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**Official Report
of Debates
(Hansard)**

Tuesday 11 December 2001

**Journal
des débats
(Hansard)**

Mardi 11 décembre 2001

**Standing committee on
finance and economic affairs**

**Comité permanent des finances
et des affaires économiques**

Ontarians with Disabilities
Act, 2001

Loi de 2001 sur les personnes
handicapées de l'Ontario

Chair: Marcel Beaubien
Clerk: Susan Sourial

Président : Marcel Beaubien
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Tuesday 11 December 2001

Mardi 11 décembre 2001

The committee met at 0904 in room 151.

**ONTARIANS WITH DISABILITIES
ACT, 2001**

**LOI DE 2001 SUR LES PERSONNES
HANDICAPÉES DE L'ONTARIO**

Consideration 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 Chair (Mr Marcel Beaubien): Good morning, everyone. I would like to bring the standing committee on finance and economic affairs to order. We're here to consider clause-by-clause of Bill 125. We'll start with section 1. Are there any questions or comments?

Mr Tony Martin (Sault Ste Marie): I thought the process here this morning would be that each caucus would get a chance to put into the record some overall comments on the bill and then we would move into clause-by-clause. We have three hours here to consider this bill. I think it's important that we consider it both in terms of the sections and the amendments, but that we also consider it in its fuller context. We've been to some pretty significant communities. We've heard from a significant number of groups—

The Chair: Before you start, Mr Martin, how much time do you want for opening comments? Five minutes per caucus?

Mr Martin: Ten minutes, I would say, if that's possible.

The Chair: I'm flexible.

Mr Martin: Five to 10?

The Chair: We'll start. Before we start, there's another issue that I'd like to bring to the committee's attention. At 4 o'clock, under order 46, I will have to move the amendments. All the amendments that have not been moved shall be deemed to have been moved at 4 o'clock this afternoon.

Mr Martin: We understand that; at least I do.

The Chair: With no further ado, then, I will give you 10 minutes per caucus and we'll start with Mr Martin.

Mr Ernie Hardeman (Oxford): Mr Chairman, I have no objection to the members opposite, obviously, if they

so choose, to make a five-minute comment. They can make that to any one of the amendments and they would be perfectly in order. So I have no problem with the suggestion that they want to speak for five minutes. But I would caution that because of the timing—I know the member opposite suggested that we have all of three hours so there's plenty of time to go around. As I look at the pile of amendments, I would suggest that we are not going to be able to get through all the amendments and have discussion on each one of them. As we take the five minutes, I would suggest that we're taking it away from discussing the amendments that are before us. I'll leave it at that, but I do not want the five minutes.

The Chair: I will proceed with Mr Martin and I'll give each caucus up to 10 minutes to make their comments this morning if they so desire. With that, Mr Martin, you're the first to go.

Mr Martin: It has certainly been an interesting week, with some very important suggestions made to this committee; people who have worked very hard over a long period of time seeing this as an opportunity to actually put in place a framework that has some ability in it to make some things happen.

We heard from a number of groups that came, however disappointed, that the bill put in front of us was lacking in some very important and significant areas, yet still hopeful and not willing to just see this bill withdrawn or scrapped or set aside but to move forward with whatever ability or facility to make the changes that are necessary. It's a very important piece of legislation, they told us. I reference, for example, the group that came from Sault Ste Marie: 13 of them, in two minivans, travelled four hours. They had worked for literally a year and a half non-stop and had done an excellent job of going through the bill piece by piece and making suggestions as to amendments that would make this bill work for them, all of them challenged by one disability or another. I think this morning what we need to do is to honour their effort, honour their requests, honour their work, honour the intelligence they brought to this effort to develop good public policy.

As I said, this piece of legislation is very important. It cuts to the very heart of the inequality in this province that people with disabilities face on a daily basis. It's meant to address and remedy these inequalities. The problem is that in its current form this legislation does not do what the government claims that it will do.

The government's own Framework for Change document states, "We envision an Ontario where persons with disabilities can get into and around their community safely; attend and participate in a town council meeting; get to a job that nurtures their skills; and live as independently as possible." But Bill 125 does next to nothing to make that statement a reality. Besides preventing new barriers from being created in new government buildings, this legislation puts forward no mandatory requirements for the removal or prevention of barriers.

The framework also states, "By working together we can achieve our vision of an Ontario where no barriers are created and existing ones are removed." Yet when it really counts, the government chose to fast-track this legislation rather than take the time to work with all the people in the disability community to make sure this bill really works for them.

Despite the limited hearings and shortness of notice, people with disabilities and people working within the disability community came out in droves to tell this committee this bill just doesn't cut it. If we're going to live up to this government's own vision, it is really important that we listen to them.

0910

Today I have put forward many amendments that carefully reflect all that we have heard. The Liberals have done so as well. If the government is truly committed to creating a barrier-free Ontario, as it sets out in its statements in the framework, it cannot ignore all that we have heard over the past couple of weeks. The government must make the changes necessary to improve this legislation and support the amendments being put forward today.

I would like to begin with highlighting section 1, the purpose clause. This is the section of the bill that spells out the goals of the legislation and sets the tone by which all other sections are viewed. If the government truly wants this legislation to be effective, it is very important that this section spell out the goals set out in their framework and vision statement. The amendment I have put forward reflects what the disability community wants in an ODA and echoes the very goals this government says it has for the ODA. It is imperative that all of us support this amendment to ensure a strong move toward a barrier-free Ontario.

Next, I would like to highlight the importance of definitions in the bill. I have put forward amendments to clarify the definitions of "barrier," "disability" and "organizations." These need to be passed. I highlight these specifically because definitions are key to the interpretation of this legislation. Currently, their definitions are too narrow, limiting the effectiveness of the legislation. If we are really going to create legislation that works for people with disabilities, these definitions need to be completely clear and comprehensive.

I've also put forward amendments that would remove scheduled organizations and create classes of organization. Currently under this bill, it is only the provincial

government that has any mandatory obligation to comply. This simply isn't good enough.

People with disabilities don't buy their groceries at Queen's Park, they don't get their hair cut at the Ministry of Transportation office and, when last I checked, Ministry of Health offices were not showing the latest movie release. If this legislation is really going to create the barrier-free Ontario this government claims to aspire to, it must cover all sectors.

Obviously, there are issues around the ability of different organizations to become barrier-free, and that's where the development of classes of organizations comes in to ensure that tearing down barriers is done fairly and equitably. Leaving the private sector out of this bill is simply not acceptable.

I would also like to highlight the amendments creating timelines for action and enforcement for non-compliance. Without these structures in place, this bill is worthless. We have seen how voluntary compliance works. It leaves us with the inaccessible society we have now. It is time for this government to put their money where their mouth is and give the ODA the teeth it needs to make real change in Ontario.

Finally, I would like to highlight the amendments that mandate the role of people with disabilities on the councils and committees. For the ODA to actually be effective, people with disabilities must be involved in the creation of the regulations and guidelines, and they must be involved in every step of the execution of this legislation.

It is only people with disabilities who completely understand the impact of a life full of barriers. This is why it is essential that they be, in the words of Minister Jackson, "in the driver's seat." The amendments we will put forward today will make that happen.

One and a half million Ontarians are counting on us to do this legislation justice. It is up to us here today to make sure that happens. I'm calling on everyone here to do the right thing and support the amendments we've put forward. Let's make this Ontarians with Disabilities Act truly live up to the government's framework and vision statement.

Mr Ernie Parsons (Prince Edward-Hastings): It became apparent to me as we went through the hearings that this is a fundamental human rights issue. There is absolutely no one whom we would bar from watching the legislative chamber in action—except if they were the third person to show up in a wheelchair. There is absolutely no one that would be barred from coming in and walking through this building up to the chamber—unless they were blind, because we don't have Braille buttons on the elevators. This is the only group in society that I could identify who, through no fault of their own, do not have access to the human rights enjoyed by everyone else in this province.

We have the knowledge to take down the barriers. We have the technology to dismantle barriers. The question that's facing us today and tomorrow is, do we have the will to dismantle the barriers?

The presenters struck me as incredible individuals, the way they have risen to meet the challenge. The obligation on us now is to rise back and work with them to remove the barriers. It is very clear, listening to the experts, and by “experts,” I mean the persons with disabilities who came and shared their lives with us, that we have to do something. The strong consensus from all was that this bill will not do it. Other than a great title, it does not in fact remove any barriers; indeed, it has been suggested by some that it may actually remove some rights under the Ontario human rights legislation.

They are not asking for a lot. We don’t believe that every barrier would have to come down Wednesday afternoon, but there are certain key things that have to happen. Fundamental to this bill, we believe, is an amendment to the definition of what a barrier is. Who better to help us with that than the experts who came and spoke to us of their life each day?

There needs to be, we believe, a redefinition of the word “disability.” There needs to be enforcement. There is nothing else of value that we do in this province that we do not enforce. We would enforce any regulation for any other person that was denied access to a building or access to a service. We need to enforce it for these equal citizens.

We believe there is too much latitude given under the exemption powers, and that has to be reduced considerably. The obligation should be to level the playing field.

We believe strongly that the persons with disabilities need input into the regulations. I am only too aware of some bills that have been passed and regulations never prepared. There need to be fixed timelines of when the regulations will be done. The bill must not simply go on the shelf.

Lastly, we need to recognize where 90%, 95%, 98% of an individual’s time is spent. That is in private industry. They need to be brought to the table with persons with disabilities. They need to be part of this bill; they must be part of this bill for it to have any meaning whatsoever.

I look forward to the clause-by-clause with some hope that we can end up with a bill that has some meaning, rather than just a great title.

Mr Dave Levac (Brant): My opening comment will be very brief, other than to say that my sub paper will be in for the clerk’s purposes to substitute for Mr Kwinter who, unfortunately, had to suffer the death of his brother. So I send my concerns and prayers to him and his family.

I’m reminded of the frailty of life and the fact that the presentations we have heard, and I’ve reviewed, are from the heart and are not trying to receive anything extra. The overlying fact that I came to hear is that no one was asking for extra. What they were asking for is equality.

My concern is, as was raised much earlier in terms of the decision to even hear opening statements in clause-by-clause, I’ve had to suffer through some of these hearings at a different committee level that basically said at 4 o’clock we’re going to call everything in and everything’s gone and forget about it. By the actions of the

opposition, you can see that there are plenty of amendments being offered. That’s not to be frivolous; that is to try to analyze what was said, what was done, what was presented and to provide the government with some well-thought-out options to consider. The thought that there wouldn’t be enough time to go through this and debate it falls somewhat short inasmuch as the time has been restricted to allow those amendments to be passed. I’ll caution all of us to watch how quickly and how easily these amendments are either accepted or rejected.

As a piece of information for people to listen carefully to, the concern I have is not one of legislation but one of doing the right thing. If any of these amendments is the right thing to do, I would encourage and plead with the members on the government side and those who are presenting to do it in the spirit of offering the right thing to do for the citizens of the province of Ontario, not the political thing to do, not the thing that says, “Well, it might cost us too much money to do this,” or whatever the case may be. My challenge to all of us—and I say that on the very broadest base—is that all of us must be doing the right thing to do for the citizens of Ontario, particularly those who are not presently equal.

Having said that, Mr Chairman, I would forgo the rest of my time.

0920

The Chair: I’ll go to Mr O’Toole.

Mr John O’Toole (Durham): Thank you very much, Mr Chair, and to the members of committee as well, I just want to save some time. Other members may have something to say.

I feel that, first of all, over the last 10 to 15 years the discussion of determining and making a legislative move for persons with disabilities has been on the agenda of many governments. They have not found the way or the will to move forward. Even this government—and some would criticize that—has tried on a couple of prior occasions to find the right balance.

I commend Cam Jackson, the minister, for bringing forward what I feel is—and some will describe it as—a good first step. In fact, many have described it as that. I would hope it would be stronger as a framework for strengthening over time. We’ve heard as a group from over 80 presenters across this province. In that respect, we’ve talked to Ottawa, Windsor, Thunder Bay, Sudbury and Toronto. Those are specific locations. We’ve heard from every major organization representing various people. I recall some of them specifically by name: the Milton Deaf Action Group, the young people who came here and simply animated the importance of their voice in this debate. Vance Youngs, Tanya Sturk and Jessamyn Roach were an inspiration for people who felt that we could move forward with this legislation.

I just want to put on the record clearly a couple of people, besides David Lepofsky and others, who have been very important voices in this debate over a long period of time. I commend them for their persistence and diligence. I encourage them to support the minister and this government by finding the right membership on the

newly formed directorate and advisory panel. That's a very important role in the regulations that support this bill. I would like to see an opportunity for broad participation.

There are a couple of members who I strongly felt had some knowledge, far more than any of us individually could bring to this. David Shannon, who spoke to us I believe in Thunder Bay, is a member of the human rights board of inquiry and a person with a disability. I'll tell you, this person had an absolute firm grasp, from his experience through a lifetime of living with a disability, that he sees this as the right thing to do. In fact, all members should be counselled that he is a person who works with this and lives with this on a day-to-day basis. He was there. He is on the record as very strongly supportive. I didn't see a political agenda on his side at all. I don't mean that in any critical sense.

What I heard was a majority of presenters who, when posed the question by either the opposition or third party that was most frequently asked, "If you had a choice between this or nothing, which would you choose?" said—somewhat begrudgingly, I might add—most of them supported that this was indeed a first step and it was the right thing to do.

There were certainly, from my point of view, about four major issues. There were the timelines, the enforcement, the dollars and the lack of the private sector. I've seen some of the amendments and I'm confident that with some of those amendments, specifically with the enforcement protocol, there will be—I believe and hope—consent here on at least some of the government initiatives. Let's review them all, in fairness, to get this started, put a framework, a seat at the table. It is the right thing to do. Then this voice will be given articulation in legislation, and other governments—remember, the starting point here is not yesterday, it is not six years ago, it is not 10 years ago; it is a lifetime.

This is a first step. Minister Jackson has tried to find a balance and consensus in removing and preventing barriers for people with disabilities and giving them a voice at a very important time in our collective history.

With that, maybe Mr Hardeman has something to add.

Mr Hardeman: I won't take a lot of time. I think Mr O'Toole has put it forward quite eloquently. I just want to say that we had the opportunity to travel the province with the committee to hear the disabled community speak to the bill. I think all would agree that the vast majority agreed that we should move forward with what we have here, although I would then also agree that the vast majority also wanted amendments made to the bill to make it better to deal with some of the concerns they had. Some of them have been mentioned. The issue of enforcement: as we go through the amendments we will find that there are amendments to deal with the enforcement. The members opposite mentioned the makeup of the advisory committees, to make sure the disabled community is part of those committees and have a strong voice on those committees to help design the plans and to

recommend the plans in individual communities. We have amendments to deal with that.

