will be affected directly by it, who will have to live with it, support it, work with it very concretely and directly in the community, have to say about it and in fact be willing then, at the end of the day, to accept whatever amendment, however fulsome that amendment might be, however dramatic that amendment might be in terms of calling for change, that the government will be willing to live up to its word, live up to its commitment to do something useful here and actually listen to those people and put those amendments in so that we in this place, all of us—Liberals, New Democrats and Conservatives—can support this legislation, because I know that the longer we wait, the longer we put this off, the longer people have to wait. However, I say that knowing that if we put something forward now that doesn't have in it the legs and the teeth, the power and the ability and the legislative authority to actually make something happen, we deceive a whole group of people out there who have been waiting too long for us to actually do that.

For this government to in any way surreptitiously bring this bill forward and present it as in fact doing that I think would be to set us all up for the kind of cynicism that we often see in our province and in our country these days where politicians and government are concerned, and the knack we have of saying one thing and then in fact, when we turn around, doing something else completely different and not hitting the mark when there are people out there who are depending on us, counting on us, waiting for us to hit the mark.

I mention those people because I think it's important that the minister know that those of us on this side of the House have also done our homework, that we have been out there talking with people, that we've been listening to people and that we're genuinely and seriously interested in some real dialogue with him about this bill if he in fact wants to make it the kind of legislation that will do the job that he, in his announcement, suggests it has the potential to do.

Alas, though, we're wary and worried that maybe—because we've heard from some people now who have actually done an analysis of the bill and who tell us that there is a lot of work required if it's actually going to be a bill that will be meaningful—this government is responding to or working out of, I guess a word you might use is, an “ethos” that was presented when we saw a leaked document a couple of years ago that suggested that, really, the people of Ontario overall, the millions of people who call Ontario home, not the 1.6 million living with disabilities but the others, aren't that interested or concerned about this. They don't know what it is that people with disabilities are talking about when they call for an Ontarians with Disabilities Act, and in fact it's not something that's high on their radar screen nor do they have a whole lot of interest in it, so if the government simply puts out a piece of legislation that has a really good communications strategy that goes with it, that will be sufficient.

When we look at what's happened over the last couple of weeks in this place as the government unveiled this piece of legislation, you have to ask yourself, when you consider all of the pieces, whether in fact that is what has happened. Any of us who went to the briefings and the press conference know that the government did a good job of putting this legislation out in various formats so that people could access it and get a sense of what was in it—lots of good material, lots of communication hoopla, lots of information and binders etc going out to folks, so there was with this piece of legislation a very excellent communications strategy put in place.

As a matter of fact, Mr Speaker, I might just for a minute explain to you that strategy so that you perhaps might make up your mind, as well as people out there listening, what the government was in fact trying to do with that whole process. The minister went around the province, to give him credit, and talked to folks about the possibility of an ODA act. When he was out there, he held up the possibility of the most wide-ranging and progressive and inclusive and authoritative piece of legislation that one could imagine, living up to the 11 principles we all debated here in a private member's hour about a year ago, that we passed unanimously and we all agreed should be in any Ontarians with Disabilities Act.

The minister suggested in his travels that those principles would be lived up to. He wrote letters back to people like myself who wrote to him encouraging him to pass an ODA with authority and teeth that in fact he was going to do that. He was out there presenting the message that he was actually going to do the right thing, that he was going to table a bill that had in it all those things that groups out there who have been waiting for such a long time were calling for, that would force organizations and groups and institutions to make changes and to make them immediately and to make them effective and that he was willing to put the resources in place to support those changes.

When he talked to some of the disabled community and explained to them that this was what was coming

down and that he was going to set up some advisory councils that would include some of them, and he invited them to Queen's Park for lunch and the press conference that he held, it shouldn't surprise any of us that there were a lot of people willing to attend, because they thought, not having seen the legislation, not having had a chance to actually analyze it and take a real good look at it, that they were getting the whole thing; that in this piece of legislation the minister was going to table that afternoon were all the things they knew needed to be in place if we were going to live up to the 11 principles that we all debated and passed and supported and talked about and worked with over the last couple of years out there across Ontario. So they were excited, and some of them even said some very positive things about it and said they would support this bill. But, alas, when some of us and some of the groups and individuals out there had the time and took the time to actually read through the bill, it rang hollow.

1920

Where this minister, in announcing this bill, said that it would put the disabled in this community, all 1.6 million of them, in the driver's seat, we're here today to suggest to you that in fact what the minister is doing is taking all these people for a ride on a bus that's not going very far in trying to support or put in place those things that are necessary if those people are going to participate in the way that they know they have the capacity to or want to in this community.

We know that if this government were really serious about issues of accessibility—and this bill, which I'll talk about in a short few minutes, is very much about making buildings accessible and putting in place plans or encouraging, sort of using moral suasion to get municipalities and other organizations to put in place programs that would allow for some of the mobility challenges to be dealt with—if they wanted to do that, they didn't need an Ontarians with Disabilities Act. They simply needed to tell people out there who are getting money from this government to build new buildings, or could have been doing it over the last five or six years, as they spent capital dollars on infrastructure projects, to make sure that they are all accessible. The guidelines are out there. They have been developed over a number of years. With some of the announcements that we're going to hear in the next month or two, as this government begins to roll out some of the SuperBuild money that they've got stashed away and will spend in, I suggest to you, a very politically helpful way, none of that money would be accessible to communities or organizations unless the buildings they are putting up that are open to the public are accessible.

They could do that. They could do that right now. They could make that announcement next week or the week after when they announce these SuperBuild projects and use this bill for the purposes that we all thought it was intended for and do the broader support and regulation and legislation that's required in this province if we're going to make it a province that is friendly and

supportive and inclusive of everybody who calls Ontario home.

I just want to share with you a letter that was sent to the minister shortly after the bill was introduced last week, one that I dare say he will share with us. It was written by the Canadian Hard of Hearing Association. He may or may not have read it. It says:

“Dear Minister:

“Re: A Shameful Ontarians with Disabilities Act

“The Canadian Hard of Hearing Association Ontario Chapter and branches across the province are shocked and appalled you have brought forth a long-winded bill that lacks substance.

“The bill you have introduced will not remove or prevent barriers for people with disabilities. You have not included timelines to accomplish anything or enforcement mechanisms. And downloading responsibility to local governments will result in ensuring unequal access and unequal opportunities for people with disabilities and their families throughout the province.

“Although we do support the increase in parking fines for illegal parking in spaces reserved for people with disabilities, the fact remains many people with disabilities cannot afford cars or retrofitting cars for access. Minister, many people with disabilities do not even have access to public transportation due to barriers, including cost. Poverty is a serious problem confronting people with disabilities and their families.

“People with disabilities need access to jobs. People with disabilities need access to education. People with disabilities need access to our political institutions.

“Minister, you have implied that there is strong support for this bill within the disability committee. This is just not so.

“Many organizations, including the Canadian Hard of Hearing Association Ontario Chapter, and many private citizens do not support the bill as it now stands. Significant amendments must be made.

“It is offensive that you have excluded many, many people with disabilities from the legislative process. With only four days' notice on the reading of the first bill and this event only for your invited guests, coupled with no notice for the second reading of the bill, is a form of discrimination.

“Inclusion is what the Ontarians with Disabilities Act is all about. It appears that you are having difficulty grasping this fact.

“Please pause and re-examine the ‘human side’ of the Ontarians with Disabilities Act. Take time to reflect on how your actions, your party's actions, will diminish the life experience of people with disabilities and their families by bringing forth an ineffective bill.

“Please ‘practise’ inclusion and take the time to hold open, public legislative committee hearings throughout the province of Ontario, meetings that are accessible to people with disabilities.

“We all have an ethical responsibility to work toward inclusion. As an elected public official, please take the

first step and role model inclusion by including people with disabilities in the legislative process.”

And this is signed by Sandy Russill, vice-president of the Canadian Hard of Hearing Association of Ontario. I could—but I’m not going to tonight—read a number of other letters that have been sent to many of us who are involved in the debate at this time around this legislation.

These people aren’t saying that tabling this bill at this time is a bad thing; what they’re saying is that there’s not enough in this bill right now to make it usable or helpful to them. They’re calling on the government to be ready to accept serious and significant amendments. They’re calling on this government, and we’re supporting them in that call. We’re not completely dissing this bill either. We’re willing to work with the government if the government is willing to take the time necessary to get it right.

We’re saying to the government that they need to take this bill out across the province; that they need to take the time necessary, not try to ram it through before Christmas, not do hearings that are quickly put together and rushed into existence simply because there’s this artificial deadline of, say, December 17 or 18, that this government wants to get this bill through; that they take the time during the intersession—January, February, March of next year—to go out there to communities, big and small, across this province and provide the resources necessary to make sure that the hearings we will support them in having out there are accessible, are well advertised and that the resources are in place to make sure that all people with every sort of disability are able to come forward to say their piece and ask their questions, make their suggestions and their recommendations and feel that they’ve been heard so that this government, then, could come back to this Legislature and with us look at and accept amendments that will make this bill the kind of bill that we hoped it would be when it was tabled just last week in this place.

I think you have to understand why it is that so many of the disabled across this province might be a little suspicious where this government is concerned and a bit more than disappointed that what we got a week or so ago was so weak and so minimal, when you consider what was in place in this province in 1995 when we left government, particularly by way of a really strong and effective and workable Employment Equity Act that was targeted directly and clearly at people in this province with disabilities, to try and get them into the workforce, to recognize the training and the education and the skill and the ability that was there that we as a province were missing out on because we weren’t able to nor had we the political will to make sure that those people were able to fully use those skills out there in the community and in the workplace. That Employment Equity Act was about them, was about including them, was about making sure that they had their place, that institutions and employers and organizations out there who wanted to employ them because they recognized the very valuable contribution that they could make had the resources necessary and that the legislation was in place to support them in that effort.

