



No. 81B

N° 81B

ISSN 1180-2987

Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 13 December 2001

Jeudi 13 décembre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

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

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

Index inquiries

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

Copies of Hansard

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

Le Journal des débats sur Internet

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

Renseignements sur l'index

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

Exemplaires du Journal

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



LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 13 December 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 13 décembre 2001

Report continued from volume A.

1830

OAK RIDGES MORaine
CONSERVATION ACT, 2001

LOI DE 2001 SUR LA CONSERVATION
DE LA MORaine D'OAK RIDGES

Mr Hodgson moved third reading of the following bill:
Bill 122, An Act to conserve the Oak Ridges Moraine
by providing for the Oak Ridges Moraine Conservation
Plan / Projet de loi 122, Loi visant à conserver la moraine
d'Oak Ridges en prévoyant l'établissement du Plan de
conservation de la moraine d'Oak Ridges.

The Deputy Speaker (Mr David Christopherson):
Mr Hodgson has moved third reading of Bill 122.
Pursuant to the order of the House of December 3, we
now have a 60-minute debate with the time split equally
among the parties. To lead it off I go to the minister.

**Hon Chris Hodgson (Minister of Municipal Affairs
and Housing):** Today this Legislature has the opportu-
nity to pass legislation to protect the Oak Ridges Moraine
and create a lasting legacy for our children and future
generations.

The Oak Ridges Moraine Conservation Act, 2001, if
passed, would allow the establishment of an ecologically
based land use plan that would provide for future
protection of 100% of the significant natural and water
features on the Oak Ridges moraine. The plan would
preserve agricultural land and it would limit almost all
development to approve settlement areas.

This beautiful section of Ontario that stretches 160
kilometres from the east around Cobourg right across to
the Niagara Escarpment in Caledon is an area in this
province that has been argued about—what should be
developed, what should be protected—for over 20 years.
Millions of dollars have been spent for lawyers before the
OMB. Governments of all parties have grappled with this
issue. I was pleased this spring to be given the honour on
behalf of the government by Premier Harris to see if we
could find a resolution to this issue.

Our caucus has been involved in this issue: the
leadership from Steve Gilchrist, Frank Klees and Janet
Ecker. Other members who have ridings along the
moraine have been concerned about this issue, as have
previous governments under the NDP, the Liberals and
even before that with Conservative governments. I had
the honour of leading a process to see if we could find a
consensus: a consensus on what should be protected for

future generations and a consensus on settlement areas
and where development should take place with certainty.

I am pleased to report that I had the opportunity to
work with some great people. I'm joined today in the
gallery by some of the people who helped out to make
this process come to the stage it's at today. John Riley of
the Nature Conservancy of Canada is here with us.
Joseph O'Neil from STORM—that's Save the Oak
Ridges Moraine—also joins us; thank you, Joseph. We're
also joined by John McCutcheon, a board member of
Ontario's Living Legacy Trust; thank you, John.

We put together a panel of people who have been
interested in the moraine and have interest, their associ-
ated membership. These people came to the table with a
willingness to find a solution—not a willingness to keep
on fighting; they wanted to find a solution which would
work. Today we're voting on a bill that will protect, as I
said, 100% of the natural features of this beautiful part of
Ontario. It will protect the woodlots, the ravines—the
things that we want to pass on.

We have a great province with a lot of land, but we
also have a lot of development pressure on our land base
in southern Ontario. This bill, if passed, will create some
of the largest urban conservation areas in the world. It'll
also form a trail that'll be accessible to our seniors and
disabled for the full length, 160 kilometres from east to
west. It will protect the core areas, and it will give cer-
tainty around the settlement areas, which only represent
8% of where people should settle in this area of the
province.

The true legacy of this bill, if it's passed by this
House, will really become apparent in the next 50 to 100
years, similar to Algonquin Park; when it was first set up
in 1895, local people would have wondered why a gov-
ernment would set aside this amount of land when it's no
different from the adjoining land base. Well, 106 years
later, we can see the wisdom of that foresight in pro-
tecting land for future generations.

It has been my honour to lead the Mike Harris gov-
ernment in a number of processes which have helped the
environment. The Living Legacy, where we brought
together different parties to create and complete our park
system, was a huge accomplishment. The managed forest
tax rebate that we brought back was an accomplishment
that has saved trees and made it possible to keep trees on
land that's privately owned. The Nature Conservancy of
Canada partnership, which we implemented back in
1996, has been a benefit to this province in protecting the
environment. The dedicated revenue from our park

system to allow our parks to grow has been because of Mike Harris's belief in parks and conservation; the Rouge Valley additions to conservation lands and the protection of the Lynde Marsh.

But Tory governments have always protected the environment. The Niagara Escarpment Commission was established by the Conservative government of the time. It's something that we feel very strongly about as a caucus. Under the leadership of Premier Harris, we've done a lot to make sure that we leave Ontario a little better than we found it and we preserve the things that should be preserved for future generations.

This accomplishment, though, was brought about by a willingness not just in a partisan sense of the government members—we had caucus and cabinet fully committed to this process—but it was brought about because of the willingness in particular of all the parties that have an interest in the moraine, from the agricultural community, the aggregate industry, the developers, to particularly the environmental groups.

I'd like to thank Debbe Crandall from STORM. When I first phoned her and asked her if she'd be part of a process to find a solution, she was hesitant. I told her I understood the reason to be hesitant. It's much easier to raise money protesting government actions in door-to-door campaigns than it is to say to people, "Look, it's time to find a solution to make sure that we do something that's the right thing to do for future generations."

These people left their self-interest, their ability to raise money protesting government actions, and decided, "Let's work together to find a solution." I can tell you, it takes a lot of courage to do that. I want to thank all the members of the advisory panel for putting their personal reputations on the line and leaving the turf at the door to do something that was in the interests of all Ontarians. I will be forever grateful for that.

It has been a long process since the spring, when we announced a six-month moratorium to see if we could find a consensus, and there have been some improvements to the plan because of all the public input. We built upon the public input that had been given at the OMB hearings. We might as well make some use of those millions of dollars that were spent on lawyers making presentations. So we learned from that.

We also learned from the process that the regional governments and the nine conservation authorities had undertaken and the public discussions that they had held around the future of the moraine and what should be protected and what should be developed.

We also learned from the public meetings we had when we released our draft document in July of this year. We went out to the public and had a number of meetings. They were well attended, and we learned a lot. Again, through this process, when we introduced the first reading and second reading in that committee, we heard suggestions on how to improve the act. I want to thank everyone who spent the time to put their thoughts down in writing or make the oral presentations. They wanted to find a solution that would last, and we have listened. We

have made sure that 100% of the natural features and water features that should be protected will be protected.

We've listened to the fact that the 10-year review should have public input at that point in time as well. We got rid of, based on Mike Colle's suggestion here in the House, the ability of the minister to revoke the regulation. We've clarified that, and it's an improvement because all the members of this House have worked together to make this bill what it is today.

I would like to thank the Premier for entrusting me with this task and giving me the honour of leading it. It's one of the rewards of public office that you get to see the results of work. Oftentimes in politics, your day-to-day activities are sort of like dipping your hand in a bucket of water: you know that as soon as you lift your hand out of the water, it goes back the way it was. But on days like today, if this Legislature sees fit to pass this legislation, we will know that we have created something that will stand the test of time and that future generations will appreciate probably more than we appreciate it today.

1840

I'm not saying it's going to be easy—all the hurly-burly transactions that take place and the transition policies and all the updating and the conformity processes of the official plans. But if we keep focused on the goals that are outlined in this act that will be accomplished over time, with a foundation established to procure more land, public education, the trail network to be set up, the water management policies for the streams flowing on and off the moraine as well as those located on the moraine, the water protection qualities for the aquifer—it will take time to fully implement everything that's envisioned in this plan, but we are committed to making sure this happens, and happen it will.

Those are the days when you realize that public service can make a difference to the people of Ontario, so I am honoured to be able to work with my colleagues to make sure that happens in this process. I want to thank you for that.

David Tilson has lived the battles of the moraine, and he has been very supportive of making sure we did something here that would last and would stand the test of time and be an accomplishment. So I want to say thank you.

I also want to acknowledge Dorothy Izzard, who recently donated land to the Nature Conservancy. Dorothy has shown her commitment by founding STORM in 1990, and I want to say thank you to her as well. I think it's a testament to the support that we're having people come forward to say, "How can we get involved? How can we help out?"

A foundation will be established. I've already met with the interim board as they set up the legal framework for this foundation to do its work. When the actual board steps forward, we hope that all governments—municipal, federal and provincial—will contribute funds and resources to make sure that we can fulfill what is laid out in this legislation and that it will be accomplished through the plan in a quicker timeline than would otherwise be

possible. If everyone works together, we can do this in a quicker time frame.

Environmental groups are challenged to raise money, not to protest but to fulfill the plan, to make sure the dollars flow in for procurement of sensitive lands in this moraine from a willing buyer, respecting property rights. This is something that I think all members of this Legislature can be proud of: that we have a commitment to work together to build on this legislation, to make sure we have a legacy where future generations will say, "Yes, they got it right here."

I think it was John Barber from the Globe and Mail who talked about some of the motivation behind Premier Harris's commitment to conservation and protecting lands. It has to do with the fact that when you come from rural Ontario, you take it for granted. In Haliburton, we take for granted the natural resources, but you're already seeing pressure in the GTA, and we wanted to bring a little bit of Haliburton and North Bay to the GTA. I think this bill accomplishes that, and we want to make sure it's there for future generation.

I encourage everyone in this House to be supportive of this bill, and I want to encourage you to work in the future to make sure the timelines envisioned for the trail, for the procurement of land, the public education, the water protection, and the studies that are needed to make sure we get it right to keep Lake Simcoe as a cold-water lake are done in a quicker time frame than any of us can envision here today. It will happen if we have co-operation like we had at the panel all summer and all fall, and in this House. So thank you very much.

The Deputy Speaker: Further debate?

Mr James J. Bradley (St Catharines): Thank you for the opportunity to participate in this debate this evening on a bill which will at long last have the effect of protecting some of the Oak Ridges moraine.

I want to begin by going into the history of the Oak Ridges moraine, as this bill, I guess you might say, developed from that history.

I want to take the opportunity first of all to pay tribute to my colleague Mike Colle, MPP for Eglinton-Lawrence, because he took upon himself the role and responsibility for being the official spokesperson for the official opposition on the Oak Ridges moraine. I have the position of environment critic, and I have a good deal of interest in the Oak Ridges moraine, the Niagara Escarpment Commission and a variety of other environment issues. But Mike Colle, the member for Eglinton-Lawrence, was the individual who took this on as a personal crusade, and I was pleased to not step aside but rather work hand in hand with Mr Colle to ensure that this issue was raised to the forefront.

You can remember that when he started his campaign on behalf of saving the Oak Ridges moraine from unnecessary and unwise development, there was a lot of laughter, there was a lot of derision. There were a lot of people who said that it would never work, that no matter how much he worked on this issue, no matter how many public meetings he held, no matter how many people he

met with, how many television or radio or newspaper interviews he did, somehow it would not move the government. That did not discourage him, and he continued to work to save the Oak Ridges moraine.