I too want to commend all the presenters who presented at the committee. It is not often that we have a bill that goes around the province where the presenters are all people who are directly impacted by the legislation. That was very helpful. The amendments that are before us are great in number from all three parties. That's a sign of the fact that we did hear what the presenters had to say. Hopefully we can deal with that and deal with the amendments that are before us. With that, Mr Chairman, I believe we'd be well served to debate the amendments as opposed to what we heard. I would move forward with that.

The Chair: Before I go there, as Chair I would like to recognize and thank the staff and all the people—the interpreters, the signers—who helped us during the hearings. Certainly kudos go to Susan for working very hard to make sure we had all the proper staff in the proper places at the proper time. That was very much appreciated. I would also like to thank the members for their cooperation during the hearings.

With that, we will go to amendment number 1, which is a Liberal amendment.

Mr Parsons: I move that section 1 of the bill be struck out and the following substituted:

"Purpose

"1. The purposes of this act are,

"(a) to achieve a barrier-free Ontario for persons with disabilities through the identification and removal of existing barriers and the prevention of new barriers that limit persons with disabilities from fully participating in all aspects of life in Ontario; and

"(b) to ensure that persons with disabilities play a central role in the mechanisms established to achieve the goal described in clause (a)."

The Chair: Discussion?

Mr Hardeman: I will not be supporting the amendment. I believe the government's goal in the whole bill is to improve the opportunities for people with disabilities. That's reflected in the title of the bill, in the preamble of the bill and in the purpose. I don't believe this motion is necessary. The bill presently does it.

Mr Martin: This is actually a very important part of the bill. Out of this flows almost everything else. If we've heard anything in the hearings we've just been through, it is that we need to sharpen up, we need to be more specific. We need to take out some of the weasel words that are included in this bill that will allow the government to define for itself what it means by so many of the provisions that could be or should be or may be present or possible because of this bill.

0930

If we are going to, as I suggested earlier, live up to the challenge of meeting some of the requests that were made to us by those who live with a disability and with barriers every day, we need to be willing to, right off the bat, in the purpose of this act, be more specific in terms of what it is that we mean, because the purpose that's

there now is too loose. It doesn't go to the heart of the matter. I believe if we were to replace it with what the Liberals have tabled here this morning, which, if you look, is exactly the same thing as the amendment that follows from our own caucus—and I would suggest to you that we both depended very heavily in terms of the wording of this amendment on suggestions, information and advice that we got from the disability community out there. So if you're going to kick this off right off the bat by not listening to that community and not listening to us, who have now become a voice for that community at this table, then I don't see where anything else in the act is going to make much sense either. I don't see where you've actually heard much of what was presented across the province during the hearings. We'll miss an opportunity, in my mind, to really make a difference and to make that difference right at the outset where we lay out the purpose of this bill.

I'm encouraging members across the way to see this as the beginning of an exercise of putting some teeth into this bill, of defining more clearly what it is we want to do and using some language that has been suggested to us by the disability community that will start us down that road.

The Chair: I shall pose the question on amendment number 1. All those in favour of the amendment?

Mr Levac: A recorded vote, please.

The Chair: I've already called the vote, so you will have to nail it past me earlier. But anyway, if you want a recorded vote, we'll go with a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Arnott, Hardeman, O'Toole, Spina.

The Chair: The amendment is lost.

We'll go to amendment 2, which is very similar but has a couple of words that are different in the amendment. It's an NDP motion.

Mr Martin: I move that section 1 of the bill be struck out and the following substituted:

“Purpose

“1. The purposes of this act are,

“(a) to achieve a barrier-free Ontario for persons with disabilities through the identification and removal of existing barriers and the prevention of new barriers that prevent persons with disabilities from fully participating in all aspects of life in Ontario; and

“(b) to ensure that persons with disabilities play a central role in the mechanisms established to achieve the goal described in clause (a).”

The Chair: Do you wish to speak to the motion, Mr Martin?

Mr Martin: Yes, I do. Basically, it's a continuation of my comments with regard to the Liberal motion, because this is very similar.

I mentioned in my support of the Liberal motion that the disability community out there wants us to be a lot sharper, a lot more clear on what it is we're talking about here, what it is we're trying to do, what it is they've been waiting for a long time for us to do. They are not enamoured with the simple term “improve opportunities.” They want it more defined. They want it clear right up front in the purpose that we're going to identify and remove barriers that they confront in their everyday life.

I agree with them when they say they're not going to be satisfied until we actually do that, until we have the political will, the strength of character here to actually say what we're going to do, and not leave in this bill what I referred to on a number of occasions through the hearings as weasel words that can be reinterpreted, interpreted, redefined and made to say something else.

The other part of this amendment that I think is equally important, particularly given some of the fuzziness around the edges of some of the language in this bill, is that, right up front, we say that persons with disabilities are going to be involved, are going to play a central and essential role in making sure that these barriers are identified and that in the end action is taken to remove them.

As we go through this bill, if we find that the government might be willing to support us in actually introducing some language that would see us talk about timelines and some enforcement mechanisms, that they be there as well to make sure that those timelines are realistic from their perspective and that they get done—because if we simply go with what we have here, which gives any governing or government organization, any administration that is struggling with some of the financial considerations and concerns and pressures that all of them are dealing with right now, and we leave the kind of language that's in the purpose as it is, that can be taken advantage of. But at least if the disabled themselves are playing an important role in the mechanisms, the organizations that are set up and established to work with the various institutions to make sure that barriers are identified and removed, it won't be done so easily. It gives people with disabilities living in communities an opportunity to be involved in those issues that affect them so directly.

To not do this, to not be willing to identify more clearly and to ensure in the purpose, out of which everything else flows, that disabled persons will participate in a major and significant way—we heard over and over again, if you'll remember, as we travelled the province, requests by almost every organization that people living with disabilities might be a majority on these advisory boards, both at the provincial level and at the local level. If we don't put some reference in here to that, if we don't suggest very clearly and strongly right from the outset in the purpose of the bill that persons with disabilities play a central role, then I can see us having difficulties down the road.

As I said, municipalities, for example, that find themselves pushed and cajoled and influenced by people within their jurisdiction who have identified barriers, who are anxious and wanting to see those barriers removed, and will get themselves on to these committees, will be on these committees or will have persons from their community speaking for them—it will be much simpler without this amendment for those communities to simply remove those people and put people in there who will do their bidding and simply, at the end of the day, make a mockery of an act that was introduced with so much promise and hope and flair. At the end of the day, if we're not willing, right from the outset, to listen to what we've heard and begin to define more clearly that which we want to happen, I would anticipate that we will have a major flame-out here in the not too distant future. Where we've lifted this community up to a degree in our suggestion that there might be an act here that would support them in their efforts to remove the barriers they confront every day, because of the disappointment that will happen, they may be further behind than they were in the beginning.

I'm encouraging the members around the table here to support this amendment for all those reasons and, more importantly, not just because I'm saying that but because we've heard over and over again consistently across the province that this is what people with disabilities want in the purpose of this bill if they are going to feel confident that what's promised in the preamble will in fact happen in reality when this bill is enacted and becomes the law in the province.

0940

The Chair: Any further discussion?

Mr Parsons: I've always believed in listening to experts in their field, whether they be doctors or lawyers or engineers or people simply with experience. We have had the advantage of having world experts come and present to us over the last week and make suggestions. I'm sensing that, although we very much enjoyed hearing the presentations, there doesn't seem to be a will to actually listen to them. If we're not going to listen to them now, are they going to be heard when they're on the advisory committees? It gives me no sense of optimism that that will happen.

People with disabilities, in most or many cases, probably most cases, live an incredibly complex life. I compare this act with the bill that dealt with municipalities and how thick and how detailed it was. This one is as loose as can be. But I would suggest that the life led by a person with disabilities is as complex as one led by a CEO or by a mayor or a reeve. We heard a presentation in Ottawa by an individual who is deaf and blind, and I challenge you to try to imagine the organizational skills required by that person to plan their daily life, to plan their education, to plan their career. We need to give them as much power as we can so that they can live the utmost life possible. We are the barrier to them. They very clearly don't see the barriers other than the ones that we've erected.

I urge support for this amendment to make it as all-encompassing and inclusive as we can to handle not just the present situations but anything that will arise in the future—barriers not yet thought of or identified. I certainly will be supporting the motion.

Mr Hardeman: Again, I think it's important to go back. The motion is to change the "purposes of the act" definition. The members opposite have gone into detail about what the purpose of the act is. To me, the purpose of the act is to identify, remove and prevent barriers so full participation of the disabled community can be achieved in the province of Ontario. I believe that the present purpose says exactly that, in fact, except for the preamble to it. The function is exactly the same: "identification, removal and prevention of barriers to their full participation in the life of the province." In that respect, I see no need to amend that section.

The member opposite spoke to the participation of the disabled community in the process and on advisory boards. I would suggest that as we go through the amendments we'll find that there are some amendments dealing with that to make sure that we do have the proper participation. So I will not be supporting the amendment.

Mr O'Toole: I just wanted to reinforce what Mr Hardeman has said. The purpose clause very specifically does—I think the most important thing here is the involvement, which is articulated later on in the bill in section 12, section 17, section 19 and section 20. That's where you'll see this much more clearly defined, the purposes: the identification, removal and prevention. I think without looking at it in terms of the consultative model that's being proposed here, we may be looking too narrowly at the purpose clause, and in that case, I won't be supporting the NDP amendment because it doesn't look beyond the specific word that they're having a problem with.

Mr Martin: If in fact the government is suggesting that what's covered in the purpose is going to be dealt with later on in the bill, then why not just lay it out right off the bat, put it in the purpose? In the purpose it's indicating very clearly right off the bat what it is that you are proposing today. I guess I'd like to hear why it is you would not want to put that piece in there. I'm referring now to the proposal "that persons with disabilities play a central role in the mechanisms established to achieve the goal described...." Why would you not want to put it in there? If in fact that's what you propose to do, that's what you think is going to happen and that's what, as we go through this packet, some other amendments will address, why not put it in the purpose? Why not lay out clearly right from the start the fact that you want the disabled community, those living with disabilities, to be involved up front and clearly and in definitive ways in these mechanisms? I don't understand why you wouldn't want to put that in there.

The Chair: Any further discussion? If not, then—

Mr Martin: Recorded vote.

The Chair:—I shall pose the question on amendment 2.

Ayes

Levac, Martin, Parsons.

Nays

Arnott, Hardeman, O'Toole, Spina.

The Chair: The amendment is lost.

Shall section 1 carry? It is carried.

Section 2, amendment 3: it's a government motion.

Mr Hardeman: Mr Chair, I wish on behalf of the government to withdraw that motion. I think the next motion in our package covers in a more thorough way the same items, so we will be supporting the motion put forward by the Liberal Party.

The Chair: You're withdrawing amendment 3. We'll go to amendment 4, which is a Liberal motion.

Mr Parsons: I move that the definition of "barrier" in subsection 2(1) of the bill be struck out and the following substituted:

"'barrier' means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice;"

I think this is probably as broad a definition as we can get for "barrier" and I believe it is absolutely vital that it be all-inclusive to handle, as I mentioned earlier, both known barriers and barriers yet to be identified. I believe this amendment will do that.

The Chair: Any further discussion?

Mr O'Toole: I think it's clear here as we get into the definition part where the real articulation of this and the strength of it really is: in the definitions part. I did hear during public hearings that the comparison used in the existing language, that it's not an obstacle to access for other persons, was seen as sort of negative, and the removal of that and the suggestion brought forward by the Liberal Party seems to clarify and remove that negative inference. So I'll be supporting it very strongly.

Mr Martin: I also will be supporting it and I want to recognize the movement by the government in this area. I appreciate it. Thank you very much. I think it's the kind of co-operation that we hope we'll see more of throughout the exercise here this morning. I think this is a very good start. As I said in my opening comments, definitions are key to the interpretation of this legislation, just as I believe the previous motion was important in terms of setting the tone in the purpose. Certainly we will find that people in communities across this province in various areas of activity, as they look at what they need to be doing, will return time and time again to the definitions to give them further direction as to what it is and how it is and why it is that they need to be doing what they're doing. This will give the advisory committees the kind of platform they need from which to develop the plans that

they will and hopefully make them more effective. So I'll be supporting this motion.

The Chair: Any further discussion?

Mr Levac: A recorded vote, Mr Chair.

The Chair: I shall pose the question on amendment 4.

Ayes

Arnott, Hardeman, Levac, Martin, O'Toole, Parsons, Spina.

The Chair: That amendment is carried.

Mr Levac: On a point of order, Mr Chair: Is there a rule that prevents the request for a recorded vote for all amendments?

The Chair: No, I think if you request a recorded vote, then I can call a recorded vote—

Mr O'Toole: Mr Chair, I would prefer to have a very legal opinion. We have a very clear mandate in the time allocated to this. With the amount of important debate occurring, we could end up not getting through the motions. As it stands now, they will all be deemed to have been moved. So my impression there is this might be—Mr Levac, do I have your assurance that the intention here is to complete this prior to or at noon, or is this some sort of subtle tactic? Do you have some other motive here? What's the objective?

0950

Mr Levac: Am I allowed to respond, Mr Chairman?

The Chair: Sure.

Mr Levac: I'd just like them recorded.

The Chair: I shall call a recorded vote on each vote, then.

Mr Levac: Thank you very much.

The Chair: We'll go to amendment 5: Mr Martin. Sorry, it's a duplicate.

Mr Martin: Yes, I will withdraw that motion because I think it's covered completely by the motion that the Liberals put forward.

The Chair: We'll go to amendment 6, a government motion: Mr Hardeman.

Mr Hardeman: I move that clause (a) of the definition of "disability" in subsection 2(1) of the bill be amended by inserting "a brain injury" after "epilepsy."

I think the motion is quite self-explanatory. The brain injury association was in at almost every stop we had on our tour around the province suggesting that the definitions should include brain injury specifically, as opposed to just a disorder. We think it's appropriate to add that to the legislation.

The Chair: Any further discussion?

Mr Martin: Again, I go back to comments I've made a couple of times now. Definitions are key to the interpretation of this legislation and our view is that the current definitions in some instances are way too narrow and they limit the effectiveness of the legislation. If we're really going to create legislation that works for people with disabilities, these definitions need to be completely clear and, I highlight, comprehensive.

Although I recognize some movement by the government and the fact that they heard, I believe, from a number of the groups that came forward, particularly the groups representing those with acquired brain injury who came in great numbers to all the hearings across the province, that they have put these two further definitions in this piece, I don't think it's enough. I don't think it goes far enough to defining what we mean by disability. There are a couple of amendments, actually identical amendments—well, not quite identical—following this that I would suggest the government take a look at and consider supporting, which will go a whole lot further than what is suggested in this amendment to making sure that those things identified by the groups who came before us as difficulties, as shortcomings, as fuzzy in the bill are covered in these definitions.