But you’ll remember very clearly that this government ran in that election in 1995 by putting that piece of legislation up as this bugaboo that was somehow a counter-discrimination against another group of people, which in fact flew in the face of all reality. So when they got elected, they did what they said they were going to do and they threw out the Employment Equity Act, and with it they threw away the lives of literally thousands of citizens in this province who held out just a little hope, who saw a light at the end of the tunnel and who were actually beginning to get excited and get prepared to participate.

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I know some people in my own circle of friends who actually got jobs during that period of time because there were being put in place employment equity programs within workplaces—particularly government workplaces—to make sure that workplace reflected the reality of the community out there where percentages of people with disabilities were concerned. But that was thrown out, so we should not be surprised that a whole lot of people out there were waiting very anxiously to see what this government was in fact going to do replace that; or do something else; or respond in some other positive and constructive way to the very real challenges being faced by this group of people in our province. Our government set up a commission of people from various of the target groups where employment equity is concerned to make sure that those workplaces that were identified as needing to put in place plans were in fact doing that, carrying them out according to the letter of the law and hitting the targets and the timelines that were laid out as well.

Mr Speaker, you’ll remember the very long, difficult and important debate that took place for months and months before we actually introduced some of that legislation and put in place that commission so that we might get it right and so that it might be helpful to the groups, particularly the disabled, in this province who are counting on, depending on and looking to government for leadership in this area, so that we might afford them the opportunity to participate in the way that we, who see ourselves as not disabled—even though sometimes you wonder who the disabled are—those of us who aren’t challenged in the same way, take for granted so often.

It wasn’t long after doing away with the Employment Equity Act and closing down the commission that was set up to support it that we then began to see this government, in its attempt to reduce the effectiveness of government and to shrink government in the province, lay off literally thousands and thousands of people—a couple of thousand in my own community alone.

It’s interesting, but a closer analysis of that piece of business by the government will indicate that literally hundreds of disabled people who had been hired by different government agencies, boards, commissions and institutions as employment equity plans began to kick into place, in fact now began to lose their jobs; because, as you know, when people are laid off, if there’s no protection—without the legislation that protected people in

situations where there was an attempt to employ somebody who otherwise would have a difficult time getting their foot in the door—it's last in, first out. So a whole lot of disabled citizens—very talented, capable disabled citizens—who had been hired in 1993, 1994 and 1995 across this province to work for government and agencies indirectly connected with government and ultimately in the private sector out there, which began to have to live up to some of the requirements of that legislation as well, began to lose their jobs.

I refer to a gentleman in my own community who came to me soon after this government got elected to tell me that he had gotten a job locally in a government office and was really enjoying it. But now, because of the doing away with the Employment Equity Act and the laying off of literally thousands of civil servants across the province, he was about to lose his job. Where a tremendous effort was made to make sure that this gentleman, who was very talented and very anxious and willing to work, could be accommodated in this workplace, he was no longer, according to the rules set out by this government, going to be able to do that any more.

So, to this day, because he lost his job, this gentleman has seen his life become more and more difficult, the challenges seemingly bigger and bigger in front of him as he dealt with the deterioration of his health, which I believe and suggest to you is not indirectly connected to the fact that he is no longer gainfully employed out there. He struggles to the point now where—this gentleman is in a wheelchair and is quite challenged with a disability—this government has seen fit, in their wisdom, to even take away his home care. That's how far we've come since 1995 in terms of how we deal with the disabled in this province.

Interjections.

The Deputy Speaker: Would the member please take his seat.

I would bring to the attention of members that there are a number of conversations going on on the government benches. However, one of the offenders happens to be the member from Sault Ste Marie's own chief whip, so I would ask him to also please come to order.

If there are any further discussions, either save them for later or go outside—with the exception of the Minister of Consumer and Business Services, who may continue to quietly show the picture of his grandchildren to colleagues. Other than that, all discussions will cease, or please move outside the chamber.

The member for Sault Ste Marie may continue. My apologies for the interruption.

Mr Martin: Thank you very much, Mr Speaker. I appreciate your challenging the members across the way to perhaps participate or to listen in some small way to some of the comments I'm making, because there are 1.6 million disabled citizens out there hoping that you're listening to what I have to say. In many ways, I feel that I'm speaking on their behalf here, because they have no voice in this place otherwise.

As I was saying, this government laid off literally thousands of civil servants, many of them newly hired

disabled individuals. They then summarily wiped out the voc rehab program that governments of different stripes had put in place and enhanced over the years to support people with disabilities in getting the training that they needed and give them support in terms of accommodation in actual workplaces once they were finished the training. They introduced, with great fanfare in this place—Mr Speaker, at one point you'll remember an Ontarians with disabilities support program, which was supposed to be an enhancement of supports that were in place by government to help disabled individuals either live with some dignity or quality of life or support them by being more flexible in terms of moving in and out of the workplace. But, alas, we know, those of us who have anything to do with people living with disabilities in this province, that that in fact isn't the way it turned out. This, again, was a vehicle for this government to reduce the contribution that government makes to the lives of some very in-need individuals out there, and in fact became a bit of a weapon against the disabled.

Just to use one little example, in my experience anyway, a person decided to go off and get into a workplace situation and leave the confidence of a disability pension behind for a time, understanding, because the government had told him that this was the way it was going to be, that it would be easy for him to just come back and get back on the disability pension again if the work experience didn't work out. Alas, what we found out was that a lot of people did take advantage of that, but in coming back to apply, the rules had changed so significantly and the bar had been raised so much higher that in fact where they qualified before they left, they found that they didn't qualify any more. So they were in a real conundrum and found themselves in worse shape, worse off, than when they started out in the first place.

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This is the kind of thing that makes people looking at this government and looking at this piece of legislation cynical and not trusting and wanting to see the fine print and the regulations before they'll support what this government says will be in their best interests, because they've had too much experience otherwise over the last five or six years in this province where people with disabilities are concerned. I've just listed a few. I'm sure you could bring people in here by the truckload who could talk to you over and over again about other things that have been put in place to make the lives of those who are challenged with disabilities difficult in this province.

The Social Benefits Tribunal, for example, is supposed to be there to help people who are trying to access the Ontarians with disabilities support program work their way through the process and get what they need. I'm told the government is now acting as if they were a private sector insurance company. The first time you apply—it seems, anyway—you automatically get turned down, so you have to appeal. I'm told by those who work directly with people who are in the process of trying to appeal some of those rulings that people are dying before

they get to their hearings. They are being told by the folks who make those decisions that they're not disabled enough yet, and if they just wait a little longer and get a little bit more disabled, then maybe they'll qualify. But in the meantime, I'm told by people working with these folks, some of these people are actually passing away before they get to their appeal and get the kind of support they need to get themselves the assistance that would in fact allow them to get the medications and assistive devices that are necessary so that they don't end up dying.

For example, we have people—and this comes from the Algoma Community Legal Clinic—who applied for disability in November 2000. Their appeal began because the government has put in place in the legislation that if they are turned down and they appeal, hearings will be scheduled within 60 days. Well, in fact, they're living up to that part of it. The only thing is, they're scheduling those hearings a year or two down the road. So where somebody applies in November 2000, the appeal, once they get the response back, begins in March and April or May 2001, and their hearing actually takes place in June 2002. That's almost two years. That's the kind of thing that people with disabilities are having to struggle with day in and day out across this province, not to speak of the fact that they haven't had an increase in their pension since we were government.

This government has deemed it not necessary to provide people who through no fault of their own are dependent on the Ontarians with disabilities support program pension any recognition of the fact that the cost of living has been rising, some suggest 9% to 12%, in that range, over the last five or six years. So they've lost their ability to participate in terms of purchasing power over that period of time. It's just another little example of the kinds of things that are out there by way of obstacles, by way of barriers, by way of challenges to disabled people across this province, and why it is they were so keenly anxious and looking forward to this government actually tabling a bill that would enshrine in legislation some rights that they would have to accessibility, to support, to participation in the communities in which they live.

To get back to the bill specifically and to put a few thoughts on the record as to our caucus's position on a number of the things that are in the bill, the hallmark of this bill seems to be the establishment of an advisory committee on disabilities, something that existed for years before this government came into office, something that they threw out, that they disbanded. Upon taking office, they quickly terminated the Ontario Advisory Council on Disability Issues. They did that in October 1995. They were hardly in office six months when they got rid of the Ontario Advisory Council on Disability Issues, and now they suggest in this bill, "We're going to reintroduce that, and we're to be applauded for that"? That's fine. We'll say, "Yes, let's have that. Let's do that." Five or six years later, to have woken up to the fact that we need it, you know, let's give them credit and let's

do it. Now the minister wants us to applaud the re-establishment of an advisory committee that his government never should have terminated to begin with.

The bill promises guidelines that could have been written six years ago when the government first promised an ODA, guidelines that may never even make it into the regulations. Six years of broken promises from this government, and there are still no guarantees life will be any different five years from now for 1.6 million citizens of this province.

This bill calls for accessibility plans with no timelines or money to guarantee those plans will ever be worth the paper they're written on. This bill doesn't break down any of the existing barriers. It has no primacy over the building code or any other important legislation where this is concerned. It doesn't even speak to the retrofitting of old buildings. Aside from mobility disabilities, this bill virtually ignores all other people who live with a disability.

I met this past week, during constituency week, with the local Sault Ste Marie and Algoma Ontarians with Disabilities Act Committee and they brought this issue up. They saw through this bill and pointed out to me that I had to go back into the Legislature and tell them that you can't ignore all of the other people who live in this province with disabilities simply to focus on the mobility disability issues, even though they are important and need to be addressed as well.

It provides no enforcement strategy. The government is asking municipalities, school boards, hospitals, colleges, universities and transit commissions to create accessibility plans. But exactly how does the government expect them to implement those plans? They are so strapped for cash they're having serious problems providing current services. Mr Speaker, you know all about the downloading that has happened over the last five or six years and the fact that municipalities are having a difficult time just providing some of the basic services that are required in municipalities, never mind asking them now, although they should, to provide for some of these other things that will of course be included in these plans that they'll need some resources to help put in place. Municipalities are already scrambling to finance programs and are having to cut services. Where are they going to get the money to implement their access plans? Without provincial funding, the risk is that they'll simply report the barriers they want to tear down but can't.

