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**Jeudi 16 décembre 2004**

**Standing committee on  
social policy**

Ministry briefing

**Comité permanent de  
la politique sociale**

Briefing ministériel

Chair: Mario G. Racco  
Clerk: Anne Stokes

Président : Mario G. Racco  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Thursday 16 December 2004

Jeudi 16 décembre 2004

*The committee met at 1620 in room 151.*

## MINISTRY BRIEFING

**The Chair (Mr Mario G. Racco):** Can we please start, and we'll go as necessary. I believe when we left yesterday, we had—

**Ms Kathleen O. Wynne (Don Valley West):** Mr Chair, could I make a suggestion? In order to conduct the business, there is some information some of us need to get. Could I ask for a recess until 4:30?

**The Chair:** You can ask that. My perception was that there was no issue on the next item on the agenda. If there is an issue, fine. If there's no issue, can we address that one?

**Ms Wynne:** I'd like to request a recess until 4:30.

**The Chair:** Till 4:30? Fine. Any questions? All in favour? Carried.

*The committee recessed from 1620 to 1644.*

**The Chair:** Thank you for coming. Sorry for the delay, but I think it was wisely spent, as I understand it. We will continue where we left off yesterday.

There was a motion that you, Mr Jackson, put on the floor. The motion was amended and we are open for discussion. Can I start—

**Mr Cameron Jackson (Burlington):** Call the question.

**The Chair:** OK. Everybody agrees?

**Ms Wynne:** Mr Chair, I do need to go back to the motion for a moment, if you'll indulge me.

**Mr Jackson:** I think I called the question. I'm the mover of the motion.

**Ms Wynne:** OK; fine.

**Mr Rosario Marchese (Trinity-Spadina):** Recorded vote.

**Mr Kim Craitor (Niagara Falls):** Could you just read the motion?

**The Chair:** Would the clerk do that, please? It's the motion, as amended.

*Interjection.*

**The Chair:** Mr Jackson, I understand that you should read it.

**Mr Jackson:** "That the committee request that the taped recording and transcript of the Ministry of Citizenship and Immigration briefing of the Conservative caucus on Bill 118 be immediately released to the member for Burlington."

**The Chair:** Thank you.

**Ms Wynne:** Mr Chair, I have a procedural question. I don't know the procedure here. I have a question about the substance of the motion. I have different information today than I had last night and I need to know how to proceed because I have new information.

**Mr Jackson:** I've called the question, Mr Chair.

**The Chair:** Therefore, we go for the vote.

I'm told that the vote we are going to take is on calling the question. If the motion carries—the rules are the same as I seem to be familiar with. The motion on the floor right now that we're going to vote on, if there's agreement, is on calling the question. If the motion carries, then we address the motion on the floor. That's my understanding. Can I move on with the vote?

**Mr Jackson:** I've called the question. You're calling the question to vote—

**The Chair:** —on you calling the question.

**Ms Wynne:** We're voting on whether to call the question.

**Mr Marchese:** Not on the motion.

**The Chair:** Not on the motion.

**Mr Marchese:** You're OK with that, Cam?

**The Chair:** Those are the procedures, I'm told by staff. If that is the procedure—

**Mr Jackson:** I called the question.

**Mr Marchese:** The understanding that we had—I don't mind accommodating the Liberal member if she wants to make some other change, but I thought we were going to vote on the motion rather than on calling the question. But if Cam is OK, I'm happy to have Kathleen have whatever question she wants to ask on the other.

**Mr Jackson:** I thought I called for the vote.

**The Chair:** Did you move—

**Mr Jackson:** The motion is on the floor already. I moved it, correct?

**The Chair:** Yes. Then you asked that we take a vote, and I believe the question is, did you ask for closure? That's the question. Did you do that? I rely on what you're saying.

**Mr Jackson:** I'm asking for the vote to occur now.

**The Chair:** That's fine. We are going to—

**Ms Wynne:** Sorry, Mr Chair, then I need to ask for a five-minute recess.

**The Chair:** You can have a five-minute recess.

*The committee recessed from 1650 to 1659.*

**The Chair:** We're going back to the recorded vote.

*Interjection.*

**The Chair:** That's fine. I think there is a quorum.

*Interjection.*

**The Chair:** Do you want me to hold on? Fine.

**Mr Marchese:** I'm happy to let the Chair hold on so you can get your members here. It's OK.

**Interjection:** Or we can let the Chair break the tie.

**Mr Marchese:** But if he breaks the tie, he's got to go with the opposition.

**The Chair:** Are we ready to move on? The motion is for closure, a recorded vote.

### Ayes

Chudleigh, Jackson, Marchese.

### Nays

Craitor, Fonseca, Wilkinson, Wynne, Zimmer.

**The Chair:** The closure motion doesn't carry and we are left with the motion, as amended, on the table. Any discussion on the motion?

**Ms Wynne:** I'd like to move an amendment to the motion. I'd like to amend the motion so it would read, that the committee request that any existing tape recording and transcript of the Ministry of Citizenship and Immigration briefing of the Conservative caucus on Bill 118 be immediately released to the member for Burlington.

It's the deletion of "the" after "that" and the addition of "any existing" before "tape recording."

**The Chair:** Do I have any discussion on the amendment?

**Mr Jackson:** First of all, the purpose of the recess was to try to work out some kind of accommodation, and unfortunately that did not occur. What is before us is a motion which the Liberal members approved and agreed to last night and in fact we amended. How many times are we to sit here and get amendment after amendment?

**Mr John Wilkinson (Perth-Middlesex):** We stopped after your member threw a hissy fit.

**The Chair:** Please. Mr Jackson, you have the floor.

**Mr Jackson:** OK, that's two amendments I've got ready. Keep it up.

**The Chair:** Mr Jackson, you still have the floor.

**Mr Jackson:** The current amendment, first of all, had the support of the full committee, or had the support of the Liberal members of this committee earlier when it was before them. An original amendment was made which I might have considered out of order, but I respect the ruling of the Chair in that regard and I accept that. But in this instance, we have confirmation that tapes do exist, and I have that confirmation given to me by Ms Carol Price, who works in the government House leader's office. We also have the confirmation on at least two occasions by a Maria Papadopoulos, who works in the government House leader's office, that the briefing regarding the bill before this committee, requested by the

Minister of Citizenship and Immigration in this building on December 15, was taped.

If the government members, by their injecting this amendment, are confirming the fact that those tapes may have been destroyed by their statement that tapes don't exist—in fact, this was President Nixon's defence with his minions in what I can only imagine was the equivalent of a House leader's office in the Oval Office of the United States or the office associated with the conduct of the House. This is what Richard Nixon did. The fact that the tape may not be available today doesn't in any way detract from the fact that the tape did exist in order for me to have a transcript.

It's interesting to note—and this is why I'm insisting that the motion stay as it is, because it's the simplest way to extricate this committee from the debate and move on to the important business of selecting the public hearings for Bill 118.

For the record, I didn't choose to make this controversial. I didn't even ask for a briefing. Now I'm asked to travel around the province and listen to input from the public when I had raised some very important questions to the ministry staff, which now are recorded and represent a series of important insights into this legislation, which I do not have access to and neither do other members of this committee.

The government wishes to modify this after the fact, and that should be of concern. There are legal implications for attempting to change the motion when in fact the motion came from me, as the member who has been aggrieved by the conduct of staff in the Ministry of Citizenship and Immigration. For that reason, I feel it is important that we leave the motion the way it is. If the government wishes to respond and say they no longer exist, that's fine.

I want to move off the point about who it was—we know who taped us, how it was taped, who had access to the tapes, who has copies of the transcript. I can assure you of this: Civil servants would be loath to lie about the fact that transcripts are a compilation of their notes, because I'm quite mindful of those who took notes during the course of the interview. As well, I want to share with members of this committee that most of the people who were in that room were well known to me, because I was the former minister responsible for the legislation and was raising questions of a very detailed, specific nature about the government's legislation. So I have the utmost confidence in those civil servants and, as I said on the floor of the Legislature earlier today, I have concerns about the fact that even they may not have known that the proceedings were being taped.

In my view, this is just an attempt to embroil this committee even further. I was careful to say in my motion that I read into the record on the floor of the Legislature last night—and I have my notes here—that it failed to get the support. I didn't impugn any—that it was a cover-up, that in any way, shape or form this committee was implicated in it. But I can tell you, for this committee to start changing course at this point is a serious matter.

The issue is about me gaining access to documents that attribute comments said to me on a specific date, and those comments—my right as a member to have them. I cannot continue or proceed to do the work on this bill when I've been treated in this fashion. Those are the rights that I wish to have protected.

There was agreement last night in order to give me access to that information. Now, all of a sudden, the whip of the committee for the Liberal caucus says it's unacceptable to her. I don't know where she got her marching orders from, but in the discussions with the House leaders this morning, at noon and this afternoon, not once was this issue raised and brought to my attention that this was a matter of contention. Now, at the eleventh hour, it's contentious. If the government has chosen to make it contentious, I feel I have the right to consider this and the subsequent amendments that I will be bringing forward in order to resolve this as simply and as amicably as possible. That offer was made last night and was rejected. A second offer was made a few moments ago to Ms Wynne, and it apparently has been rejected.

If we want to continue with this, we can continue with this.

**The Chair:** I have two speakers who wish to speak on this topic. The next one is Madame Wynne and then it's Mr Marchese.