I hope that nobody forgets that, because in the euphoria of a bill passing and the reception that the government holds and the propaganda that will go out with this—because inevitably there will be a propaganda piece at the expense of the taxpayers—they will extol the virtues of the government's role in this, and while the minister has been kind enough to mention the member for Eglinton-Lawrence, I hope that the people who were fighting for this in the first place remember what the attitude of the government was to begin with and what the crusade of the member for Eglinton-Lawrence ultimately produced.

I recall some of the questions that he directed to the government, and there was a dismissive answer in many cases, a hands-off attitude or an attitude which was in favour of development in this area. In 1999, which is now two years ago, the government used its majority to defeat the member for Eglinton-Lawrence's bill, Bill 12, An Act to protect and preserve the Oak Ridges Moraine, so you could see where this issue was on the radar at that point in time.

In August 1999, the former environment minister, the Honourable Tony Clement, wrote to the chair of the Durham regional council supporting a massive new sprawl of development that would double the size of Uxbridge. The letter sparked significant controversy and allegations that the minister was interfering with the issue before the Ontario Municipal Board. I remember that debate in the House.

Then the government sold off environmentally sensitive government lands on the moraine to developers. They sold these lands without a required environmental assessment and have refused to provide an environmental impact analysis of these sales to Ontario's Environmental Commissioner. The government even fought on behalf of developers at OMB hearings supporting development on these lands. They changed Ontario's Planning Act so that new developments no longer have to conform to strict provincial rules protecting farmland, wetlands and shorelines. New developments now only have to have regard to provincial policies instead of being consistent with provincial policies.

They virtually eliminated any provincial role in land use planning decisions and offloaded almost all responsibility to municipalities. They removed provincial approval requirements for changes to municipal official plans, for instance, changing farmland to urban development lands.

So there was quite a difficult circumstance facing us when Mike Colle took on this crusade on behalf of the Oak Ridges moraine. We are happy that ultimately we have a bill before the House which will go a significant way to protecting the moraine.

We have some concerns about the land swap that is taking place, that indeed is removing some other valuable

farmland in this case from farming purposes and placing it in the hands of development, and the people who reside in that area have some concerns. We're very cautious on this, because these are deals that will be done behind closed doors. I happen to believe that simply because a developer buys a piece of land that isn't zoned for development, and speculates that it will be zoned for development, no government has any obligation to provide compensation to that developer. If it is designated for development purposes, they have a case to be made, but not when it is not designated. It simply rewards speculation if you do that. I think we have an OMB which is very, very pro-development. I am concerned at the appointments I have seen to the OMB and about the actions of the OMB in dealing with issues of this kind.

1850

I happen to believe personally, and others may have a different view, even on this side, that it would have been advantageous to have an Oak Ridges moraine commission, just as we have a Niagara Escarpment Commission, to protect it for some period of time, that is, forever, because the Oak Ridges moraine is absolutely essential, in its natural state, to the well-being of the people of this province. The headwaters of so many rivers and streams are located in that area. I am sad that already considerable development has been allowed to take place on this particular piece of land.

I want to indicate that it has been a long process. The government, in its wildest dreams, had no intention of doing this. Make no mistake about that. Second, to this day, there are many sitting on the government benches who don't want to do this. There was a by-election in Vaughan-King-Aurora where the Liberal candidate won two to one, and I think that sent a considerable message to this government on this particular issue. Then, when the government dropped below 10% in Beaches-East York, and having lost substantially in the Burlington-Dundas-Ancaster-Flamborough area, I think the government saw that it was on the run, and it was taking a battering over the Walkerton tragedy that took place.

So as I pass on to the third party a chance to speak, I want to commend my colleague for all the work he did in the interests of the Oak Ridges moraine and its protection.

Mr Michael Prue (Beaches-East York): I rise first and foremost to congratulate Marilyn Churley for all the hard work she has done in this entire process. Long before there were other people talking about the Oak Ridges moraine, she was there. She was there in the previous government, talking about the Oak Ridges moraine. She was there with bills, trying to do the right thing a long time ago.

Ms Marilyn Churley (Toronto-Danforth): And the green planning act.

Mr Prue: And the green planning act, which was scrapped, but which has now been resurrected, in part.

I think the bill, with its many problems, is still a good bill. In spite of the many problems, which I'm sure will be fixed over the years, we can all, together as a Legisla-

ture, move to protect the Oak Ridges moraine. Many, many municipalities were on board; I think all of the municipalities of the GTA. Even the city of Toronto was there, seeking intervener status, spending a lot of money on lawyers, spending a lot of money on consultants and people to go because they understood, and understood very well, that this is the source of the drinking water, this is the source of all the water that flows into Lake Ontario, and the huge effect that it has on the people of this city, even though the city lies largely and almost totally south of the moraine, that it is an area of environmental significance that needs to be protected.

I also rise to commend the people of the 905 area. They stood together united in what they wanted. They live in a place where you often see sprawl. Those of us who live south of the 401 often think they accept sprawl, and sprawl seems to occur there. It occurred, of course, to us a generation before, but that's where we see it now. We see the farmland being eaten up, and we see the big homes with the two-car garages. We think that is what many of them accept, but in reality, that is not what they accept. They have a vision too. They have a vision of what the moraine, what their community, can one day be. It is a vision which they were willing to fight for. They came out by the hundreds, by the thousands, to meetings. They came out and said what they wanted to do. They came out to protect the moraine. They came out to protect their neighbourhoods.

I am glad that people from all sides of the Legislature finally listened. One day—and I echo in part what the minister said—people will look back and say that this was a seminal point in the development of our province and of our city. It will be every bit as important as the stopping of the Spadina Expressway and what that did to downtown Toronto. It will be every bit as important as some of the other great landmarks in our time in history.

For those people in the 905 who played a role in it, for those residents of the city of Toronto who were willing to go that far and the former city of Toronto council who were willing to expend the money and saw this as a key issue, I say congratulations to all of them too. Thank you very much.

Mr Mike Colle (Eglinton-Lawrence): I just want to make some closing comments here.

I certainly think that this minister's tone, and I guess his actions in bringing forth Bill 122, have been a dramatic departure from what I faced in this House for the last six years. Minister Hodgson did come forward with a process that I sometimes disagreed with and a bill that I thought needed some strengthening and some improvement and needed some public hearings, but I commend him for having the courage to bring forward the legislation to that extent. That's noted by myself and a lot of people who have cared deeply about this issue when protecting the Oak Ridges moraine was not very politically correct.

As my colleague from St Catharines mentioned, the ministers on the other side would routinely laugh at us for even asking a question about the moraine, would

routinely tell us that the moraine was going to be protected by the local councils; that local councils had the tools, they had to do it; that there was no need for provincial intervention, that the province had no business there. They said they remember getting letters from members on the other side saying, "The 1994 guidelines were great, and they can take care of things. The conservation authorities are able to control this."

Anyway, we've come a long way since we first began to talk about the protecting of this valuable bioregion just north of Toronto. I think I heard the former mayor of East York talk about the 905 area. One of the things I've learned in this issue is that really there is no divide between the 905 and the 416 when it comes to protecting this bioregion, because the very essence of this moraine connects us all, whether we like it or not. Whether it's water, whether it's wildlife, whether it's how we plan our cities in the greater Toronto area, what happens to the moraine will impact on the health and vitality—environmentally, economically, socially—of all of us throughout the greater Toronto area. So that divide, I think, is long gone now.

I certainly want to again commend some of the unsung heroes in this battle. These are people who don't lead big organizations; they don't have paid staff. These were the brave men and women whom you found in places like Goodwood, Snowball and King City, who took on—I think of that brave councillor in Richmond Hill, Brenda Hogg, who essentially took on the mayor and the council and all the developers and stood up to them, time and time again, by herself.

I think of Jane Underhill, who again took on a whole council and all the vested interests in King City and kept on standing up for the moraine. I think of David Tomlinson. I can remember him appearing before one of those atrocious OMB hearings in Aurora when he was trying to save the east Aurora wetlands, when the developer had 12 lawyers and consultants there, the city of Aurora had three or four lawyers, and poor David—I shouldn't say "poor David"—heroic David, who was a naturalist, was trying to explain to this battery of high-paid lawyers and consultants that this wetland in east Aurora was worth saving.

1900

Those are, as I said, some of the unsung heroes that you'll never see in the newspaper articles, you'll never see on television. But they are the ones who have been, you might say, fighting the good fight for what they felt was best for the moraine. I'm talking about Phyllis Morris in Aurora; Ben Kestien, a 78-year-old senior who has been trying to save the Mackenzie wetland for over 15 years, a man who's not even healthy, yet he was out all the time at council meetings and OMB hearings trying to say, "It's nonsense what is happening up in Aurora," for instance; people like Richard Brooks; Josh Matlow; Nancy Hopkinson from Nobleton, who founded an organization called Nobleton Alert. These are the real unsung heroes who someday will be recognized.

I do want to give credit also to—the minister mentioned John Barber. I think John Barber certainly has the integrity and the intelligence to make us all stop and think, and he did on this issue. I also want to thank my long-time friend David Lewis Stein, who in many ways was a pioneer in putting the issue of the moraine before all of us. He wrote column after column and encouraged his own newspaper to put forward—David is now in peaceful retirement up in Arnprior, but I'm sure he is happy that something is finally being done. I also want to thank Mike Adler from the Richmond Hill Liberal, who time and time again came out to all the meetings, when sometimes there were two or three people, or walking through the swamps behind the Glassco wetlands.

These are some of the people who should get some recognition. You can go on, and I'm going to miss so many—Mary Kay Maynard, Teresa Johnson, out in Goodwood, Uxbridge—some very courageous people who have really helped a great deal.

I certainly think the Federation of Ontario Naturalists has put forth a lot of good work and a lot of education. There's an organization that deserves a great deal of support and credit for all the work they do, not only in the moraine.

Another most impressive group of people that—it's sad; we had the public hearings, but all the information they put forward. We had just three hours one evening. Sadly, the government didn't take into account their amendments. But of all the groups that put forward recommendations on how to strengthen the bill—and I hope some future government or this government reads their submission, and that's the Conservation Authorities Moraine Coalition, made up of the Credit Valley-Nottawasaga-Toronto region, Lake Simcoe, Central Lake Ontario, Kawartha, Ganaraska, Otonabee and the Lower Trent. They put forward some excellent recommendations that would really strengthen this bill. I hope someday they are given some kind of notice on this. I want to congratulate David Burnett, who's a senior planner with them, who put forward what I thought was one of the most comprehensive pieces of submission I've ever seen before a committee. Sadly, the government didn't see fit to listen to any of it, but that's another story.

As I said, this bill is an important initiative by this government that we all know had to happen. It's before us. We know that there are problems with it. I've talked about the problems and tried to plug them, but I guess the government decided it's time to move on.

But I certainly look upon this bill as really a work in progress. I challenge people not to think that it's done. We must continue to be very vigilant in terms of what's happening on the moraine, because there are a lot of transitional matters. The whole issue of the up-zoning of some lands was of great concern, especially the Gormley lands, north of Stouffville Road, going up to Bethesda Sideroad. All of a sudden the maps changed. I really hope that type of thing is stopped. I hope that someday the actual terms of reference, in terms of how these land swamps are made, are made public. They shouldn't be

secret, because these are public lands, and I continue to challenge the government to do that.