This bill lets the private sector off the hook. Let me tell you, people don't get their groceries at Queen's Park. They buy them from the private sector. They don't get their hair cut at city hall. They go to the private sector. They don't go to a movie in a hospital. They go to the private sector. All of those goods and services remain off limits to people with disabilities, because this government refused to put a single mandatory requirement for the private sector in this legislation.

Besides having an advisory committee, accessibility plan and revised procurement requirements, there is no clear mandatory action required of municipalities either.

So if they don't feel like it or the political climate isn't right or they cry poor or whatever, there's no mandatory action required there.

Advisory committees have no power to ensure compliance and enforcement. Their power will lie in their ability to lobby hard, which they're already getting tired of doing. This bill does nothing to improve job access for people with disabilities. Again, one of the first things this government did when it came into office was to scrap the NDP's employment equity legislation that gave people with disabilities an actual shot at fulfilling their employment potential. This bill does nothing to improve job access for people with disabilities. This legislation doesn't even come close to rebuilding policies that this government cut. The risk is that for the average disabled Ontarian nothing will change. Enforcement remains complaint-driven, and the only body with power to force change is the already overextended Human Rights Commission. We all know of the waiting list there. How are they going to deal with this?

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The bill changes the Municipal Act to allow municipalities to require new businesses to be accessible in order to get their business licence, but emphasis here is on the word "allow." There's no guarantee, there's no mandatory requirement and it doesn't speak to existing barriers in established businesses.

Though it reforms the social housing act to ensure any future social housing is fully accessible, when was the last time this government built any social housing? From 1990-95, every other day there was a new shovel going in the ground in my community building social housing, because we knew that we needed to have affordable housing for people. In every one of those units, there were dedicated units for the disabled, units that had wider doors, that had lower shelves, that had all kinds of things that made it possible for disabled people to live a life of some comfort and accessibility. This government hasn't even built a unit of social housing, never mind putting in units within that for the disabled.

After all these insults, the minister likes to claim that disability groups love this bill. I'm sure there are people with disabilities who are relieved that the government is willing to take even this small baby step. When I was back in Sault Ste Marie during constituency week at the meeting that we had with the Ontarians with Disabilities Act Committee, there were people who said, "Tony, please, it may not be the whole loaf but it's a slice. Don't kill it. Let's see if we can work with it, let's see if we can't amend it, improve it, because at least it's something." Up to now we've had nothing but promises, for six years promises to 1.6 million citizens living in this province challenged with disabilities.

The minister shipped in disability groups, fed them lunch and made sure they surrounded him at a press conference he held before he released the bill. He was too cowardly to go to the media with the actual bill in hand, to actually give the bill to some of us so that we might ask some pointed and real questions. Yes, people with

disabilities were excited about this bill. They thought this minister was going to do something meaningful for them, but now that they've read the fine print, the minister's cheering section is shrinking with each day that goes by. If the minister is so sure the disability community loves this bill, why isn't he giving them plenty of notice before ramming it through for second reading? Why isn't he announcing broad public hearings throughout Ontario to let people have their say now that they've actually read the bill? Why isn't he willing to wait and take the time—January, February, March—when we can all get our heads around this and prepare and get groups out there prepared and go to not only four or five communities but go to maybe 12 or 15 communities—small communities, medium-sized communities, big communities—so that we can hear of the unique and individual challenges of people in those places and hear from them what it is that they think should be in this bill if it's actually going to be helpful?

The Ontarians with Disabilities Act Committee has read the fine print and says, "This bill does not do what Cam Jackson claims it will do." They've said that. Is this bill consistent with the 11 principles unanimously agreed to in this House? You heard the member for Prince Edward-Hastings a few minutes ago. He said no. I say no. The disabled community out there, the Ontarians with Disabilities Act Committee are saying, now that they've had a chance to read it, no, it doesn't.

Does this bill achieve the barrier-free society the government sets out in its own vision statement? No, it doesn't. The minister went out across the province over the last few months with this vision statement getting everybody cranked up and excited about the possibility of a bill that would actually do something, and then he tables this and he expects all of us to jump on board and whip it through quickly and make it the law of the day and disappoint so many people.

Is this the strong and effective law this Legislature unanimously promised on November 23, 1999? You remember the debate. You remember how enthused and excited people were as they talked about the possibilities, what needed to be in place, what those 11 principles should look like and why it was important that they be reflected in any legislation that would come forth, how after having seen the paltry offering by this government by way of its first ODA, we all in this place gathered and said, "We can't do that again. We can't repeat that disappointing piece of business in this place. If we're going to do it again, we've got to do it right." Some of us stood and spoke on behalf of individuals in our own communities and on behalf of groups and communities across this province to say that these are the 11 principles that needed to be in place.

No, it's not there. It's not reflected. It's not in this bill. To add insult to injury, this government isn't even making the debate on this bill accessible to the very people it claims to help. You remember the last week before we left this place. The bill was introduced and then, without any real notice to folks out there who re-

quire all kinds of time to prepare, to get themselves ready—transportation, visibility issues, all kinds of things—we had the bill kicked off for second reading only a day or two later.

The minister knows this bill is a dud. That's why he's ramming it through second reading without giving any notice to people with disabilities. That's why he's trying to skirt around the fact that he's not giving this bill the broad public hearing it so desperately needs. I guess he figures if he whips it through quickly, he won't have to deal with some of the amendments that so many people are working so feverishly right now out there to prepare and get in place and hope to have an opportunity to actually put on the table. If he gets it through quickly, they won't have an opportunity to in fact do that and then he won't have to deal with it.

This government had six years to make good on its promise to people with disabilities, and now it's shutting them out of the debate on this bill. We've waited six long years for Premier Mike Harris to make good on his May 24, 1995, promise to the ODA committee to bring in an Ontarians with Disabilities Act in his first term of office. It seems to me that a lot of things have happened since then, there's been a lot of water under the bridge. We're well into a second term and the Premier has announced that he's stepping down, he's moving on because, he claims, he's done everything that he came here to do. I say to the Premier, before you leave, you said you would introduce an Ontarians with Disabilities Act that would actually do something in this province, that would go a long way to meeting the needs of the people on the ODA committee in this province, what they've been talking to you about and what they've indicated to you they need. You could finish that piece of business before March 23 if you really wanted to. You could give us all the time we need, even if the House prorogues in December. You know and I know that there are ways of keeping bills alive so you can have the fulsome debate that's required and actually come back, then, in another session and make it the law, pass it.

All we get is a promise to write up guidelines that may or may not end up in the regulations. Year in and year out, this government broke its promise to bring in a strong and effective ODA, and people living with disabilities in Ontario suffered the consequences. They were shut out of movie theatres, buildings, public buses, special education and interpretive services. The list is endless. This bill doesn't guarantee any changes whatsoever in any of those realities for people out there—nothing.

How many SuperBuild projects were created without any plan to ensure they were barrier-free? How many? Maybe the minister will tell us when he gets up later today. How much of this government's Smart Growth program turned out to actually be stupid growth because it included no plan to tear down existing barriers or to prevent new ones? The ODA committee, along with so many others, have been working so hard to ensure strong, effective ODA legislation and, once again, this government has failed them.

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What do we have after six long years and all this great effort? A bill that fails to guarantee their lives will actually change significantly. That's what we have, and the government ought to be honest about that. This should be a joyous moment for the disability community. It is so sad that after all their hard work, this is what the government puts forward, this is what the government thinks is necessary and will in fact do the trick.

Last Thursday, you announced your vision for people with disabilities. It brought back memories of one of your cabinet documents, leaked last October, that suggested that the way to get around introducing an effective ODA was to have a strong communications strategy—hood-wink people, smoke and mirrors. You know all about that. You've been doing it for five or six years in many, many jurisdictions, Minister.

I call on the minister to begin extensive public hearings on this bill across the province. A few token cities just won't do it. These hearings must be fully accessible and people must be given plenty of notice to ensure access to transportation. It's time for this government to start listening to the people whose lives this bill could actually significantly improve. This bill just doesn't cut it, and you need to make the right changes. You need to be willing to work with those of us on this side who are willing to work with you to make sure that the necessary amendments are brought forward and actually adopted and accepted by this government so we have a bill that will live up to the expectations of so many people across this province who have been waiting too long.

I would like to recognize all the hard work and commitment of the many people in organizations dedicated to creating a barrier-free Ontario: the municipalities throughout Ontario that threw their support behind an ODA, the all-party agreement that forced the Harris government to enact this law by November 23, 2001—we're going to miss that, as well. But I say to the minister that if missing that means you're willing to take the time necessary to take this bill out across the province to a significant number of communities during the inter-session—January, February, March—so we might hear from people in a way that is accessible, comfortable and open to as many people and groups as possible, then in fact we won't worry about the November 23, 2001, deadline. We'll kind of ignore that. I think I can speak on behalf of my caucus when I say that. Having listened to the member from Prince Edward-Hastings a week ago Thursday and again tonight, I think the Liberals would probably be willing to agree with that as well.

We're not saying here tonight that we're going to deep-six this bill. I'm responding to a comment made by the chair of the Sault Ste Marie Ontarians with Disabilities Act Committee who said to me this past week when I met with her, "Tony, there are a couple of things in the bill that we don't want to lose." I know it's not the panacea that we all thought and expected it might be, but there are some things in there that she and they were willing to recognize were worth saving. I'm saying to

you and to her and to the others out there that we're willing to do that. We're willing to try to find whatever needle in this haystack lends itself to something positive, constructive and effective for the 1.6 million Ontarians with disabilities out there who are looking to us for leadership, who are looking to us to have the intestinal fortitude, the political strength of will to actually come together in this instance to serve a group of people who for too long have been left on the outside looking in, who have been on the sidelines waiting to be included, who know that they have something valuable to offer, who have gifts and abilities, who have trained themselves to the max. But because we can't together put in place regulations and legislation with some teeth, something that's mandatory, that has deadlines and timelines, we as a government, in a jurisdiction that has so much money, that's so rich when you compare it to other jurisdictions across the world, cannot resource those organizations and municipalities and institutions as they try to live up to the regulations that we together could put in place and which would be helpful and meaningful.