I guess for fear of losing even this little bit of movement that has been made in this amendment, I'm going to support it, but I'm going to support it hopefully setting a tone that will allow the government side to support the motion that we have put forward that will further define this in a way that will be more acceptable to the disabled community out there, more in line with what we heard and what was called for by these groups as they came before us over the last week. So I will support this, but, as I said, I'm supporting this with the hope the government in fact will respond, will reciprocate, by supporting the further amendment to this that both the Liberals and ourselves are putting forward. Ours is just a wee bit different from the Liberal amendment. Perhaps in keeping with that spirit, the government might want to consider withdrawing this amendment in favour of one of the other two. I would put that out there as well as a suggestion that the government might want to entertain.

Mr Parsons: Like the previous speakers, I learned a great deal about individuals who have acquired brain injury during the presentations, but for me it begged the question: what other disabilities are there out there that I do not know about? This bill, once passed, is not amended easily, so we need to proceed on the assumption and basis that it will in fact be in place for quite some time. Critical to me for this bill is that the act not in itself serve as a barrier. We must not erect a barrier that will make it difficult for us to identify, recognize or help people with a disability not yet known or not familiar to this committee or to this group. I would suggest that in the six days of hearings that we held we only scratched the surface of Ontario with individuals who would have liked to have spoken to us.

Like my colleague from the NDP, I will support this amendment from the government side because it is better than the existing, but it is not as good as it could be.

The Chair: Any further discussion?

I'll call the recorded vote. All those in favour of amendment 6?

Ayes

Arnott, Hardeman, Levac, Martin, O'Toole, Parsons, Spina.

The Chair: That motion carries.

We'll go on to amendment 7, which is a Liberal amendment.

Mr Parsons: I move that clauses (a) and (b) of the definition of "disability" in subsection 2(1) of the bill be struck out and the following substituted:

"(a) any degree of physical disability, infirmity, malformation or disfigurement and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, chemical or environmental sensitivities, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device or a brain injury,

"(b) an intellectual disability,".

We have put this amendment forward in the belief that it is vital that we keep the door open to allow the inclusion in this bill of every possible known and to be identified in the future disability.

The Chair: Any further discussion?

Mr Hardeman: I believe this amendment just covers the same bases that the present clause already provides. In fact, I'm having trouble trying to find out whether it isn't becoming more vague, that it's going to be more difficult to identify what it means for someone else reading it. As I read 2(a)—and I'm not going to read it into the record—in the present bill and then I read this one, I find very minimal differences. The other thing is, of course, since we just passed the other resolution, the amendment would not be appropriate as the wording is not in the amendment now as we have just passed; the words "brain injury" will be put in after "epilepsy," so if the amendment were to pass it would not fit the previous amendment.

Mr Martin: Actually, there are some very subtle and important differences in what's been moved now by way of amendment and what's in the original definition of disability and I think it needs to be put on the record. I believe it was spoken to on a number of occasions over the period of the hearings. There is some real nervousness and anxiousness around the clause in the existing definition that indicates "that is caused by bodily injury, birth defect or illness." There is some anxiety that may get in the way down the line of some really good work being done. It's something that somebody who, for whatever reason, wants to block or impede or slow down or stop the removal of a barrier, who is wanting to split hairs or get into legal wrangling or arguments about why it is a particular barrier should not be removed, could in fact take and use these words in this instance.

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In my view, it's another of those clauses put in by way of fuzzifying the bill so that all barriers don't ultimately get removed and it gives somebody who may be dealing with this some basis upon which to make an argument that is silly and frivolous and not relevant.

It was clear in the presentations that were made that there was some real concern about that particular piece in the definition and that it be removed. By putting forward this amendment, we've actually removed that. We've also added a section down a little further—

Mr Hardeman: On a point of order, Mr Chair: Are we speaking to the same amendment?

Mr O'Toole: No, this is the Liberal amendment.

Mr Martin: This is the Liberal amendment.

Mr Hardeman: You're speaking to the Liberal amendment?

Mr Martin: Yes, we are.

Mr Hardeman: You were saying, "as we have put," so I was wondering if you speaking to the next amendment.

Mr Martin: Yes, I'm sorry.

Mr Hardeman: Thank you. I just wanted to make sure we were on the same—

Mr Martin: Yes, and you'll find, Mr Hardeman, through this morning that we, New Democrats, and the Liberals are very much onside together with the amendments that we're putting forward. There is a slight difference in the amendment you'll identify and I'll speak to that in a few minutes, but right now I'm speaking to the Liberal amendment. I'm sorry if sometimes—I'm not joining the Liberal caucus; I just want everybody to know that.

Mr Parsons: The door's open.

Mr Hardeman: I just wanted to make sure we all understood.

Mr Levac: You've ruined our plot.

Mr Martin: I just want everybody to know that my chair's not moving that way or anything, to the right.

So excuse me if from time to time I'm—

Mr Hardeman: No, that's fine.

Mr Martin: As a matter of fact, it highlights the fact that we need to be clear sometimes in what we say so that people don't misunderstand what we mean when we speak.

That's why we're so anxious, particularly upfront and early in this exercise of putting amendments, that we do everything we can in both the purpose and now the definition to take any fuzziness out of the language because of everything else that flows out of this bill. As we move forward and begin to do the very important work that's required to remove the barriers that we know are out there, we have to make sure that what's in this bill by way of purpose and definition supports that effort and doesn't give anybody looking for a loophole a reason not to do that.

The first piece of the definition in this amendment is removed; it was clearly identified by the disabled groups that came before us as necessary if you're going to define and sharpen up the language here and take out anything in there that might create some difficulty or some problem down the line.

We've added here a piece which covers a condition that often gets in the way of some of our fellow citizens participating fully in the life of their community; we've

added chemical or environmental sensitivities. That becomes more and more relevant in the world we live in now as we begin to, because of science, be able to identify those chemical and environmental sensitivities that many of our brothers and sisters, many of our neighbours and friends, struggle with. To put this in here is being proactive on our part and recognizing that we see in our communities more and more people who struggle with challenges brought on by some of the chemicals people come in contact with which, for one reason or another, become problematic, or some of the things that are happening in our environment now because of the industry that we see evolving and some of the new ways we've found to affect our environment that are ultimately affecting people and their ability to participate fully.

We had a number of people come forward to talk about this and to ask us to please consider these kinds of difficulties in this bill. Here's a chance for us to very clearly upfront identify an area that I believe we will see coming at us in a big hurry and is actually coming at us right now. I know in my own constituency office we're seeing more and more people coming in, looking for support to live their lives, to get retraining to get back in more active participation in the workplace. We're not able to help them because there still isn't an understanding out there of what it is they're confronting and why it is they're having the difficulty that they have. Lacking that understanding then, there is no effort to try to put in place supports required to make sure that these people are able to get over the barrier that they're confronting or facing and move on.

If we include it in the definition it will be easier for them to bring it forward to the different institutions, organizations or government bodies to get redress through the advisory councils at both the provincial and local levels. I think this is really important. I think both these changes suggested in this amendment are really important and I would ask the government, in the mood that I think was struck with our supporting their amendment because we wanted to make sure that change was made, that they would entertain what we're saying and support us in pushing this forward and making it part of the bill.

The Chair: Any further discussion?

Mr O'Toole: I'm just wondering if this is procedurally in order. I put to you that we have moved an amendment to subsection 2(1) and have unanimously endorsed that amendment. As I understand it, once you've amended the original wording, however substantively, you're actually amending an amendment and as such, I put to you that this motion Mr Martin has taken up some time on is basically out of order.

The Chair: No, I think it's in order, Mr O'Toole, because this amendment—

Mr O'Toole: I depend on your interpretation. That's fine, Mr Chair.

The Chair: —would basically amend your previous motion that was passed. So I don't see it out of order.

If there is no further discussion, I will pose the question and it will be a recorded vote on Liberal motion number 7. All those in favour?

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The motion is lost.

We'll go to NDP motion number 8.

Mr Martin: I move that clauses (a) and (b) of the definition of "disability" in subsection 2(1) of the bill be struck out and the following substituted:

"(a) any degree of physical disability, infirmity, malformation or disfigurement and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, chemical or environmental sensitivities, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

"(b) an intellectual disability,

"(b.1) a brain injury."

The Chair: Discussion?

Mr O'Toole: On the motion: we have had considerable debate. The wording is almost identical in both the defeated motion by the Liberals and this motion here, except in clause 2(1)(a), the Liberals have used "brain injury," where they have not, and the NDP has added a separate clause (b.1). These terms that Mr Martin's referring to have been in the Human Rights Code for many years and have formed the basis of protection for persons with disabilities, so it's not in any way new language. That's our comment.

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Mr Martin: I hope the member isn't suggesting that we just dump everything that we're not able to catch with this into the Human Rights Code. We all understand here, who've been around for a while, that the Human Rights Commission is already overwhelmed with the kinds and numbers of issues they have to deal with on a day-to-day basis. So I think it's important, if we're going to introduce a bill and put a framework in place that supports the removal of barriers for people with disabilities, that we do it right the first time and that we include in it as much as is required to actually get that job done.

Without any further real debate, the member is right. I did put on the record my thoughts with regard to this bill. I think it's important, as I said before, to be clear in the definitions, to be very precise in the definitions and to include those things in the definitions that we heard from the disability community are important. Again, that's what this is. It's our attempt, with a bit of a variance from the Liberal amendment, to make sure we capture what we

heard and not miss an opportunity here to include all those things that are barriers for individuals out there wanting to participate fully in their communities.

Mr Parsons: I will be supporting this amendment. As we have joshed a few minutes ago about the NDP and Liberals agreeing in these amendments, I think we need to look at perspective; not that we're agreeing with each other, but both the Liberal and the NDP caucuses agree with the community of persons who are disabled. If it would increase your comfort level, in many, many cases in here, it is not a Liberal amendment or an NDP amendment; it is an amendment that has come from the individuals with disabilities who live the life every day and are sharing their expertise with us. This is an amendment that reflects the needs and the requests of that community. I certainly will be supporting it.

Mr Hardeman: Again, I just want to point out, as I did with the previous amendment, that if we're looking for clarity for the disabled community, definitions as they are in the Human Rights Code, and then, to no major effect, to change it in this act is not going to help the community in trying to decipher what government legislation does or doesn't do.

So I think the present form, as it's written for the Human Rights Code, is the one that we should accept, recognizing that this amendment again puts forward adding brain injury in a different manner than what the committee has already supported. In adding it, I would think at the very least that part of the motion would have to be changed prior to it, if it were to be accepted. So with that, I'll be voting against it.

The Chair: If there's no further discussion, I shall pose the question on amendment number 8; it will be a recorded vote. All those in favour?

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The amendment is lost.

We'll go to amendment number 9.

Mr Parsons: I move that the definition of "Ontario government publication" in subsection 2(1) of the bill be struck out and the following substituted:

"'Ontario government publication' means a publication or an appendix to a publication in any form, including print and electronic forms, that the government of Ontario, an officer of the assembly or an officer of the Legislature issues or a publication that is created by any organization with funds provided by the government of Ontario."

I strongly support this amendment. One of the frustrating things that the individuals have shared with me is difficulty in getting publications that are accessible to them. It has always struck me, whether we use the words

“funny” or “ironic,” that it is easier for an individual who is blind to get a deaf menu at McDonald’s than it is to get a document in Braille from this government. If there is anything that is fundamental to democracy, it should be the access to information that an individual can get from our government. Therefore we’ll be supporting this.

The Chair: Any further discussion?

Mr Martin: Again, this speaks to an issue that was brought forward but should also be actually logical and obvious to us if we’ve paid any attention to what is being asked for where this bill is concerned. It simply lays out that those publications, those communications that are developed by way of organizations supported by government not only be available to those who can access them and read them or hear them or whatever, but that they be available to every citizen who calls Ontario home and who wants to participate in life.

What this does simply is broaden the venue or the opportunity for people with disabilities to access information that may be in some instances absolutely essential to them if they’re going to be able to participate or take advantage of opportunity to improve their lives or take advantage of some things that are out there or may be out there that they won’t have any clue are out there unless they have access to that information. So I’ll be supporting this amendment.

The Chair: Any further discussion?

Mr Joseph Spina (Brampton Centre): I won’t support this because I think that with respect to the current proposed definition, it would remove restriction to the sections of publications that are generally available to the public and remove the exemption of certain technical publications. I don’t have a problem with the government providing the services but the real concern I have here is the part of the clause that makes reference to any organization with funds provided by the government of Ontario. Having been involved with tourism and small business, this clearly imposes a difficulty on all of these businesses that may be receiving some sort of funding from the province in whatever mechanism, whether it’s through a tourism or travel association or even to a community group. I think that would constitute quite an undue hardship for these smaller businesses. Clearly, those that want to be able to cater to elements of the disabled community, either who currently do so or who wish to do so, certainly will already, as they have, or will be in a position to find the resources to market to that community. But I think it would be pretty onerous for us to extend that as far as this amendment recommends, and therefore that’s why I would not support it.

The Chair: Mr Hardeman—Mr Parsons; I’m sorry.

Mr Parsons: We share the same first name but not last yet. I would counter that with the comment that persons with disabilities are full citizens and pay taxes. It’s some of their tax money that will have flowed to these other organizations. If they are in fact individually and collectively helping to fund another organization, surely there should not be a barrier erected to them accessing what they have helped to pay for.

Mr Levac: One of the comments I would suggest is that if these companies at any time want to receive monies from the government, there would be conditions attached to it, that indeed we do that. We also do that now. There are conditions which people who receive funds from the government have to fulfill and maintain. So quite clearly, if you want to do business with the government of Ontario, you’re going to be barrier-free. If you’re going to receive those monies, you are going to use some of those funds to ensure that the public in general has accessibility to that.

So quite clearly it would be a very strong mandate, a very clear message to the people of Ontario that the government is exceptionally serious about ensuring that the people who have disabilities will have access to their government through any action. Another clear point that comes to my mind is that we also are sending a message to the people who have disabilities that if there are agencies that are receiving government funds, they can count on them to be accessible.

Mr Martin: I would suggest that people consider very carefully the comments that Mr Spina just made, because they indicate very clearly why that we need this act and why we need to be doing what we’re calling for by way of this amendment.

1020

He speaks of undue hardship. That’s precisely what we’re here about. But we’re not talking about undue hardship to organizations and businesses and groups out there that will find it a challenge, yes, to live up to the requirements of this act; we’re talking here about undue hardship to people with disabilities trying to access this information.