I also hope that one day they will make the Oak Ridges moraine preservation act permanent, because despite the removal of the clause to revoke, the minister can still revoke the plan, and that is very worrisome. We thought the wording should have been, "The minister shall not revoke the plan." That would have given us a bit more security on whether or not the plan is permanent.

We're very concerned about the allowing of aggregate extraction right in the natural core areas. We think that should be prohibited. The aggregate industry has a lot of areas where they're extracting, but they shouldn't be doing it in natural core linkage areas. That's very concerning.

The other thing that we've said from day one is that ultimately what will be required to make this permanent is an Oak Ridges moraine protective commission that becomes a watchdog of the plan, the legislation, and ensures that, whether it be the provincial government departments or local municipalities, and there are 32 or so of them involved, they adhere to not only the letter of the law but the spirit of the law. This commission would be made up of people overseen or their appointments approved by peer group environmental organizations. These would be people with good standing in terms of planning and environmental protection. Maybe not at this time, and I know the government doesn't like the idea of a protective commission, but I think the example of the Niagara Escarpment Commission has been a good one. I'm not too happy with some of the appointments they've made to the Niagara Escarpment Commission—some of the latest appointments are laughable—but anyway, this is a bill that is long overdue. We support it, but we will continue to work to make it better, along with everybody who's interested in it.

Mr Speaker, I move adjournment of the House.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All in favour of the motion, please indicate by saying "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

That's it. The motion is lost.

The member may continue. He's finished? Very well, further debate?

Ms Churley: There are many people to be, once again, thanked and congratulated for all of the very hard work that they undertook, mostly on their own time, for free. I'm talking about all the environmental groups, conservation groups and, most importantly, the citizens from the 905 region and from the Toronto region, but particularly the citizens in the 905 region, who just wouldn't take no for an answer. I think it was their activity and their refusal to take no for an answer that spurred on the politicians, frankly from all three parties, in getting an Oak Ridges moraine act passed. It goes to show that sometimes the squeaky wheel, when it squeaks loud enough, really does work, especially if there's a leader-

ship convention coming up—that helps as well—and especially when, in this case, the land we're talking about happens to be in an area that has a lot of Conservative members.

The members finally did get the point and brought forward this bill. But the minister has to admit they came in kicking and screaming. It took a long time and it took a lot of effort. Come on, Minister, you would agree with me that there was a lot of kicking and screaming going on over there, saying, "No, we're not going to do it."

This party, the New Democratic Party, brought forward two bills—not just one, but two—to protect the moraine. Ms Shelley Martel, to the extent that we can in this House—technically, we can't—co-sponsored a bill with me. That one passed through the House and then died on the order paper. Then I put forward another bill, a comprehensive bill, which was debated in the House and actually got sent to committee. It was never called for committee but it got sent. Each time we raised the questions in the House and put forward our bills, more and more interest was being developed and more and more pressure was heaped upon the government. You could just seem them folding, day after day. We just thought that if we could keep this pressure up, which we did, along with the citizens and frankly some of the news media too, who were on this day after day after day—I suppose you could say it was a partnership, which sometimes happens in this House and with the citizens out there and the media. If you've got a really good case to put forward and you keep at it and you keep pushing, you can actually win.

1910

This was a very important victory. This was an important victory for the citizens who live in the 905 area and an important victory for those of us live in Toronto, and indeed a big victory for the environment. Our bill, the bill that we put forward—and this is what I want to say to the minister; I'm glad he's sitting here—involved more than protection of the Oak Ridges moraine. It did call for a freeze on development and all kinds of other things to put in place after we did when we were in government; as you know, Minister, we did a study and plan which, after we lost the government and you came into government, just sat there. But we did do a lot of work on the Oak Ridges moraine, and we brought in a green planning act. That green planning act was revoked as soon as this Conservative government came into power. That green planning act was put in place not only to protect the Oak Ridges moraine but to try to protect all the environmentally sensitive land across the province.

We went out there and we tried to find a balance—that's a word the Tories like to use a lot, finding the balance. We tried to find that balance. Some people thought it tipped too far in terms of protecting the environment. In my view, it didn't go far enough. But overall, there was support—perhaps grudging in some areas—for that bill. It was a very important bill in terms of being able to continue to develop and grow in a real smart way, not the

dumb way this government is going at it, through creating highways and things.

To this day, one has to wonder why that green planning act was revoked. One can only suggest that it was done so that the government could support their developer friends in continuing with the urban sprawl we're seeing across this province, which is a real problem, not just for the environment, but we're losing all kinds of valuable farmland.

Now that we're going to pass this bill today—and I think this bill is one of the rare ones you're going to have all-party support on—I would like to see the next step, Minister. You have shown some leadership in this area and it's appreciated—and don't you dare quote that in your literature.

Hon Mr Hodgson: It's in the Hansard.

Ms Churley: That's true. It's in Hansard. But I'm a person who gives credit when credit is due and, believe me, it doesn't happen very often in this Legislature. But in this case, I have said that before and I'll say it again.

But you need to take into account many of the suggestions and amendments that were proposed by people who in fact were on your advisory committee. Thank God they were there, because I think a lot of concessions—in some cases compromises—were made that were very important. Many of them came forward for the three hours—three hours, Minister—that were given for so-called public hearings, because we insisted on them, as you know, and the organizations, environmental groups and citizens insisted on those hearings. It was three hours the night before we were going to review, so I thought, the amendments; this was all time-allocated, as you'll recall.

All these people came in with absolutely incredible presentations. I have many of them with me here, and I was just blown away by the amount of work these people had put into not just getting to the point where we have this bill before us but in analyzing the bill and coming forward and saying: "These are the things we like; this is what's good about the plan. These are the problems, and we need you to fix these problems."

What happened, however, was that—and get this—the NDP had our amendments in the night of the hearings, but the deadline for amendments wasn't until 8 o'clock the next morning, the very morning we were to have clause-by-clause deliberation of the bill. So we got the Tory amendments at 8 o'clock the next morning, and some of those amendments, you have to admit, were quite technical. As we were poring through them before going in for clause-by-clause, I was thinking, "I don't know what this means. I'm going to have to ask, because I'm going to be asked to vote on something that may be improving the bill but I don't know what it means." So I went into—

The Deputy Speaker: Please. It's getting just a little loud again. There are a number of conversations. If we could just keep it down, it would be much appreciated.

Member, please continue.

Ms Churley: I went into clause-by-clause the next morning with my amendments and with the Liberal and Tory amendments, which I had just gotten, and I had some very specific questions to ask about some of those technical amendments. I know that the bill was time-allocated, and we were angry about that—and if you read Hansard, Minister, I was not complimentary in those comments. I knew we couldn't debate the amendments in the committee hearings, but I was under the impression that we could at least read our amendments into the record, which is the norm around here, and be able to ask at least technical questions. To my astonishment—and I don't think you'd support this, would you, Minister, because this is what happened and it was wrong—the Chair of the committee, because of the time allocation motion, told me, "No, you can't do that," when I started to read my amendment into the record.

I wasn't happy about that. Then I found out that I wasn't able to ask technical questions about some of these amendments that I was to be asked to vote on. Then we found out that the amendments weren't even going to be read out. The Chair of the committee, Mr Gilchrist, simply read out, "Shall section 2 of the bill pass? Yea or nay?" That was it. He was just going to go through all the amendments in that vein. In protest, I walked out of clause-by-clause, because there was no point in my being there. How could I vote on amendments when I didn't even understand the implications of some of them? That is a real slap in the face to democracy, which we're seeing far too much of around here. I think both opposition parties showed their good faith in getting this bill passed when the minister first introduced it and we allowed it to go through right away. So I walked out of the committee clause-by-clause, and now the bill is before us.

Later on that day, Mr Fred Gloger, a researcher who works very hard, as do all our researchers and all our staff, may I say, in our caucus—some of them are here tonight working late, and do an incredible job for us, getting us prepared for all these bills that come before us in this House and that often go through so rapidly that there's barely time to analyze them. I want to thank and congratulate our staff for all the hard work they've done on behalf of the NDP caucus.

Fred Gloger worked away analyzing these amendments, and we found there are still some real problems. Despite the amendments that the government brought forward, most of which were technical, there are some real problems with the bill. I'm hoping very much, even though the amendments were not accepted—because this bill is really a shell of a bill, a lot of the work is going to be done through regulation—that some of those suggestions and recommendations and amendments put forward by our caucus and by many of the groups that came before us can still be considered during the regulation-setting period. Because it is a shell of a bill, I'm hoping that opportunity will be there.

I want to talk a little bit about some of those concerns. There are, as I understand, about 360 development appli-

cations that are still being considered. That's 360, and there was no amendment to fix this. As you know, Speaker, one of the New Democratic Party's amendments was to fix these loopholes that allowed exemptions to applications made before last month. They're being exempted from the plan. We're really very, very concerned, and have expressed on many occasions, that this will lead the government to give away massive amounts of public property to developers in compensation, and likely this is going to be done in secret and likely for far more than the property the developers are giving up is worth under the current zoning. Now, we say, as New Democrats, that we believe that some of the developers should be compensated. That's fair.

1920

Interjections.

The Deputy Speaker: Please, members, I'm asking you to be co-operative. Please stop the clock. Thank you. There are too many members standing, and too many discussions going on, including the gallery. Please, this is an important matter. I would ask you to pay attention to the speaker.

Sorry for the interruption.

Ms Churley: That's OK, Mr Speaker. I understand that people are getting a little bit tired, but we're going to be here for many more hours. Also, I'm sure that all members in the House will want to hear what I'm saying, because these are important loopholes in the bill. I believe that's why the government rushed through public hearings and didn't give us any time to really examine the amendments, and didn't give us an opportunity to put forward our amendments and have a real discussion about them so that we might have been able to improve the bill that's before us today.

So I was saying that we have real concerns about developers getting compensated; in some cases, sweetheart deals made behind closed doors with the government. That shouldn't happen. Those who should be compensated—that should happen in a fair, above-board, transparent way. Under the existing bill, the way it's worded now, that is not going to happen.

Another problem that we pointed out was land that was supposed to be designated as countryside suddenly, somehow, became zoned as residential. I don't know how that happened, but it did happen.

Mr Steve Gilchrist (Scarborough East): That's not true.

Ms Churley: Yes, it is.

There are issues around gravel pit operations still going to be allowed in wildlife corridors. These kinds of things are issues that still need to be dealt with. I'm really concerned that they're not going to be dealt with. Down the road, we've got this—speaking of roads, by the way, that just reminded me there's still going to be highway development through the area. As I've said in this House before, the idea of extending a highway and building a new highway through the Oak Ridges moraine area, especially given that the plan still can be reopened in 10 years—there can be real pressure, because you build

roads and development comes. That's the iron law of building roads. The development just comes after. There is an incredible amount of pressure, no matter who's in government, to allow that development to take place.

An amendment that the government made that I wanted to ask questions about, but didn't have the opportunity, is that the government said that it got rid of a very, very critical section of the bill that we were concerned about, and that is the ability of the government to revoke the plan any time they want to. They say their amendment takes that out but, in fact, when you look more closely at the various amendments that pertain to this particular very troubling clause, the fact that a government could at any time revoke the plan—remember that this law can still be revoked by regulation. What their amendment does is allow more of a process before it happens. The NDP put forward a motion that made it very clear that the plan could be amended and changes could be made to improve the bill to protect the Oak Ridges moraine.