I think we owe it to them. I think we should do the right thing, and I think we should all work together. We should take this piece of legislation out across the province. We should do it when we have the time, in the intersession. We should be willing to make sure those hearings are accessible, that we notify people and give them good lead time so that they can organize their transportation, those devices and that assistance they need so they can participate and communicate effectively, so that we can hear from those people who are going to be affected so directly by this—or disappointed so directly by this if we don't—what they have to say, what they think needs to be added to this, because some of them actually see some small semblance of hope in this—that we build on that hope, that we build on the effort that has gone into getting us to this point so far and make sure, together, we actually put in place something that works.

The excellent grassroots work by the members of the Ontarians with Disabilities Act Committee throughout this province, who understood best that a barrier-free Ontario must be legislated because the voluntary approach simply wasn't working and will never work, needs to be honoured. We need to hear and to listen to their voice. We need to honour their experience. We need to be willing to say to them, "We have heard you. You have waited too long. Now is your time, and we're going to deliver."

The Deputy Speaker: Members now have up to two minutes for questions or comments.

Hon Mr Jackson: I'd like to acknowledge the member for Sault Ste Marie's comments in the House today. I was quite interested in all the individuals he named off: his secretary, his best friend in Sault Ste Marie, his office staff. He listed quite a few.

The person he didn't name was the one I was listening for: Gary Malkowski. Gary Malkowski was one of the very first persons with a disability elected to this

chamber. He performed extremely well, and he was on the governing side of the House. As I recall, he had—

Interjection.

Hon Mr Jackson: I have a copy of it in my hand here. It was Bill 168. The member opposite made reference to the fact that previously it has never been in legislation in this province that there would be an accessibility ministry or an access board, similar to the ADA. That is in this legislation and will occur in this province.

But I want to cast him back to when his party, the NDP, were in government. They had an accessibility advisory committee that met once a year, and you know what? They wouldn't let them read Bill 168, let alone comment on it. Ten years ago, Gary Malkowski put forward in legislation that every post-secondary institution shall prepare a plan to achieve equal access to education for people with disabilities in accordance with the regulations. It's something that's in our legislation, and you don't even have the class or the dignity to get up and admit that something that's in this bill came from Mr Malkowski, something you jammed for 10 years.

Let's put a financial package on this. Your NDP government increased the deficit of this province by \$50 billion, and what did you do for the disabled in this province during your five and a half or six years of government? Absolutely nothing. This government has increased support and commitments from \$5 billion to \$6 billion for persons with disabilities, a record we're extremely proud of. I look forward to something positive from the NDP about what they're going to do to support persons with disabilities in this province.

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Ms Caroline Di Cocco (Sarnia-Lambton): I must say that this bill has been a long time coming. On the other hand, the community of disabled across this province had to mount an incredible campaign over the period of the last six years to get the attention of this government after the government promised, before 1995, after Mike Harris promised that he would bring into this Legislature a new Ontarians with Disabilities Act.

What I find unconscionable is the way the government purported that this bill was in fact—prior to this bill being written, there was a verbal agreement made to the disabled community, yet when this bill is now being scrutinized, people like David Lepofsky suggest that, no, this is not what they had agreed to.

We do have this bill asking that public buildings become accessible, but—I'll say this again—most people go to grocery stores far more often than they go to a city hall. How many times does an individual go to city hall versus going to buy their groceries? You could have city hall accessible to the disabled, which is a good thing, but if grocery stores or banks or other private buildings don't have accessible entrances etc, then it really doesn't address what the community had asked for in the first place.

Mr Gilles Bisson (Timmins-James Bay): I want to congratulate our critic, Mr Martin, the member for Sault Ste Marie, for the work he has done over the years in this

Legislature on behalf of many people, but in particular on behalf of disabled people in Ontario.

I share his view that we should try in some way to work with the bill the government has brought forward. As he pointed out, there are parts in this bill that are supportable. There are some parts of this bill that quite frankly are a step in the right direction. But the contention that I have as a member, the same as the member for Sault Ste Marie, is that we need to go a lot further when it comes to providing services for people with disabilities. That's the reason why we're saying, allow this bill to survive past the prorogation of the House in December—we will give you support for that—so the bill can go to committee and we can hear from the municipal sector, the not-for-profit sector and the business sector about what can be done to make this bill better so that people with disabilities are able to live with dignity in Ontario.

I was a bit disappointed because the minister decided to try to attack the member on this particular issue by saying that the NDP government never did anything when it came to services for the disabled. I want to remind him that we're the government that said, "Any time a bus is bought in the province of Ontario, it must be fitted in a way that makes it accessible to people with disabilities." It was your government that cancelled that particular project when you stopped funding transit in Ontario.

In the Planning Act, we had said that you had to do a number of things in order to make municipalities more accessible by way of legislation—not by way of requiring that maybe somebody should do something voluntarily—things such as cutting curbs on street corners and making sure that public buildings are accessible. We had policy in place, such as employment equity, that said to people with disabilities, "You have a place within the workplace."

I'm proud of what we did as New Democrats, but I also want to work with this government to make this bill better, and that's why we have to allow this to go to committee.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): I was disappointed that the member opposite didn't talk more about people with developmental disabilities. I was surprised he didn't mention the unprecedented investment made to help people with developmental disabilities in Ontario in the recent budget, where more than a \$197-million baseline increase was announced, which will be phased in over five years, in addition to \$67 million in capital funding that will provide a lot more support to help aging parents of people with developmental disabilities like the 78-year-old woman I met when we did the consultations on reforming this act who said that she just wanted some confidence that the care would be there for her son when he needed that support. When she and her husband, who fought for more than 50 years to make community living a reality in this province, who fought

to make a more inclusive education system, who fought to change attitudes—now, at a time when her and her husband's health is failing them, she wants the confidence that there will be a place for her son when she is no longer physically able to provide that care.

Increases have happened just about every year with special services at home funding, one of the most popular programs that the provincial government operates to support families in communities. A little bit of support can certainly go a long way to make that a reality.

Nobody talked about respite care. We're putting more money into respite care: \$17 million to both in-home and out-of-home respite care to help families deal with and cope with a child with a developmental disability, or day programming, or a foundations initiative to help young people at the age of 18 or 21 leaving the school system to have a place in the world for them after they leave school.

I know some will say these investments aren't enough, and I know those responsible people and legitimate critics will want to come to the table and say exactly how much more they would spend than we're spending and exactly how they would propose to pay for these important investments.

Mr John Gerretsen (Kingston and the Islands): So what you're saying is you don't have any meaningful money to put into it.

The Deputy Speaker: If the member for Kingston and the Islands is finished, I will recognize the member for Sault Ste Marie for up to two minutes to respond to the questions and comments he's heard here today.

Mr Martin: I want to thank the two ministers who responded, the member for Sarnia-Lambton and my colleague from Timmins-James Bay, and to say to the minister that he obviously wasn't listening or doesn't want to hear when we talk about some of the things that we as government did to enhance the opportunity for people with disabilities to participate in this province, which you summarily threw out almost holus-bolus not six months after you became government.

You mention Gary Malkowski. Well, you know—

Hon Mr Jackson: I had to.

Mr Martin: Yes, and the facilities that we put in place to make sure that Gary could participate fully in this place, the lights that still go on and off here in this Legislature whenever the bells ring to indicate to anybody with a hearing disability in this place, are a legacy to Gary Malkowski.

Gary used to be an MPP in this Legislature, for those who don't know. He's a member of the Ontario Association of Former Parliamentarians, who had their first meeting in this building last spring. Gary is deaf. To take part in meetings, he requires interpretive services. When he requested them for the former parliamentarians' meeting last spring, he got a letter from the Speaker's office informing him that they would not be providing the services he needed. He had to get them on his own.

When a former member of this Parliament can't even get the services he needs in this Legislature, what does

that say about access for the deaf? I think the attitude of this government, and when they were in opposition as a caucus, toward Gary and the money that we were spending to make sure he could participate fully in the debates in this place is indicative of their attitude where all disability issues are concerned. I would just hope they will work with us to make sure we can improve this piece of legislation.

The Deputy Speaker: The floor is open for further debate.

Mr Frank Mazzilli (London-Fanshawe): I'm certainly privileged to be able to speak to this Ontarians with Disabilities Act, 2001, Bill 125.

I want to start and convey some key information about the important role of municipalities in this bill. This role began with the best practices of certain municipalities which formed the model that underlies the legislative approach. Municipalities are among the stakeholders that will be directly affected by the proposed legislation if it is passed. They have a crucial role to play in implementing change to make our province more accessible.

Municipalities have a direct impact on our daily lives—a more direct impact than any other level of government. The plans and decisions of municipalities determine the character, safety and convenience of our streets, parks, public transit and the public buildings that we use every day. Municipal governments oversee and enforce the bylaws that affect accessibility and mobility of our residents. Municipalities implement the building code and the Planning Act. Their professional and experienced staff oversee the renovations and retrofits.

Because they affect our everyday lives in such an important way, municipal governments are pivotal to successful barrier prevention and removal. That is why we have included mandatory measures for municipalities in this bill as part of the machinery for realizing this government's vision. It is also why the bill, if passed, would mandate the creation of accessibility advisory committees at the local level to ensure that persons with disabilities have structured and sustained opportunities for input to influence the work municipalities do to improve accessibility.

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At the same time as my honourable colleague Mr Jackson met with many municipal representatives and the Association of Municipalities of Ontario, he came to recognize that each municipality would be coming to the table with a different starting point. Each local government is unique. Its community is unique. Its circumstances and priorities are unique. It became clear that a one-size-fits-all solution certainly would not work. Representatives of persons with disabilities recognized this as well. So from this consensus and stakeholder input grew a bill that respects the municipal need for autonomy and flexibility. At the same time, it puts in place measures to ensure that municipalities will improve accessibility steadily until our vision of an inclusive Ontario is achieved.