To suggest for a second that by providing opportunity for people with disabilities to access information they may need to take advantage of opportunities, which is the definition they chose to run with here under the purpose, and to see this or to somehow define this bill by way of what undue hardship it will cause for the organizations out there, is precisely why we’re here today.

There are undue hardships. The undue hardships that we’re trying to address in this bill are the undue hardships that people with disabilities are experiencing. We don’t for a second suggest that there won’t be hardships, some of them considered undue, depending on your view and what side of the table you’re on, but they need to be removed. That’s why we’re here.

The argument falls flat for me that somehow, by way of this bill, we would be creating undue hardship for some organizations and institutions out there. Of course we will, because we’ll be asking them to do some things which they heretofore have not been doing that will make it easier for people with disabilities to access the information, in this instance, that they’re looking for. So that doesn’t carry much water for me.

I would suggest that people consider those comments as we go through the rest of the bill, because underlying a lot of what this government isn’t willing to do with this bill is this sense that it will provide undue hardship for

some people out there who, for one reason or another, don't want to have to deal with that. We're saying very clearly they have to, because if they don't, there are a million and a half people living in this province who will not be able to participate fully in the life of their community.

I just had to put that on the record where this amendment is concerned and suggest that that's precisely the thinking that's going to get in the way of our making this bill the effective piece of legislation, the effective framework that it has the potential to become.

The Chair: If there is no further discussion, I will pose the question on amendment 9. It will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The amendment is lost.

Do you wish to withdraw amendment 10, Mr Martin?

Mr Martin: Yes, I do. I've said everything I need to say on this and I don't want to prolong the discussion any further. We have lots of other important pieces to debate here as the morning goes on.

The Chair: We'll move to amendment 11.

Mr Parsons: Have we voted on 10 yet or has he withdrawn it?

The Chair: He's withdrawn it.

Mr Parsons: I move that subsection 2(1) of the bill be amended by adding the following definition:

"organization" means any person, entity, or class or persons or entity carrying out a business, enterprise or other activity that offers goods, facilities or services, and without limiting the generality of the foregoing, includes,

"(a) every district school board as defined in section 1 of the Education Act and every board established under section 68 of that act,

"(b) every hospital as defined in the Public Hospitals Act and every private hospital operated under the authority of a licence issued under the Private Hospitals Act,

"(c) a board of governors of a college of applied arts and technology, and

"(d) every university in Ontario, and its affiliated and federated colleges."

The Chair: Discussion?

Mr Parsons: This is simply an amendment to be more inclusive of organizations or entities that persons with disabilities would be interacting with. I cannot see a problem if we want to give persons with disabilities access into as many facilities and services as possible. I cannot picture why this amendment would not be supported to do just that.

The Chair: Any further discussion?

Mr Martin: This amendment clearly tries to broaden the scope of this bill and capture or catch all of those organizations that might, for one reason or another, fall off the table here and not be covered. It's bad enough that we're not covering the private sector, which is the institutional offering out there that provides so many of us, and the disabled in particular, with the everyday opportunities and needs we require, but in moving this bill forward, understanding that probably we're not going to be successful in capturing the private sector—although hope dwells eternal in my heart—that we not miss any opportunity to make sure that we cover absolutely every organization that needs to be covered in at least the public sector. So I'll be supporting this amendment.

The Chair: Any further discussion?

Mr Hardeman: I will not be supporting the amendment. The amendment is just to broaden the scope. Presently there is no definition of other organizations. It defines where the act covers and where it doesn't. Our government approach is to work with the disabled community to set standards for these organizations and, when they have been designed, they will be put in place by regulation and have the force of law. I think our approach to that is going to work better than this amendment would, so I will not be supporting this amendment.

The Chair: Mr Martin?

Mr Martin: Sorry, I misspoke myself a few seconds ago. There's just a lot of stuff here. This is really important work and it's important that we be clear in what we're doing. This amendment does in fact capture the private sector and any other organization. Just to go back over it, "organization" means any person, entity, or class or persons or entity carrying out a business, enterprise or other activity that offers goods, facilities or services, and without limiting the generality of the foregoing," and then it includes some more defined organizations. I believe this gets us into the area of trying to capture in some small way the issue of business or enterprise, public or private, being covered by this act.

If we heard anything over the last week from the groups out there, it was that this bill needs to cover, to include, to capture the private sector, very clearly.

Mr Parsons: We have a significant number of amendments before us and limited time, but this one is a key to 98% of where a person with a disability would want access. This is a fundamental one. The US Americans with Disabilities Act—we never advocated that we follow it line by line, but clearly the summary of the experience in the US with the Americans with Disabilities Act is that private industry there has supported it.

To pass a bill that prevents persons with disabilities from having access to shopping, medical services and accommodation makes a sham of the rest of the bill. I know that what I'm saying everyone at this table and in this room already knows. If we genuinely, truly want to remove barriers, we have to provide access to every possible organization.

I have learned that at this very moment—I don't know if many of you will recall that some years ago there was

an Ontario human rights case over a person with a mobility disability not being allowed access to movie theatres. The reaction from the theatre chain has culminated today with them closing the last of the theatres that were named in the human rights case. So the reaction to them not having time to develop access over the years—not only have persons with disabilities lost access to these theatres, everyone in the community lost access, whereas had the theatres been included in this bill, there would have been a time phase that would have allowed it to take place. So we're seeing the doors closed to the very group of people we purport to be putting this bill through to help. I know it will get a limited amount of debate because of the time allocated, but if this bill does not apply to the private sector, then we have by and large wasted our time and wasted the time of individuals who have waited for years to get access to all facilities.

1030

The Chair: If there's no further question, I shall pose the question on amendment number 11, and it will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The amendment is lost.

Mr Martin, do you wish to withdraw amendment number 12 as it is a duplicate of 11?

Mr Martin: No, actually, I want to be on the record as having moved this as well, because it's so important.

The Chair: Well, Mr Martin, I shall have to rule the amendment out of order because it is exactly a duplicate of number 11. We've already debated this one. So we shall move to amendment number 13.

Mr Parsons: I wish I had the training of a lawyer. I'm trying to recall—I wish I had a better memory than I do—what effect the previous amendment losing has on this amendment. I don't believe this amendment is necessary if the previous amendment was lost.

The Chair: So you're withdrawing the amendment?

Mr Parsons: I will withdraw that.

The Chair: We'll go to amendment number 14, which is basically the same thing. Mr Martin?

Mr Martin: Just give me a second here. That has sort of thrown a little wrinkle into my thinking, because I'm not a lawyer either. OK, I'll go along with that.

The Chair: Thank you very much.

We'll go to amendment number 15.

Mr Parsons: I move that subsection 2(2) of the bill be amended by adding at the end "including consultants, agents or contractors or any other person doing work with or for the government of Ontario."

That should be reasonably self-explanatory. If it is publicly funded, it should be included in the coverage of this bill. I can't picture anyone not supporting this.

The Chair: Any further discussion?

Mr Hardeman: Mr Chairman, I will not be supporting the resolution.

Mr Martin: Briefly, this again is an attempt to broaden the net here and capture some organizations and groups that wouldn't otherwise be. I think we have to be diligent and do due diligence in making sure that nobody escapes the influence of this bill out there and can make an argument that they don't have to live up to some of what will probably be in the end suggested as barrier-removal exercises in the various communities across this province. So we'll be supporting this amendment for those reasons.

The Chair: Any further discussion? If not, I shall pose the question, and it will be a recorded vote.

Ayes

Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The amendment is lost.

I think number 16, Mr Martin, is similar in nature.

Mr Martin: Yes.

The Chair: So you're withdrawing the amendment?

Mr Martin: Yes.

The Chair: I shall pose the question on section 2. Shall section 2, as amended, carry? It must be a recorded vote also.

Ayes

Hardeman, Munro, O'Toole, Spina.

Nays

Martin, Parsons.

The Chair: The motion carries.

We'll go to section 3, amendment number 17.

Mr Hardeman: I move that section 3 of the bill be struck out and the following substituted:

"Recognition of other legal obligations

"3. Nothing in this act, the regulations or the guidelines made under this act limits in any way the legal obligations of the government of Ontario or any person or organization with respect to the provision of access for persons with disabilities under any other act, including the Human Rights Code, or under any regulation."

The Chair: Discussion? Go ahead, Mr Hardeman.

Mr Hardeman: Mr Chairman, first of all, I want to say we had a number of legal presentations during our consultation that suggested there was concern that the

wording of the bill presently wasn't clear enough to make sure that the other acts were paramount over the Ontarians with Disabilities Act in any area where they had a higher requirement. They wanted to make sure that that higher requirement remained. I believe this amendment does that.

I wanted to point out, Mr Chairman, for the committee and for the member opposite, the next motion is a motion from the Liberal Party, doing the same thing. Ours is, in my opinion, slightly clearer. We would be prepared to support your motion too, but I believe that this one will serve the purpose better than the amendment that is being proposed in the next, in number 18.

Mr Parsons: I appreciate the intent of that. I prefer the Liberal motion, and I believe the NDP motion is exactly the same as ours. I am bothered in the government's, though, by the words, "with respect to the provision of access." I believe our amendment is more inclusive. It's simply with respect to persons with disabilities. This limits it to access, and I believe that there will be some questions certainly within the community as to exactly what does "access" mean. I believe the phrase "provision of access" is too restrictive. I will support this motion in the hope that the following amendment—I'm going to withdraw that comment that I will support this amendment. I would prefer the other amendment.

The Chair: Any further discussion?

Mr Martin: I want to recognize a movement when it happens. I want to thank the government for bringing this forward. Obviously, they're going to support it. It's certainly an improvement. It indicates that, at least in some instances, they've heard some of the very real concern raised by deputants in front of this committee over the last week. Without this, there was the very real fear that this act would be a lowering of the floor for people with disabilities, and this will catch that.

However, I raise the same concern that my colleague from the Liberal caucus raises. The government takes two steps forward and then one step back all the time, and that's what they've done here. They've brought forward an amendment that will capture very clearly an issue that was raised over and over again by a number of groups, particularly those with legal expertise, who have that capacity to assess legislation and understand what it does or doesn't do or how it affects other pieces of legislation. But to include in here the piece with respect to the provision of access seems to me to speak very clearly to another issue that was raised consistently over and over again by groups who came before our committee to speak of the very limited focus of this bill on the question of mobility and physical barriers out there.

Given the comments of members across the way that we not create any undue hardship for various organizations and perhaps businesses out there with this act, I'm afraid that a piece like this, with respect to the provision of access, may be just the tool that some of those groups will use in order to reduce the undue hardship they may experience.

1040

You will excuse me if I don't have much sympathy for the argument of undue hardship where organizations and perhaps businesses etc are concerned when you stack it up against the many years of undue hardship experienced by people with disabilities out there as they try to remove barriers and in fact participate more fully in their community.

For those reasons, I'm disappointed that the government would have put this piece in. However, like the member from the Liberal caucus, I don't want to miss an opportunity to actually put at least some little provision in here that will make sure we're not lowering the floor, even if it is limited with respect to provision of access.

I'll be supporting it but I'm hoping the government will see its way clear to improve on that. I'm giving you credit; I'm supporting it. I think this is a good move. As I said, you've heard very clearly what's being called for and asked for here and you've done the right thing. I'm asking you to listen some more, hear what we're saying from this side—driven by consultations that we've had with the disability community out there—and remove this piece by supporting the amendment that either we or the Liberals have put forward. I'll be supporting this, hoping that you will be supporting our motion when it comes down.

Mr Hardeman: As I said earlier in my previous comments, we heard considerable debate during our consultation that one could interpret the bill differently, in different ways, and the concern that it didn't cover all the bases as it should. It was for that reason we brought forward this amendment. With the debate on this amendment, there still seems to be some confusion or different interpretations to this amendment from across the floor. So with the unanimous consent of the committee, I would withdraw our amendment and move on to the opposition amendment for further discussion.

Mr O'Toole: I fully agree to expedite this. I could make a stronger case for the government's proposed amendment. It's actually stronger, less general and less subject to misinterpretation, because it refers specifically to the term "access." If you look under "access" under the definitions, when we talk about the barriers and the word "access" in all of the agencies, the word "access" becomes a key word. You also have to look at subsections 3(1) and 3(2) to really appreciate what the current government amendment does. But giving respect to our key person on this committee, Mr Hardeman, I'll be supporting withdrawing the government motion.

The Chair: Mr Hardeman has withdrawn amendment 17. Do I have unanimous consent? Mr Martin, do I have unanimous consent to withdraw number 17?

Mr Martin: In the interest of?

The Chair: Going to number 18.

Mr Martin: OK, that's fine.

The Chair: I'll go to Mr Parsons with amendment 18.

Mr Parsons: I move that section 3 of the bill be struck out and the following substituted:

"Recognition of existing legal obligations

“3. Nothing in this act, the regulations or the standards or guidelines made under this act diminishes in any way the legal obligations of the government of Ontario or any person or organization with respect to persons with disabilities.”

The Chair: Discussion?

Mr Martin: I just want to thank the government for moving in that way. I really appreciate the co-operative nature of that move and I think it will pan out in the long run to be in the best interests of the people we're all speaking on behalf of here this morning. Thank you very much.

Mr O'Toole: Because it seems to be moving along rather harmoniously, which is nice, out of respect, I'd like to ask the Liberals to withdraw 18 and support 19 unanimously, and then we would have the work Mr Martin has put into this on the record. Really, they're the same amendments.

Mr Parsons: I think that's an excellent idea. I'm certainly prepared to withdraw.

The Chair: So we have unanimous consent to withdraw number 18, to support number 19? OK.

Mr Martin: I appreciate the co-operative nature of that suggestion. Thank you very much.

The Chair: I will ask you to move amendment 19 for the record.

Mr Martin: I move that section 3 of the bill be struck out and the following substituted:

“Recognition of existing legal obligations

“3. Nothing in this act, the regulations or the standards or guidelines made under this act diminishes in any way the existing legal obligations of the government of Ontario or any person or organization with respect to persons with disabilities.”

The Chair: I shall pose the question and it will be a recorded vote.

Ayes

Hardeman, Levac, Martin, Munro, O'Toole, Parsons, Spina.

The Chair: The motion carries.

Shall section 3, as amended, carry? It will be a recorded vote.

Ayes

Hardeman, Levac, Martin, Munro, O'Toole, Parsons, Spina.

The Chair: That carries.

We'll go to section 4, amendment 20.