**Ms Wynne:** I want to be clear why I am moving this amendment. I am a new member, and I absolutely admit that I don't have the experience of the member for Burlington, so I'm being as cautious as I can in terms of the language that is used.

In the House today, I heard different versions of the issues surrounding this motion. What I am trying to do is put language in place that will give the member for Burlington what he has asked for, because it is absolutely the government's intention to provide whatever exists in terms of the documentation from this meeting.

If we were to do a linguistic analysis of this motion, in fact, the additional wording makes it more explicit that any documentation that came out of that meeting is to be available to Mr Jackson. The first wording just says "the tape recording and transcript"; it doesn't say that everything that exists in terms of documentation should be available to him.

What I'm trying to do is make it explicit that whatever exists that came out of that meeting and that the member has asked for should be made available to him. Obviously, if something doesn't exist, then it's not something he's going to be able to have access to anyway. His argument would hold water if we were trying to narrow his access, but in fact we're trying to make it explicit that everything that exists in terms of documentation coming out of that meeting should be made available to him.

It's completely within the rights of a member to move an amendment to a motion, which is what I've done. I really hope he'll be able to support it, because it will give him exactly what he needs, which is access to the documentation that came from that meeting.

**The Chair:** The next speaker will be Mr Marchese, and Mr Zimmer after that.

1710

**Mr Marchese:** I'm supporting Mr Jackson's motion as it was, for a number of reasons. Yesterday, the Liberals moved an amendment, which they obviously were able to succeed in passing because they have a majority. The amendment deleted the following words: "that occurred without notice or approval." So they were OK with the rest of the motion but today they're not OK with the current motion. They want to amend it on the basis of what they've heard. What they're trying to do is sanitize the motion and in fact to annul the effect of the motion. The amendment simply states any existing taped recording, to suggest there is no tape recording.

The problem is the following: We had Ms Price confirm yesterday that the tapes existed and that she was willing to release them. I feel bad for Ms Price, quite frankly, because it puts her in a very difficult position. She merely was doing what she was told by others, whether her boss or somebody else, that the tape existed. So poor Ms Price is now stuck in a position to have to deny that she in fact said that to Mr Jackson. Imagine how difficult it must be for the poor woman to be put in a position to have to say, "No, I didn't say that to Mr Jackson"—

*Interjection.*

**Mr Marchese:** I will get to that—and for Mr Jackson then to say, "Yes, you did," and for the poor woman to have to deny and deny and deny. That's why I feel, alas, poor Ms Price is going to have to pay the price—excuse the pun. So that's one difficulty.

The other difficulty—and this is where I believe Ms Price over anybody else. I believe Mr Jackson, but I also believe Mr Dwight Duncan, who evidently confirmed in a conversation with Mr Jackson that a tape exists. Now, Mr Duncan is likely to say that that conversation never happened. What else would he say? And Mr Jackson will then have to say, "Yes, it did." Mr Duncan, in the absence of a recording or a taping, will deny it, because there is no recording of that particular conversation between the two of them. So you've got poor Ms Price having to deny, poor Mr Dwight Duncan—although I don't feel so bad for Mr Dwight Duncan—will have to deny, and he will do it with a straight face. He's capable of doing it with a straight face, because I've seen that. The only other person who is capable of doing that is Mr Kennedy.

It would be very difficult to put Ms Price on the stand, so to speak, and say, "Can you confirm or deny that a conversation existed between you and I or transpired between you and I yesterday night, at approximately 5:45, where you in fact indicated there was a tape and that you were willing to make it available?" I could just see her turning red when she says, "It didn't happen," because she doesn't strike me as the type of person who knows how to hide certain things that happen to her.

These are the two facts I put in front of you. I call them facts on the basis that I believe they really

happened as I state them. I know my friend Mr Zimmer, as a lawyer, will present a legal defence for their denial, and that's all fine, really.

What I really want to say to the Liberals is the following: If you believe the tape doesn't exist, vote against it. Don't sanitize the motion, or don't pretend by the wording that you're being cute, you see. You obviously believe there is no tape, on the basis of information by staffers here and others—poor staffers as well; I feel bad for him too, but maybe not so bad—that this tape doesn't exist.

If you believe him and what other conversations have transpired since the debate in question period, simply vote against it.

**Ms Wynne:** We want to give him the transcript.

**Mr Marchese:** If you believe the tape transcript doesn't exist but maybe the written notes, say the tape recording—

**Ms Wynne:** The notes, right.

**Mr Marchese:** Oh, yeah, the transcript would be the written notes. Right.

My view of the situation is that the conversations have been taped. The government doesn't deny it in terms of what we heard in question period. In fact, I was very troubled by the manner in which some members of this committee and others in the Legislature, including ministers, spoke lightly of it. They were almost flippant. I heard one minister saying, "Do you really think this is important?" or "Nobody believes this is important." I won't name her because it's not nice; but just to treat the conversation lightly around a matter that I find so profoundly important: that conversations could have been taped.

We're talking about a briefing where a member sits with staff, political and civil servants—because I've been through these in a number of different capacities—and they give you a briefing on a particular bill. Nothing untoward ever happens that I'm aware of in terms of a description of the bill and answering your questions. It's really a very harmless process. Why you should feel the need to tape a conversation between a politician and a response from staffers is beyond my comprehension.

So questions were raised: Are we really taping the conversations or the responses of the provincial staff, civil servants, or are we really concerned about the remarks made by an MPP as to the types of questions they ask around a particular bill? Those mystify me. Why would you be concerned about answers that are given by civil servants? Is it a measure of testing their ability to be able to respond properly? Is it the adequacy of their responses, ie, were they improper? Did they reveal too much, or not reveal enough perhaps? Are they incompetent in the way in which they express themselves and maybe need training? Is that the purpose of that recording? If so, I find it objectionable. Is it to record the remarks made by an MPP as to the types of questions about a particular bill, let's say an education bill, and you want to ask what it means, or questions of clarification? You would want to tape that? It makes no sense.

For MPPs to take this matter lightly, I find it particularly offensive. I find the taping reprehensible, odious and insidious, the whole thing, including the fact that our leader said this is a breach of the Criminal Code.

I believe the motion as is currently before us really speaks to the truth as I have heard it from Ms Price and Mr Jackson, who stated—and other arguers will argue on the other side—a claim by Mr Jackson that he had a discussion with Mr Dwight Duncan wherein he stated that the tape does exist, as a way of intimidating perhaps or as a way of being offensive, I don't know, but I really object to the amendment.

I didn't like the conversation as it occurred in question period. I found the ministers' and MPPs' reaction to it offensive. I am happy the Premier did say, in spite of all the reservations and qualifiers, that he's going to end this practice—God bless. At the end of that discussion he did state that. That doesn't eliminate the fact that this has happened, with or without the knowledge of MPPs and/or ministers. That should be dealt with as well. I'm happy the Premier is ending that practice, but I will be voting against the amendment.

**Mr David Zimmer (Willowdale):** This discussion reminds me of a linguistic analysis, a graduate seminar in philosophy that Russell, Wittgenstein and A.J. Ayer would be pleased to attend.

By way of textual analysis, first, Mr Jackson's proposed motion says "the taped recording and transcript" of X, of an event. The point to be taken from that phrase, "the taped recording and transcript" of event X has to necessarily refer to a taped recording in a point of time, that is, any tape, or alleged tape, made at the time of the meeting.

It seems to me that in the amendment, the expression "any existing recording and transcript" of event X, as a matter of textual analysis, is a much broader net, because it would include any copy of any tape. It would seem to me that if Mr Jackson really wants to get any tape out that may exist, if in fact one exists, then the amendment proposed by Ms Wynne is a broader and more comprehensive way to get at it. So as a matter of logic and, in effect, a way of helping Mr Jackson in his quest here, I support Ms Wynne's amendment.

**The Chair:** There are no more comments; therefore, I'll call for the vote.

**Mr Jackson:** Mr Chairman, I request a 20-minute recess.

**The Chair:** Thank you. Twenty minutes are given. We'll recess for 20 minutes.

*The committee recessed from 1720 to 1738.*

**The Chair:** I believe the motion in front of us is the latest amendment, which we're going to vote on. Comments?

**Mr Jackson:** I listened very carefully to what Ms Wynne had to say about her reasons for changing her mind since yesterday. Ostensibly she said, "I heard different versions in the House today." The only version that changed was from her government. The statements of Carol Price have now been called into disrepute and the statement by Maria Papadopoulos has now been

called into disrepute, and the committee relied on that information yesterday.

I do have a motion dealing with the fact that this committee was misled by staff representing the government House leader and the whip's office. As such, I will be presenting an alternative motion in the event that this motion goes through.

Further, Mr Chair, I would like to move an amendment to the amendment to delete the word "existing."

**The Chair:** For our record, I believe that would be the third amendment. One carried, there is one in front of us and that is another amendment to the amendment.

Right now we are going to deal with deleting the word "existing." That is the motion in front of us for discussion. Agreed? That carries.

Therefore I have the amendment, as amended, and we're going to take a vote on that if there are no comments. Everyone in favour of the amended—

**Ms Wynne:** Could we just read the motion, so that we're clear?

**The Chair:** It's your amendment, so you may want to read it.

**Ms Wynne:** What we're voting on is that the committee request that any taped recording and transcript of the Ministry of Citizenship and Immigration briefing of the Conservative caucus on Bill 118 be immediately released to the member for Burlington.