So I now want to move adjournment of the debate.

The Deputy Speaker: Ms Churley has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour will please indicate by saying "aye."

Those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1924 to 1954.

The Deputy Speaker: All those in favour of the motion will please rise and remain standing until counted by the Clerk.

All those opposed to the motion will please rise and remain standing until counted by the Clerk.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 36; the nays are 47.

The Deputy Speaker: I declare the motion lost.

Pursuant to the order of the House of December 3, I am now required to put the question.

Mr Hodgson has moved third reading of Bill 122. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1957 to 2002.

The Deputy Speaker: Those in favour of the motion will please rise and be recognized by the Clerk.

Ayes

Agostino, Dominic	Gilchrist, Steve	Miller, Norm
Arnott, Ted	Gill, Raminder	Molinari, Tina R.
Baird, John R.	Gravelle, Michael	Munro, Julia
Barrett, Toby	Guzzo, Garry J.	Murdoch, Bill
Bartolucci, Rick	Hampton, Howard	Mushinski, Marilyn
Beaubien, Marcel	Hardeman, Ernie	Newman, Dan
Bisson, Gilles	Hodgson, Chris	O'Toole, John
Bountroggianni, Marie	Hoy, Pat	Parsons, Ernie
Boyer, Claudette	Hudak, Tim	Peters, Steve

Bradley, James J.	Jackson, Cameron	Phillips, Gerry
Bryant, Michael	Johns, Helen	Prue, Michael
Caplan, David	Johnson, Bert	Pupatello, Sandra
Chudleigh, Ted	Kells, Morley	Runciman, Robert W.
Churley, Marilyn	Klees, Frank	Ruprecht, Tony
Clark, Brad	Kormos, Peter	Sampson, Rob
Coburn, Brian	Kwinter, Monte	Sergio, Mario
Colle, Mike	Lalonde, Jean-Mar	Smitherman, George
Cordiano, Joseph	Levac, David	Sterling, Norman W.
Crozier, Bruce	Marchese, Rosario	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Tascona, Joseph N.
DeFaria, Carl	Martel, Shelley	Tilson, David
Di Cocco, Caroline	Martin, Tony	Tsubouchi, David H.
Dombrowsky, Leona	Martiniuk, Gerry	Turnbull, David
Duncan, Dwight	Maves, Bart	Wettlaufer, Wayne
Dunlop, Garfield	Mazzilli, Frank	Wilson, Jim
Ecker, Janet	McGuinty, Dalton	Wood, Bob
Elliott, Brenda	McLeod, Lyn	Young, David
Galt, Doug	McMeekin, Ted	

Clerk of the House: The ayes are 83; the nays are 0.

The Deputy Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Applause.

The Deputy Speaker: All right, lots of congratulations to go around.

I recognize the House leader for the official opposition on a point of order.

Mr Dwight Duncan (Windsor-St Clair): I seek unanimous consent to introduce a motion that would call government order G81, resuming the debate adjourned on December 11, 2001, on the motion for second reading of Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to farm animals and lands to which nutrients are applied, and to make related amendments to other Acts.

The Deputy Speaker: Is there unanimous consent? I think I heard a no.

ONTARIANS WITH DISABILITIES ACT, 2001

LOI DE 2001 SUR LES PERSONNES HANDICAPÉES DE L'ONTARIO

Mr Jackson moved third reading of the following bill:

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

The Deputy Speaker (Mr David Christopherson): Pursuant to the order of the House of November 21, we now have a 60-minute debate, with the time split equally among the parties. To lead off, the minister has the floor.

2010

Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors): It's an honour for me this evening to participate in this historic debate on not only Ontario's but Canada's first comprehensive dis-

abilities legislation. It has been my privilege, as Minister of Citizenship, to work with this caucus and with this government to fulfill a promise that we made to the people of Ontario, in particular, to Ontario's 1.6 million persons with disabilities, that Ontario would again continue to be a leader in providing services, support and understanding to fill the needs and meet the daily challenges faced by persons with disabilities.

Ontario has been recognized as a leader. It was a Conservative government that brought the Human Rights Commission to this continent. It brought in the first Human Rights Commission and human rights legislation on this continent. It has made significant additional amendments to legislation over the course of the last few years. So I am pleased to be part of a Conservative government that today stands before the people of Ontario to present the Ontarians with Disabilities Act.

It has been a very interesting 10 months and two days for me as Minister of Citizenship as I have benefited from the advice of my caucus colleagues who have pointed me to every corner of this province to meet with persons with disabilities, to consult with them, to listen to their concerns, to learn, to try to understand just exactly how people with disabilities have difficulty navigating through daily life activities that we, who are fortunate enough not to be challenged, take for granted every day.

I would like at the outset to acknowledge the work that has been undertaken by my predecessor ministers, the Honourable Marilyn Mushinski, the Honourable Isabel Bassett and the Honourable Helen Johns, who were ably supported by their parliamentary assistants, Derwyn Shea and the Honourable Brenda Elliott.

Applause.

Hon Mr Jackson: Yes, I think they should be acknowledged for their efforts.

We learned that governments all across Canada have lacked the courage to make this kind of commitment. In fact, there wasn't even this level of commitment made by all the political parties six years ago when they presented themselves to the people of Ontario to become the government. This is a rather unique step for Ontario, being the first province in Canada to undertake such a comprehensive first step in providing these services.

We also had an opportunity to acknowledge the incredibly wonderful work that has been going on in Ontario, a compliment to communities and organizations. Whether they were within government, within municipalities, whether they were service providers, whether they were the private sector, there were abundant examples of leading-edge, sensitive understanding of the needs of the disabled community. We've had many opportunities in the course of the last year to pay tribute to that work.

But now is the time when all Ontarians, regardless of where they live in Ontario, should be able to come to expect that that level of understanding, that those standards will be put in place for this province. Although there are many good things that have been going on to make Ontario more accessible, we have failed, as previous

governments, to do the work to put in place the standards and the guidelines which could be consistently approved as the law in this province. In the absence of this foundation on which to build an Ontarians with Disabilities Act, we've set about in this legislation to make the necessary changes to move Ontario toward being a more accessible province for all of its citizens.

There were several principles that guided us. There were the 13 principles that this House unanimously approved. That was extremely helpful. It was a basis on which we could all come to an agreement as to which elements we felt must be contained in an Ontarians with Disabilities Act. The government has responded, first and foremost, by saying that before we ask anyone in this province to comply with the mandatory guidelines, the first mandatory guidelines would fall upon the shoulders of the government of Ontario, each and every ministry, each and every agency of the government of Ontario; and secondly, that those who rely on the support of taxpayers in this province, their agencies and their organizations, whether they are hospitals, community colleges, universities, whether they are municipal institutions, they too must be compliant with these new higher standards of compliance that will be required in Ontario.

These organizations will all be required, for the first time in Canada, to develop and file annual accessibility plans, and those plans will be made public. Those plans will have input from the disability community, another feature which doesn't exist anywhere in North America. Those plans will be the basis on which we begin to do two things and two of the most important promises we can make to persons with disability, and that is, we as legislators can this evening say that in Ontario we will not create new barriers for persons with disabilities any longer in our province and that we will have a managed plan that has acceptance and buy-in from all stakeholders in this province, a plan that will manage how we remove existing barriers so that there will be a day in Ontario when all these barriers are removed.

The most significant reforms we can remember ever occurring in this province were when we asked the stakeholder communities themselves to become part of the legislation and drive the reforms. This was not done very often in any legislation that I can remember. I know it formed part of the impetus behind the Victims' Bill of Rights and the desire to develop an Office for Victims of Crime where we actually empower victims in this province to drive reforms and guide the government in legislation.

This is now the second opportunity whereby the disability community, by legislation, has the authority to serve and participate on access advisory committees municipally all across this province, in every corner of this province. We will now have an opportunity for the disability community to have input into the regulations before they are proclaimed and become law in this province, and they will have an opportunity to help the government draft those regulations, for the first time entrenched in legislation, through the Accessibility Ad-

visory Council of Ontario. We've had past councils, but their role was never defined, never entrenched in law. They were never given a meaningful mandate, and the ministers of the day could choose to meet with them once a year, which was the habit, as I understand it, or not.

This is going to be a very dynamic, powerful organization of disabled persons, the majority of whom will be disabled persons, on the Accessibility Advisory Council of Ontario. They will be driving the reforms and working on the regulations, supervising and examining the accessibility plans for all of the broad public sector in the first phase of this legislation and ultimately examining and developing the mandatory plans for the private sector in the future when we have those regulations ready.

Those are the commitments and the principles, two very unique approaches that we cannot find anywhere in North America.

I want to publicly thank the first group of individuals I had the privilege of meeting with as minister. I asked very simply, "Where is the very best work occurring in Ontario as it relates to understanding the needs of the disabled and doing something about it?" I was taken to the city of Windsor, and there I met with the Windsor Advisory Committee on Disability Issues. I met three very incredible people: Dean LaBute, Councillor Joyce Zuk and its chair, Carolyn Williamson. They showed me a community that had an understanding municipality, with Mayor Mike Hurst and members of council. This committee has been in operation for 20 years. They are so far ahead of any other community in our province, it was refreshing to see.

What we took from that was that when you allow the disability community to help direct the outcomes of how your community is planned and how you can have a plan to remove barriers, it will in fact work. From our experience in Windsor, we took that model, and I want to pay tribute to those individuals for the work they've done, to the March of Dimes and Easter Seals, who sat down with me as minister very early and advised me of all the exciting opportunities we had in this legislation to build a foundation on which to make the most progressive legislation in Canada. They have stayed with the process. They have said they want to participate and shape and mould this legislation, and they have seen the results of their work through the course of the last six years, but culminating in very intense work over the last few months to see a whole series of new amendments that were tabled. I think it's almost an unprecedented number of amendments, almost 30 amendments, to this legislation that came from the public hearings. I've read each of the briefs that were presented. I had the opportunity to read them, to receive the reports back from the members of the committee in our caucus, chaired by Marcel Beaubien, with John O'Toole, Ernie Hardeman, my parliamentary assistant Carl DeFaria, and Joe Spina; these people did a tremendous amount of work—

Interjection: Frank Klees.

2020

Hon Mr Jackson: And Frank Klees. Thank you. They did a tremendous amount of work, keeping me abreast and informed. They came forward with the recommendations we received from the disabilities community, and these are some of the amendments that have been added to this landmark legislation. For example, we brought in a series of penalties that now will apply to the legislation—a \$50,000 fine for non-compliance. That fine in the act covers ministries, hospitals, universities and municipalities. That's what the disability community wanted to have. We didn't get a lot of advice as to what the penalty should be, but we did put this into the legislation based on the recommendations of groups like the March of Dimes.