Mr Parsons: I move that subsections 4(1) to (4) of the bill be struck out and the following substituted:

“Government buildings, structures and premises

“(1) In consultation with the Barrier-Free Directorate of Ontario, persons with disabilities and others, the government of Ontario shall develop barrier-free design

standards to achieve accessibility for persons with disabilities to buildings, structures and premises, or parts of buildings, structures and premises, that the government owns, purchases, enters into a lease for, constructs or significantly renovates after this section comes into force.

“Implementation of standards

“(2) Within six months after the government of Ontario develops the standards and in consultation with persons with disabilities and others, they shall make regulations that require the government to comply with the standards within the time period specified in the regulations.

“Deadline

“(3) In establishing the time period for compliance, the Lieutenant Governor in Council shall take into account the cost of complying with the standards, the use of the building, structure or premises affected, its projected future occupancy and other factors that the Lieutenant Governor in Council considers relevant having regard to the purposes of this act.

“Duty to comply

“(4) The government of Ontario shall certify that the design of buildings, structures and premises, or parts of buildings, structures and premises, that it owns, purchases, constructs or renovates after this section comes into force complies with the standards before occupation or regular use by its employees.

“Display of certification

“(4.1) The government of Ontario shall display a copy of the certification mentioned in subsection (4) for a building, structure or premises publicly at the location of the building, structure or premises and make the certification available for inspection by the public on request.

“Recertification

“(4.2) The government of Ontario shall renew a certification mentioned in subsection (4) at the times specified by the regulations.”

The Chair: Discussion?

Mr Parsons: Certainly we heard concern out of the community that made presentations to us that they felt there was no point in barriers being identified and plans being made without something actually happening. The current bill as it's drafted does not provide any assurance that anything will ever be implemented. So this requires that, within a time frame, regulations be prepared and that there be timelines established for compliance. In echoing concerns that these things will cost money and will take time, this provides for a process that allows for input as to the various costs and the various challenges faced, but it does require a timetable to be put into place that will make it happen. In addition, it recognizes that from time to time buildings are modified and changed, so it is possible that a building that is accessible at one time could lose that due to modifications, and hence a recertification requirement.

The Chair: Any further discussion?

Mr Martin: I just want to bring to the attention of the committee that we have tabled a similar motion that

follows on this but does have one sight variance. I'm not sure how we might deal with that, if in fact we want to.

Our concern is in (4), "Duty to comply," and perhaps a friendly amendment. I don't know if that's something that happens at this kind of committee. I know at our conventions we often do friendly amendments. I know you find it hard to believe, watching some of our conventions, that we do friendly amendments.

In the "Duty to comply," the Liberal amendment references "before occupation or regular use by its employees." That may become in some instances—for example, this building here, if we're going to try to bring it up to standard and we decide to go down that road, it may be that this question of "before occupation" could require an evacuation for a period of time, which might prove to be somewhat impossible to do. So what we're suggesting in the amendment we're putting forward next is slightly different for that reason. Perhaps we might want to consider that, as opposed to the "Duty to comply," subsection 4(4) of the Liberal amendment. That's the only concern I have.

1050

Mr Hardeman: I will not be supporting the motion. I have some concerns about the ability of this committee and the Legislative Assembly of Ontario to direct the Lieutenant Governor to do anything. We don't have the ability to do that. I think the resolution is quite clear that she "shall." I don't believe that's an appropriate terminology in this. If the resolution were to pass, I don't think that part would be appropriate. I will be voting against the whole motion.

Mr Spina: In going through the elements of the bill with respect to the duties of the government, I felt it was pretty strong and pretty clear as to the responsibility of the government. Subsection 4(1) says, "develop barrier-free design guidelines to promote accessibility" and so forth, and furthermore, that carries forward to "structures and premises, that the government purchases, enters into a lease for, constructs or significantly renovates after this section comes into force." There are a number of elements here that I think are pretty strong.

"Duty to comply

"The government of Ontario shall ensure that the design of buildings, structures and premises, or parts of buildings, structures and premises, that it purchases, constructs or significantly renovates after this section comes into force complies with the guidelines before occupation or regular use by its employees."

I think it's pretty clear. I know, for example, at my own constituency office, which is marginally accessible, once this bill is through, I can tell you that my landlord will receive a very clear direction that our constituency will be and must be accessible to all parties. I know this is sufficient and I'm confident of what is there now. In addition, it is beyond the mandate of the Legislative Assembly to order the Lieutenant Governor, as has been proposed in the amendment by the opposition. So we won't be supporting it.

The Chair: Further discussion?

Mr Parsons: This subsection 4(4), "Duty to comply," seems to be causing some problem. I would note a key phrase in there that says, "significantly renovates after this section comes into force." I'm prepared to accept the friendly amendment from Mr Martin on this. I don't—

The Chair: For the procedure, I think amendments had to be submitted at noon yesterday. So I think if you want to withdraw your motion and maybe go to Mr Martin's, that's probably the only way I can deal with it. It's your choice, and I need unanimous consent.

Mr Parsons: No, I think I will leave it. One additional thing I would mention is that I'm not a lawyer, but I'm assuming that leg counsel, when they reviewed these, evidently were comfortable with the portions in there dealing with the Lieutenant Governor. I can't speak as an expert lawyer or judge on this, but leg counsel indicated that this wording was satisfactory. So I think I would like to vote on our motion.

The Chair: Any further discussion?

Mr Martin: Setting aside that little piece, I think the more important issue here is the actual amendment itself, which begins to move in the direction of setting some parameters that are both time-sensitive and effective for this bill, so that this thing doesn't go on and on forever, with no ability to say to whatever section of government or organization that is supposed to respond to the plans that have been made that it needs to happen, and if it doesn't happen, they're in contravention of the act and therefore can be exposed as such to whatever remedies are out there.

Without moving to the kind of definition and hard and fast requirements this kind of amendment puts into the bill, I believe we're going to be stuck with a very soft and fuzzy framework that will, in the end, take forever to have any real effect and will provide those who would choose not to co-operate, for all of the reasons that they might, with all of the undue hardship arguments they can put forward and not actually live up to the spirit that is obviously contained in the preamble to this bill.

I'll be supporting this. I'll also be putting our amendment, given that there is some difference in it and it won't be ruled out of order.

The Chair: If there's no further discussion, I shall pose the question on amendment 20. It will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The amendment is lost.

Mr Martin, with regard to amendment 21.

Mr Martin: I move that subsections 4(1) to (4) of the bill be struck out and the following substituted:

“Government buildings, structures and premises

“(1) In consultation with the Barrier-Free Directorate of Ontario, persons with disabilities and others, the government of Ontario shall develop barrier-free design standards to promote accessibility for persons with disabilities to buildings, structures and premises, or parts of buildings, structures and premises, that the government owns, purchases, enters into a lease for, constructs or significantly renovates after this section comes into force.

“Implementation of standards

“(2) Within six months after the government of Ontario develops the standards and in consultation with persons with disabilities and others, the Lieutenant Governor in Council shall make regulations that require the government to comply with the standards within the time period specified in the regulations.

“Deadline

“(3) The time period for compliance shall be based on the cost of complying with the standards, the use of the building, structure or premises affected, its projected future occupancy and other factors that the Lieutenant Governor in Council considers relevant.

“Duty to comply

“(4) The government of Ontario shall certify that the design of buildings, structures and premises, or parts of buildings, structures and premises, that it owns, purchases, constructs or significantly renovates after this section comes into force complies with the guidelines.

“Display of certification

“(4.1) The government of Ontario shall display a copy of the certification mentioned in subsection (4) for a building, structure or premises publicly at the location of the building, structure or premises and make the certification available for inspection by the public on request.

“Recertification

“(4.2) The government of Ontario shall renew a certification mentioned in subsection (4) at the times specified by the regulations.”

The Chair: Discussion?

Mr Martin: Just very briefly. As I said to the Liberal motion, with the one slight change, this amendment begins to tie down in terms of timelines and also some facility for enforcement, and I think that is absolutely essential. We heard it over and over again in the hearings. We need to be finding ways to respond to that, and this does that.

The Chair: Any further discussion?

Mr Spina: It hearkens back to part of the same argument from before, where this is imposing that “the Lieutenant Governor in Council shall make regulations that require the government to comply....” It’s beyond the mandate and the scope of the Legislative Assembly to impose that upon the Lieutenant Governor. The Lieutenant Governor is there to address the legislation and the regulations that are created by the assembly, also by cabinet and the executive committee, not to create the laws or the regulations but rather to approve or dis-

approve of them. That’s the role of the Lieutenant Governor. I think this is out of order. I might ask that you might rule on that, Chair.

The Chair: I don’t think it is out of order because the Lieutenant Governor in Council is cabinet, really. That motion is not out of order. Any further discussion?

Mr Levac: Thank you for that ruling. I would suggest then that the legal counsel who’s been putting together the amendments to make them usable in bills would probably have taken that into consideration. What we’re hearing on the other side are interpretations and their opinions as opposed to whether we’ve got a legal representation as to whether or not these particular amendments being spoken of are the only reasons for the other side not accepting those. It does not speak to the real issue of what the NDP motion is all about and what the previous Liberal motion was all about, and that was to ensure that the conditions are set that, again, speak to the equality and the levelling of the playing field. Unless I can hear an interpretation that the Legislature says you cannot make this provision inside of an amendment, then I will continue to support and then challenge the other side to indicate to us through legal counsel that what they’re saying is actually indeed, instead of an interpretation, the fact. I will be supporting the amendment.

The Chair: Any further discussion? If not, then I shall pose the question on amendment number 21. It will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O’Toole, Spina.

The Chair: The amendment is lost. I shall go to amendment number 22.

Mr Parsons: I move that subsection 4(6) of the bill be struck out.

Subsection 4(6) refers to “Internet sites, where technically feasible” being available. I’m disturbed by that waffle phrase “where technically feasible.” For many citizens in this province the only form that is available to them to get government information is over the Internet. Second, I would suggest that the Internet site is in a very real sense a government publication and of course should be accessible to persons with disabilities. We do not need this one phrase or one clause. It allows the waffle.

Mr Martin: I’ll be supporting this amendment.

Mr Hardeman: I’m not supporting the resolution. Maybe the member across could explain it to me more clearly. I’m not sure that I understand the intent of the motion. It’s the difference between regulations and guidelines. I just don’t understand what the member is trying to accomplish with this motion.

The Chair: Do you wish to reply, Mr Parsons?

Mr Parsons: Yes. The current one deals with government Internet sites and says it must be accessible “where technically feasible.” We don’t believe the phrase “where technically feasible” should be in there. Internet sites can be made accessible. We don’t have a limitation on government publications of any other sort.

Mr Hardeman: That is my problem. I don’t understand. If it is always technically feasible, then that section to me says they must do it. If it is not technically feasible, then I would suggest that neither the member opposite nor myself would suggest that it was being done if it’s not technically feasible.

Mr Parsons: Clarification: I believe I was speaking to the wrong clause. However, we’ve had a good debate, Ernie.

Mr Spina: I’m not sure if I’m being caught between the Ernies here.

Speaker, or Chair—as much as I’d love to have you as Speaker, you’re the Chair at this moment—I won’t support this. Getting ahead of the other one, this is actually a clause that is a technical clarification on advice of counsel in the ministry to be able to clarify the difference between guidelines and regulations. That’s the reason why it was put into the bill. It’s strictly a technicality on the advice of counsel in the ministry that this was put in. That’s the reason why it’s there, to ensure that guidelines and regulations are not confused. We wanted to separate them. That’s why it’s there.

Mr O’Toole: I recognize, Mr Parsons, that amendment 27 was the one you were really referring to, where it did strike out 6.

Mr Hardeman: We haven’t got there yet.

Mr O’Toole: No. I think if we bundled these together we could save some important time. If you look also at amendment 26, which is the government motion, it roughly does the same thing. It takes out some of the difficulty with what you had. But if you take all of 22, 23, 24, 25, 26 and 27—

The Chair: We have a motion on the floor.

Mr O’Toole: I am addressing the current motion, which is 22. I think it should be withdrawn. We will eventually get down to number 27, which strikes out 6 and adds a government Internet site and strengthens the language. My point really is that—and this is specific to the motion and all of the motions that I’ve referred to—having some background in software, 25 years of it, the “technically feasible” will be an ever-changing benchmark which I think would be better defined in regulations. The language that we’re clearly implying, if you look ahead at our amendment, is probably—there are software packages that work today for some communities and not others and there will likely be advances in all, whether it’s JAWS or other software that gets developed. So to put this in here without allowing technical feasibility to emerge and be loaded and find delivery systems—I think this here particular one is out of order.

Mr Levac: Just as a clarification, the amendment before us has been clarified. We were talking about the wrong issue and we’re now back on 4(6), which has got

nothing to do with computers, Internet or anything. It’s basically a clarification between regulations and guidelines. That’s just to make sure everybody’s on the same line here.

The Chair: Any further discussion? If not, then I shall pose the question on amendment number 22. It will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O’Toole, Spina.

The Chair: The amendment is lost. I think amendment 23 is a duplicate of 22. Do you wish to withdraw this one, Mr Martin?

Mr Martin: Sure.

The Chair: Shall section 4 carry? It will be a recorded vote.

Ayes

Hardeman, Munro, O’Toole, Spina.

Nays

Levac, Martin, Parsons.

The Chair: Section 4 carries. Amendment number 24.

Mr Parsons: I move that section 5 of the bill be struck out and the following substituted:

“Government goods and services

“5(1) The government of Ontario shall not purchase goods or services for the use of itself, its employees or the public that create or maintain barriers for persons with disabilities or that contravene the standards specified in the regulations made under subsection (3) unless it is not possible to do so because the goods or services are not available in a form that complies with this subsection and otherwise cannot reasonably be obtained in such form if so requested or ordered.

“If goods or services not available

“(2) If the goods or services cannot be obtained in a form that complies with subsection (1), the government of Ontario shall ensure that the benefits of the goods and services are available to persons with disabilities at no extra cost or effort to persons with disabilities.

“Standards

“(3) In consultation with persons with disabilities and others, including through the Barrier-Free Directorate of Ontario, the Lieutenant Governor may make regulations specifying the standards mentioned in subsection (1) for goods and services which promote the purposes of this act.”

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This amendment is put forward to make the act actually have some meaning and to actually do something. The current section 5 says that “the government of Ontario shall have regard to the accessibility....” No one can actually define what “have regard” means. What I do understand is that it means nothing has to happen. But I would suggest that if I were caught going over the speed limit on a highway and indicated to the officer that, yes, I had regard to the speed limit but I chose to not adhere to it, I would and should be penalized for that. We believe that they’re entitled to more than “have regard to,” that in fact there need to be some mandatory provisions to this.