**The Chair:** Is that understood? Any comments on that? If not, I'll take a vote.

**Mr Marchese:** A recorded vote.

#### Ayes

Craitor, Wilkinson, Wynne, Zimmer.

#### Nays

Marchese.

**The Chair:** That amendment is carried.

Now I'm going to take a vote on the amended amendment. The motion was amended by the two amendments. Is that the one in front of us? OK. Basically what we have is the motion, as amended, and there are two amendments to it. If there are no other comments, I will ask for a vote.

Anyone in favour? Anyone against it? The motion, as amended, carries.

We've dealt with the first item on today's agenda.

The next item on the agenda—

**Mr Jackson:** On a point of order, Mr Chair—

**Ms Wynne:** Mr Chair—

**The Chair:** Let me recognize the point of order first.

**Ms Wynne:** I'd like to move the subcommittee report—

**The Chair:** Mr Jackson's point of order.

**Mr Jackson:** On a point of order, Mr Chairman: I wish to present a further motion that flows from the amended motion presented by the government.

**Mr Wilkinson:** On a point of order, Mr Chair: Mr Jackson clearly said "point of order." How can a motion be a point of order?

**The Chair:** I have to agree, and therefore I will not—

**Mr Jackson:** You've recognized me, Mr Chair. I move that the committee express concern to the Speaker that during the—

**The Chair:** Mr Jackson, just allow me to hear the point of order.

**Mr Wilkinson:** On a point of order, Mr Chair: Ms Wynne asked to make a motion. Mr Jackson asked to make a point of order, and he did not make a point of order. So how, exactly, does he still have the floor, when one would assume it would go back to Ms Wynne, who actually, I believe, has a motion? If she doesn't have a motion, she should be out of order as well. But my gut tells me she probably has something to talk about that's a motion.

**The Chair:** I thank you, Mr Wilkinson.

Mr Jackson, I'm going to agree, because I did give you the floor, with due respect, and you made your comments. I ruled that was not in order. Ms Wynne had asked to speak at the same time you did. I'm trying to be as fair as I can. Would you please allow me to recognize her. You will have an opportunity, of course, like anybody else.

**Mr Jackson:** Mr Chairman—

**The Chair:** On my ruling?

**Mr Jackson:** Yes. Mr Chairman, I expressed it as a point of order because I wish to have a motion that flows from the amended motion. If it were my motion, that would be the end of it, but I am now left to deal with the amended motion on the floor that passed, and I have business that flows directly out of the amendment. That's why I presented it as a point of order, in order to have the attention of the Chair, in order for me to move my motion.

**The Chair:** Unfortunately I don't believe, from what I know—and please correct me if I'm wrong—that that would be considered a point of order. That's why I said it's not acceptable and that's why I turned my—

**Mr Jackson:** I brought to the Chair's attention the fact that I have a motion that flows from it. We have not finished with item 1. I think the motion that is before us flows—where's the agenda? It says, "Motion—Mr Jackson." We have been dealing with Ms Wynne's motions. I still wish to present a motion, Mr Chair, on the agenda that is before me.

**The Chair:** We dealt with that already, Mr Jackson. The motion that I understood—

**Ms Wynne:** It was your motion from yesterday.

**The Chair:** Please. I think, as we all know, there are a number of ways we can deal with today's agenda. It's my understanding that what you're trying to do, Mr Jackson, is not in fact what you asked, and that's why I recognized Madame Wynne. Allow me to do that, please, and I'll be happy to recognize anybody else after that.

Ms Wynne, you have the floor.

## SUBCOMMITTEE REPORT

**Ms Wynne:** I'd like to move the decisions of the subcommittee that were made on December 9 and then move amendments to that subcommittee report. I believe I need to move the subcommittee report.

**The Chair:** Yes, that's my understanding. Would you please do that on the record, and we'll go from there.

**Ms Wynne:** Your subcommittee met on Thursday, December 9, 2004, to consider the method of proceeding on Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities and recommends the following:

(1) That the committee meet for the purpose of public hearings on Bill 118 on January 31, 2005, and February 1, 2 and 3, 2005.

(2) That the committee meet in Toronto on January 31, 2005, and that the committee travel to Ottawa on February 1, to London on February 2 and to Thunder Bay on February 3, 2005. Times and locations are subject to change based on witness response and travel logistics.

(3) That an advertisement be placed for one day in all the English dailies and French weeklies. The advertisement is also to be placed on the ONT.PARL channel and the Legislative Assembly Web site and a press release is to be issued. The clerk of the committee is to identify and, in consultation with the Chair, utilize other means of advertising that may be suitable for reaching persons with disabilities.

(4) That the clerk of the committee write to all those who appeared at public hearings for the previous Ontario disabilities act and to the municipal accessibility advisory committees to advise them of the dates and locations for the current public hearings.

(5) That the deadline for those who wish to make an oral presentation on Bill 118 be 5 pm on January 12, 2005.

(6) That the deadline for written submissions on Bill 118 be 5 pm on February 1, 2005.

(7) That the Minister of Citizenship and Immigration be invited to make a half-hour presentation before the committee the morning of January 31, 2005, and that opposition critics be allotted 15 minutes each to respond to the minister's briefing.

(8) That the clerk be authorized to schedule groups and individuals in consultation with the Chair, and that, if there are more witnesses wishing to appear than time available, the clerk will provide the subcommittee members with the list of witnesses, and each caucus will then provide the clerk by January 17, 2005, at 10 am with a prioritized list of witnesses to be scheduled.

(9) That organizations and individuals be allotted 15 minutes in which to make their presentations.

(10) That the research officer provide the committee with a summary of witness presentations, prior to clause-by-clause consideration of the bill.

(11) That amendments to Bill 118 should be received by the clerk of the committee by 12 noon on Friday, February 4, 2005.

(12) That the committee meet for the purpose of clause-by-clause consideration of Bill 118 on February 7, 2005, in Toronto.

(13) That the clerk send a letter to the House leaders requesting the authority to sit during the recess on January 31 through February 3 and on Monday, February 7, 2005.

(14) That the Chair may determine whether reasonable requests by witnesses to have their travel expenses paid will be granted.

(15) That video conferencing and any reasonable interpretive means to communicate with persons with disabilities be utilized where suitable during meetings on Bill 118.

(16) That the Clerk of the committee, in consultation with the Chair, be authorized prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

I have some amendments that would be these:

That the number of days—

**Mr Jackson:** A point of order: I think we have to place the whole motion and agree to accept it, or are you accepting all the amendments or individual amendments?

**The Chair:** There is a motion that has been introduced. I'm going to hear any amendments. Of course, as the amendments are given, then we'll make that decision, Mr Jackson. I don't know how many amendments there are.

I've been told that you are correct, that we should have discussion on the motion before we can have any amendments. I suggest that once the discussion starts, any amendment can follow. I have to give at least one opportunity for discussion before any amendments are added. That's my understanding, so I would open the floor for any comments on the motion.

**Mr Wilkinson:** I'm pleased to report that it's my understanding there has been an agreement reached about amending the previous agreement. I think that's very encouraging for people with disabilities across Ontario who will now be afforded, I believe, a greater opportunity to meet with this committee—and share with them the fact that the bells are ringing. Sorry, Mr Chair. I think I've been pre-empted by democracy in action here at Queen's Park.

**Ms Wynne:** I'd like to request a 20-minute recess, Mr Chair.

**The Chair:** A 20-minute recess will have precedence, and when we come back Mr Marchese will have the floor, OK?

**Mr Marchese:** Mr Chair, can I recommend we come back earlier than that after the vote? Can we do that?

**Ms Wynne:** Fifteen minutes?

**The Chair:** Mr Jackson, if it's OK with you, we'll go for the vote and come back—

**Ms Wynne:** As soon as the vote's completed?

**Mr Wilkinson:** But we won't start unless you're here.

**Interjection:** Twenty minutes, but on the understanding that we'll come back as soon as—

**Mr Marchese:** Right after the vote.

**The Chair:** OK? Are we all going up?

*The committee recessed from 1750 to 1805.*

**The Chair:** Can we start, then?

**Mr Wilkinson:** Ms Wynne will be right here.

**The Chair:** I realize that, but we'll wait a few more minutes. Mr Marchese has the floor. I guess the question is, should we move on? If there is no disagreement, I will recognize Mr Marchese and we'll go from there.

**Mr Marchese:** Sorry, what was before us again, Mr Chair? What matter were we discussing?

**The Clerk of the Committee (Ms Anne Stokes):** The motion to adopt the subcommittee report.

**The Chair:** The motion that was read on the record; that's the only motion in front of us.

**Mr Marchese:** That's right. Mr Wilkinson had spoken.

Just for the record, normally the way it works is subcommittees decide on the course of what is to happen with the bill, and we discuss all of the matters that have been read for the record by Ms Wynne. Traditionally, those recommendations made by subcommittee members rarely get changed unless the opposition parties insist on something and the government members do not, in which case they then come to this committee, or any committee, and they make changes.

What was particularly disturbing in what happened here is that all three political parties had agreed, including their member, who is not here today, so one left with the understanding that we were OK. All of a sudden, those things get changed. The argument is made by the parliamentary assistant and others now that they were called by the community and so they had to change the dates. I just found that particularly disturbing in terms of the process and how it happened, because it normally doesn't get changed by the government in general or by the minister or the House leader. So I wanted to state for the record that that's particularly disturbing.

