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**Official Report
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Monday 28 February 2005

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des débats
(Hansard)**

Lundi 28 février 2005

**Standing committee on
social policy**

Accessibility for Ontarians with
Disabilities Act, 2005

**Comité permanent de
la politique sociale**

Loi de 2005 sur l'accessibilité
pour les personnes handicapées
de l'Ontario

Chair: Mario G. Racco
Clerk: Anne Stokes

Président : Mario G. Racco
Greffière : Anne Stokes

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON SOCIAL POLICY

COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Monday 28 February 2005

Lundi 28 février 2005

The committee met at 1531 in room 151.

ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005

LOI DE 2005 SUR L'ACCESSIBILITÉ POUR LES PERSONNES HANDICAPÉES DE L'ONTARIO

Consideration of 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 / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

The Chair (Mr. Mario G. Racco): Good afternoon to everyone, and thank you for being here. I just wanted to welcome all of you to the meeting of the standing committee on social policy, which will be considering Bill 118, the Accessibility for Ontarians with Disabilities Act.

Before we start, I would like once again to point out several features that we hope will help to improve the accessibility for those who are participating in and attending meetings regarding Bill 118. In addition to our French-language interpretation, we will be providing at each of our meetings: closed captioning, sign language interpreters and two support services attendants available to provide assistance to anyone who wishes it. They are the people at the back.

The meeting today in Toronto will be broadcast on the parliamentary channel, which is available on cable TV tomorrow. Also, these meetings will be Webcast on the Legislative Assembly Web site at www.ontla.on.ca.

SUBCOMMITTEE REPORTS

The Chair: The first item on our agenda is the subcommittee report dated February 18, 2005.

Ms. Kathleen O. Wynne (Don Valley West): Your subcommittee on committee business met on Friday, February 18, 2005, and recommends the following with respect to future meetings 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:

(1) That the committee invite staff from the Ministry of Citizenship and Immigration for a briefing on Monday, February 28, 2005, at the committee's regularly scheduled meeting time.

(2) That any reasonable interpretive means to communicate with persons with disabilities be utilized where suitable during the meeting on Monday, February 28, 2005, and during any future meetings for clause-by-clause consideration of Bill 118.

The Chair: Any discussion on the matter? There is no discussion. Those in favour of the motion? It carries. Everybody is in favour of it.

The second item on the agenda is the subcommittee report dated February 22, 2005.

Ms. Wynne: Your subcommittee on committee business met on Tuesday, February 22, 2005, and recommends the following with respect to future meetings 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:

(1) That the committee meet for the purpose of clause-by-clause consideration of Bill 118 on Tuesday, March 29 and Monday, April 4, 2005.

(2) That amendments to Bill 118 should be received in the office of the clerk of the committee by 5 p.m. on Friday, March 18, 2005.

The Chair: Are there any comments on that motion?

Mr. Cameron Jackson (Burlington): That doesn't quite reflect my recollection of the subcommittee meeting I attended. My understanding of what was proposed was that we begin the process on Tuesday, March 29, which I had agreed to. The way this is literally written, it limits the clause-by-clause to two days.

What I essentially agreed to was that we would begin at the earliest possible date, which is Tuesday, March 29, when the House is due to reconvene, but there are several motions, both from the Ontarians with Disabilities Act Committee and my own motions, that speak to the issue of providing sufficient time. So if that can be seen as a friendly amendment, "That the committee meet for the

purposes of beginning clause-by-clause consideration of Bill 118 on Tuesday, March 29”—leave it at that, and then the acceptance of the time frame for amendments—that, in my view, better reflects what was discussed at the subcommittee meeting.

The Chair: Ms. Wynne, any comments on that?

Ms. Wynne: My understanding was that we agreed on these dates. I'd like to suggest that we leave the report the way it is, and if we discover, in the process of going through the clause-by-clause on April 4—I believe the committee can decide to extend the clause-by-clause. So I'd prefer to leave the report the way it is, and if we need to extend, to make that decision on the 4th.

The Chair: Mr. Marchese, I need your wisdom on this.

Mr. Rosario Marchese (Trinity–Spadina): I agreed with March 29, in fact, but I'm not quite sure I remember that we said March 29 and April 4, which suggests that there are only two days.

Ms. Wynne: I had a calendar and I marked off the dates. We talked about March 29 and April 4, because there was a feeling that we would need to go into that second week. We agreed on two days. As I said, it can be extended. Is that not the case, Mr. Chair, that it could be extended on the 4th, if there were a need?

The Chair: It's my understanding that it can, but what I'm trying to do is—

Mr. Marchese: If that's the case, then we should reflect that in the motion; otherwise, as it reads, it reads two days.