Let me add also that these measures are based on municipal experience of what works. I'd like to take a

few moments to give some examples of municipal success stories that the government heard of as it developed the model for this bill.

Let's take a look at the city of Brockville. Within the city, two private citizens, John and Elaine McClintock, have worked tirelessly to raise awareness of disability issues through a non-profit organization called Education for Quality Accessibility. This organization provides education to people who are providing accessibility so that physical barriers can be appropriately removed and persons with disabilities can be more independent. The city has incorporated the services and assistance of Education for Quality Accessibility for many years.

Within the city of Kawartha Lakes, the former town of Lindsay has had a municipal advisory council for the disabled since 1990. The council acknowledges businesses that incorporate accessibility features into their renovations by giving them certificates of merit and promoting their endeavours in the local media. I've got to say that I think many people are taking that sort of approach. It's a positive approach and one that at all levels of government we need to do more of. If you look at the issue of stolen cars, I know the Metro Toronto police department was publicizing some models and giving credit to some manufacturers that were putting in locking devices and so on. In this case, what the municipality of Lindsay is doing is giving credit to businesses that are barrier-free and promoting those businesses within that community. That's an approach that, and I think it's no secret, has positives for everybody involved. It has developed a booklet of retail stores that are accessible. The council has also produced a set of standards which is used to review site plans for new public buildings and renovations when considering applications for building permits.

The town of Gravenhurst has taken the initiative to ensure that its public facilities—the new library, the sports centre, the performing arts centre and the municipal offices—are fully accessible. The town is currently in the planning stages of a renovation to the old library building and is making accessibility one of the key objectives for this project.

The Minister for Citizenship has often referred to the city of Windsor, where for 20 years the municipality has worked with its accessibility committee to bring about change. The accessibility committee, with the support of the city, conducts its own accessibility audits on private and public buildings and publishes the results. In Windsor, the casino, the big new hotel and the arena were not built until the municipal accessibility committee had reviewed the plans and had their input into how to make these buildings accessible. Windsor has become a model for what co-operation, goodwill and partnership can achieve. It's also a splendid example of what can be done when everyone has the will to do it and the rights for persons with disabilities. This bill would provide the means by which municipalities across Ontario can follow the example of places like Windsor and others to remove existing barriers and prevent the building of new ones.

These municipal experiences are part of a strong foundation we have in Ontario for persons with disabilities, a foundation that includes other legislation: the Human Rights Code, other government programs and services for persons with disabilities, and the talent and energy demonstrated by the municipal and disability communities as well as others of the public and private sectors. If passed, Bill 125 would harness this energy and talent to create innovative solutions, locally driven, for the greatest impact.

Now I'd like to take a few moments to outline the specific provisions in the bill that will apply to the municipal sector. Most of these provisions affect municipalities with 10,000 or more residents. That amounts to more than 160 municipalities, representing more than 90% of the population in Ontario.

The bill would require that these municipalities mirror the provincial government and develop accessibility plans that would identify barriers, set out specific actions to prevent and remove those barriers, and report on progress. The bill would require these plans to be made public.

It would also require municipalities of 10,000 or more residents to establish accessibility advisory committees, which of course would include representation from the disability community. These committees would report to municipal councils, advising on the development and implementation of accessibility plans. The committees would provide input on the purchase, construction, renovation or leasing of buildings. Other specific functions of these committees would be developed through regulation, in consultation with the Association of Municipalities of Ontario.

Municipalities would also have to change their planning process to include accessibility when approving a subdivision plan. No new subdivision or construction could occur without the consideration of accessibility features. Curb cuts, audible traffic signals and inclusive designs would become more common features in Ontario communities.

Municipalities would be required to consider needs of persons with disabilities when purchasing goods or services, and they would be given the authority to set accessibility as a condition for issuing a municipal licence. This would not only enhance accessibility in day-to-day life for persons with physical, visual and other forms of disability; it would go further and bring disability issues to the forefront in municipal planning. It would create more public understanding and awareness of accessibility issues and it would enhance public accountability. An ongoing and participatory role in decision-making for persons with disabilities would be created.

Currently, 15 municipalities have passed resolutions in support of an Ontarians with Disabilities Act. Seventeen municipalities have advisory committees related to improving accessibility for persons with disabilities. Since introducing the proposed ODA, the government has received several calls from other municipalities saying they are eager to get started and asking for information on how to improve access for persons with disabilities.

Many municipalities have expressed their support for the government's mandatory proposals. The city of Windsor says, "We're thrilled that the proposed legislation mandates committee involvement in municipalities across this province." The city of Peterborough says, "Our city is pleased that the proposed ODA requires municipalities to address accessibility issues with the disabled community." The city also says that the proposed legislation will give municipalities the right framework, guidance and tools to ensure that Ontario will be the most inclusive province in this country.

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Last but by no means least, Ann Mulvale, president of the Association of Municipalities of Ontario, says, "The organization supports provincial policies that facilitate our planning and implementation, as we anticipate this legislation will do just that." Municipalities are key players in making Ontario accessible to persons with disabilities. I'm proud to support the proposed legislation.

I've also listened intently in this debate to members on the opposite side of the Legislature. I will say that in speaking to members of the disabled community—and let's acknowledge that there are different levels of disability and accessibility, especially on the high-needs end, where some high-needs children who now are adults are living with older parents. They've been through, in those cases, all three of our parties; they've been through all three governments. They've heard these arguments, and those people are not buying, if you will, the criticisms that are not constructive. They have lived through Liberal governments, they've lived through NDP governments, they've lived with previous Tory governments, and, quite frankly, they are tired of the constant arguments that are brought forward.

We have to have a starting point. It's pretty hard for governments of all sorts to go out and say, "We want a community to do something that we're not doing," if government buildings, say, are not accessible and yet we expect someone else to do that. So we have to have a starting point. If it's the provincial government that needs to lead by example, then we have to retrofit our buildings, the ones that are not currently retrofitted. I will say that in most parts of this country, in urban centres, all governments have done not a bad job of it. They certainly have a long way to go in some communities. In rural communities, in northern communities, I imagine much of that has not been done in any of the buildings, by governments or otherwise. That certainly needs to be dealt with.

The one thing I hear from business owners and otherwise on accessibility issues is that if you start with construction that's 100 years old—if you look at this Legislature, if it were not for the elevators and some of the other issues, there are some structural problems to deal with. But with new construction, those things can be addressed very easily and very cost-efficiently. But the will needs to be there to do those things.

The approval of subdivision site plans is very important. We talk about some of the aging parents with high-

needs kids. Even if they do have financial resources to move, what's the point of moving if you're only going to move to another subdivision that's not accessible? There is no point. Although we wish we could make every existing subdivision accessible, I think the fact that we're moving that new subdivisions have those types of structures in place is a big step forward and a progressive step.

When you look at some of the other things—and I think as able-bodied people, we sort of make everybody's decisions for them. The disability councils that will be created will avoid the fact that any engineer or any designer or any civil servant at city hall will overlook something, and it's not a question of that person not being qualified or that that person may not have thought of something. But these are people who are actually going to use something. So you want their input right at the design stage. I think having that is enormous, and it's important to commend communities that have already been doing this.

We've heard of communities like Windsor, and I know in London many of the new buildings, all I would say, are accessible. There are always issues when there's new construction, something that's overlooked, and I've got to tell you when something is overlooked it's embarrassing. It's embarrassing for the designers and it's embarrassing for the municipal and provincial governments that may have provided the funding to build those structures that something in the design stage was overlooked. Why was it overlooked? It was overlooked exactly because the disability community was not at the table overseeing the original design; something that they would have noticed right away and said, "This doesn't work." This second-floor issue, this elevator, the height of these buttons, all of those issues that became embarrassing to people were things that, had the input been there right from the start, would not have occurred.

The other thing is that having the disability community at the table overlooking everything at first will actually be cost-effective, because, as I've said, on some embarrassing issues it's not an issue of money; they've obviously been overlooked. You end up going back and redoing things. We all know that in construction when you have to go back and redo something that was done two weeks ago, that is brand new, you're effectively being inefficient and wasting taxpayers' money. The disabled community being at the table making those recommendations right from the start will in fact save taxpayers' money.

The legislation also, as I said, looks after municipalities with 10,000 or more, about 160 municipalities. The big municipalities for the most part have become accessible and continue to be accessible. In the remote areas of Ontario, certainly areas with less than 10,000 population, it will be a continual struggle to address the needs of those people in those communities without further input.

I'm very supportive. I know the disabled community has been through all three of our parties. They want to get on with it, they want some positive change, and I'm prepared to support this legislation.

The Deputy Speaker: Members now have up to two minutes for questions or comments.

Mr James J. Bradley (St Catharines): The member has put forward the government case for this legislation, as we expect he would; and, as he might expect I would, I want to find what I think are ways the bill can be strengthened.

One of the things you have to look at with each piece of legislation is, can it be implemented? Is there sufficient funding to implement it? I recognize that the bill isn't by any means only about funding; it's about rules and regulations, it's about effecting change in Ontario. But what I would like to ensure, as I'm sure he would, is that the necessary funding is provided to the minister and to those in charge of implementing the bill to ensure that its provisions can be implemented.

I know there's always a concern about smaller communities and an imposition on smaller communities, but we have to recognize that people who are disabled reside not only in major metropolitan areas, but in rural areas and in smaller communities. It is fine for the government to impose obligations upon those smaller communities, with the proviso of course that they assist financially and with the degree of expertise that the provincial government has in the implementation.

We believe the bill is a step forward. There has been a lot of consultation, or at least a lot of talk, about this legislation. We think there are amendments that could be provided, and if the government were to support those amendments, it might be reasonable to support the bill. At this point in time, we would consider the progress to be of a modest nature, so modest that it would be difficult to support it in its present form. I hope the member will work to get support for opposition amendments.