We had chosen or agreed upon four days, plus one day of clause-by-clause, and we all felt that those five days were more than adequate to be able to deal with a bill that everybody had agreed to. The government is very proud of this bill. They didn't speak once about having or needing to make amendments in second reading debate. We spoke to it and supported it, although we had concerns that we raised, and were quite happy to go out and hear from people on that bill. I thought four cities would more than adequately get a fair hearing from people with disabilities to tell us whether they loved this bill and that it was as historic as they say or whether they wanted changes.

So I thought, on the whole, when the government has rarely taken out bills for more than a couple of days, as we've done with so many others, for them to come back and request three weeks was—that's what we discussed yesterday, because the government wanted three weeks,

12 days—unexpected and rather hurtful in terms of what they were proposing.

So we ended our discussions yesterday in subcommittee with an understanding that the whips would get together and try to iron it out. There were differences. It requires approval from all three whips in order to have something that we can agree with today. They worked on it, and amendments will be presented by Ms Wynne that will reflect a little more fairly what all three caucuses were trying to achieve.

So at the end of it, in spite of all the ruckus and the anger yesterday that was expressed by many, we now have an agreement that I am happy to say we will be supporting.

**The Chair:** The next speaker is Madame Wynne and then Mr Craitor, in that order.

**Ms Wynne:** My understanding now is that I can move the amendment to the report, and I just want to be clear that the reason this amendment is coming forward is that the government felt, in conversation with members of the disabled community, that more fulsome hearings were required. That's where the motivation for this comes from. So what I'd like to move is that a total of six days of public hearings—

**Mr Jackson:** On a point of order, Mr Chair: I haven't been recognized. I thought we were able to discuss the main motion before we receive amendments.

**The Chair:** Allow me this.

**Mr Jackson:** You referenced a speaking order, and I was about to attach myself to that.

**The Chair:** I do agree that—if you don't mind, madame.

**Ms Wynne:** Fine.

**The Chair:** Let me allow Mr Jackson to speak, and then I will go back to Ms Wynne and she can comment. So you're also on the list. I realize that, but in fairness, to my recollection, Mr Jackson has not spoken on the motion. I think it's fair that everybody has an opportunity to speak on the motion before we go back, let's say, to the Liberals, who have already spoken on this motion. So, Mr Jackson, you have the floor, please.

**1810**

**Mr Jackson:** Thank you, but I'm quite content to follow in your recognized order with Mr Craitor, who wished to put a few comments on the record.

**The Chair:** I think you should be the next one, because your party has not spoken on this motion yet.

**Mr Jackson:** Thank you, Mr Chairman, then. When I received the subcommittee report, which I appreciated receiving, I had occasion to contact the clerk of the committee, Ms Anne Stokes, and I expressed to her some concerns I had that, in my opinion, might strengthen the decisions of the subcommittee. The clerk of the committee was kind enough to document those and encouraged me to contact the Chair, which I did. We were unable to have a fulsome exchange, but I have some concerns with the manner in which the first subcommittee report came out.

One of the concerns I expressed was the issue around going to Thunder Bay. I'm all in favour of going to

Thunder Bay; in fact, I will tell the committee members that what we learned from Ken Boshcoff, the mayor of Thunder Bay, and by attending Laurentian University, was that they have a 10-year full accessibility plan. I think it might be helpful and instructional to this committee if we had some time to meet with the accessibility group at Laurentian University. The reason I say that is because they had concurred with the recommendations that they be fully compliant within 10 years. That is the regulatory framework that was to apply to government-funded programs and, specifically, to accessibility for students who were disabled.

My hopefully helpful recommendation to the committee was that we not fly to Thunder Bay on a Thursday and then have until 11 o'clock the next day to have all our amendments done, which is what this reports suggests, which is near impossible. If you're snowed in in Thunder Bay, then we can't even present amendments. That was one of five concerns I had, and I don't have to address that again, but there are huge problems with being in Thunder Bay, still receiving briefs that you're barely able to read fully and then after two business working hours the next day having to have all of the amendments filed. I'm hopeful that will be corrected in this, because I saw that as a problem.

Back to Thunder Bay. It has been the custom whenever I've travelled that we generally always try to go to Thunder Bay on a Sunday night because of the long flight, so we can start early, go late, if necessary, and then fly out. If Sault Ste Marie is chosen, then there are other pieces of advice. I thought this was rather tight and prescriptive about the dates of the cities which we were to attend, and I suspect the clerk of the committee has had some time to look at availability of space in general terms in some of these locations and/or flights. Again, I thought I was advancing a friendly amendment in that regard.

The second area of concern that I expressed had to do with the subcommittee report's paragraph 7. The committee, in the same paragraph, refers to the minister doing a presentation and then refers to it as a briefing. Those of us at Queen's Park know there is an absolute, distinct difference insofar as the committee ordering up its business. It's been the custom to have a technical briefing to the committee. This has been underscored with even more importance, partially on the basis that it was the express wishes of the ministry to only give me a technical briefing and not the members of my caucus, and, as you know, we're entitled to two members. That privilege was not extended willingly by the government.

I can confirm for the record that the dozen or so questions I raised in the technical briefing—and these were very technical questions—have just been handed to me in the last half hour. They were requested 30 days ago. I think the disability community deserves a briefing. It gives all of us who want to put in proper amendments to this legislation an opportunity to get a full technical briefing. So when the occasion comes, that's an area where I wish to submit a further amendment.

I respect the right of a minister to come in and do a presentation. That's consistent. But invariably, there's always time at the beginning, prescribed by an amount of time, where we can get a full briefing. We have technical staff who are assigned to this committee. As you know, they are instruments of assistance for you, as the Chair, to ensure that the committee is serviced with all of its research needs and its needs in order to respond to questions from the deputants who come before us. So in particular with the disability community, they would like to have some of these answers for the record prior to the start of the actual hearings.

The third point that I had expressed concern about was the sequencing of the cities. Again, having been a Chairman of a committee and having served here enough times to know, there are certain sequences of attendance in cities that work very well to mitigate costs. One of the problems that I was having with the change in the total number of cities involved and in going from one week to three weeks was that it probably added about another \$180,000 worth of expenses. Maybe that's quite all right, but we do not have a budget or even a ballpark budget. Again, Mr Chairman, unless you can inform this committee that the cap has been lifted off our budget, that will speak to a couple of issues that you need to know.

If we engage in ensuring that the disability community has specific rights to access during these hearings, these are incredibly expensive. To do justice to this bill, we're going to need to ensure that the deaf community, the deaf-blind community and other disability groups have access, are able to comprehend what is being said. I will be raising questions about Braille translation, access to Braille versions of the comments. Again, without inviting a comparison, those are the kinds of things that I was guided by when I was introducing legislation, and I think there's an expectation on the part of the disabilities community that the government will proceed in this area.

Finally, the existing Ontarians with Disabilities Act, the current one that guides this government and all of us, indicates that there is a priority responsibility on the part of the Legislative Assembly and the Speaker to ensure that these services are provided. I have yet to secure a copy of the Speaker's plan for the legislative precinct. This would be, again, helpful to the committee in our quest to ensure that the House leaders cannot subvert the legislation and say, "All right, we're going to do more cities but we're going to cut corners on interpretation," or things to that effect. Again, I raised issues with our clerk to pass on with respect to ballparking the budget, ensuring, Mr Chairman, that you do not have a cap, so that we can ensure—now, I have several amendments that I'll bring forward. I'm speaking only to the committee report.

The fifth and final issue I expressed a concern about was the notion that I find it tragic that four or five people express an interest to come forward to a meeting and then we create rules that say, "We're going to pull the plug on that city because we only had five or six people request." That was implicit in the subcommittee report. I have a

hard time with that. I've always had a hard time with that. So my advice in this matter was that if fewer than 10 persons come forward requesting, then this committee be authorized to pay the full expenses for them to come to Toronto, which, being the hub that it is, is the safest location for the disability community and the most accessible of all of the inaccessible cities in our province.

**1820**

I further feel strongly about this because when I was the minister, I had a fight with my bureaucrats, many of whom are still there, on the principle that you submit your expenses and then we pay them. For the life of me, I had a hard time convincing the bureaucrats that you cannot impose that simple historical requirement that is encouraged by the auditor and the House leaders and so on. The disability community doesn't have the funds to be able to be out of pocket. Many of them need months to save the money to pay for a large trip, based on the fact that they're living on fixed incomes. My solution with my bureaucrats was that I put that on my personal credit card as the minister. I was stubborn, and most members will agree that I am a very stubborn person. But I was determined to ensure that those individuals had standing and had the right to come before the committee and to give advice to the government and so on.

Again, Mr Chair, I share that with you because I don't want us as the subcommittee to find out that your budget is in any way being trimmed or capped in this regard. I sense from you that you are sensitive to that, but I'm most anxious to make sure we have those assurances.

Those were the concerns I had expressed. I look forward to working on the amendments. I have several to ensure that we can improve accessibility for those who wish to attend in those cities that the three House leaders have determined we should be attending.