The Chair: Can I go to Mr. Jackson? Before I do that, though, the suggestion is, can the motion be amended to say two days, and if more—

Mr. Marchese: If more time is needed—

Mr. Jackson: I've already proposed an amendment, Mr. Chair.

The Chair: Can I just hear the arguments now, and then we will get into potential amendments?

So that's what you're recommending, Mr. Jackson? I'll go back to Ms. Wynne after.

Mr. Jackson: The reason that the date of Monday, April 4, appeared in the conversation was because that was what I had suggested was the preferred date to begin the process, because with it being Easter Monday and the Legislature reconvening, there would be some logistical challenges for MPPs, as well as for the public, to begin the process on the very first day back. There's no question that April 4 was discussed, but it was discussed only from the point of view that that was my recommended starting date. Otherwise, I'm prepared to debate the issue at length.

Mr. Marchese: What's your suggestion to propose an extension?

Mr. Jackson: Well, I've already proposed it: Simply say that we begin the process of clause-by-clause on Tuesday, March 29. We made a commitment to David Lepofsky that we wouldn't restrain this process in any way.

The Chair: So you're recommending March 29, clause-by-clause. That's what you're recommending.

Mr. Jackson: To begin.

The Chair: Can I go back to the mover and see if there is an agreement? Otherwise, I can accept an amendment to the motion and we'll go to a vote.

Ms. Wynne: Again, Mr. Chair, I believe that in our subcommittee meeting we agreed to these two dates.

Mr. Jackson: We did not.

Ms. Wynne: I'd like to suggest that we stay with these two dates. In any case, if there's a need to extend, that possibility exists, and we will know that, because we will know how we're moving through the amendments. So we can extend that on April 4. There's nothing that restricts, and certainly we can explain to Mr. Lepofsky and anyone else who is interested that the mechanism absolutely exists to increase the number of days for clause-by-clause. But if we can get it done in the two days, then that's good.

Our goal, from the government side, is to get this legislation through, because we'd like to get the standard-setting begun. We'd really like to start on that process, and I really believe that's what the community is waiting for.

The Chair: Mr. Marchese, you will be next. Can I just suggest that what I have in front of me right now is a motion? I haven't accepted any amendments as of now. I will be happy to go to Mr. Jackson whenever you finish, if there is an amendment, and then to yourself. But you go first.

Mr. Marchese: I would like to propose an amendment to the motion that hopefully will read in a way that reflects what we were—

The Chair: Let's hear it, and then we'll go from there. 1540

Mr. Marchese: “That the committee meet for the purpose of clause-by-clause consideration of Bill 118 on Tuesday, March 29, and April 4, 2005, and such days will increase if further time is required.”

The Chair: “If further time is required” is the addition.

Mr. Marchese: If I could speak to that, I have no interest in delaying this bill. It's very possible, though, given the number of amendments that we will be proposing and that I'm assuming others and you yourself have, that it might take more than the two days. If it doesn't take more than two days, that's fine by me. The point of adding that line is so as to not block ourselves to these two dates, because unless we state that additional time could be used if required, as it reads, we don't have to, other than our word that we could.

The Chair: The committee will have to make that decision, of course, to extend it, at that time.

Mr. Marchese: If we add this wording, it will allow us to talk about this and reflect on how many more days we might need, if any.

The Chair: Can I ask the mover if she is prepared to accept, and then we'll go through the formality.

Ms. Wynne: Mr. Chair, as I've said, I guess I don't understand why this is an issue if we have the mechanism to extend if there is a problem. I'd like to understand from Mr. Marchese, given that we've got the two days—

Mr. Jackson: You've got two dissenting opinions right now.

Ms. Wynne: You heard one date—

Mr. Jackson: There are three people on the committee.

The Chair: There is only one person who has the floor. I am trying to be flexible; otherwise I'm going to go formally on this. If we can communicate without going into the formality, fine. Can I go back to Ms. Wynne to finish her comments. Mr. Jackson, whenever you want to speak, let me know. Mr. Marchese has asked the question, really.

Ms. Wynne: Just in response to the confusion about the dates, one of the members of the other parties heard one date; the other member heard the other date. I heard both dates. My understanding was that both dates were the ones that were going to be decided on for clause-by-clause. I marked that on the calendar, and that's what appears here. If there is a mechanism to extend if we need to, as I understand there is, I don't understand the necessity for Mr. Marchese's amendment.

The Chair: Mr. Marchese, if you want to say something, and then I'll go to Mr. Jackson.

Mr. Marchese: I understand that Kathleen is saying there is a mechanism. The motion doesn't speak to a mechanism. Motions are usually quite precise in terms of what they request. There isn't any flexibility unless you provide some flexibility in your motion. Either we allow for a motion that gives us that flexibility or we're stuck with the two, as the motion reads. Or, by the way, I would be happy with just adding another day, in the event that we need another day. I suspect that three days should do it. I would be happy with three days, because I think in three days—

Ms. Wynne: Mr. Chair, is it not possible for a committee to add a third day at the time, on April 4?