We further refined the definition of “barriers.” I want to publicly thank my colleague Norm Miller from Parry Sound-Muskoka who, representing a series of smaller communities in his riding, suggested that all of Ontario should be covered by the responsibility of completing accessibility plans but not necessarily having to put together an access committee. As you know, the threshold was for 10,000. Communities below 10,000 didn't have to publish a plan, nor did they have to have an access committee. Norm, consulting with the mayors and reeves in his riding, recommended that we should do this amendment. More disabled groups came forward and said that this bill should cover all Ontarians. We're pleased to report to the House that Bill 125 now covers all of Ontario.

We have entrenched in legislation the fact that these municipal advisory councils can review site plans, in accordance with the Planning Act, for approval so that no buildings of any significance are proceeding—that they can choose the ones for review to provide input before mistakes are made by not building them to the highest accessible standards that that community chooses should be in place.

There are more amendments, over 30 amendments. My colleague Dianne Cunningham has done tremendous work. I've worked with her for the last 15 years in her work with the Ontario Brain Injury Association, and we've included for the first time in Canada in the definition of “disabilities,” for example, brain-injured persons. Again, we thank her and the association for those amendments. And Tina Molinari, like Dianne Cunningham, knows first-hand the struggles families go through when they are raising a child with a disability, not only the emotional difficulty but the aspirations they have for their children as they grow up into adult life. I want to thank them in particular for their personal experience and their advice in helping to shape this legislation.

There are several very important people within my ministry. Our team was able to get a lot of work done in less than 10 months: first and foremost my executive assistant, Carolyn Chaplin, who has been tireless in her efforts to make sure this legislation was delivered on time in accordance with the principles we promised the people of Ontario; my deputy minister, Bill Allen; Katherine

Hewson; David Lillico; and one of the researchers, himself disabled, whom I asked if he would help work on this legislation; and I want to publicly thank David Haag for the work he did as a researcher.

We have heard from many organizations in Ontario who have expressed their support for Bill 125. In conclusion, I'd like to read into the record three of those comments from individuals who helped shape this legislation.

The Canadian Paraplegic Association shared their thoughts with the standing committee and said the following:

“The CPA is pleased to lend its support to this historic legislation. It is new legislation, untried by the people it affects and untested in practice or in the courts of law. Because it is so new and unprecedented, it would be unrealistic to expect it to be perfect or to address every single need and desire of every person or group of persons with disabilities.

“Suggestions for improvement, however, do not need to be and should not be construed as criticism of” this important “act.”

The Ontario March of Dimes said it “supports the Ontarians with Disabilities Act as a good first step in the removal and prevention of barriers to persons with disabilities in this province.

“The legislation succeeds by placing a disability lens over all aspects of public policy and implementation at the provincial and municipal levels. This lens can be brought into focus through the proposed Accessibility Advisory Council of Ontario and the local municipal accessibility advisory committees.

“The Ontario March of Dimes is committed to involved in all aspects of the passage and implementation of this legislation.”

Dave Shannon, a Thunder Bay lawyer himself disabled, in his presentation to the standing committee in Thunder Bay said, “The government of Ontario should be congratulated or being the first jurisdiction in Canada to attempt to further remove the barriers faced by persons with a disability through the new ODA bill.

“It is extremely difficult to legislate the removal of prejudicial attitudes, but legislation can create a context for a more socially inclusive environment. These attitudes can be reshaped through greater working relationships and the development of mutually beneficial strategic plans.

“I indicate my support for the legislation and belief that with the appropriate ministry commitment it will be an important tool in the eventual removal of barriers faced by Ontarians with a disability, and furthermore change attitudes for all Ontarians to decrease the all too pervasive prejudice against persons with disabilities.”

Finally, Barry McMahon, the chair of the access advisory committee of the city of Ottawa, said at the standing committee, “We are encouraged that there will be form, structure and content. We have never seen a coordinated effort to make all people with disabilities feel they are full participants in this great province. In

many ways, the process will provoke change. We see it being powerful because for once it directly involved the people it is supposed to assist.”

I want to thank our Premier, Mike Harris, for his commitment to the citizens of Ontario with disabilities and for bringing in this landmark legislation.

On a personal note, I would like to thank my late uncle Ted, who was deaf. Our family grew up understanding the difficulties he had feeling a part of the world we live in. I would like to dedicate this bill in his memory.

I particularly want to applaud the work of persons with disabilities, many of whom assisted me in this journey with this legislation. Their journey has been a very long one. Their courage has been extraordinary, their dedication unsurpassed and their tenacity unbeatable. It has been my privilege to be their voice in cabinet and my distinct honour to be their Minister of Citizenship.

The Deputy Speaker: Further debate?

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I'm sharing my time with the members from St Paul's, Prince Edward-Hastings and Thunder Bay-Superior North.

It's been a long and winding road that has led us to this place but, like so many other roads this government has asked us to sojourn, we've actually not travelled very far at all. In fact, when all is said and done, this government will once again see to it that there's far more said than there is done. The stakeholder groups tell us that this legislation is neither historic nor comprehensive. Based on the hearings I've attended and in conversations with disabled stakeholders, I can only conclude that there is a broad-based and very profound sense of disappointment with this legislation. The stakeholders wanted to believe that this minister and his government were serious about the legislation. Today, sadly, they are embarrassed by and for the minister opposite. They see the 11 broad-based principles unanimously agreed upon in this House largely ignored or abused. They see a bill that is silent in far too many areas and far too limited in its perspective. There was also concern that there are no real enforcement teeth within the legislation.

2030

Mr Ernie Hardeman (Oxford): It was amended, Ted.

Mr McMeekin: Not amended far enough.

Most importantly and critically, the stakeholder groups have expressed a broad consensus that the time taken to prepare this bill was largely wasted and that in order to get it right, the minister should both broaden the scope of the bill and present the regulations which will be part of this bill to this Legislature for debate. Given our journey, stakeholders are predictably skeptical and fearful that this government will do behind closed doors what they're too embarrassed to do out in the open.

On a personal note, I'm very disappointed. Not that many weeks ago, the minister and I attended a meeting together in Burlington at the Burlington Association for the Intellectually Handicapped. An advocacy group associated with the association described the crisis in hous-

ing. I was somewhat familiar with it, having had some personal and professional experience with another group that delivers housing for the disabled. It was pointed out that for the first time in history, intellectually handicapped children are outliving their parents. It was also noted that there are many on the waiting list for housing assistance, and their parents are absolutely frantic with worry.

The cost of providing housing and some of the municipal zoning restrictions were noted by the minister. I noted that I would stand on this side of the House with the minister, should he and his government display the courage to move to restrict municipalities from arbitrary zoning provisions that have the effect of excluding the housing of intellectually handicapped persons and any bold step to make housing for those in our community with an intellectual handicap a matter of entitlement. Sadly, nothing happened in either respect.

There you have it: a sincere 1995 promise by a departed Premier to enact a good piece of legislation, unanimous agreement in this House, a false start in 1998 and now a pathetic and poor shell of a bill. So much more was possible than this profound and very disappointing failure from a government that has clearly run out of gas and had the time to do so much better.

Mr Michael Gravelle (Thunder Bay-Superior North): I want to stand here and express disappointment in this legislation on behalf of the groups in Thunder Bay that appeared before the all-party committee last Thursday, December 6. The minister made reference to one gentleman in Thunder Bay who supported it, but unfortunately the minister wasn't there. If he had, he would have been listening to groups, such as PUSH Northwest, Persons United for Self-Help in Northwestern Ontario, the Handicapped Action Group Inc, Brain Injury Services of Northern Ontario and the Canadian Hearing Society, organizations that came to the hearings to express their deep disappointment in the bill and their belief that the bill could only have merit if significant amendments were put forward that would indeed make this bill a significant piece of legislation, amendments that would deal with mandatory enforcement, amendments that would deal with precise timelines, amendments that would provide at least an obligation on the private sector to remove barriers. These were amendments that they made clear needed to be passed. Our caucus critic, Mr Parsons, brought those amendments forward and they were turned down by the government. Regardless of what the minister says, there's a great disappointment.

The long and the short of it is, the public hearing process was nothing less than a sham, because the minister did not listen and the government members did not listen. The fact is, there is great disappointment that this legislation, which should be far more meaningful, simply is not.

Mr Tony Martin (Sault Ste Marie): I stand here tonight with my colleague from Prince Edward-Hastings and my colleagues from the NDP caucus very disappointed that we're here, at 8:30 on the last night of these sittings before Christmas, not knowing when we're going

to come back—who knows, we might even have had an election by the time we're in this place again—debating a bill that has been long awaited by a million and a half disabled citizens across this province, a bill they've been promised for six and a half years, a bill that this government waited to introduce until about three weeks ago, brought it in, introduced it for second reading in a matter of days, a couple of days after introducing it for second reading, brought in time allocation, which indicated we were going to visit four communities across this province when there were so many other communities we could have visited. Now here we are tonight, the last part of that time allocation motion, an hour—20 minutes for each caucus—to put on the record all we heard from the almost 75 groups and individuals who came forward to tell us they had some real and serious concern about this bill.

This government should have been willing to go into the New Year with this bill. This government should have been willing to take this legislation, this important initiative, across the province to community after community in northern Ontario, southern Ontario, eastern Ontario and western Ontario, to big communities and small communities, so that we could hear from the disabled what they have to say, to share with us the barriers they encounter every day and what we as a government need to do to actually remove those barriers. But alas, that's not going to happen, because this government is more interested in getting into their leadership campaign, putting their energy and effort into trying to come up with another formula to give them power for another four or five years in this province, something we will fight with every inch and every ounce of our being.

This government has bills lined up here tonight, which they want to get through this House, that should have been organized more effectively, introduced earlier and had real debate. This government should have been ready to honour the process of this Legislature that has worked so well for so many years and given those pieces of legislation that people out there across this province feel very strongly about and know they need and deserve the kind of public input and dialogue and argument back and forth between the various parties so that at the end of the day we could be satisfied that we had something here we could all be proud of, that would actually deliver on the promise.

We should be coming back to this House on January 14 to continue the work of this government, to continue the work of this place, to continue the work of this Legislature. We should be willing to do that kind of work. We owe it to the people of this province to do that. There is important business before us. There's important business that this government has lined up, which we're probably not going to get to tonight and which we should have been able to get to, that this government should be willing to commit to coming back on January 14 to deal with.

This government had a myriad of opportunities to indicate to the disabled in this province that they understood and that they cared.

One of the very first things they did when they got to be government was get rid of the Employment Equity Act. You'll remember how they went across the province and called it the quota act. We know what that was. That was spin—

Mr Peter Kormos (Niagara Centre): Bull feathers.

Mr Martin: That was bull feathers, as the member for Niagara Centre said.

The second thing they did was get rid of the commission that was put in place to make sure the Employment Equity Act actually worked for disabled people. They threw that out. Now with this bill they want to bring that back in again. What a novel idea.

They got rid of the only initiative in the country at the time providing social housing, fixed so that people with disabilities could actually live in some of those units. They cut that out as well. They went around the province calling it a boondoggle. Do you remember that? We were wasting money building homes for the disabled. Do you remember the government saying that? Absolutely.

Then they laid off literally thousands of civil servants across this province, and never once did they ask the question, "Among that group we're laying off, how many disabled people are getting laid off? How many?" Never once; not once.

2040

On two occasions, they brought forward bills to introduce an Ontarians with Disabilities Act to this Legislature, and on each occasion, including the one we speak on here tonight, it was just so much fluff and spin, more fluff and spin than substance.