**The Chair:** Thank you. Three members have spoken on the motion. I will recognize the rest of the members who wish to speak on the motion, if there are any. Otherwise, I will go to Madame Wynne to make the amendment that she wanted to do originally. Therefore, can I go to Madame Wynne?

Yes, Mr Craitor? You have some comments on the original motion?

**Mr Craitor:** Let me just say first of all that I listened intently to the comments by Mr Jackson, who obviously has been here a lot longer than I and seems to be as passionate as I feel about disability—and they are very valid. I appreciate your sharing them with us.

The one thing that stood out with the committee's report and the one concern I had with it—and I'm hoping that as the evening flows something will come out of this—is that I felt we should be getting out to more communities. So I hope that as the discussion continues on, there may be some other cities added to it. Obviously we'd like to visit them all, but we know that's not practical, and I have a better understanding that there's quite a cost to it. But I'm hoping that as we have further dialogue, we can add some more cities to it and get out to some communities which I know have a real interest and would like to participate.

**The Chair:** Are there any other comments?

Madam Wynne, you have the floor now.

**Ms Wynne:** The amendments that I'd like to bring, the agreement that was reached, is that there would be a total of six days of public hearings. That would change basically points one and two in the decisions of the subcommittee. It would be six days of public hearings during the weeks of January 31 and February 7.

The agreement was that the committee would decide on the cities. I understand that the cities that have been agreed upon are Thunder Bay, Niagara Falls, London, Ottawa—each of those one day—and two days in Toronto; and that two days of clause-by-clause hearings would take place once the House returns. It would be a total of eight days.

The other issue that was discussed, and I believe is consistent with the subcommittee report but I will just put it on the record, is that there would be Web cam broadcast, if possible, and accessibility issues are to be taken into account at every hearing. OK?

**The Chair:** That's the only amendment?

**Ms Wynne:** Then, with those amendments, there would have to be logistical decisions made about which city when. I certainly heard Mr Jackson, and I believe Mr Marchese agrees, on the decision about when to meet in Thunder Bay, that Thunder Bay on a Monday would make the most sense. I believe there are two Mondays in that period of time, so to travel to Thunder Bay on a Sunday night in order to meet on Monday is consistent with what was discussed.

**The Chair:** OK. Mr Jackson, you also agree with those comments, and I hear Mr Marchese—

**Mr Marchese:** Yes. That was the only thing I wanted to be sure of, because it made sense that we travel on Sunday in the event of weather conditions preventing us from getting there the same day. I wanted to be sure that was changed as the number two item. So that's OK.

**The Chair:** So you agree with that. OK. You still have the floor, if there are any other comments. Otherwise—

**Ms Wynne:** No. The only thing is, because of adding two days, there may be changes to the deadlines. I would defer to the clerk in terms of what those logistics would be.

**The Chair:** So that's part of the motion.

**Mr Marchese:** Just to add to a comment that Mr Jackson made, we have agreed that the two of you would determine costs—and “reasonable costs” is what we wrote down on the report—and that if there were any other additional problems, you would obviously consult the committee. Because it's quite possible that you might run out of money; I don't know. If that were the case, you would be consulting us. It's too late now to request a motion that would simply give us the authority to be able to draw on more if needed. But I'm assuming that if there are more requests that we can accommodate through our budget, we could then make a request at the appropriate time to either get it then or retroactively. I'm assuming that we have that flexibility.

**The Chair:** Is it understood that that flexibility would be left with me and your office, and I will communicate with the three parties if there is any problem?

**Mr Marchese:** In the event that it's a problem.

**The Chair:** I have already asked the question if in fact there was a problem with the money allocated. Unfortunately, we don't have that answer, but the perception, as I understand it, is there is no funding. But if there is a problem, I think what you're recommending is wise, unless there's disagreement.

**Ms Wynne:** The only comment I would make is—well, two things: The issue of access certainly needs to be dealt with in terms of teleconferencing or where it's not possible for people to travel, and I think that has been made clear in both the subcommittee report and in the amendment. The second thing I just wanted to put on the record is that we really felt strongly that we should get as many days of hearings as we could get agreement on from all three parties, and this was the agreement that we could come to.

**The Chair:** I recognize Mr Wilkinson, on the amendment, please?

**Mr Wilkinson:** Yes. I would ask that we call the motion.

**The Chair:** There is a motion on the floor to ask for a vote on the amendment. Do we have agreement for that?

**Mr Marchese:** I'm sorry. We were chatting. What's the motion?

**The Chair:** The motion is that we vote on the amendment at this time. Of course, the floor is open for debate on that motion.

1830

**Mr Jackson:** Perhaps I'm old school, but I thought we were supposed to have these amendments written. I see representatives of the House leader; have they got those written and prepared? We should get all the amendments out on the table and then we can go through items one through 16. I mean, number 12 should be eliminated, number 14 needs amending. Otherwise—

**Mr Marchese:** Let's make all the appropriate amendments.

**Mr Jackson:** We will be finished with a document—and I wish to be helpful to the clerk, that we go through a process that doesn't allow us to have a contradictory document because we haven't amended—the whole document has to be amended, unfortunately. However, I'm madly writing the amendments here so that I can submit them, to be helpful, and I would hope that the government would do likewise.

**The Chair:** Certainly, if the wish is to have five minutes or whatever to write things down, we can do that. Otherwise, we can poll each amendment by itself. I think we can handle that. Is that agreeable?

**Mr Jackson:** That is perfectly acceptable that you read into the record motion one, and then we concur that that's how we're amending point number one. That way, it's signed off, and we go through the document and it's done. We will have to verbalize our changes, but I think if we do that succinctly, it will be helpful to the clerk.

**The Chair:** How about, if there is agreement on a number—

**Ms Wynne:** I'm writing it down.

**The Chair:** You're writing down your amendments.

I will recognize you, Mr Marchese. Why don't you go ahead?

**Mr Marchese:** Cam, I don't think we should complicate this. We have the amendments and we should vote on the amendments, rather than going one by one, and then we'll go over the whole thing. We have one and two, and we understood what Kathleen said; we could vote on that. Then you've got amendments. Let's deal with them, and then vote on the whole thing. We don't really need to delay this much further. Can we do that, Cam?

**The Chair:** Can we agree on what Mr Marchese has recommended? Again, I am at your mercy, as they say.

**Mr Marchese:** Because whatever amendments are made, they're made on the record, so we know what the amendments are.

**Ms Wynne:** It's there in Hansard.

**The Chair:** Mr Jackson, can we do that, please?

**Mr Jackson:** What is it we're going to do?

**Mr Marchese:** We know what the amendments are; let's vote on them. If you have some amendments, let's deal with them. Put them on the table and then we'll vote on the whole thing, rather than having to vote for each one.

**Mr Jackson:** Generally, as a Chair, I'd check with the clerk to see if she's going to be able to finish a document that satisfies the requirements of the committee. It's rare to find a clerk that can work with that. However, if you can, I'm willing to try it. However, I sense that the clerk was having some difficulty with a process that isn't in print format, that she's expected to—

**Ms Wynne:** I'm writing out my amendments.

**Mr Jackson:** Very good. Then I'm concurring with Ms Wynne's efforts to write things out.

**The Clerk of the Committee:** If I could, there's a suggestion—we could go through and have an amendment to each section.

**Mr Jackson:** That's what I said.

**The Clerk of the Committee:** Perhaps we could get together and redo the whole report and then meet as a committee and do it as one. It's just that there are a number of things to each section, so if you want to write out each one and vote on each one—

**The Chair:** I thought we had a solution. All three parties, I thought, had agreed that we'd deal with the amendments, as long as they are in writing.

**The Clerk of the Committee:** We still have a motion that looks like this and we have to make changes to it and we need to amend it.

**The Chair:** Yes, and that will be addressed after the amendments are dealt with.

**The Clerk of the Committee:** Those are the amendments that will be amending—

**The Chair:** I'm sorry?

**The Clerk of the Committee:** The amendments that will be moved will be amending this document.

**The Chair:** Yes, that's why they are amendments. They're amendments to the motion. So we deal with the amendments, and if Mr Jackson has any other amendments, we'll deal with them. When that happens, I would suggest—if you agree with me—that if you or anybody else feels that those amendments are contradictory to any of the 16 recommendations, then we adjust it and then it will take a motion, as amended. Is that what you are saying? Can I hear from Mr Marchese and Mr Jackson? Do you agree with that?

**Mr Jackson:** I believe we must amend each section, since you accepted this document for amendment. You did not dismiss this document and create a new one, which would have been even easier. I think that's the trouble that the clerk's having.

**The Chair:** I hear you, but that's not my understanding of how you deal with it. When there is a motion on the floor, there is a motion on the floor. When there's an amendment, you address the amendment—

**Mr Jackson:** I agree. I'm agreeing—

**The Chair:** —and then you deal with the motion that's amended.

**Mr Jackson:** Mr Chairman, I'm trying to be helpful. You would then say, in section 1, "Are there any amendments to section 1?" That's standard operating procedure for a Chair and for a clerk and for research. If you don't wish to follow that—I was trying to be helpful. But at the end of the day, we have to have a document, and if I don't see it in front of me and I've got sections that I have addressed to you—

**Mr Marchese:** OK, Mario, you can go through that way: "Are there any amendments to section 1?" You can do that. That's fine.

**The Chair:** I'm prepared to do it either way you people want. I heard two parties saying that. Would you then allow me to proceed in that direction?