Mr Martin: Very briefly, I agree with the Liberals on this one. We heard over and over again over the week we had hearings from group after group that this phrase, “shall have regard to,” is one of those terms that you just can’t grab on to. It’s the old proverbial trying to nail jelly to the wall kind of thing, more of the weasel words that we see too often in this act that will not tie anybody down to anything and will give the disability community all kinds of heartburn as they try to get things moving and effective.

The Chair: Any further discussion? If not, I shall pose the question on amendment number 24. It will be a recorded vote.

Mr O’Toole: Mr Chair, I wonder if we could have clarification here on number 24. I’m waiting for Mr Spina to come back, and it’s important that we don’t at this time—I’m going to have to talk for some time on this motion.

Mr Parsons: Perhaps Mr Hardeman could go and look for him while we vote.

Mr O’Toole: Actually, there may be one of the whip staff in the room or the minister’s staff who might do that; I don’t know.

I think there’s been some significant debate on this section and I’m still encouraged that if we look at section 5 in any detail, the wording there that they were having problems with, as I heard in the public hearings—over 80 presenters. They did have “shall have regard to,” but the particular words there weren’t strong enough, and I understand that. I think they’ve gone to some trouble here to change that. I’m clear that I’ll be voting against it. I just want that to be on the record.

Mr Martin: Very good, John.

Mr Parsons: Just-in-time delivery.

The Chair: Further discussion?

Mr Levac: Now that I see the mud is even muddier, that’s a good response. In essence, in reviewing the documents that were presented to me in preparing, it was absolutely clear that there was another message that needs to be sent out. I come back to this one, and I will continue to come back to this one, and ask people to reflect, when they make their decisions, that we are sending a message to the country, to North America and to the world as to how we respond to the challenges that have been put before us. If we continue to use phraseology that is too vague, that doesn’t have teeth,

that makes it clear that we’re just leaving room to not act, then I would suggest to you that we are a bad example versus a good example. I’m suggesting very strongly that in this particular clause you do not lose by strengthening the wording. This amendment does so and it removes any doubt that the government of the day is in support of making it a strong statement.

The Chair: If the members are really positive that there is no further discussion, I shall pose the question. It will be a recorded vote on amendment 24.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O’Toole, Spina.

The Chair: The amendment is lost. On amendment 25, Mr Martin.

Mr Martin: I withdraw.

The Chair: Shall section 5 carry? It will be a recorded vote.

Ayes

Hardeman, Munro, O’Toole, Spina.

Nays

Levac, Martin, Parsons.

The Chair: Section 5 carries. Amendment number 26.

Mr Hardeman: I move that section 6 of the bill be struck out and the following substituted:

“Government Internet sites

“6. The government of Ontario shall provide its Internet sites in a format that is accessible to persons with disabilities, unless it is not technically feasible to do so.”

We heard quite a number of presenters during our consultation who suggested we had to be more direct in saying we would make every effort to do it. At the same time, we still recognize that if it’s not technically feasible—and we’re talking here about the technical part of creating the Internet site—obviously then it can’t be done. But we do want to make sure that the act is explicit in saying that the priority is to provide it in a format that all people with disabilities can access.

Mr Parsons: I’m an engineer and therefore, by definition, illiterate. However, it seems to me that the amendment is exactly the same as the one it’s amending, for all intents and purposes. We’ve taken “technically feasible” and moved it to the end of the sentence and changed it to “unless it is not technically feasible to do so.” I would suggest in fact this is not an amendment. This is a different sentence structure. For that reason, as I do not

support the original, I can't support an identical amendment.

Mr Martin: Just briefly, an exercise in semantics: when I first looked at this, I thought they'd heard and they were actually going to do something to change this, but in fact they haven't. That's disappointing. With that said, this is a phrase that we heard over and over again that wasn't acceptable, where "technically feasible" lines up with the preceding phrase, "shall have regard to." I'm not sure who's designing these things, but they're obviously very good at it. Weasel words—trying to nail jelly to the wall—just aren't going to do it, and this amendment isn't going to do it either.

Mr Levac: I'm going to say something a little bit different, not so much to be controversial or even to try to change anything. I'm going to accept the government's understanding. As Mr O'Toole began to explain in the previous amendment, I think he was referring to the actual ability of the government to provide that service because it's just not doable because of modern technology.

What I would suggest is that an undertaking be given to communicate. I think Mr Spina was present when I was at another government committee meeting where we discussed communicating with another group when we couldn't come to total agreement on an issue. Once discovered, to its credit, the government did communicate with the other groups. The intent was even explained in better detail other than in the bill, because we couldn't come to an agreement on what description. That was the snowmobilers, Joe, in regard to communicating to the municipalities their concern regarding rights of way. We couldn't come to full agreement on how to put that in the bill and the government did an undertaking to communicate with the municipalities, and it did so.

I would hope that in the same spirit that this be clarified for those people who may see this as just another way of not doing something versus the attempt to do so, to the best of their ability, given the modern technologies of the day. I wouldn't want it being used as an excuse not to provide that service simply because it may cost some money to provide the technology which is available. I'm saying it in that spirit and would hope the government could respond to that and clarify that indeed maybe that's exactly what we are talking about.

Mr Hardeman: Thank you to Mr Levac. I think he, as we would say out in the country, hit the nail on the head. The intent, as was mentioned by others, the wording—it's the same number of words and the same words in the present bill and the amendment, but the reason they have been changed is because, as you read it, to make sure everyone understands the legislation, "The government of Ontario shall provide its Internet sites in a format that is accessible to persons with disabilities ..." That's the statement, but as Mr Levac pointed out, if it's not technically possible or feasible, then it can't be provided.

1120

The way it's written in the bill presently—there was an assumption that you make the technical feasibility as

part of whether you should or shouldn't, as opposed to the reason why it's not being done. If it is technically feasible, the bill says it is to be done. That's the reason for this wording. That's why it's a good amendment to deal with the issue, but I think we would all agree that if it's not technically feasible, it's going to be very difficult to do it. I can assure you that's the reason for the amendment, though. It's not a big change in the words; it's a change in the impact of the words, to make sure we all understand that our number one priority is to make these Internet sites available to all people, including anyone with a disability.

Mr Spina: Like you, Ernie, I'm not a lawyer, and people assume only Italian lawyers can get into politics. I challenged ministry staff and legal counsel on the use of the word "shall" here and in other parts of the bill. It was as a result of the concern from the greater community during the committee presentations. I'm sure legal counsel for the Leg Assembly here might verify this or challenge it, but it's my understanding that within the context of the legal field or within the justice system, contracts and so forth, the word "shall" constitutes a mandatory environment, very much like people wanted us to use the word "will" instead of "shall." It doesn't leave an option there. The word "shall," from what I understand, constitutes obligation on the part of the party to deliver. I just wanted to bring that forward because it's a small point, it's a small word, but I think it's an important one that where "shall" appears, it constitutes an obligation on the part of, in this case, the government.

The Chair: Do you want a reply from legal counsel on this?

Mr Spina: That's if someone wanted to challenge that and that's their opinion.

The Chair: Because I'm not a lawyer either, so I'm going to have to go to legal counsel.

Mr Albert Nigro: For the record, my name is Albert Nigro. I'm with the office of legislative counsel. The word "shall" usually indicates a mandatory requirement in law, whether it be a statute or in an agreement.

The Chair: Thank you very much.

Mrs Julia Munro (York North): I just wanted to comment on the notions that I think are behind this amendment. "Unless" means just that. There is only one consideration that will be recognized as something that would prevent this from being available. The second thing is that by using this phrase, it allows for the opportunity, where technology changes, to be able to provide this compliance with providing the Internet site. I think those are two important distinctions here in making this amendment change.

Mr Parsons: I continue to be troubled by the concept that there is a waffle phrase that would allow it to not be accessible. There are individuals in this province whose only access to government information is over the Internet. I believe the obligation should be on the government, that if there is a format they wish to use, and the reality is that it is not accessible to the handicapped, then that format's not used. The obligation is to find another

approach that would allow that Web site to convey the information. But to say it's not technically feasible, while it's still accessible to 98% of the population and there's only 2% of the population who can't, is fundamentally wrong. I understand and appreciate the reinforcement of what the word "shall" means, and I continue to believe "shall" is the right word. It should be accessible to all, not nearly all.

The Chair: Any further discussion?

Mr O'Toole: I take exception. I believe that even if we agreed—and I think the intent here has been described by leg counsel that "shall" means they will, and there will be occasionally technical times when it will change and they will change as of tomorrow.

My other point is that I would question the validity of your statement or assumption that there's no other format available. Audiocassettes could be made available. Other formats can be made available and will be made available. To presume, Mr Parsons, that only the Internet site medium would be accessible is an incorrect assumption to start with. This is one of the tools, but not the only one. If it can be managed in a computer medium, then it can be managed in other media: audio, print, Braille, all the other media. Your premise is incorrect.

The Chair: If there's no further discussion, I shall pose the question on amendment number 26, and it will be a recorded vote.

Ayes

Hardeman, Munro, O'Toole, Spina.

Nays

Martin, Parsons.

The Chair: The amendment carries.

We'll go to amendment number 27.

Mr Parsons: I move that section 6 of the bill be struck out and the following substituted:

"Government Internet sites

"6. The government of Ontario shall ensure that its Internet sites and the content provided on those sites are barrier-free for users with disabilities."

I believe we've had much of the debate already. I can appreciate that there are other ways to get it, but I would suggest that in many cases the person needs to avail himself or herself of information on the Internet to even be aware of the information being available so they could request it.

The Chair: Any further discussion?

Mr Martin: Just to say I agree fully. This sentence has it all: "The government of Ontario shall ensure that its Internet sites and the content provided on those sites are barrier-free for users with disabilities," full stop, period. That's what it should say.

Mr Hardeman: I will not be supporting this resolution. Again, not to question the Chair's authority, but I wonder what the impact of this resolution is when we just

voted on striking out the whole section and replacing it and this one is striking out the section again. Are they striking out the amended section or the present section?

The Chair: You know this? I've learned something myself this morning. Apparently if this passes, it would strike out the amended section.

Mr O'Toole: So it's out of order.

The Chair: No, it's not out of order. If this amendment passes, it would strike out the previous amendment.

Mr Hardeman: This is an amendment to the amendment.

The Chair: Yes.

Mr O'Toole: Mr Chair, if I could, if you read it, it's referring to a section that existed when it was drafted. That section no longer exists, so it's out of order. The assumption made by the amendment assumes it's amending what existed when it was written. It has since been changed, therefore it's out of order. What does legal counsel say to that?

The Chair: No, I still think the amendment's in order because they had to be submitted by noon yesterday. We just voted on this amendment two minutes ago so consequently I still have to call the vote on this particular amendment. You can vote it down if you so wish, but I still have to proceed with it.

Any further discussion? If not, I shall pose the question on amendment 27. It will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The motion is lost.

Now we'll go to amendment number 28.

Mr Martin: Withdrawn.

The Chair: Withdrawn.

Shall section 6, as amended, carry? I shall call a recorded vote.

Ayes

Hardeman, Munro, O'Toole, Spina.

Nays

Levac, Martin, Parsons.

The Chair: Section 6, as amended, carries.

I'll go to amendment number 29.

Mr Hardeman: I move that section 7 of the bill be struck out and the following substituted:

"Government publications

"7. Within a reasonable time after receiving a request by or on behalf of a person with disabilities, the government of Ontario shall make an Ontario government

publication available in a format that is accessible to the person, unless it is not technically feasible to do so.”

1130

The Chair: Discussion?

Mr Martin: Again, the same arguments as with section 6. In my mind, it leaves too much room for interpretation and redefinition under the phrase “technically feasible.” Lots of people will see that differently, and it may in fact get in the way of the intention of this section of the act. I’ll be voting against.

Mr Levac: This one’s more a question of clarification. In the first example, I was somewhat sympathetic to the fact that we may be asking the technological society to be able to provide those services for people with disabilities. In this case, we’re talking about publications. In your briefing notes, Ernie, have you got examples as to why the government would necessarily need “if technically available” for a service that’s already provided?

Mr Hardeman: I don’t have a specific example, but I think it does relate to the same as the previous discussion. If it’s being asked for in a certain format but it’s not technically feasible and you just can’t get it into the format—it could be the Internet site they’ve asked for. We want to make sure the government is obligated. The reason for this change, again, is to make sure the legislation is clear on the obligation to provide it in a reasonable length of time, but also to make sure that it doesn’t obligate the provision of something that is not technically feasible to provide.

Mr Levac: If I can continue? In my mind, I’m trying to come up with examples. Mr O’Toole made reference to his experience in computers, indicating that certain programs or software is not there yet—the proverbial “there yet.” In receiving communication from the government as an Ontario publication, if they’re being published, if you can cite examples of somebody receiving that service that they can’t receive. If I’m not mistaken, we’re talking about Braille, hard-of-hearing services, those types of issues that are already functioning. My concern would be that we’re saying we can’t provide that. I would obviously defer my time if I could get some examples of that.

Mr Spina: I’m not sure if this will help, David, and I know my colleague from Sault Ste Marie would certainly appreciate this from northern Ontario. There are parts of the province which have either no or limited Internet access, specifically in the north and where the communication services are provided by someone other than a large corporation like Bell Canada or Thunder Bay Telephone, for example, or the Internet carrier may not have the flexibility to be able to carry the service.

If I can just elaborate slightly, it’s easy enough for the government to provide the service over the Internet. It’s a question of whether they can access it. Let us assume they can access it, but even though the government may provide the software flexibility so that a blind person in Toronto may be able to get the audio portion of that through the Internet Web site, when you’re in a remote

area, even though you have Internet access, you may not be able to access the audio portion or the video portion of that in the same way you might be able to here. The obligation would be carried out on the part of the government in terms of providing it, but where it’s technically not feasible is at the other end because they just don’t have it at that site. Doing it the way you suggested might force the government to try to do that, and that’s where it becomes really difficult, I suppose.

I’m not sure if that example would help at all. We can offer an audio service, but it may not be able to be accessed in an area that we really don’t have a whole lot of control over.

Mr Parsons: I’m always bothered a little bit by the expression “within a reasonable time” because we seem to have quite diverse opinions on what is a reasonable time between those who are producing the information and those who are waiting anxiously for it. However, I think my biggest problem with this is that it, in many ways, reflects two-tier thinking, which is, “We will do the publication for those without disabilities,” and then as an afterthought we say, “Well, is it technically feasible, yes or no?” I would suggest, and in fact strongly believe, that from the time we commence to put together a publication, the question should be at that stage, “Is it possible for us to do it in a format that makes it accessible to everyone?” If the answer’s no, then we need to look at another format. Making it accessible to the disabled community should not be an afterthought. It should be part of the original foundation in terms of thinking. This strikes me as an add-on.