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Mr Martin: I appreciated the comments from the member from London who, yes, spoke of the very good work that is going on in some municipalities across this province where accessibility is concerned. However, he did not in any way enlighten us in terms of what he would do in cases where municipalities simply don't want to or couldn't afford to do this work. The voluntary nature of this bill is one of the issues that is raised. What of a mandatory nature is there to make sure that every community across this province is able to live up to some of the expectations?

He also spoke about the need for consultation with the disabled community. I just wanted to enter into the record some thoughts from a member of our Ontarians with Disabilities Act Committee in Sault Ste Marie, a woman by the name of Clare Walker. She goes on to say that everyone is what she refers to as "temporarily able-bodied." She says, "It takes only a stroke, a car crash, increasing age" and you can become disabled; and before you reach the age of 75, one in six Ontario citizens will be.

She goes on to say that it's essential "that stakeholders be an integral part of the final decision-making process as to what is included in the act. We have to get away from

the paternalistic attitude of the TABs," as she calls them, "who seem to be experts at telling members of our society who have a disability what it is that they need and what could be best done to help them. How presumptuous!

"Our Native citizens have a wonderful saying about walking in another person's moccasins!

"The act must be able to be enforced.

"Compliance must not be an option.

"It must have a timeline by which various actions of compliance must be accomplished."

I know from talking to her the other day that she would also say we need to take this act out around the province so that she and the many others who have very important experience and knowledge to share will in fact be able to do that.

Mr John O'Toole (Durham): I'm very pleased to stand and respond to Minister Jackson's initiative to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments. I listened to the member from London-Fanshawe; that's why I came back to the House. As parliamentary assistant, I believe he's trying to make the public more aware of this important initiative. I know Minister Jackson has worked tirelessly as an advocate, in many respects, to make sure there's a place for them at the table.

If you look at the explanatory notes in the bill, which isn't one of these larger, more complicated bills, in section 5 it says, "The government is required to accommodate the accessibility needs of its employees and applicants for positions as government employees." There's a case where the government can only control those things it has responsibility for.

In section 13 of the bill it says, "The minister responsible for the administration of the bill is required to establish the Accessibility Advisory Council of Ontario."

As Mr Mazzilli outlined, there is really an opportunity for municipalities to take a full leadership role, supported by the government, to include those people who have needs. Those people are the best people to advise either the municipal, provincial or indeed the federal level of government.

So I believe this is an important first step. It's an opportunity for those people to be at the table where the decisions are made. I commend the minister for bringing it forward. It's difficult. It's not everything everyone wants, but it's a commitment by this minister to make sure that the right people are at the table and that they will be heard.

Mr Dave Levac (Brant): The member from London-Fanshawe, in one of his rare moments, has stood up in the House this evening and basically said that, my goodness, three sets of different governments—and he had trouble coming out with it—and even the Tory government had some difficulty with this, trying to come up with this piece of legislation. He gave us a little bit of a history lesson. I appreciate the member actually saying that previous governments, plural, have had difficulty

with this particular act. The minister has indicated that before in a less nice way that basically pointed fingers at the two sides of the government, but the member for London-Fanshawe did us a favour by giving us a little bit of a history lesson, that this is a topic that needed to be done and it had to get done today.

Quite frankly, I want to continue his history lesson by saying that more than six years ago, on May 24, 1995, Premier Mike Harris made a promise to enact an Ontarians with Disabilities Act within the first term of his office. Unfortunately, that just didn't happen, just to make sure people understand that. Bill 83, the government's 1998 attempt at the ODA, actually embarrassed everyone. The bill, which was only three pages long, demanded only voluntary compliance and was applicable to only the Ontario government. The legislation would not have required that one single barrier be removed.

The important part that we need to put out today is that there should be consultation across the board that makes sure that everyone, inclusively, takes care of this problem, and we have to act together to make sure that people with disabilities are seen as equal and contributing citizens in the province of Ontario.

The problem that I have with the legislation is that one of the biggest components in my riding is the elderly parents taking care of their disabled children, and it does not have any housing component in it, as the minister himself had indicated to someone else in his own riding that they would take care of. But hopefully that will be rectified.

The Deputy Speaker The member for London-Fanshawe has up to two minutes to respond.

Mr Mazzilli: Certainly, when you look at this legislation, there is some flexibility for municipalities. The last thing you want to do is, for municipalities that have been doing things right—as I said previously, there are municipalities that have been doing some of these things for 20 years.

The interesting thing as we move into this debate is people who want to make legislation so encompassing. They want to cover everything in this bill, and they say, "I would be able to support that if it had this to it," or "I would be able to support that if it had a few more things in it." Just look at what's in the bill and say, "Do I agree with it or don't I agree with it?" If further things need to be done, there will be a point in time by this Legislature, by other governments, to make those changes. But look at this bill and say, "Do I agree with it or don't I?" and vote in good conscience. Don't say, "Well, I would if it included the elderly parents."

I've spoken to experts and I have asked, "Why do we have so many high-needs kids now into the adult age?" It's because of medical technology. So we are going to have more people to look after. I've said that those parents are tired. They've been through all three of our parties governing. They want positive change. Not one of our parties has a monopoly on their sympathy or their votes. I ask members across the Legislature, do you or do you not agree with the present legislation? Vote in good conscience on that basis.

The Deputy Speaker: The floor is open for further debate.

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Mr Gerretsen: Actually, I'm enjoying the debate tonight because it has less of a partisan tone to it than usual.

I think the Minister of Community and Social Services probably put his finger on it unintentionally when he stated earlier, "We're already spending \$5 billion to \$6 billion," or, "We've increased from \$5 billion to \$6 billion," the amount that we spend on the disabled in our province. Whether that amount is so or not, I'm not sure. We've got a figure here of \$3.6 billion. But what his comment conveyed to me was that it's all a question of money, and it is all a question of money. How much money does the government want to spend or does the government want private business to expend in order to make facilities accessible to the handicapped, to the disabled? That's what it's all about.

As the last member said, some municipalities have done it for years. Many municipalities decided many years ago—I know in my own municipality they decided about 20 years ago that every sidewalk that was going to be built was going to have these off ramps at corners so it was easier for wheelchairs to come off and on. It was a step in the right direction.

The real question is, is this step far enough to tie in to the promises that were made to the 1.6 million people with disabilities in the province of Ontario, to satisfy their needs or to satisfy the promises that were made to them? That's really what it's all about, and I say that when you look at what this House has done over the last six years and what the 11 principles that have been adopted by this House on three separate occasions unanimously indicate, then I say that what is contained in the bill—and I will go through it, not section by section but area by area—is greatly deficient.

Is it a step in the right direction? As the member for Durham admitted himself, it is a step in the right direction. Yes, it is a step, but how big a step is it? When you get right down to it, it is a very, very small step because, just to go over the history once again, on May 24, 1995, Mike Harris said that he was going to enact an Ontarians with Disabilities Act. I suppose people could even argue, "What did he really mean by that? How far was that act going to go?" I don't know. Maybe he thought Isabel Bassett's bill that she introduced a couple of years ago, which was basically a voluntary program on government ministries, went far enough. But he made the promise, and since that time that promise has been approved in this Legislature on three separate occasions that I'm aware of.

I know that Marion Boyd, a member of your caucus, came up with a resolution back in 1996, passed unanimously in the House, that Mike Harris live up to his promise to pass an Ontarians with Disabilities Act. Nothing happened. Then in 1998, Dwight Duncan of our caucus came up with the same idea and he actually enunciated the 11 principles that should be encompassed

in an act. What happened? Passed unanimously by this House. We all said, "Yes, that's what we want to do." Steve Peters, on November 23, 1999, basically brought a motion forward which again dealt with the 11 principles as to what should be contained in the act. It was again unanimously passed by everybody. We all want to be good guys. We all passed it.

In the meantime, we also saw Isabel Bassett come up with a very lame bill—

Hon David Turnbull (Solicitor General): You guys did nothing.

Mr Gerretsen: Well, the minister keeps saying, "You guys didn't do anything in the 1980s, and they didn't do anything in the 1990s," and I agree with you. Nobody has done anything. The point is that you are trying to make it sound as if the act that you're now passing is going to resolve all the problems or is going to deal with these 11 principles, and it isn't. I will just reiterate very quickly those 11 principles that were contained in the resolution that has now been passed twice by this House.

The first principle is that the act should "effectively ensure to persons with disabilities in Ontario the equal opportunity to fully and meaningfully participate in all aspects of life in Ontario based on their individual merit, by removing existing barriers confronting them and by preventing the creation of new barriers." A very laudable goal.

Secondly, it "should supersede all other legislation, regulations or policies which either conflict with it, or which provide lesser protections and entitlements to persons with disabilities." In other words, if the act is in conflict with other acts, the new act should supersede. I will turn to this act momentarily after I've gone through the 11 principles. This act doesn't do any of that at all, in any way, shape or form.

The third principle: it "should require government entities, public premises, companies"—private companies, public companies—"and organizations to be made fully accessible to all persons with disabilities through the removal of existing barriers and the prevention of the creation of new barriers"—and here's the crucial wording—"within strict time frames to be prescribed." There is nothing in this bill that requires anybody, either on the government side or within private industry, to implement whatever the guidelines are within any period, whether it's one year, 10 years, 20 years, whatever. The principle clearly addresses this and says it should be done within strict time frames.

Fourth, the act "should require the providers of goods, services and facilities to the public to ensure that their goods, services and facilities are fully usable by persons with disabilities."

Fifth, it "should require public and private sector employers to take proactive steps"—in other words, not just a plan, not just a guideline; no, to take proactive steps—"to achieve barrier-free workplaces within prescribed time limits." That's what the fifth principle states. This act does not do that in any way, shape or form.