Tonight, I'm here to give honour and thanks to all those disabled activists across this province who have been hoping and working for six and a half years now, some of them actually from the early 1970s, talking to subsequent governments about their needs and what it is that we needed to do. So I give honour to them, to all of those who worked with David Lepofsky and the Ontarians with Disabilities Act Committee across this province, community after community, and Gary Malkowski, our colleague when we were government here from 1990 to 1995.

I give honour particularly to those who were able to pull it together on such short notice and get to those limited hearings that we had across this province to tell this government what they thought, what they felt and what they suggested needed to be done to actually make this bill effective.

I would like to say here tonight and to promise to the people of Ontario, particularly to the one and a half million Ontarians, that I've heard what you had to say and the New Democratic caucus at Queen's Park and the New Democratic Party across this province has heard what you had to say. I want you to know that if we are elected government in the next election, we will introduce a real, strong, effective ODA that truly breaks down barriers and sets out real timelines to a barrier-free Ontario.

We promise to enact this legislation within our first year in office and, unlike this government, we will keep our promise. We promise to truly work with the disability community to ensure effective legislation, and we will make sure there are no barriers to anyone's participation. Unlike the current government, we will bring together persons with disabilities with other stakeholders, like the business sector, to make sure our legislation will work best for all those involved.

Our party would ensure that the legislative process for considering our new bill would be open and barrier-free for persons with disabilities. Unlike this government, we will give adequate notice of public hearings and legislative debates, to enable persons with disabilities to attend and to ensure that needed accommodations are provided. This is our pledge. This is my pledge and the pledge of the New Democratic Party. It's a promise we won't break.

The Conservative government of Ontario has broken promise after promise. With this law, Bill 125, the Conservative government has broken its promise and it has broken many hearts across this province. As the Windsor Essex Bilingual Legal Clinic stated in their deputation to the public hearings, "By calling Bill 125 the Ontarians with Disabilities Act, expectations are raised that the legislation is analogous to the Americans with Disabilities Act. However, Bill 125 is not rights legislation similar to the Americans with Disabilities Act. It does not create new rights for persons with disabilities in Ontario with respect to accessibility, nor does it create new legal procedures or enforcement mechanisms. Its focus is the development of accessibility plans by various public sector entities in Ontario and provides some opportunity for persons with disabilities to be involved in the creation of accessibility plans. A more appropriate title"—they suggest—"would be the accessibility planning act."

Today was supposed to be a time for celebration for the disabled community. It was supposed to be the culmination of more than half a decade's worth of lobbying by the disability community, a community that envisioned a strong and effective Ontarians with Disabilities Act and dearly hoped this government would deliver. As the Sault-Algonia Ontarians with Disabilities Act Committee said in their deputation, after driving four hours to Sudbury to present, "Persons with disabilities are significantly unemployed and underemployed regardless of qualifications or education. This act does not address this problem or provide additional incentives for employers to hire qualified people with disabilities."

For years the disability community has been held hostage by a series of broken promises by a Conservative government that kept claiming its intention to bring in a strong law to make Ontario barrier-free. Year in and year out, the Conservative government broke its promise, yet public support for an Ontarians with Disabilities Act grew. Finally, when the government was forced to actually act, look what we got: legislation that even the government's own supporters can only call better than nothing.

Actions speak louder than words, and today, as the Conservative government rams through a lily-livered facsimile of an Ontarians with Disabilities Act, I say shame on you.

The chair of the Peterborough council for persons with disabilities expressed her frustration with the high speed and very limited public hearings. She said, "We are very displeased that the process of hearings is on a fast track and thus will not accommodate the numbers of groups which have requested standing." To her and all those others who feel the same frustration, sadly all I can say is, at the end of the day, it doesn't matter that they didn't get to speak. This government had no intention of listening anyway, and for that I say shame. Shame on you for building up the hopes of the disability community, then betraying them in the most fundamental of ways.

Shame on you for plowing ahead with a public hearing process that was not accessible to hundreds of persons with disabilities who would have appreciated an opportunity to have their voices heard. It is, to say the least, hypocritical of a government to claim it wants accessibility legislation when its very own process is inaccessible to those most directly affected by it. You set up barriers to people with disabilities who wanted to comment on this bill, who wanted to improve this bill and make it the legislation it should be. For that, I say shame on you.

And shame on you for rejecting strong, viable amendments from the opposition parties that would have made an Ontarians with Disabilities Act we could all be proud of here. Instead, we are faced today with a piece of legislation that is not much stronger than the flimsy Bill 83 this government tabled in 1998 and then quickly withdrew, like a dog running away with its tail between its legs.

In the weeks leading up to Bill 125, the minister released the government's vision statement and then proceeded to table a bill that didn't come close to fulfilling that vision. Within minutes of seeing the bill before us, our leader, Howard Hampton, recognized Bill 125 would require substantial amendments to achieve the government's visions and goals; that it fell desperately short of its promised potential.

From the outset, Minister Jackson claimed to have the broad support of the disability community behind him, but the evidence from local newspapers and the limited public hearings on this bill prove otherwise. People criticized you for ramming through public hearings without giving persons with disabilities enough time to attend. Ian Greaves, from the Niagara area, sums it up nicely in a letter to his local newspaper, saying:

"After a delay of more than six and one-half years, the Ontarians with Disabilities Act, Bill 125, was finally tabled on November 5. The legislative process is now moving at a breakneck pace with the government in a panic to have an act passed in six weeks. Second reading of the bill has occurred and public hearings will be finished on December 7. Imposing this tight deadline

proves the government's lack of sincerity in consulting with the 1.6 million people with disabilities in Ontario."

2050

People criticized you for letting the private sector off the hook. People criticized you for failing to introduce specific barrier-free guidelines that could have been written years ago. People criticized you for failing to produce clear, tangible timelines so that persons with disabilities in Ontario can know exactly when to expect barriers to come crashing down. People criticized you for a bill that, in short, is nothing more than window dressing. It's a window dressing bill, as the *Toronto Star* writes, that you should withdraw.

The *Toronto Star* wrote in a December 10 editorial:

"After waiting so long, lobbying so tenaciously and putting forward so many practical suggestions, citizens with disabilities have a right to expect better legislation than this.

"If Jackson is wise, he will withdraw the bill. It needs major repair work. Racing to meet an artificial deadline, after dawdling and procrastinating for six years, looks a bit silly. There is still time to get it right. It's a question of political will."

The NDP had the political will to make this legislation sing. We worked with the disability community to table a wealth of amendments; to virtually rewrite the bill to make the Ontarians with Disabilities Act the piece of legislation it needs to be. Yesterday, during clause-by-clause consideration of this bill, the government rejected virtually all of those amendments. Today, we rise for the last time to hash over a done deal, a bad deal, a raw deal for persons with disabilities in this province.

Most troubling, however, is Mr Jackson's disingenuous attempt to paint this bill as something it is not. Minister Jackson stood in this House and claimed that the private sector would be covered under this law. "That is a promise made by the Mike Harris government and we'll keep that promise," he said. He didn't keep that promise. Nothing in this bill requires the government ever to make any regulations covering the private sector.

Minister Jackson said during second reading debate that there was a time frame laid out in the law for the private sector to act. In fact, there is no such provision.

Minister Jackson said that, at least as far as transit providers are concerned, they will be required to make accessibility plans and to comply with them. The bill in fact imposes no duty on any organization to comply with their accessibility plans.

The Minister told CBC Radio that the government was "going to force compliance based on the guidelines and the accessibility plans that will be made public for each and every sector in Ontario"—*Metro Morning*, November 6. In fact, the government has no power under this bill to force this compliance. Accessibility plans aren't even required for every sector.

The minister said municipalities would have to consider accessibility when issuing business licenses. In fact, the bill does not require municipalities to consider accessibility when issuing licenses. It only permits them to do so if they wish.

On November 7, Minister Jackson stood in this House and said, "I want to reassure the House that the 11 principles were followed very carefully in drafting this legislation." In fact, Bill 125 is not consistent with 10 of the 11 principles enunciated by the ODA committee, which has been visionary in its push for strong legislation.

Bill 125 does not achieve the barrier-free society for Ontario's 1.6 million people with disabilities as proclaimed in the government's vision statement dated November 1, 2001.

Bill 125 is not a "strong and effective" law, as required by the Ontario Legislature's unanimous resolution adopted on November 23, 1999.

And for that, I say shame on them, shame on them.

Mr Michael Bryant (St Paul's): Time is short. I am unable to speak to this bill for very long for the simple reason that a guillotine motion has been dropped, and therefore one of the most important bills imaginable to any society is being subjected to minimalist debate, minimalist consultation and of course minimalist results. I say that it is a bill with enormous importance because I truly believe that the way in which governments representing their people, representing their electorate, treat people with disabilities is a reflection on the society itself. It is a litmus test, truly, for all of us here.

I was introduced to this political issue during the last provincial election, in no small part because the minister responsible for this portfolio had her own lame version of disabilities legislation that was rejected by the people of St Paul's. I can tell you that disabled Ontarians came out during that election with a moral and civic purpose and force and, I dare say, vengeance.

I remember well the all-candidates meetings, David Lepofsky and many citizens stepping forth to the mike and saying that rights without remedies are worthless, that commitments or objectives are not going to move this along in any meaningful way for people with disabilities. I thought to myself, as the political result was unfolding before me and the minister was paying a serious price for this grave injustice visited upon all Ontarians with their previous effort, that there was no possible way this government would repeat that mistake. And yet it has. Yet again we have a bill which is voluntary. We have no real rights, and whatever rights are put forth have no remedy, which makes them worthless.

It's not just the lack of physical access. Removing barriers for Ontarians with disabilities is not just about the physical obstacles. I recently met with a constituent who came to see me to tell me about her story, her life. Lack of access to education meant lack of opportunities for employment. Lack of opportunities for employment meant barriers to the same lifestyle, the same opportunities that I have as a person without disabilities. As somebody, in this case this constituent, who was finding herself in the twilight of her vocational life, she was saying she didn't want another generation of Ontarians to face what she had, and yet this bill offers no such change and no such hope.

The only hope we have is that what happened to the last minister who attempted to fool Ontarians with a foolish bill befalls this one and that the government is held to account in the same way, on a broader scale, as this minister was in St Paul's.

I'm grateful to all those people who have told me their stories. I'm obviously very grateful to the member for Prince Edward-Hastings for all the work that he has done, and I want the people of St Paul's to know and all those people who came out to let the minister for disabilities know in 1999 that we'll be fighting that fight and we'll not give up on this one until we have a barrier-free Ontario for all Ontarians with disabilities.

Mr Ernie Parsons (Prince Edward-Hastings): When I was in university, I had a professor who said, "The best form of government is a benevolent dictatorship." I disagreed with him then and I disagree with him now. I believe the best form of government is benevolent democracy, but "benevolent democracy" means a government that would do what is best for its citizens, not best for political expediency.

This is a political bill. It gives the appearance of having done something, while actually having done nothing. This a government that knows the cost of everything and the value of nothing.