Now, that's interesting: There are already amendments on the floor. Should we address the amendments and then go through 1 to 16? Is that what we are saying? Usually, the amendments take precedence.

**Mr Marchese:** But the amendments actually refer to 1 and 2, so we would be starting from there anyway.

**Ms Wynne:** I'm going to read what I'm proposing as the amendments for points 1 and 2.

**The Chair:** One at a time.

**Ms Wynne:** OK. For point 1: "That the committee meet for the purpose of public hearings on Bill 118 for six days during the weeks of January 31 and February 7, 2005. That clause-by-clause take place for two days when the House returns in February."

**The Chair:** So that is number 1, as amended, I would suggest.

**The Clerk of the Committee:** I need a copy of that.

**The Chair:** Do you have it written down?

**Ms Wynne:** Yes, I've got it written down, Anne.

**The Chair:** Let's get it in writing, and then we'll move it.

**Ms Wynne:** We're going to have to make copies for everybody.

**The Chair:** We'll take a couple of minutes.

*The committee recessed from 1838 to 1855.*

**The Chair:** We are back on the record. We are still on number 14. Mr Jackson, you have some comments on number 14?

**Mr Jackson:** Chair, first of all, the clerk has been helpful in explaining to us how there is a global budget for committees. However, the committee costs involved here are rather extensive and may be a bit of a surprise, depending on the nature of some of the deputants who wish to present themselves to us while on the road. My concern with section 14 is that it talks about their travel expenses and not accommodating them in the process of presenting their brief, OK? So I have some questions around Braille access, TTY access, an interpretative assistant for the deaf-blind community and for the deaf community. In my view, this is too narrow, since it discusses only their travel expenses.

The next one, 15, talks of "reasonable" interpretive services. There was a member in this Legislature, Mr Malkowski, whose concept of reasonable, when dealing with government issues, included having two interpreters so that one could interpret what was being said and another could interpret any interjections. That was something that had never occurred to me as an MPP, but it made absolute sense. That, in a sense, doubled the cost.

I'm not putting a value that that's good or bad. I'm simply saying that just relieving what's reasonable—I want to make sure that (a) the budget isn't capped and (b) that expenses include, for example, bringing their interpreters. You've got the person who wishes to make the presentation and their interpreter, so now we have those expenses. And that isn't the travel expense; that's paying them to be there etc.

**The Chair:** So you are recommending that adjustment. Could I hear comments on that?

**Ms Wynne:** I believe that the third part of what I suggested, which actually was discussed by the House leaders—and I'm not able to find it. Here it is: "...that accessibility issues be taken into account, that Web cam broadcasts be available if possible and accessibility issues be taken into account." I think that could amend either 14 or 15 and would allow for adjustment according to accessibility issues.

**The Chair:** Mr Jackson, do you agree?

**Mr Jackson:** I'd like to hear it again or I'd like to see it in print. Are we getting rid of "reasonable" requests? I get nervous when someone says, "I don't think that's reasonable."

**Clerk of the Committee:** Mr Jackson, "reasonable" is really just to put a limit on somebody asking—

**Ms Wynne:** For the moon.

**The Clerk of the Committee:** It's to say "reasonable." "Reasonable," in my understanding, would be—the Canadian Hearing Society, for example, recommends that if there's a meeting of more than two hours, you have at least two interpreters, and if it's going to be

longer, then you'd have three interpreters. The last time public hearings were held on a bill like this, expenses were paid for personal attendants for assistance for people arriving. In my interpretation, that's reasonable.

That was my intention of saying "reasonable," but certainly if you want to add or change anything, that's fine.

**Mr Marchese:** That language is something we've all agreed to in the past. "Reasonable" imposes some limits, without having to open it up to anything. That's a reasonable request.

The other point that Kathleen was making was about the issues of—I missed the first few words—accessibility being taken into account. What you want is general language like that which speaks to generalities of needs that Mr Jackson was speaking to. I think we're all sensitive to the fact that if that language is there—we're quite keenly aware of what Mr Jackson is saying. You as Chair and the clerk have a good understanding of what we're talking about. That's sufficient for me.

**The Chair:** I do.

**Ms Wynne:** Mr Jackson, what I'm suggesting is that number 15 be amended in the way that I suggested. You will get that language because I've written it down and it'll be photocopied. OK?

**Mr Jackson:** Mr Chair, my concern raised in 14 is requests by witnesses. Item 15 talks about guiding the Chair on what services will be provided. Item 14 talks about which ones we're going to compensate. I'm not satisfied—as I said earlier, what I put on my ministerial credit card was the hotel rooms for people who have to fly according to availability, so they—

**Mr Marchese:** So suggest language, Cam, that we can deal with so we know what we're talking about.

**The Chair:** On number 14, what would you recommend?

**Mr Jackson:** Their travel, accommodation and interpretative assistants' expenses will be granted. That covers—

**The Chair:** Do we have that in writing?

**Mr Jackson:** It's three words.

**The Chair:** Make sure that the clerk writes it down and then we will see if there are any comments.

**Mr Marchese:** I wonder whether you want to say "accommodation where needed"?

**Mr Jackson:** And "interpretative assistants' expenses will be granted."

**Mr Marchese:** "Interpretative assistants" is part of your language, Kathleen, but I can go along with that if we wanted to add that.

**Mr Jackson:** These are requests by witnesses. I want to make that abundantly clear. This is particularly difficult for the deaf-blind community. There are very few people who can communicate in this regard.

1900

**Mr Marchese:** OK. And can—

**The Chair:** One second. We have the language written down. She will read it to you, and then we'll see if there is any other—

**Mr Marchese:** I agree; I heard him. I was just wondering whether we can say—I don't mind "interpretive assistance and accommodation where needed." I wonder whether that would be helpful, because that gives you room in terms of "reasonable," right?

**The Chair:** Mr Jackson, is that OK with you?

**Mr Jackson:** It says, "reasonable requests by witnesses." I'm not trying to change this at all. I'm just saying—let me keep it simple—

**The Chair:** But if the word "reasonable" is there, wouldn't that do the job, Mr Marchese?

**Mr Marchese:** It doesn't matter, I guess.

**The Chair:** Ms Wynne, do you agree?

**Ms Wynne:** So "reasonable" will apply to travel, accommodation and the other things you've listed, right?

**Mr Jackson:** Yes.

**Ms Wynne:** It actually puts the same parameters in place.

**Mr Marchese:** That's fine.

**The Chair:** Good. So the three groups agree on that language.

Before we move to number 15, I would like the clerk to read what we have agreed to on number 14, to make sure there is no misunderstanding.

**Clerk of the Committee:** "That the Chair may determine whether reasonable requests by witnesses to have their travel, accommodation and interpretive assistance expenses paid will be granted."

**Mr Marchese:** And accommodation.

**Ms Wynne:** She said accommodation.

**Clerk of the Committee:** "... travel, accommodation and interpretive assistance expenses paid will be granted."

**Mr Craiton:** Just one question. This is quite significant, and I appreciate your bringing this up, Cam, especially for my own region of Niagara Falls. People come from all over, whether it's Welland or Thorold. We just take for granted that we can move around; these people, many of whom I know and who are my personal friends, can't.

I just want to make sure we're not restricting it to just those three, because in the disabled community there are other expenses they sometimes have to incur to move around to attend meetings. Is there some way we can just put a little phrase in there? As I listen to it, we're restricting it to just those three. Isn't there—just in case there's something else those witnesses incur as an expense?

**Ms Wynne:** The next point, which would read, "That video conferencing and any reasonable interpretive means to communicate with persons," is just about communication; this isn't about travel and it's not about getting to. It has accessibility issues that are general, but it does not apply to travel or accommodation.

**Mr Craiton:** I guess I just need assurance, Mr Chair, that if there are other things the individual incurs to be able to participate as a witness, you're flexible enough to consider those.

**The Chair:** You asked me the question. My understanding is that there is flexibility in the motion that that will be done. If anybody disagrees, say so, otherwise we agree on it.

**Mr Jackson:** The only issue—

**The Chair:** Mr Jackson, can I recognize Mr Wilkinson? He hasn't spoken on the matter, and could we stick to what Mr Craitor said and then move on, please?

**Mr Wilkinson:** Assuming we're going to agree to do as much as possible to accommodate people, why don't we just strike the word "travel" and talk about expenses. If you're trying to list something, you're going to miss something. We're all reasonable people. "Expenses" covers that, and we won't get caught into listing or not. It's general and the Chair has discretion, and we have to make sure that Ms Wynne's further amendment about—

**Mr Marchese:** I would be happy with that too.

**The Chair:** Kathleen, are you OK with this? Cam, how about you?

**Mr Jackson:** Yes. The only cautionary note here is that that can then include meals. That has already been tested, and I was severely attacked for paying for the meals of disabled members who came forward to present to me, and the disabled community with whom I consulted. I paid a very heavy price—

**Mr Marchese:** That's why you want to be specific about accommodation and interpretive services, is that it?

**Mr Jackson:** I am being guided by a standard of care and attention that I was comfortable with as minister. When I did it, I included meals for these people, because they didn't have money.

My other way of asking this is, what other items could Kim imagine he'd like covered? I'm simply saying that the one thing I've missed is meals. There is so much language on the floor of the Legislature about how wrong that is, that I'm not going down that route again. I've suffered enough public humiliation for buying meals for the disability community. Unless you've got something else, I'm satisfied that we can cover the accommodation, which is some \$100 a night in Toronto. No disabled person should be asked to pay for that. Specialized transportation is extremely expensive. Travel is covered under specialized ground transportation.