Sixth, it "should provide for a prompt and effective process for enforcement." Well, there is one area where it

suggests a \$5,000 fine if somebody, I don't know, either parks in a handicapped zone or sells a handicapped permit without authority. Although that sounds very good, a \$5,000 fine—why not throw them in jail for six months as well?—the real effect it will have, and you know this as well as I do, is the reluctance of the officer to issue a ticket for \$5,000, knowing full well that's going to be challenged, because whoever parked in that spot is going to find some sort of excuse, that they had to take somebody there on an emergency basis. Nobody is going to say, "Oh, well. Here's a parking ticket for \$5,000. Let's just go in and pay it." A \$5,000 fine sounds good, but I would like to know how often that is going to be implemented. There's going to be great hesitancy by any enforcement officer to issue a \$5,000 ticket and there's going to be even greater hesitancy to pay it, because they'll come up with any excuse and probably take it through every court.

It really fits in with this government that they always believe the way to get rid of offenders is by slapping on these huge fines. That's the way we get rid of squeegee kids and everything else associated therewith. Anyway, that's a bit of a side issue.

Seventh, it said it "should provide for a process of regulation-making to define with clarity the steps required for compliance with the Ontarians with Disabilities Act."

Eighth: "to provide education and other information resources to companies, individuals and groups who seek to comply with the requirements" of the act. I suppose that's included in there to some extent, the educational component of it.

Let's see. Finally, the 11th principle is that the act "must be more than mere window dressing." I suppose the real question is, is this act merely window dressing? Is requiring each ministry, each large municipality, to at least come up with a plan to deal with overcoming disability problems good enough or is it just window dressing? Some people in the government will undoubtedly say that it's a step in the right direction. Yes, I agree with them that it's a step. How big a step? Does it actually confirm or are they actually in compliance with the promise they made in passing this act? I guess you'll have to ask the people who have been asking for this act. I don't think it does.

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Let's take a look at the act now—I've gone through the explanatory notes and made some observations—to see how far government or private industry really has to go to deal with the barriers. When it's all said and done, it isn't going very far.

"1. In consultation with persons with disabilities and others"—and the government makes a great to-do over the fact that they're setting up all these committees now. Wonderful. I suppose I would say, why haven't we don't that before? If the Liberal government in the late 1980s didn't do it before, I say the same thing: why didn't they think of that before? To establish a committee so that you can have the committee look at various laws that are

being proposed to make sure that those laws are in compliance with the act is a very laudable goal. It doesn't cost you very much. You may get some very good suggestions as a result of doing that, and I suppose that's one of the goals, but is that such a revolutionary step? Maybe to some people it is. Maybe to some people the fact that you're actually going to listen to the disabled so that they can have input into what kinds of rules and regulations you've got is a big step. I don't regard it as a big step because I would have thought we would have done that years ago, and if we didn't do it years ago, shame on us. But to me that's not a large step. To me that is window dressing. Is it a step in the right direction? Yes. Is it a big step? No.

It says, "In consultation with persons with disabilities and others, the government is required to develop barrier-free design guidelines for buildings, structures and premises." So there's no time frame. We're talking about a guideline, so it's not mandatory. Is it better than nothing? Yes. Is it living up to their promise? I don't think so. Maybe they do.

Then it goes on to say, "When entering into a lease for a building, structure or premises ... the government is also required to have regard to the extent to which the design of the leased premises complies with the guidelines." It's that old one, "have regard to." In other words, you have to contemplate it for a moment and then you can basically disregard it. You can't totally ignore it but, as long as you put your mind to it, you can say, "Yes, I've had regard to it and I've decided not to do anything about it." In other words, having regard to is not a very strong commitment at all. We've gone through that same argument with respect to the Planning Act. I know that you and other members here are fully familiar with it.

"2. In deciding to purchase goods or services through the procurement process for the use of itself, its employees or the public, the government is required"—again—"to have regard to their accessibility for persons with disabilities." In other words, there's no need to ensure that when the government buys something, those services are going to be available to the disabled. Somebody will just have had to sort of bear it in mind in deciding whether or not to buy from that particular private individual and then, if they want to ignore it, they can do that. I don't think that's very strong. That isn't really giving the disabled community the kind of act that I think they were looking for.

Another principle says, "The government may include requirements with respect to accessibility to persons with disabilities as part of the eligibility criteria for certain projects." Remember, I said, "may include." In other words, the government is not obligated to include requirements with respect to accessibility to persons with disabilities at all. It just "may include" that. It's permissive legislation. They can ignore it. This is the government's bill. I'm not reading my own propaganda. I'm reading right from the government's bill. It's right in the explanatory notes.

Mr Wayne Wettlaufer (Kitchener Centre): You're just putting your own interpretation on it.

Mr Gerretsen: Yes, I'm putting my own interpretation on it, and we'll let the people themselves decide. I'm just reading exactly what's here and what the government is obligated to do. In no part does it say that the government is obligated to do anything, sir, nowhere at all.

"Municipalities having a population of not less than 10,000 are required to have an accessibility plan that addresses the identification, removal and prevention of barriers to persons with disabilities in their bylaws." I think that most municipalities—and it would have been interesting. Maybe the minister will comment on how many municipalities of over 10,000 in this province don't already have this in place. I doubt if there are very many, if any at all.

Hon Mr Jackson: There are only 15.

Mr Gerretsen: OK. I'm interested in listening to him later on. If those municipalities are there, then it's a good thing that you make it mandatory that they at least have those accessibility plans or make those accessibility plans. But let's not let the disabled community or people with disabilities believe that somehow this is radical and revolutionary, because it isn't.

It goes on to say in number 9, "In deciding to purchase goods and services through the procurement process for the use of itself" and "its employees ... the council of every municipality is required"—here we have it again—"to have regard to their accessibility for persons with disabilities." "Having regard" again; in other words, it's not mandatory. They can put their attention to it and either do something about it or not do anything about it.

"Organizations that provide public transportation are required to have an accessibility plan"—nothing about implementation, nothing about implementing it within five years or within 10 years. Wouldn't it have been nice to have an act that says, "Look, every new building that gets put up, every new lease that we enter into with an organization or whatever, shall be accessible to the disabled." Presumably, when you're leasing buildings as a government, you can put that demand in because you know there are an awful lot of landlords out there who love to rent to the government. They know that if you rent to the government, you're going to get your cheque every month. There's very little risk involved. It's usually a long-term deal.

Why didn't it deal with some of those issues? Make it mandatory for those particular individuals. If they had to modify it, the cost may be reflected in the amount of rent you have to pay. That gets me back to the first argument. We're talking about money here, the spending of either public money or private money of corporations on behalf of shareholders etc.

In other words, yes, this is an attempt. Are some of the disabled groups happy with it? I suppose from their viewpoint it's better than nothing and it's certainly better than the bill that came forward in 1998. Is it the real, meaningful disabilities act that everybody was hoping for, or that we had all agreed to by way of this resolution that we passed in this House adopting these 11 principles on three separate occasions over the last five or six years? No, it is not.

I say to my friends on the other side that you can attack me all you want and, yes, I realize that a lot is left open to interpretation. I know what your bureaucrats would have offered you in advice, that you can't get involved in a requirement situation, that it's much better to do it in a permissive situation because it's ultimately less costly. But let's be upfront about that with the disabled community. The Minister of Community and Social Services said earlier, "We have increased their budget from \$5 billion to \$6 billion in the last six years. How much would you spend?" That's really what it's all about.

I have no idea what it would cost to make every public building in Ontario completely accessible to the disabled or what it would cost the government, if for example it gets into new leasing arrangements, to make sure those buildings are accessible to the public. You're probably talking about a wad of money. But I believe that if you at least had an attempt to put some timelines in this bill, some framework that you're working toward that you can measure your own accomplishments against as a government, then you'd have something.

Right now, all you're going to have are just a whole bunch of guidelines and plans that may or may not be enforced by a particular ministry, depending upon whether or not they want to do it and depending upon whether or not they've got the money to do it. That's the real shortcoming of this bill, that there aren't any mandatory requirements in it, even over a long period of time.

The Deputy Speaker: It is now time for questions and comments.

Mr Bisson: I want to take the opportunity while the minister is here to make a couple of comments. I am one, as is the member for Sault Ste Marie, who wants to work with what's in this bill. The bill may not go as far as some people in the disability community want it to go. They want more mandatory-type provisions in the bill that force people to make access an issue when it comes to both private sector and public sector buildings, and I agree in general with that. But at least it's a step in the right direction. I've got to give the government some credit for actually rolling out the bill and getting to the point where we are now. But I'm worried that the government, by way of what's going to happen here over the next month, is going to be in a hurry to pass this bill without proper committee hearings, without proper time for study of the bill and amendments in order to fortify the bill, and will want to get it passed sometime before Christmas. Why? Because we know the House is going to be proroguing.

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For people who are watching and don't know what that means: we're going into a leadership race. The Tories are going to choose a future leader who will become the Premier, and the House will not sit until some time in April, after the leadership convention. They're going to want to wipe off all the legislation that is on the books and start with a new slate after the election of a new leader.

So I'm asking the minister responsible, Mr Jackson, to do what my friend Tony Martin, the member from Sault Ste Marie, has suggested: let's work with your bill. We'll agree as New Democrats to allow a motion in this House that says that the bill will survive prorogation and will be brought back next spring, but this coming winter we take a month or two to do proper hearings so that we can talk to people in the disability community in other places and to our municipal partners and private sector partners about how we can accomplish some of the things we want in this bill.

I know we can do it. We all want to do the same thing, and that is to provide for the best possible structure for the disabled community. We in the New Democratic Party offer our assistance to the government in order to make this bill even better so that people with disabilities can live with dignity.

The Deputy Speaker: The Minister of Citizenship?

Hon Mr Jackson: I'd like to respond to the comments made by the member for Kingston and the Islands, himself a former mayor of the city of Kingston. I am quite familiar with Kingston, as my family grew up in that part of the province. It's a great city.

But I'm surprised that the member opposite seemed unaware, nor did he reference the fact, that his own city of Kingston had an accessibility advisory committee that advised council and helped council, nor, I would assume under his leadership as mayor, did he feel that there would be a place for such a committee.