Mr Hardeman: I have a couple of examples that one might consider in government publications, such as architectural drawings left with the Archives of Ontario. You can’t put them in another format, so it’s not technically feasible to take those historic architectural drawings and provide them for someone in a different format. Similarly, topographical mapping in government publications cannot be put in other formats that could be used. Those are the technicalities.

The reason the amendment is here is, again, to make sure that everything the government provides in publications must be done, shall be done, unless you run into this type of thing where it’s not technically feasible to provide that for topographical mapping. You can’t put topographical mapping in Braille.

Mr Levac: No, I appreciate that.

Mr Hardeman: That’s the reason for that part of it.

Mr Levac: Can I clarify it with a question?

The Chair: Sure, and then I’ll go to Mr Martin.

Mr Levac: Further to that example, I appreciate it because it helps me put into perspective the direction and the intent of the government. Therefore, can I assume that with this legislation, those services that are not now provided are now going to start to be provided, those that are technically feasible, such as Braille?

Mr Hardeman: Yes.

Mr Martin: Just a point of clarification: it is in fact possible to make topographical maps available to the

blind by raising them, and to be read by folks who are blind.

I think there's an assumption being made here that is wrong. Again, it speaks to the need for us to be clear and concise in terms of what we put in this bill. It's the assumption that people with disabilities will be totally unreasonable and not understand that in some instances—Mr Spina mentioned the north, where technically you just can't do things. I remember my colleague Mr Pouliot telling Mr Palladini that in some parts of the north you can't have cell phones, so if your phone's not ringing, it's him calling.

Mr Spina: That's good, Tony.

Mr Martin: That's what he said. But the assumption here is that people with disabilities will be unreasonable or totally unreasonable. They're not. People with disabilities are as intelligent and as in-the-know as any of us here around this table and will not be unreasonable. They will understand. But why put this in there, which will give somebody else the opportunity to make an argument that may be unreasonable or incorrect or totally unsubstantiated in terms of the technical or whatever other factor getting in the way of these publications, this information being available?

I would ask people around this table, please, do not assume for a second that just as we don't, hopefully, become totally and completely unreasonable where our request for and our need for information is concerned—I think the disabled community understands, just as we understand, when it's not available. So why don't we just take that out and give them the same as we do everybody else—the benefit of the doubt?

The Chair: Any further discussion?

Mr Hardeman: I would concede to the member opposite that I was in error; you can make topographical mapping available to the blind. What I was supposed to say was the deaf-blind. That's not technically feasible. So just to correct that.

Mr Martin: The same thing.

1140

The Chair: Thank you very much. If there's no further discussion, I shall pose the question on amendment 29. It will be a recorded vote.

Ayes

Hardeman, Munro, O'Toole, Spina.

Nays

Levac, Martin, Parsons.

The Chair: The motion carries.

Amendment number 30, Mr Parsons.

Mr Parsons: I move that section 7 of the bill be struck out and the following substituted:

“Government publications

“7(1) Ontario government publications shall be barrier-free in both format and content and shall be available to the public in the formats specified by the regulations made under subsection (2).

“Regulations

“(2) Within six months after subsection (1) comes into force, the Lieutenant Governor in Council shall make regulations specifying the formats mentioned in that subsection.

“Other accessible formats

“(3) Upon receiving a request by or on behalf of a person with disabilities for an Ontario government publication in a format required by subsection (1), the government shall make the publication available to the person in that format within a reasonable time that is not later than three working days after the government receives the request.

“Electronic form

“(4) Despite subsection (3), upon receiving a request by or on behalf of a person with a disability for an Ontario government publication that exists in an electronic form, the government shall make the publication available to the person forthwith in an electronic form that is accessible.”

The Chair: Discussion?

Mr Parsons: We've had a great deal of discussion already on this. I continue to believe that there needs to be an onus on the government to provide full services to every citizen, which I don't believe the previous government amendment provided for.

Mr Martin: This is precisely the kind of change for those who want some kind of enforcement or compliance and some timelines put in place. You'll see these kinds of things—we've already had a couple popping up by way of amendment from the Liberals and ourselves. Amendments creating timelines for action and enforcement are absolutely essential. We heard that over and over again. It was repeated consistently. It was one of the messages that I don't think anybody could have missed, from everybody, including the Ontarians with Disabilities Act Committee. Without these structures in place the bill is actually worthless. We've seen how voluntary compliance works. It leaves us with the inaccessible society we have now.

It's time for this government to put their money where their mouth is and give the ODA the teeth it needs to make real change in Ontario. By accepting this amendment, they in fact will indicate that they want to do that and will move forward in strengthening this bill.

The Chair: Any further discussion? If not, I shall pose the question on amendment number 30. It will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The amendment is lost.

We will move to amendment number 31. Mr Martin.

Mr Martin: In the interests of saving some time, it is the same as the previous one and it was defeated; I'll withdraw.

The Chair: Thank you very much.

Shall section 7, as amended, carry? It will be a recorded vote.

Ayes

Hardeman, Munro, O'Toole, Spina.

Nays

Levac, Martin, Parsons.

The Chair: Section 7, as amended, carries.

We go to section 8. Amendment number 32, Mr Parsons.

Mr Parsons: It's not possible to dispense with this, is it?

The Chair: Oh, I'm sorry. Just a minute. Number 32 is out of order because of standing order 56. It does involve spending and I have to rule this amendment out of order.

Mr Parsons: I didn't really mean the dispense part, but you found a way.

The Chair: That's OK. I think the same applies to number 33.

Mr Martin: Excuse me. What was the ruling there?

The Chair: That standing order 56 does not allow for spending public funds.

Mr Martin: I would put an argument forward, and I would ask the clerk to listen to this, that this amendment is not about allocating funds, it's about how we spend funds that have already been allocated, and there's a huge difference there. I would argue that this amendment is in fact in order for that reason.

The Chair: I still have to rule it out of order.

I'll go to the vote on section 8, and it will be a recorded vote.

Mr Martin: Could I ask, with all due respect, for a reason for ruling my argument out of order?

The Chair: It's standing order 56. I still think it is the spending of public funds and standing order 56 does not allow that. I'll have to stick with my ruling. If you wish to appeal it, you know what the proper procedure is.

I shall call the vote on section 8, and it will be a recorded vote.

Ayes

Hardeman, Munro, O'Toole, Spina.

Nays

Levac, Martin, Parsons.

The Chair: Section 8 carries.

We'll go to amendment number 34. Mr Parsons.

Mr Parsons: I move that section 9 of the bill be struck out and the following substituted:

"Government-funded capital programs

"9(1) Capital funding for projects under a government-funded capital program shall be made available only if there is a barrier-free plan incorporated into the project that meets the standards specified in the regulations made under subsection (2).

"Regulations

"(2) Within six months after subsection (1) comes into force, the Lieutenant Governor in Council shall make regulations specifying the standards mentioned in that subsection, which shall include a barrier-free plan for the benefit of all persons with disabilities."

This simply tightens up that the money will not go into a project unless it absolutely meets the standards and it will set a deadline for the regulations to be prepared.

The Chair: Any further discussion?

Mr Martin: This is an amendment very similar—identical, actually—to the one we're putting forward, that again calls for timelines, again calls for some enforcement and incentive to be put in place to actually make some of this happen. Again, I think it's absolutely necessary. If we don't do this, the bill will live up to the cynical expectation that some have of it, that it will in fact actually do nothing.

The Chair: Any further discussion?

Mr Spina: We think section 9 is sufficiently strong. It clearly articulates "an existing or proposed building" and the regulations establish the level of accessibility, and the project shall meet or exceed that level in order to be eligible to receive funding under a government-funded capital program. I don't see anything wrong with this current phrase in the bill itself; therefore we will not support this amendment.

Mr Parsons: We would, in turn, counter back that the Building Code Act itself does not provide sufficient guidance to ensure that the building is fully accessible. On subsection (2), "the government of Ontario may include requirements." We believe the word "shall" is much more appropriate. If there's public funding going, it must be accessible and "may" is a waffle word that allows it to not happen.

The Chair: If there's no further discussion, I shall pose the question on amendment 34. It will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O'Toole, Spina.

The Chair: The amendment is lost.

We'll move to amendment number 35. Mr Martin.

Mr Martin: Since you've defeated the Liberal amendment, and in the interests of time to debate other things, I withdraw.

The Chair: Thank you very much. Then I shall pose the question on section 9. It will be a recorded vote.

Ayes

Hardeman, Munro, O'Toole, Spina.

Nays

Levac, Martin, Parsons.

The Chair: Section 9 carries.

We'll go to motion number 36. Mr Hardeman.

Mr Hardeman: I move that subsection 10(1) of the bill be struck out and the following substituted:

"Ministry accessibility plans

"10(1) Each ministry shall,

"(a) prepare an accessibility plan as part of its annual planning process; and

"(b) consult with the Accessibility Directorate of Ontario in preparing the plan."

The Chair: Discussion?

Mr Hardeman: I think this just directs the approach to make sure that we have an accessibility plan each and every year, as each ministry plans their business for the year.

Secondly, we heard in our consultation process that there needed to be a consultation process put in place, so we believe that each ministry must consult with the directorate to make sure they are planning and designing a plan that fits the needs of the disability community.

1150

The Chair: Any further discussion?

Mr Parsons: I have some discussion, but first a question to the mover: how does this differ from the original clause, other than adding the letters (a) and (b)?

Mr Hardeman: The wording is actually similar to the present act. The reason it's required is, as we move down to our amendments, we will find an amendment that creates an offence for not preparing a plan, so there is a separation of the two functions.

Mr Parsons: But it in no way, shape or form changes the intent.

Mr Hardeman: No. The intent is to make sure they consult with the directorate and that each year, as part of their planning process, they prepare an accessibility plan.

Mr Spina: Also, just to draw your attention, Ernie, to this redrafting, if you look at the creation of the new section 20.1 as an amendment that we'll likely not be able to get to as part of our debate, it creates a provincial offence for failing to prepare a plan in accordance with 10(1). That's on the part of the municipalities. So this separates the obligation to prepare the plan and the obligation to consult with the Accessibility Directorate of

Ontario, which will be a very specific body. We want to ensure that those penalties will be enforceable.

The Chair: Any further discussion?

Mr Levac: Just a clarification of what Joe just said, or Ernie. This is a ministry accessibility plan, so the amendment you're talking about is referencing fines to the ministry for not preparing plans?

Mr Spina: No, I believe it's the municipalities, David.

Interjection: And the ministries.

Mr Spina: Oh, and the ministries.

Mr Levac: So you could end up fining yourself?

Mr Hardeman: Yes.

Mr Levac: OK.

Mr Hardeman: I would point out that's not unique to this act. There are many acts where ministries are obligated to deliver a service or do something, and if they do not meet that requirement they will be penalized, along with anyone else who has the same obligation. That really is what the need for the division of the two sections is, to be able to apply the enforcement on the preparation of the plan.

The Chair: If there is no further discussion on amendment 36, I shall pose the question. It will be a recorded vote.

Ayes

Hardeman, Munro, O'Toole, Spina.

Nays

Martin.

The Chair: The amendment carries.

We'll go to amendment 37.

Mr Parsons: I move that section 10 of the bill be struck out and the following substituted:

"Ministry barrier-free plans

"10(1) Each ministry has the duty to ensure that the funding, services, programs, practices, legislation and regulations it administers and that its workplace are free of barriers through the development and implementation of barrier-free plans to identify, remove and prevent barriers within the time period specified in regulations that the Lieutenant Governor in Council shall make, in consultation with persons with disabilities and others, within six months after this section comes into force.

"Contents of plan

"(2) A barrier-free plan shall include,

"(a) the comprehensive identification, removal and prevention of barriers to persons with disabilities in the acts and regulations administered by the ministry and in the ministry's policies, programs, practices and services, as well as the ministry's workplace;

"(b) specific action steps and time lines for performing the duties set out in clause (a) and, except if it is not practical, a statement of who is responsible within the ministry for those duties;

“(c) a report on the measures the ministry has taken to identify, remove and prevent barriers to persons with disabilities;

“(d) a statement whether the ministry has met its obligations set out in the plan for the year in which the plan is developed and, if not, the particulars of and reasons for non-compliance;

“(e) a description of the measures in place to ensure that the ministry assesses its proposals for acts, regulations, policies, programs, practices and services to determine their impact on removing and preventing barriers against persons with disabilities and a statement of who is responsible for the measures;

“(f) a report on the acts, regulations, policies, programs, practices and services reviewed during the year in which the plan is developed, the recommendations made to ensure that they are barrier-free, and whether the recommendations were adopted;

“(g) a list of the acts, regulations, policies, programs, practices and services that the ministry will review in the year after the year in which the plan is developed to identify barriers to persons with disabilities and a statement of who is responsible for the review;

“(h) a description of the specific measures that the ministry intends to take in the year after the year in which the plan is developed to identify, remove and prevent barriers to persons with disabilities; and

“(i) all other information that the regulations prescribe for the purpose of the plan.

“Process for developing plan

“(3) In developing and implementing its barrier-free plan, a ministry shall consult with the Barrier-Free Council of Ontario, the Barrier-Free Disability Directorate of Ontario and with persons with disabilities who may be affected by the plan.

“Availability to the public

“(4) A ministry shall make its barrier-free plan available to the public in an accessible format within 10 days of the plan receiving the signatures of the ministry’s minister and deputy minister.

“Enforcement of plan

“(5) The Ontario Human Rights Commission shall review all barrier-free plans for which it has reasonable grounds to believe that a ministry has not complied with the plan and in conducting the review the commission has all of the investigation powers that it has for investigating a complaint under the Human Rights Code.”

The Chair: Discussion?

Mr Martin: This is similar to the motion that we have following this, and we will be supporting it. This is clearly our effort to stiffen this act up and give it some ability to actually see the light of day and have some effect in terms of putting in place plans. It identifies very clearly in a number of places the need for somebody to be responsible, somebody we can put a hat on re the enforcement of these plans.

It also speaks to the need for very clear communication and direction between the responsible bodies and the Barrier-Free Council of Ontario and the Barrier-Free

Disability Directorate. The feeling I have from listening to some of the folks in the disability community is that they’re actually not quite sure yet what ability the Barrier-Free Council, both at the provincial and municipal levels, will have, what kind of consultation will take place, what responsibility they will have and what teeth they will have to actually make sure that what they’ve recommended happens.

The amendments that are put forward here will very clearly do that. It calls on the government to be very specific and defined in the plans that come forward and who is responsible for making sure that they in fact happen. It calls for very clear communication and lines of responsibility and accountability between the government and the councils and directorate. I’ll be supporting this amendment.

Mr O’Toole: I’ll first make it clear that I won’t be supporting this, primarily because it goes into far too much detail that would preferably be done in regulation, which would not cause you to need to amend the legislation at some future point. I think really we’ve provided a broad framework in this document which provides a better mechanism for allowing this to be a living, changing, growing, improving legislation.