Let's think about how this bill, that was much touted, has gone through this chamber. The minister invited and paid for large numbers of Ontarians with disabilities to come for a press conference and support the bill before they had even seen it. Following its introduction, they were not told when second reading was going to take place. They were given almost no time to make arrangements to appear at public hearings. These are people who have to book Wheel-Trans two days ahead. These are people who have to arrange interpreters, and they were given no warning at all on it.

2100

The minister is so proud of the groups that support it. Where are they tonight? Where are the Ontarians with disabilities tonight? They're not here because they do not want to be at the funeral of their dreams, their hopes, their aspirations.

I do want to thank the people who came forward, though, to speak. I regret the minister himself was not able to attend for one minute at any of the public hearings and hear the citizens who live their lives with a disability and are struggling to overcome it and to overcome the barriers we have put in place, what we are doing to block them. They came with genuine, real aspirations that they would be heard. The disappointment they have is reflected in their absence this evening.

They came with some very similar requests, which we heard over and over. They wanted to apply to private industry, where they spend 95% of their time. The government that is so supportive of private industry does not want these people included in accommodation, medical services, shopping, recreation, sports—in anything. They wanted it to be mandatory. Everything else this government does in individuals' lives, they control right

down to the second, but for this particular group nothing will be mandatory to give them any rights.

They wanted enforcement of it, with the mandatory concept. There had to be an agency delegated to do that enforcement. It does not exist. They wanted a timeline. They have waited six and a half years to get this far, and now the only timeline is that five years from now the government will review it again—more and another bitter pill for them to swallow.

I would like to read a letter that one of the presenters read at the session here in Toronto. She says, "At 16, Scott dreams of dating, going to the mall"—this bill doesn't help; "participating in sports and recreational activities and events"—nothing in this bill will make that happen; "plans for post-secondary education"—nothing in this bill makes that happen; and "subsequent employment"—employment that this government touts should be in private industry. This does nothing. Ontarians with disabilities don't want the barriers down for the sake of barriers; they want the barriers down so they can get what is rightfully theirs on the other side of that barrier. They're looking for basic human justice so they can be part of a society they have every right to be part of.

I say to every member on the government side, you have been in contact with and you have had people in your office who have a disability. I want you to think of these people on an individual basis and ask, "Does this bill remove the barrier that they came and talked to me about?" It doesn't, because this bill doesn't remove one barrier. Oh, it will make city hall accessible when city hall is rebuilt or when a new city hall is built. But the question the disabled asked over and over is, "Where do you think I spend my time? At city hall or at the mall?" In the mall, bless them, some of them are voluntary, but if it is worth doing, it is worth making compulsory.

You've come out with a title that is a rip-off of the Americans with Disabilities Act. The 10-year assessment said that the Americans with Disabilities Act works, that industry supported it, that it very clearly incorporates Americans with disabilities. This bill would be better entitled a vague planning act for Ontarians with disabilities who reside in municipalities over 10,000 population. For the vast majority of Ontarians, this bill does absolutely nothing for the municipality. Isn't it great that you get the municipalities to be involved in this so you can dump-load more costs on them? A person with a disability needs to have some assurance that when they leave one part of Ontario and go to another, they will have access to washrooms, they will have access to hotel rooms, they will have access to jobs, they will have access to full citizens' rights no matter where they are in Ontario.

This bill doesn't do it. I don't believe the government initially thought about the range of disabilities we heard about. This bill focuses very heavily on mobility issues—good for it—and yet there is no recognition that those with mobility problems who wish to travel somewhere have to book Wheel-Trans 48 hours ahead. None of you could run your lives having to plan 48 hours ahead, let alone learning of a public hearing you've got to get to the

following day, but having to book two days ahead. You should have known that and shame on you.

For the deaf and the hearing-impaired: nothing in this bill. For the blind: nothing in this bill. In fact, this is a government that refuses to fund a cure for macular degeneration, which would stop people from going blind. If you don't care enough to keep them from going blind, I guess it's consistent that you don't do anything for them when they are blind. Try to imagine living your life deaf and blind in this province. We had a presenter in Ottawa who almost brought us to tears as she shared her life and how there was no attempt by this government to make her a part of her Ontario.

Acquired brain injury had to be added as an afterthought, and thank goodness that got through in amendment. Developmentally handicapped: not really recognized by this government as a person with a disability, but I assure you it is.

The mentally ill: we don't like to talk about mentally ill people. If you've got a broken arm, we can fix that. If you're mentally ill, just please stay out sight and in the background. They are every bit entitled to have services and to be part of this population as every other disabled person. I learned about the environmentally sensitive.

I look at all of these and I go through the act. What barrier does this remove for all of these groups? Absolutely nothing. The minister talks about putting persons with disabilities in the driver's seat; well, it's hard to drive from the back seat. They have no control whatsoever. Everything is advisory: the minister "may consider" and the government "may." We're very, very heavy on "mays" but very light on "shalls," because "shall" would be the word, if we said "shall" or "they must," that would force us to recognize that we have not given the rights to Ontarians with disabilities that they deserve.

I really urge you again to stop thinking about the politics of this bill and think about the person in your riding who has that disability, about the 16-year-old who has dreams and aspirations, and you're saying wait five more years. To a 16-year-old, five more years is a lifetime. We have a unique opportunity and the door is open now.

The minister says that the Liberals have not committed to doing anything. We have made firm commitments to follow the 11 principles—not one of the 11, but the 11. We have committed to involving private industry, to bringing them to the table with the disabled, not in two different rooms, but at one table. We have committed to consulting without requiring the people to sign an oath of confidentiality before they consult. That is an offensive form of consultation, when they consult with the minister but are not permitted to share in any way what they say.

We have committed to passing an Ontarians with Disabilities Act that is meaningful, with full public hearings. Our leader, as Premier, will meet with the community, not like this Premier, who refused to. This bill is a sham and, Speaker, I would like to move adjournment of the House.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2109 to 2139.

The Speaker: Mr Parsons has moved adjournment of the House.

All those in favour of the motion will please rise and remain standing.

Thank you. Please take your seats.

All those opposed will please rise and remain standing.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 34; the nays are 47.

Interjections.

The Speaker: They figured it out for themselves. I declare the motion lost.

Pursuant to the order of the House of November 21, I'm now required to put the question.

Mr Jackson has moved third reading of Bill 125, An Act to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments to other Acts.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 2141 to 2146.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hodgson, Chris	Newman, Dan
Baird, John R.	Hudak, Tim	O'Toole, John
Barrett, Toby	Jackson, Cameron	Ouellette, Jerry J.
Beaubien, Marcel	Johns, Helen	Runciman, Robert W.
Chudleigh, Ted	Johnson, Bert	Sampson, Rob
Clark, Brad	Kells, Morley	Sterling, Norman W.
Coburn, Brian	Klees, Frank	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Tascona, Joseph N.
DeFaria, Carl	Martiniuk, Gerry	Tilson, David
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Wood, Bob
Gill, Raminder	Murdoch, Bill	Young, David
Hardeman, Ernie	Mushinski, Marilyn	

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Dombrowsky, Leona	McLeod, Lyn
Bartolucci, Rick	Duncan, Dwight	McMeekin, Ted
Bisson, Gilles	Gravelle, Michael	Parsons, Ernie
Boyer, Claudette	Hampton, Howard	Peters, Steve

Bradley, James J.	Hoy, Pat	Phillips, Gerry
Bryant, Michael	Kormos, Peter	Prue, Michael
Caplan, David	Kwinter, Monte	Pupatello, Sandra
Christopherson, David	Lalonde, Jean-Marc	Ruprecht, Tony
Churley, Marilyn	Levac, David	Sergio, Mario
Colle, Mike	Marchese, Rosario	Smitherman, George
Crozier, Bruce	Martel, Shelley	
Di Cocco, Caroline	Martin, Tony	

Crozier, Bruce	Marchese, Rosario	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Tascona, Joseph N.
DeFaria, Carl	Martel, Shelley	Tilson, David
Di Cocco, Caroline	Martin, Tony	Tsubouchi, David H.
Dombrowsky, Leona	Martiniuk, Gerry	Turnbull, David
Duncan, Dwight	Maves, Bart	Wettlaufer, Wayne
Dunlop, Garfield	Mazzilli, Frank	Wilson, Jim
Ecker, Janet	McLeod, Lyn	Wood, Bob
Elliott, Brenda	McMeekin, Ted	Young, David
Galt, Doug	Miller, Norm	
Gilchrist, Steve	Molinari, Tina R.	

Clerk of the House: The ayes are 47; the nays are 34.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent to place a motion that would call government order G139, second reading of Bill 139, An Act to establish the University of Ontario Institute of Technology.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

SOUTH ASIAN HERITAGE ACT, 2001

LOI DE 2001 SUR L'HÉRITAGE SUD-ASIATIQUE

Mr Gill moved third reading of the following bill:

Bill 98, An Act to proclaim May as South Asian Heritage Month and May 5 as South Asian Arrival Day /
Projet de loi 98, Loi proclamant le mois de mai Mois de l'héritage sud-asiatique et le 5 mai Jour de l'arrivée des Sud-Asiatiques.

The Speaker (Hon Gary Carr): Pursuant to the order of the House dated December 12, I'm now required to put the question.

Mr Gill has moved third reading of Bill 98. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2151 to 2221.

The Speaker: Mr Gill has moved third reading of Bill 98.

All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Gill, Raminder	Munro, Julia
Arnott, Ted	Gravelle, Michael	Murdoch, Bill
Baird, John R.	Hampton, Howard	Mushinski, Marilyn
Barrett, Toby	Hardeman, Ernie	Newman, Dan
Bartolucci, Rick	Hodgson, Chris	O'Toole, John
Bisson, Gilles	Hoy, Pat	Ouellette, Jerry J.
Boyer, Claudette	Hudak, Tim	Parsons, Ernie
Bradley, James J.	Jackson, Cameron	Peters, Steve
Bryant, Michael	Johns, Helen	Phillips, Gerry
Caplan, David	Johnson, Bert	Prue, Michael
Christopherson, David	Kells, Morley	Pupatello, Sandra
Chudleigh, Ted	Klees, Frank	Ruprecht, Tony
Churley, Marilyn	Kormos, Peter	Sampson, Rob
Clark, Brad	Kwinter, Monte	Sergio, Mario
Coburn, Brian	Lalonde, Jean-Marc	Smitherman, George
Colle, Mike	Levac, David	Sterling, Norman W.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 79; the nays are 0.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Mr Monte Kwinter (York Centre): On a point of order, Mr Speaker: I ask for unanimous consent to call order G88, second reading of Bill 88, An Act to revise The Ontario College of Art Act, 1968-69.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Government House leader.

Hon Janet Ecker (Minister of Education, Government House Leader): Mr Speaker, I would like to seek unanimous consent to put a motion concerning orders for second and third readings of private bills.

The Speaker: Is there unanimous consent? Agreed.

Hon Mrs Ecker: I move that we call the orders for second and third readings on Bill Pr3, Bill Pr10, Bill Pr15 and Bill Pr25 so that they may be moved and considered concurrently and without further debate or amendment, and to proceed with second and third readings of Bill Pr24 and Bill Pr21, notwithstanding that they have not been reprinted, without further debate or amendment, and that in the case of any division on any of these bills, the division bells be limited to five minutes.