One of the pieces of this legislation which is so unique in North America is that it mandates the disability community to actually have a say in decisions that go on in their municipalities. The member opposite has also indicated his concern, and just for the record, the 10,000 threshold is a starting position in the legislation, and we'll hear from municipalities of rural Ontario and from northern Ontario municipalities who will express concerns. Do communities of 100 or 150 people need a committee? We'll hear all that during the discussions. But if it's the official position of the Liberal Party that all municipalities have this imposed, then they should say that and come forward with it.

We have heard very little from the Liberal Party. I had hoped to hear a little more clarity from the members tonight. That's why I've been sitting here: to listen to every bit of the debate. I will continue to hear all the debate until the bill is passed. But their critic has gone on record as saying that they want to gut this bill, that they want to start again with an ADA, the Americans with Disabilities Act. Mr Levac's parting comment had to do with supportive housing. Well, the Americans with Disabilities Act doesn't include housing. It is exempt completely, and yet our legislation here includes housing, very clearly includes housing. So I would hope that the members opposite would look at this legislation with more of an open mind.

The Deputy Speaker: Thank you. Further questions and comments?

Mr Bruce Crozier (Essex): The real test of this bill after it's passed will be, and I have no doubt that it will

be, how do those with disabilities in our province feel that it's going to help them? Is it going to help them the next day? No. Is it going to help them a year from now? I'm not sure.

As my colleague from Kingston and the Islands said, there need to be timelines. This type of legislation is something that can't just go halfway. You're either going to be sincere about it and make recognizable differences in the way we treat the everyday lives of those with disabilities or you're not. Committees can go on forever. You can have all kinds of studies, but what is that really going to do?

There are businesses in this province that make millions off everyday, ordinary citizens, whom those with disabilities are part of. These businesses should be required as well to provide access to those with disabilities. Are we going to assist them? Is the government going to assist them? That's a question, I suppose, that should be asked. Are they going to have to do it on their own under certain timelines? I think they should. If we just simply send this to committee and if we allow municipalities to study and have a plan without any definite timelines in which those in our province who struggle through life every day—if they can't have any confidence in that, then I'm not so sure that this legislation goes far enough.

Mr Martin: I agree with the member for Kingston and the Islands when he says that this bill gives no guarantees that barriers will be torn down at all, let alone within a reasonable time frame; that this bill requires no mandatory compliance by the private sector at all; that this bill does next to nothing for anyone with a disability other than that of mobility. It does not mandate such things as sign language interpreters in hospitals, safe street-crossing systems for the blind or even education supports. This bill calls for accessibility plans with no timelines or money to guarantee those plans will ever be put in place. And to top it all off, this bill offers no enforcement strategy whatsoever.

In the end, people with disabilities are stuck with the current complaint-driven system, reliant on the incredibly overburdened Human Rights Commission to do something about it. People with disabilities have been fighting really hard for years to get legislation that would open up everyday access to this province for 1.6 million people who are excluded on a daily basis. These people are counting on us at this time in this place to do the right thing and amend this bill so that it in fact puts mandatory requirements in, talks about money to support initiatives and sets out some timelines.

At the end of the day, this bill does no more than set up advisory committees that people with disabilities can try to join so they can fight and lobby more to try and get the changes they were promised this legislation would make. This law was supposed to change that. Again, I go on record as saying that what we need is to take this bill out across this province. We need to take the time to do that so that we can make those hearings accessible to all those people in small, medium and large communities across Ontario who have a vested interest in making sure

we do the right thing this time around. I challenge the government to work with the Liberals and ourselves to make sure that happens.

The Deputy Speaker: The member for Kingston and the Islands has up to two minutes to respond.

Mr Gerretsen: I'd like to thank the members for Timmins-James Bay, Sault Ste Marie and Essex and the Minister of Citizenship for their comments. I take some comfort in the minister's comment. I believe he stated that there will be an awful lot of discussion about this bill, so I assume that he will allow it to go for full public consultation around the province, which obviously cannot be accomplished between now and Christmas. I noted the House may prorogue at that point in time, but I also noted it would be easy for the House leaders to pass a motion to have this bill carry on during the winter, and during that period of time public consultations could be held throughout the province.

The real test is this: if the government really believes that the disabled community and its various communities—as the member for Sault Ste Marie mentioned, there are people with all sorts of disabilities. We have basically focused on people with sight disabilities, but there are many other disabilities as well. If they really believe that this bill is supported by all the different groups out there, the best test is to put it out for public consultation and to find out whether or not they really do, as well as the able-bodied people who may have opinions about it one way or another.

If they really believe that it's a meaningful bill that nobody else has ever done anything about, that's all the more reason to make sure we get it right and to have public consultation as much as possible. But again, I look at this bill as just a very first step, and I would certainly hope that amendments will be coming forward to actually see the implementation of it and put timelines in for that implementation.

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The Deputy Speaker: The floor is open for further debate. The rotation is to the government, so you have this opportunity. I see a government member on his feet.

Interjections.

The Deputy Speaker: Order. As soon as your colleagues settle down, you'll get the floor. The member for Oak Ridges now has the floor.

Mr Bradley: And he's wearing a new suit, an expensive suit.

Mr Frank Klees (Oak Ridges): I want to thank the member for St Catharines for his compliments on my suit.

I take pleasure in rising to participate in this debate this evening. Before I say anything else, I want to compliment the many people who have been working on this legislation over the last number of months. Specifically I want to make reference to a constituent of mine, Mr Barry Munro, who is the president of the Canadian Spinal Research Organization, an individual who believes very strongly that the actions of this government

are a positive step. I'd like to read into the record one of his comments, if I might.

"From this point forward, all sectors will have to embrace accessibility as a value and incorporate it into their thinking on a daily basis. This is a significant beginning and we commend the government for demonstrating leadership and putting Ontario at the forefront of mandating change."

I want to compliment as well the minister, the Honourable Cam Jackson, for his leadership on this issue. I know that he has worked diligently over the last number of months, together with a number of my colleagues on this side of the House. I also want to be assured that we do not forget the work that the former Minister of Citizenship, the Honourable Helen Johns, put into this issue.

I think it's only appropriate that we also recognize members on both sides of the House who, over the last number of years, have advocated for an important step to be taken by this Legislature to recognize that we must show leadership in this House on this issue in ensuring that people with disabilities in this province are recognized for some of the incredible challenges they have just to do the day-to-day things that we take for granted in our lives. Whether that's simply leaving the house in the morning and getting into a mode of transportation, whether that's simply accessing the front door of a building or making their way into an office building, we, who are blessed with not having physical disabilities, often forget the tremendous challenge that people have who must exercise a great deal of energy and patience in just simply getting through the day.

So I'm pleased to participate in this debate because it allows me to tell not only members in this House but people across this province about what I consider to be an historic opportunity for us as members of this House to not only debate but ultimately to pass this piece of legislation.

Let us not forget here that no other government that has sat in this place has ever brought forward a bill of this magnitude as it relates to people with disabilities in this province. No other government has worked as hard to make it the right bill.

Is it perfect? I don't believe that any of us, whether we sit on this side of the House—certainly from what I've heard in the debate so far, it's very clear that members of the opposition here don't believe this is a perfect bill. In fact, I will look at Hansard tomorrow because I cannot believe the degree to which members of the opposition are suggesting that this bill isn't even worth bringing forward; in fact, they would much rather have it go back to more study, more consultation, defer it longer and put further into the future yet the day when people in this province, people of disability, can take ownership of at least a meaningful first step, an important step, in entrenching in legislation certain rights and privileges that will place obligations on the provincial and municipal governments and place a great deal of moral suasion into the private sector to do what is right. So we can be

justifiably proud of the bill that is getting second reading today.

While we're focusing on Bill 125 today, we must not lose sight of other measures this government has taken over the years in implementing and improving independence and opportunity for persons with disability. Indeed, the successful creation of an inclusive Ontario will depend on a combination of legislative and non-legislative measures, mandatory and voluntary initiatives, and the ultimate success will depend on the co-operation and commitment of every person in every part of this province.

Members of the opposition spent a great deal of time railing about the fact that there is not sufficient mandatory obligation, whether it be on the private sector or even on the public sector. I suggest that there are some things that we really must look to our partners to come to the table on in a willing way because it's simply the right thing to do. This legislation clearly sets out a framework of what can be done, a number of areas that will place tremendous obligation and provide a position of leadership to municipalities and in fact the provincial government to show the way as to what can be done when there is a will. We know this because persons with disabilities have told us that this kind of mix of voluntarism, voluntary initiative, and the appropriate mandatory requirements would work best. They told us that while legislation is important, it is not the only route to take. This is precisely why Bill 125 is designed the way it is. The legislative and non-legislative, the mandatory and voluntary measures proposed are cohesive and compre-

hensive. They will lead us, we believe, to the goal that is outlined in our vision statement, a province in which no new barriers are created and existing ones are removed.

Our vision statement should be read very carefully. It encapsulates this government's absolute commitment to and absolute respect for persons with disabilities. It embodies the clear principles behind our framework for change. It is not a vision to which we pledge lightly. The persons with disabilities that we have talked to understand the spirit of this vision and understand the intent of this mission statement, and they support it fully. Would that members of this House would all embrace it fully, not only in letter but in spirit, and work together toward its implementation.

Changes in public awareness and attitudes will be vital if persons with disabilities are to share the same rights and freedoms as every other Ontarian. Our vision was an important first step toward independence for persons with disabilities because it describes the principles that lie behind every component of our framework for change.

Speaker, I know the time is coming to a close for this session this evening, and I look forward to continuing this debate on our next sessional day. I welcome the opportunity to work together with all members of this House to be sure that this very important first step is in fact a positive one for those of us in this Legislature and for all persons with disabilities in this province.

The Deputy Speaker: It now being just moments after 9:30 pm, this House will stand adjourned until 1:30 pm tomorrow.

The House adjourned at 2130.

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		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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