**Mr Marchese:** If you can't think of anything else, can we move on?

**Mr Jackson:** I just don't want someone submitting—maybe you want to pay for their meals, that's fine.

**Mr Craitor:** Obviously you have some experience in paying for meals. You're telling me it's not something that's done up here?

**Mr Jackson:** It was severely criticized by the minister—let me put it to you that way.

**The Chair:** Let me ask you this question—and I know what you're talking about—are you suggesting that we should pay for reasonable meals?

**Mr Jackson:** No, I'm clarifying why—

**The Chair:** How about you, Rosario? What do you think? Do you think it's reasonable?

**Mr Marchese:** I would leave it as originally proposed, which was including travel, accommodation and interpretive assistance. I think that's fine.

**The Chair:** Would that include meals, in your opinion?

**Mr Marchese:** No, and I'm not sure we've ever done that. I don't believe we've ever done that, and if we did, we would set a precedent.

**Mr Jackson:** I've already set a precedent. We did it.

**The Chair:** And I have some doubt that motion will ever carry. "Reasonable" does not include meals.

**Mr Marchese:** It never has, in committee. I know what Cam did on his own, but let's leave it like that.

**The Chair:** As long as we agree. We all agree that meals will not be included, so make sure you remind me if I make a mistake and it happens.

Can we move on to number 15? We are OK with 14?

**Ms Wynne:** I think I've read number 15. Do you need it read again? "That videoconferencing and any reasonable interpretive means to communicate with persons with disabilities be utilized where suitable during meetings on Bill 118, and that Web cam broadcast be available if possible and accessibility issues be taken into account."

**The Chair:** That's number 15, as amended. Do I hear any disagreements from Rosario or Cam?

**Mr Jackson:** By inserting "accessibility issues"—what's an accessibility issue? Is it interpretive?

**Ms Wynne:** It's an accessibility issue to do with communication, because this point deals with communication. So if there's something we have missed, then it's covered by that.

**The Chair:** You're OK with that, Cam?

**Mr Jackson:** We don't have anything in here that talks about due regard for the accessibility of the locations we pick.

**Mr Marchese:** That's true. We discussed that—

**The Clerk of the Committee:** It's the policy that all meeting rooms or areas are fully accessible.

**Mr Marchese:** We would assume.

**The Chair:** Otherwise, we'd be in trouble.

**Mr Marchese:** We leave that to the Chair and the clerk.

**The Chair:** Are you satisfied, Cam? OK.

Number 16 is the last one.

**The Clerk of the Committee:** If this subcommittee report is passed now, I don't really need that. That could be deleted.

**The Chair:** Do we agree that we don't need 16?

**Mr Marchese:** Yes.

**Mr Jackson:** You may want to suggest that the subcommittee be empowered if, for any reason, any amendments have to be made. If the clerk comes up to—

**The Clerk of the Committee:** Usually, if there's something that comes up—

**Mr Jackson:** We leave that at the discretion of the Chair to call the subcommittee.

**The Clerk of the Committee:**—the subcommittee would meet and then the report would be presented in committee again.

**Mr Jackson:** Usually, if I run into a problem as a Chair with something, I generally immediately call the subcommittee and say, “Look, help me make a decision here.” If that’s implicit as precedent, then I’m comfortable with that. This probably will have a couple of those little bumps in the road that need to be fixed.

**The Chair:** So we’ve dealt with the original motion and we amended everything we wanted to amend. Therefore, I think I have to take a vote on the amendments and then the motion, as amended.

**The Clerk of the Committee:** I would just like to make sure that everybody sees the first couple. I would like to have that, so they can—

**The Chair:** So you’re going to put it together?

**The Clerk of the Committee:** It will just take two minutes.

**The Chair:** Two minutes, and then we’ll read it.

**Mr Jackson:** I don’t have 1, 2, 3 and 4 checked off yet.

**The Chair:** OK, let’s address that before you go.

**Mr Jackson:** I want to come back to 3.

**The Chair:** Can we have a two-minute break?

*The committee recessed from 1908 to 1914.*

**The Chair:** Thank you. Whenever all of you are ready, please indicate so we can vote on the amendments first of all, and then—if it carries, that is—we will vote on the motion, as amended. We can take all the time we need to feel comfortable with the amendments, the better to discuss them.

**Mr Wilkinson:** One of the things we’ve agreed to is to strike certain—

**The Chair:** Those are considered amendments.

*Interjections.*

**Mr Jackson:** So we can do that right now, Mr Chairman.

**The Chair:** Well, let me get the clerk at her desk, and then we can certainly deal—

**Mr Jackson:** Yes, but this is the clerk’s friendly amendment: “those who appeared at public hearings for the previous Ontario disabilities act”—

**Mr Marchese:** And to write to all the organizations and to the municipal accessibility advisory committees.

**The Chair:** You’re talking about number 4, then. Can you read again what we are deleting on number 4?

**The Clerk of the Committee:** On number 4? No, it’s just to add the word “organizations” after “those”: “That the clerk of the committee write to all those organizations who appeared at public hearings for the previous Ontario disabilities act and to the municipal accessibility advisory committees to advise them of the dates and locations for the current public hearings.”

**The Chair:** So that is number 4, as amended. Any questions? If there are none, then I’m ready to take all the amendments to the original motion. Any comments? Those in favour of the amendments? Should we have a recorded vote? No? OK. Against? The motion is carried.

Now I’m going to take a vote on the motion, as amended. Any comments?

**Mr Jackson:** Chair, I’m sorry. I forgot one amendment. I apologize. It will take me 10 seconds.

**The Chair:** We can still do another amendment, of course.

**Mr Jackson:** I apologize. I was sure I had—

**The Chair:** No problem.

**Mr Jackson:** The motion is “That should less than 10 persons request standing at any location selected by the committee, their full expenses be paid to enable them to travel to Toronto and present before the committee.”

I will speak to this very briefly. Part of the discussion was the number of people, that if we don’t get any more than five, six or seven people, we would pull the plug. I don’t think that’s appropriate or fair. We’d cancel that city and we’d cancel the meeting. In my view, this resolves the intent, which was that if we don’t get sufficient numbers, if it’s going to cost five times as much money for the entourage to go to one city and it would be cheaper for us to move them here or to a recommended city—that’s all I’m suggesting.

**Mr Marchese:** Can we do something that might be reasonable and/or enabling? If we’re going to some city and there aren’t enough, the clerk could simply say that there are other hearings in other places that might be near them. Is it possible for us to agree that we could tell them through the clerk that they could travel elsewhere, or teleconference, if that’s the other issue?

**The Chair:** That’s a question that Mr Marchese is asking, and that’s fine. Let’s hear other voices. My perception was that if the number would be less than 10, you felt that potentially it was not wise to have a hearing in that specific city. So let’s pay the bill for them to come wherever we are, which may answer your question. It may not have to be Toronto. It could be a city where we have to go, and we will encourage them to join us in that city. That’s, I believe, what Mr Marchese is suggesting.

**Mr Marchese:** Right. Including and/or saying to them that we can arrange for teleconferencing as another possibility, if that were suitable to the individual deputant.

**The Chair:** So would you leave this flexibility to me as the Chair, either teleconferencing, or in another city, or Toronto?

**1920**

**Mr Marchese:** That’s right. Wherever it might be reasonably convenient for them.

**The Clerk of the Committee:** Are you going to put a number on it, or is it going to be something—

**The Chair:** Well, he said 10.

**Mr Jackson:** The reason I came up with a number is that previously the subcommittee discussed a number of five or six. No one could explain to me how they arrived at that number. But in accordance with the subcommittee’s report, that is an hour and 15 minutes of hearings. Maybe that’s the reason it was addressed and considered: Are we going to spend \$25,000 or \$35,000 to go for an hour-and-a-half meeting in Thunder Bay? That’s the first thing I was asking a question about. Ten

people is two and a half hours of public hearings. Now, does that constitute sufficient—we're saying here, "You've got 15 minutes, period, end of sentence, full stop."

**Mr Marchese:** I think 10 people would constitute a meeting. I think we should go if there are 10 people. If there are three, four, five or six, then I think it's—

**The Chair:** I hear from both of you that you agree on 10. Anything less and we have to find alternatives.

**Mr Jackson:** I'll read my motion one more time: "That should less than 10 persons request standing"—so it's nine or fewer and two hours and 15 minutes is all we've got. I'm just trying to come up with a better solution than to say, "Sorry. The subcommittee report recommendation was that if you had five or six people, they'd pull the city off the list." I did not think that was appropriate.

**The Chair:** The question, I think it should be clear, is the number. You have said 10. Mr Marchese's agreed on 10.

**Mr Jackson:** I said less than 10. But you're right; my number is 10.

**The Chair:** Do I hear disagreement on that?

**Mr Wilkinson:** Just for clarification, I believe we have agreement on 15, which is the whole idea of being able to video conference. Obviously, we're not going to be having—I think video conference is what we were going to use if it wasn't going to make a lot of sense. But the idea that we won't do video conferencing but we're going to fly a lot of people down, when we could video conference instead—

**Mr Marchese:** That's why we're saying we don't need a motion necessarily. If we have an understanding that there are seven or eight people, and that might be too few to go to a city, we're leaving you, the Chair, through the clerk, the ability to say to them, "There are some options. We could teleconference, if that's suitable, or if you really want to travel to another location, we can arrange for that."