The Speaker: Mrs Ecker seeks unanimous consent to call orders for second and third readings of Bill Pr3, Bill Pr10, Bill Pr15 and Bill Pr25 so that they may be moved and considered concurrently and without further debate or amendment, and to proceed with second and third readings of Bill Pr24 and Bill Pr21, notwithstanding that they have not been reprinted, without further debate or amendment, and that in the case of any division on any of the bills, the division bells be limited to five minutes.

Is it the pleasure of the House that the motion carry? Carried.

1268519 ONTARIO INC. ACT, 2001

Mr Gill moved second reading of the following bill:

Bill Pr3, An Act to revive 1268519 Ontario Inc.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Gill moved third reading of the following bill:

Bill Pr3, An Act to revive 1268519 Ontario Inc.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

237661 BUILDERS LIMITED ACT, 2001

Mr Bartolucci moved second reading of the following bill:

Bill Pr10, An Act to revive 237661 Builders Limited.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Bartolucci moved third reading of the following bill:

Bill Pr10, An Act to revive 237661 Builders Limited.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

SIoux LOOKOUT MENO-YA-WIN
HEALTH CENTRE ACT, 2001

Mr Hampton moved second reading of the following bill:

Bill Pr15, An Act to establish the Sioux Lookout Meno-Ya-Win Health Centre.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Hampton moved third reading of the following bill:

Bill Pr15, An Act to establish the Sioux Lookout Meno-Ya-Win Health Centre.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

CITY OF OTTAWA ACT
(CONSOLIDATION OF SPECIAL ACTS), 2001

Mr Galt, on behalf of Mr Guzzo, moved second reading of the following bill:

Bill Pr21, An Act respecting the City of Ottawa.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Galt, on behalf of Mr Guzzo, moved third reading of the following bill:

Bill Pr21, An Act respecting the City of Ottawa.

The Speaker: Is it the pleasure of the House that motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

2230

CITY OF OTTAWA ACT
(TAXICABS), 2001

Mr Galt, on behalf of Mr Guzzo, moved second reading of the following bill:

Bill Pr24, An Act respecting the City of Ottawa.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Galt, on behalf of Mr Guzzo, moved third reading of the following bill:

Bill Pr24, An Act respecting the City of Ottawa.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

NIPissing UNIVERSITY ACT, 2001

Mr Miller moved second reading of the following bill:

Bill Pr25, An Act respecting Nipissing University.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Miller moved third reading of the following bill:

Bill Pr25, An Act respecting Nipissing University.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Hon Janet Ecker (Minister of Education, Government House Leader): I seek unanimous consent to move two motions pertaining to Bill 10 and Bill 131 to refer them to committee.

The Speaker: Is there unanimous consent? I'm afraid I heard a no.

Hon Mrs Ecker: I would also like to seek unanimous consent to move a motion for second and third reading of Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty, and to have the questions put without further debate or amendment.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Hon Mrs Ecker: I would seek unanimous consent to move a motion regarding the second and third reading of Bill 35, An Act proclaiming Irish Heritage Day.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Hon Mrs Ecker: I'd like to ask for unanimous consent to have the order referring Bill 116, An Act to proclaim Archives Awareness Week, to the standing committee on finance and economic affairs, be discharged and that we call that bill for third reading.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Hon Mrs Ecker: I would also like to ask for unanimous consent to move a motion regarding Bill 95, An Act requiring open meetings and more stringent conflict rules for provincial municipal boards; and also Bill 53, An Act requiring the disclosure of payments to former public sector employees. I'd like to seek unanimous consent to move motions regarding those two bills.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Hon Mrs Ecker: I believe Mr Bryant has a motion.

Interjection.

Hon Mrs Ecker: It's coming? Sorry; I'll move on to other things.

I would like to seek unanimous consent to move an order regarding An Act to amend the Arthur Wishart Act.

The Speaker: Is there unanimous consent? Agreed? Sorry, I heard some noes.

Hon Mrs Ecker: I would like to seek unanimous consent to call second and third reading of Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, and some other wording around that.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Hon Mrs Ecker: I would like to ask for unanimous consent to call second and third reading of Bill 90, An Act to promote the reduction, reuse and recycling of waste.

The Speaker: Is there unanimous consent? I'm afraid I heard a no.

Hon Mrs Ecker: I seek unanimous consent to call third reading of Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): I seek unanimous consent to call second and third reading of Bill 139, An Act to establish the University of Ontario Institute of Technology.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Hon Mrs Cunningham: I seek unanimous consent to call second and third reading of Bill 88, An Act to revise The Ontario College of Art Act, 1968-69.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Interjection: Sorry, Mr Speaker.

The Speaker: It's OK; we're actually doing pretty well, all things considered. I'm getting in shape if we keep getting up and down like this.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I seek unanimous consent to call second and third reading of Bill 135, An Act to recognize On-

tario's recreational hunting and fishing heritage and to establish the Fish and Wildlife Heritage Commission, and to have the questions put immediately thereon without further debate or amendment.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Hon Mrs Ecker: I seek unanimous consent to move a motion respecting Bill Pr22.

The Speaker: Just so we're clear—

Interjections.

The Speaker: Order. Just so you know, we are missing some of the numbers.

Interjections.

The Speaker: Order. We're missing some numbers. Some people aren't hearing because there's some chatter. It's near the end of the day. We need to hear. A very important bill may be coming. I would appreciate all the members please listening. Sorry again to the government House leader.

Hon Mrs Ecker: I seek unanimous consent to move a motion respecting Bill Pr22.

The Speaker: Is there unanimous consent? Agreed? I'm sorry; I did hear a no. I apologize.

Hon Mrs Ecker: I move that the House do now adjourn.

The Speaker: Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2238 to 2308.

The Speaker: All those in favour will please rise and remain standing. Thank you. The members may take their seats.

All opposed will please rise and remain standing. Thank you.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 38; the nays are 26.

The Speaker: I declare the motion carried.

Just before we adjourn, I want to wish everyone a merry Christmas and a happy new year.

This House stands adjourned until March 18 at 1:30 of the clock.

The House adjourned at 2310.

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

Estimates / Budgets des dépenses

Chair / Président: Gerard Kennedy
Vice-Chair / Vice-Président: Alvin Curling
Gilles Bisson, Alvin Curling, Gerard Kennedy,
Frank Mazzilli, Norm Miller, John R. O'Toole,
Steve Peters, Wayne Wettlaufer
Clerk / Greffière: Susan Sourial

**Finance and economic affairs /
Finances et affaires économiques**

Chair / Président: Marcel Beaubien
Vice-Chair / Vice-Président: Doug Galt
Marcel Beaubien, David Christopherson,
Doug Galt, Ernie Hardeman, Monte Kwinter,
John O'Toole, Gerry Phillips, Joseph Spina
Clerk / Greffière: Susan Sourial

General government / Affaires gouvernementales

Chair / Président: Steve Gilchrist
Vice-Chair / Vice-Président: Norm Miller
Ted Chudleigh, Mike Colle, Garfield Dunlop,
Steve Gilchrist, Dave Levac, Norm Miller,
Michael Prue, Marilyn Mushinski
Clerk / Greffière: Anne Stokes

Government agencies / Organismes gouvernementaux

Chair / Président: James J. Bradley
Vice-Chair / Vice-Président: Michael Gravelle
James J. Bradley, Leona Dombrowsky, Michael Gravelle,
Bert Johnson, Tony Martin, Frank Mazzilli,
Jerry J. Ouellette, Bob Wood
Clerk / Greffière: Donna Bryce

Justice and Social Policy / Justice et affaires sociales

Chair / Présidente: Toby Barrett
Vice-Chair / Vice-Président: Carl DeFaria
Toby Barrett, Marcel Beaubien, Michael Bryant,
Carl DeFaria, Garry J. Guzzo, Peter Kormos,
Lyn McLeod, Tina R. Molinari
Clerk / Greffier: Tom Prins

Legislative Assembly / Assemblée législative

Chair / Présidente: Margaret Marland
Vice-Chair / Vice-Président: Julia Munro
Ted Arnott, Marilyn Churley, Caroline Di Cocco,
Jean-Marc Lalonde, Margaret Marland, Julia Munro,
Jerry J. Ouellette, Joseph N. Tascona
Clerk / Greffière: Donna Bryce

Public accounts / Comptes publics

Chair / Président: John Gerretsen
Vice-Chair / Vice-Président: Vacant
Bruce Crozier John Gerretsen, Raminder Gill,
John Hastings, Shelley Martel, Bart Maves,
Julia Munro, Richard Patten
Clerk / Greffière: Tonia Grannum

**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

Chair / Président: Rosario Marchese
Vice-Chair / Vice-Président: Garfield Dunlop
Gilles Bisson, Claudette Boyer, Garfield Dunlop,
Raminder Gill, Pat Hoy, Morley Kells,
Rosario Marchese, Ted McMeekin, Bill Murdoch,
Wayne Wettlaufer
Clerk / Greffier: Douglas Arnott

**Alternative fuel sources /
Sources de carburants de remplacement**

Chair / Président: Doug Galt
Vice-Chair / Vice-Présidente: Marie Bountrogianni
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug
Galt, Steve Gilchrist, John Hastings,
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons
Clerk / Greffière: Tonia Grannum

CONTENTS

Thursday 13 December 2001

THIRD READINGS

Oak Ridges Moraine Conservation

Act, 2001, Bill 122, <i>Mr Hodgson</i>	
Mr Hodgson	4573
Mr Bradley	4575
Mr Prue	4576
Mr Colle	4576
Ms Churley	4578
Agreed to	4581

Ontarians with Disabilities Act, 2001, Bill 125, *Mr Jackson*

Mr Jackson	4581
Mr McMeekin	4584
Mr Gravelle	4584
Mr Martin	4584
Mr Bryant	4587
Mr Parsons	4588
Agreed to	4590

South Asian Heritage Act, 2001,

Bill 98, <i>Mr Gill</i>	
Agreed to	4590

SECOND AND THIRD READINGS

1268519 Ontario Inc. Act, 2001,

Bill Pr3, <i>Mr Gill</i>	
Agreed to	4590

237661 Builders Limited Act, 2001,

Bill Pr10, <i>Mr Bartolucci</i>	
Agreed to	4591

Sioux Lookout Meno-Ya-Win

Health Centre Act, 2001,	
Bill Pr15, <i>Mr Hampton</i>	
Agreed to	4591

City of Ottawa Act (Consolidation of Special Acts), 2001, Bill Pr21,

<i>Mr Guzzo</i>	
Agreed to	4591

City of Ottawa Act (Taxicabs), 2001,

Bill Pr24, <i>Mr Guzzo</i>	
Agreed to	4591

Nipissing University Act, 2001,

Bill Pr25, <i>Mr Miller</i>	
Agreed to	4591

TABLE DES MATIÈRES

Jeudi 13 décembre 2001

TROISIÈME LECTURE

Loi de 2001 sur la conservation de la moraine d'Oak Ridges,

projet de loi 122, <i>M. Hodgson</i>	
Adoptée	4581

Loi de 2001 sur les personnes handicapées de l'Ontario,

projet de loi 125, <i>M. Jackson</i>	
Adoptée	4590

Loi de 2001 sur l'héritage

sud-asiatique, projet de loi 98,	
<i>M. Gill</i>	
Adoptée	4590