The other thing is if you look at the amendment we have passed, it has broken it down to access as well as ministry.

The other thing with the further future amendment, which we’ve referred to, is the future section 20 has a provision for being punitive. So the enforcement has been strengthened and we’ve certainly improved the clarity between the two points of having a plan at each ministry, and there’s some responsibility for that. So we just fundamentally disagree. There’s far too much detail in this.

Mr Parsons: Large organizations such as government ministries are somewhat like slow-moving ocean ships: they change direction slowly and with some difficulty. We believe that this requires some direction, some impetus, some guidelines and some force of law to make the change happen, because the natural inclination of any large body is to continue doing what it’s doing. We believe it is necessary to go into these details and establish the process such that the change has to happen. Otherwise, given the priorities and given the pressures, they don’t happen in a time frame that is reasonable.

The Chair: If there’s no further discussion, I shall put the question on amendment 37. It will be a recorded vote.

Ayes

Levac, Martin, Parsons.

Nays

Hardeman, Munro, O’Toole, Spina.

The Chair: The amendment is lost.

Mr Martin: On a point of order, Mr Chair: Could I ask for unanimous consent that we continue beyond 12 of the clock, until 1 of the clock, so we can further debate these amendments? As you know, when we come back at 4 o'clock there is no debate; there is simply a putting of the amendments and a voting.

The Chair: Do I have unanimous consent? No.

Therefore, it being 12 o'clock, I shall recess the committee until 4 o'clock this afternoon.

Mr O'Toole: Mr Chair, just one more formality. Could we pass section 10? We've dealt with all the amendments.

The Chair: No, we still have 38.

Mr O'Toole: Then you start at 11; you don't have to start 10 all over again.

The Chair: I will recess until 4 o'clock.

The committee recessed from 1201 to 1606.

The Chair: If I can get your attention, I'd like to bring the standing committee on finance and economic affairs to order. According to the proceedings of November 21, I would like to inform the committee "that, at 4 pm on the day of clause-by-clause consideration of the bill, those amendments which have not been moved shall be deemed to have been moved and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto."

Consequently, I think you have the copies of the motion in front of you. I'll go to section 10, NDP motion number 38. We'll call the vote and it will be a recorded vote, which was requested this morning on each motion.

On page 38, NDP motion: all those in favour? All the recorded votes will be deferred to the end. Just a moment, I've got to get my bearings here.

We'll go to page 38, an NDP motion: a recorded vote, which will be deferred.

We'll go to page 39, which is a government motion.

Mr Spina: On a point of order, Chair: could you clarify for our benefit what you mean by deferring the vote? At the end of the section, or will the votes be taken as NDP, Liberal, government, or what? Please, if you'd be kind enough to explain that.

The Chair: I have to defer the vote until the end of the bill, until we read all of the motions. There are 126 amendments. We'll call the 126 amendments and then we'll come back and vote on each amendment after, and then we'll be able to do each section.

Mr Spina: OK. Each one does not have to be read in?

Mr O'Toole: No. They're all deemed to be moved anyway.

The Chair: Yes, they're all deemed to be moved.

On page 39, it's a government motion and a recorded vote, which is to be called later.

Page 40 is a Liberal motion; a recorded vote had been requested, which will be called later.

On page 41 is an NDP motion; a recorded vote has been called for, which will be dealt with later.

Page 42, a government motion; a recorded vote has been called for and will be dealt with later.

Amendment 43, a Liberal motion; a recorded vote has been called for, which will be dealt with later.

Amendment 44, an NDP motion; a recorded vote has been called for. The vote will be called later.

Amendment 45 is a Liberal amendment; a recorded vote has been called for. We'll call the vote later.

NDP motion, amendment 46; a recorded vote has been called for. The vote will be called later.

Page 47, government amendment; a recorded vote has been called for which would be called later.

Page 48 is a Liberal motion; a recorded vote has been called for, which will be called later.

Page 49, an NDP motion which a recorded vote has been called for, which will be called later.

Page 50, a Liberal motion; a recorded vote has been called for which would be called later.

Page 51, an NDP motion; a recorded vote has been called for, on which a vote will be called later.

Page 52 is a government motion; a recorded vote has been called for, which would be called later.

Page 53, a Liberal motion; a recorded vote has been called for, which will be called later.

Page 54, an NDP motion; a recorded vote has been called for, which will be called later.

Page 55 is a government motion; a recorded vote has been called for, which will be called later.

Page 56 is a Liberal motion; a recorded vote has been called. The vote will be called later.

Page 57, an NDP motion; a recorded vote has been called for. The vote will be called later.

Page 58 is a Liberal motion; a recorded vote has been called for. The vote will be called later.

Page 59 is an NDP motion; a recorded vote has been called for. The vote will be called later.

Page 60 is a government motion; a recorded vote has been called for and the vote will be called later.

Page 61 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

On page 62 is an NDP motion; a recorded vote has been called for. The vote will be called later.

Page 63 is a Liberal—it's not a motion, it's a recommendation. It's strictly a recommendation which will be dealt with later.

Page 64 is the same thing; it's not a motion.

Page 65 is a Liberal motion; a recorded vote has been called for, which will be called later.

Page 66 is an NDP motion; a recorded vote has been called, which will be called later.

Page 67 is a Liberal motion; a recorded vote has been called. The vote will be called later.

An NDP motion on page 68; a recorded vote has been called, which will be called later.

Page 69 is a Liberal motion; a recorded vote has been called, which will be called later.

Page 70 is an NDP motion; a recorded vote has been called, which will be called later.

Page 71 is a government motion; a recorded vote has been called for. The vote will be called later.

Page 72 is a government motion; a recorded vote has been called for, which will be called later.

Page 73 is a Liberal motion; a recorded vote has been called. The vote will be called later.

Page 74 is an NDP motion; a recorded vote has been called. The vote will be called later.

Page 75 is a Liberal motion; a recorded vote has been called. The vote will be called later.

Page 76, an NDP motion; it's a recorded vote. The vote will be called later.

Page 77 is a government motion; a recorded vote has been called for. The vote will be called later.

Page 78, a government motion; a recorded vote has been called for. The vote will be called later.

Page 79 is a government motion; a recorded vote has been called for. The vote will be called later.

On page 80 is a Liberal motion; a recorded vote has been called for. The vote will be called later.

Page 81 is an NDP motion; a recorded vote has been called for. The vote will be called later.

Page 82 is a government motion; a recorded vote has been called for. The vote will be called later.

Page 83 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 84 is an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 85, a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 86, an NDP motion; a recorded vote has been called for. The vote will be called later.

On page 87 is a Liberal motion; a recorded vote has been called for. The vote will be called later.

Page 88, an NDP motion; a recorded vote has been called for. The vote will be called later.

Page 89 is a Liberal motion; a recorded vote has been called for. The vote will be called later.

On page 90 is an NDP motion; a recorded vote has been called for. The vote would be called later.

On page 91 is a government motion; a recorded vote has been called for and the vote will be called later.

Page 92 is a Liberal motion; a recorded vote has been called for. The vote will be called later.

Page 93 is an NDP motion; a recorded vote has been called for. The vote will be called later.

Page 94 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 95 is an NDP motion; a recorded vote has been called for and the vote will be called later.

On page 96 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

On page 97 is an NDP motion; a recorded vote has been called for and the vote will be called later.

On page 98 is a government motion; a recorded vote has been called for and the vote will be called later.

Page 99 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 100, an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 101 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 102 is an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 103; it's a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 104 is an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 105, a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 106 is an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 107 is a government motion; a recorded vote has been called for and the vote will be dealt with later.

Page 108 is a Liberal motion; a recorded vote has been called for and will be dealt with later.

Page 109, an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 110, a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 111, an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 112 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 113 is an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 114 is a government motion; a recorded vote has been called for and the vote will be called later.

Page 115 is a government motion; a recorded vote has been called for and the vote will be called later.

Page 116 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 117 is an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 118 is a government motion; a recorded vote has been called for and the vote will be called later.

Page 119 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 120 is an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 121 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 122 is an NDP—

Mr Peter Kormos (Niagara Centre): Point of order, Chair.

The Chair: A recorded vote has been called for and the vote will be called later.

The Chair: On your point of order, sir.

Mr Kormos: Yes, Chair. I say it would be a little more convincing if at least you would feign sincerity, or interest.

The Chair: I don't think that's a point of order.

Page 123 is a government motion; a recorded vote has been called for and the vote will be called later.

Page 124 is a Liberal motion; a recorded vote has been called for and the vote will be called later.

Page 125 is an NDP motion; a recorded vote has been called for and the vote will be called later.

Page 126 is a government motion; a recorded vote has been called for and the vote will be called later.

1620

We'll go back to page 38, which is an NDP motion. I will pose the question. All those in favour of motion 38?

Ayes

Dombrowsky, Martin.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.

Shall section 10, as amended, carry? All those in favour?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 10, as amended, carries. All those in favour of motion 39?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries. All those in favour of Liberal motion 40?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost. All those in favour of NDP motion 41?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost. Shall section 11, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 11, as amended, carries. Government motion 42, all those in favour?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries. Liberal motion 43, all those in favour?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost. NDP motion 44, all those in favour?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost. Liberal motion 45, all those in favour?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.

NDP motion 46, all those in favour?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.

Government motion 47, all those in favour?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries.

Liberal motion 48, all those in favour?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.

NDP motion 49, all those in favour?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.

Shall section 12, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 12, as amended, carries.

Shall Liberal motion 50 carry?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: the motion is lost.

Shall NDP motion 51 carry?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.

Shall section 13 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 13 carries.

Government motion 52, all those in favour?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries.

Liberal motion 53, all those in favour?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.

Number 54 is a duplicate of 53.

Shall section 14, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Smitherman.

The Chair: Section 14 carries.
Government motion 55, all those in favour?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries.
Liberal motion 56, all those in favour?

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 57 is a duplicate of 56, so we'll vote on the section.
Shall section 15, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 15, as amended, carries.
Liberal motion 58:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 59 is a duplicate of 58, so we'll vote on section 16.
Shall 16 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 16 carries.
Government motion 60: shall motion 60 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Motion 60 carries.
Liberal motion 61:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 62 is a duplicate of 61. We'll vote on the section.
Shall section 17, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 17, as amended, carries.
Section 18, the Liberal motion 63. All those in favour?
It's not a motion. I'm sorry. It is strictly voting against.
We have to vote on the section itself.
Shall section 18 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 18 carries.
Liberal motion 65, section 19:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
NDP motion 66:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Liberal motion 67:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 68 is a duplicate of 67.
We'll go to Liberal motion 69:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 70 is a duplicate of 69.
We'll go to 71, which is a government motion.

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries.
Motion 72 is a government motion.

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries.
Motion 73 is a Liberal motion.

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is defeated.
Motion 74, an NDP motion:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 75 is a Liberal motion.

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 76 is a duplicate of 75, so we'll vote on the section.
Shall section 19, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Section 19, as amended, carries.
We'll go to government motion 77, under section 20.

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries.
Government motion 78:

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: Government motion 79:

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

1630

The Chair: We'll go to motion 80, a Liberal motion.

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
NDP motion 81:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Government motion 82:

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Dombrowsky, Martin, Smitherman.

The Chair: The motion carries.
Liberal motion 83:

Ayes

Dombrowsky, Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
It was pointed out that you subbed in until 4:30.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Yes.

The Chair: Motion 84 is an NDP motion.

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Shall section 20, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 20, as amended, carries.
Liberal motion 85, under section 21:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 86 is a duplicate of 85, so we'll go to 87.
Shall Liberal motion 87 carry?

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 88 is a duplicate of 87, so we'll go on to 89.
Shall Liberal motion 89 carry?

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Shall NDP motion 90 carry?

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Shall section 21 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 21 carries.
Under section 22, government motion 91:

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Motion 92 is a duplicate of 91, so we'll go on to 93. It's also a duplicate of 91, so we'll go to Liberal motion 94.

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
NDP motion 95 is a duplicate of 94, so we'll go to 96.
Shall Liberal motion 96 carry?

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 97 is a duplicate of 96, so we'll go to 98.
Shall government motion 98 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: The motion carries.
Liberal motion 99:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 100 is a duplicate of 99. We'll go to Liberal motion 101.

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 102 is a duplicate of 101, so we'll go to 103.
Shall Liberal motion 103 carry?

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 104 is a duplicate of 103, so we'll go to Liberal motion 105.

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.

Motion 106 is a duplicate of 105, so we'll to government motion 107.

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Smitherman.

The Chair: The motion carries.
Liberal motion 108:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Motion 109 is a duplicate of 108, so we'll go to Liberal motion 110.

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
NDP motion 111:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Shall section 22, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 22, as amended, carries.
Section 23: we have Liberal motion 112.

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
We have NDP motion 113.

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Shall section 23 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 23 carries.
Shall section 24 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 24 carries.
Shall section 25 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 25 carries.
We go to section 26, government motion 114.

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: The motion carries.
Government motion 115:

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: The motion carries.
Liberal motion 116:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
NDP motion 117:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Government motion 118:

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: The motion carries.
Shall section 26, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 26, as amended, carries.

Under section 27, Liberal motion 119:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
NDP motion 120:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Shall section 27 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 27 carries.
Under section 28, Liberal motion 121:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
NDP motion 122:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Shall section 28 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 28 carries.

Under section 29, government motion 123 is out of order as the motion opens up a section of the Municipal Elections Act. I would need unanimous consent to put this motion on the table. Do I have unanimous consent? Agreed.

Under section 29, government motion 123:

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: The motion carries.
Liberal motion 124:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
NDP motion 125:

Ayes

Martin, Smitherman.

Nays

Hardeman, Klees, O'Toole, Spina.

The Chair: The motion is lost.
Shall section 29, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 29, as amended, carries.
Shall section 30 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 30 carries.
Shall section 31 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 31 carries.
Shall section 32 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 32 carries.
Shall section 33, the short title of the bill, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Section 33 carries.
Shall schedule 1 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Schedule 1 carries.
Shall schedule 2 carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Schedule 2 carries.

I'm told that they're all one schedule, so we don't have to go to 3, 4 and 5. One vote will do it.

Under the preamble, there's government motion 126.

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: The motion carries.

Shall the preamble, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Shall the long title carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: The long title carries.

Shall Bill 125, as amended, carry?

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: Bill 125, as amended, carries.

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

Ayes

Hardeman, Klees, O'Toole, Spina.

Nays

Martin, Smitherman.

The Chair: That motion carries.

I now declare this committee adjourned.

The committee adjourned at 1644.

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