**The Chair:** Mr Marchese, even saying that, the number is the only question. I hear 10. If we agree that for anything less than 10 we will find another alternative, I think we have a deal here. Mr Jackson suggested that. You agree with that, I believe. Does anybody disagree with that on this side?

**Ms Wynne:** I just have a question. I'm sorry. My experience of other committees is that organizations have gotten more time. We're saying that everybody's getting 15 minutes. Nobody's getting half an hour.

**Mr Marchese:** That's right.

**Ms Wynne:** Then leaving it the way we've got it, I think, is fine, leaving the discretion up to you.

**The Chair:** Yes, but do you agree with the number 10?

**Mr Marchese:** If there are fewer than 10.

**Ms Wynne:** If there are fewer than 10.

**The Chair:** We agree on the number, and that's the only issue I hear. We said for less than 10, we will find

an alternative, and you leave it to the Chair to make that decision. Is that the understanding?

**Mr Marchese:** Yes, it's good.

**The Chair:** Does anybody disagree? You do?

**Mr Wilkinson:** What I thought I heard Mr Jackson saying is that if there's less than 10, then we will offer to move these people to another location, without taking into consideration that video conferencing might be such an alternative.

**Mr Marchese:** I had suggested that as well, though.

**Mr Wilkinson:** That's the only point I want to put on the record, that it isn't absolutely—

**The Chair:** That's not what you're saying, though.

**Mr Jackson:** That's actually the wording in my motion.

**Mr Wilkinson:** That is the wording in his motion. That's my point.

**Mr Jackson:** I think people would like to present to—

**Mr Marchese:** But that's the option we could put to them, Cam: "You could either teleconference or you could go."

**Mr Jackson:** Yes, except you're going to do teleconferencing for two people because the other seven decided to come to Toronto.

**Mr Marchese:** But that's a choice we leave to the deputant.

**The Chair:** That's why you are leaving the flexibility to me. I'm an accountable professional, and I think I'd like to—

**Mr Jackson:** We're good. I just didn't want the number six left there.

**The Chair:** So basically there is the flexibility. Mr Jackson has agreed to leave the flexibility to the Chair to choose either—

**Mr Marchese:** It's good; we agree.

**The Clerk of the Committee:** So there's no change to the subcommittee report, because it's understood that that was—

**The Chair:** It's 10 or less, with the flexibility to the Chair.

**Mr Peter Fonseca (Mississauga East):** Just a point around number 9, the allotted 15 minutes: Is that etched in stone?

**The Chair:** Yes.

**Mr Fonseca:** It is? Fifteen minutes seems to be little time—

**Mr Wilkinson:** You have a full day.

**Mr Fonseca:** —especially when we do have a full day and, dependent on how many people come forward, how many different groups—

**Mr Marchese:** We could be flexible. If we had time, we could—

**Mr Fonseca:** We should be flexible because there may be many individuals who want to share their personal stories. So a minimum of 15 minutes?

**Mr Marchese:** If we have a full day of hearings, doing more than 15 is really problematic. If we have 20 deputants and we have a little more room, the Chair usually has flexibility. We all exercise that as a Chair.

When I was chairing, I would give two or three minutes to someone and less to somebody else, depending. So we can accommodate a few extra moments where necessary. But I really don't think we should say we'll leave that flexible, because then you get yourself, as a Chair, into trouble and then you cause trouble for committee members in terms of what the rules are on that.

**Mr Jackson:** And you also have the problem of saying, "You gave this disability group half an hour because they were smart enough to show up in London, where we didn't have as many people."

**Mr Marchese:** So let's leave it. I would recommend leaving it.

**Mr Jackson:** Either we have the guideline for the Chair or you put the Chair in a very, very difficult position.

**The Chair:** I certainly don't want to have difficulties—

**Mr Marchese:** No, you don't.

**The Chair:** Mr Fonseca, you still have the floor. I'm sorry.

**Mr Fonseca:** Maybe we could leave it as no less than 15 minutes and, dependent upon how many come forward to speak, then that time could be extended.

**Mr Marchese:** Peter, I recommend we leave it. Based on the numbers, if we need to revisit this, we should, but I think we should leave it like this. I think the Chair can consult us if there's a problem.

**The Chair:** I tend to agree with Rosario on this one. Not only is it fair when it's clear, but if the flexibility is there before we start—let's agree on 20 minutes or whatever, because there are so many people. We can do that before the meeting starts. So can we please leave—

**Mr Craitor:** I just want to comment on Peter, because I have this—as long as we're flexible. It's OK, we can say 15 minutes. For those of us who have been to these types of hearings, in my own community, people with disabilities require different amounts of time to speak and to get their points out. It's OK for us around here because we can probably do it in 15 minutes. I just want to be sure. I don't want someone coming in there and it's 15 minutes and, because of whatever their disability is, 15 minutes is not enough time for them to get reasonable points out.

**The Chair:** My experience in the past—not here, of course—has been that if a member of the committee feels strongly that there is a need for an extension, normally a motion would be put on the floor and voted on. I don't want to recommend that because I don't know what has happened at this level. We may have to hear from the seasoned ones on this issue. Do you see a problem with that possibility, those of you who are familiar—I believe you're the only one—that a motion would be put? Or should we agree before the actual meeting starts? What would be your comments, Cam?

**Mr Jackson:** First of all, I recall my public hearings in Niagara Falls; I remember it like it was yesterday. There were three individuals who had to leave at specific times, and they let me know that in advance, because

their specialized transit was there at that time. Upfront, they said, "Cam, we have to leave at 2 o'clock." I said, "I'm going to be here until 4:30." So it was important for the clerk, in this instance, to make sure that that individual could present between 9 in the morning and 2 o'clock. As the minister on the road doing my public consultations, I said, "Well, we're going to hear from Mrs Smith now and give her her time." Because I would have 20 or 25 people in a room—and when I was doing the workers' compensation, the unions always wanted to go first. I said, "No. Injured workers are here. I've got guys here with broken backs. They can only sit here for an hour." That's the sensitivity that's required.

I'll finish with this: It's absolutely imperative that we stay on the schedule, because if you throw that off and say, "Can we have unanimous consent that we give so-and-so and hour?" that's within our purview, but what you do is you ripple all the way down. Now someone says, "I've got to go now. My ride is leaving. I have no choice." We can decide to stay here till midnight and we're fine. We're ambulatory. We can get in our cars and go home, but the disability community can't.

I support your flexibility. The clerk has a bigger challenge to coordinate the needs of the disabled so that they have their day. And I'm quite confident that you, Mr Chair, do have the sensitivity to the issues around maintaining the time schedule so that we don't become unpredictable for the presenters. They're the only two—so I leave flexibility in your hands. I think you've had enough discussion to get a sense of what we need to do, and I'm available on the subcommittee to help.

1930

**The Chair:** We will contact you. What I have in front of me now is the motion as amended. I've got to take a vote on it. May I please do that?

**Ms Wynne:** Except I haven't had the—

**The Chair:** You want to speak? Of course.

**Ms Wynne:** Sorry. This has raised another issue, and that is in the subcommittee decision, there's nothing that talks about the division of the time remaining when a person speaks. I've seen it done different ways in committees, and I need some direction, actually, as to how that decision is made.

Sometimes what happens is the remaining time is divided evenly among the parties, and sometimes one party is allowed to use the whole six minutes. I guess my preference would be that, where possible, even if it's three minutes, each party be given one minute, because then the presenter has the opportunity to be questioned by all parties.

**The Chair:** My understanding was that if there is three minutes, it would be one minute for each side.

**Ms Wynne:** Or six minutes, it's two.

**The Chair:** If there are six minutes, two minutes for each side. Do we agree with that? Do you have comments, or do you agree?

*Interjection.*

**The Chair:** OK. If you agree, there is no point.

**Mr Wilkinson:** Yes, I've sat in the chair. You do sometimes get to a position where you have less than

three minutes, and it's just not even practical. The clerk usually helps you out and kind of lets you know, to be fair. There's a rotation, and it's not always the same rotation; you rotate the rotation. If you end up being the only guy to speak for two minutes, then you keep track of that. The clerk is very good at that.

**The Chair:** I thank you. I think I'm ready for the final vote, if nobody disagrees.

On the motion, as amended: All in favour?

A recorded vote, please.

**Mr Jackson:** I'd rather it be—

**The Chair:** It doesn't have to be—because Rosario's gone. OK, fine.

**Mr Jackson:** Please, do we have your permission to delete that from the record?

**The Chair:** No need.

All in favour of the motion, as amended? In favour of the motion? Everybody in favour? The motion carries.

At this point, I believe—

**Mr Jackson:** It was unanimous.

**The Chair:** Yes, there was unanimous support for the final motion.

Is there any other business before we end the evening? OK. I wish all of you the best of holidays. The meeting is ending. Thank you.

*The committee adjourned at 1935.*

## CONTENTS

Thursday 16 December 2004

<b>Ministry briefing</b> .....	SP-439
<b>Subcommittee report</b> .....	SP-444

### STANDING COMMITTEE ON SOCIAL POLICY

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