The Chair: My understanding is yes.

Mr. Marchese: So why don't we say that?

Ms. Wynne: Why would we need to if we don't need it? We won't know.

The Chair: It's possible. She asked if legally it is possible. I would suggest to you that legally it is possible, but this committee has to vote on it. What Mr. Marchese is trying to do, as I understand, is to put a clause in so that it's clear that if there is a need, we have agreed in principle. But we still would have to vote, I would suspect, at the time. That's my understanding, but if I'm wrong, correct me on that. Mr. Jackson, you're next.

Mr. Jackson: Your understanding is correct. It's just that what we do is we surrender our autonomy to the House leaders, and I'm trying to avoid that. If we say that we will need—I had said we can begin it on that date. The other amendment was “and Tuesday, April 5, and Monday, April 11, if necessary.” So at least it had an end number of dates, but it said, “if necessary.”

My worry is that once we send this to the House leaders, it's now out of our control and in their hands. The House leaders would have every right to come back and say, “You've indicated on the face of it that you only need two days.” That's Mr. Marchese's concern and my concern, that if it only shows two dates, those are the only two dates.

We made a commitment to David Lepofsky and the ODA Committee that we wouldn't in any way restrict the ability to get the amendments put forward from him and from an extensive public hearings process. That's the purpose of us having sufficient time: to table the many amendments that the disability community has presented to us.

If it's helpful to the Chair, we can have legislative research tell us the substantive amount of input that we've had, but we're just in the process of going through all those to develop a substantive number of amendments.

The Chair: Let me ask our clerk, Ms. Stokes, to clarify an issue. I want her to clarify for all of us the question that the House leaders have jurisdiction on deciding on the dates. Is it correct that it is the committee that can decide that, even if the House leaders do not?

The Clerk of the Committee (Ms. Anne Stokes): It's up to the committee to decide its agenda. It's not time-allocated. There is no restriction on time. There was an order of the House during the recess that the amount of time was restricted, but it's up to the committee to decide how much time it wants to spend.

Mr. Jackson: If I may, Mr. Chairman: Except, in the previous session, there was House leaders' agreement that everything would be date- and time-sensitive. So when all reports from committees came forward, they were locked in as to the amount of time. We got caught with having stakeholder amendments that we were presenting on various bills—both the NDP and ourselves. The gavel struck at exactly 6 o'clock, and they said, “Your time has expired.”

I'm trying to avoid falling into a similar situation, and you're right: The committee does have the right to order up its agenda, which, on the face of Ms. Wynne's interpretation of the subcommittee report, would indicate that we have two days. So I just think we're doing a disservice to this entire process. We've come a long way, we're close to a conclusion, and it would be a shame to tarnish it by losing control, for whatever reason, of this issue to the House leaders' negotiating how much time we're able to finish this process in.

The Chair: Ms. Wynne, do you have something to add now?

Ms. Wynne: Mr. Chair, I'd actually like to call the question on the subcommittee report.

The Chair: The request has been made. I have no choice—

Mr. Marchese: No, Mr. Chair. I have an amendment. We should vote on an amendment first.

Ms. Wynne: I'll call the question on whatever's on the floor.

Mr. Marchese: Very good. That's fine with me.

The Chair: I think there has been plenty of discussion on the amendment. Do you have something to contribute on the amendment?

Mr. Marchese: Yes.

The Chair: You are the only one, and then I'll take a vote on the amendment.

Mr. Marchese: Yes. But if I can, Mr. Chair, just to be clear, I want to add a date—that's it. Forget about other wording that we didn't agree on. April 4 and April 11—I want to add April 11.

The Chair: To your amendment.

Mr. Marchese: There is a motion on the floor: "...Tuesday, March 29 and Monday, April 4, 2005." I want to amend it to add, "and April 11."

The Chair: So the amendment is that April 11 be added to the original—

Interjection.

Mr. Marchese: It is Tuesday; that's right. Sorry.

The Chair: What is it?

Mr. Marchese: It's April 4, and we meet again the Tuesday after, so April 5.

Mr. Jackson: Monday; Tuesday.

The Chair: Are you clear? I will have the clerk read for all of us what the amendment is before we vote on it. Can you read to us what the amendment is, please? That's what we are going to vote on.

The Clerk of the Committee: I should have this written out so that everybody is clear. I'd like to do that. I'd like to be clear on what it is. What I have at the moment, and I'm not sure, is:

"(1) That the committee meet for the purpose of clause-by-clause consideration of Bill 118 on Tuesday, March 29, Monday, April 4 and Tuesday, April 5, 2005."

Mr. Marchese: That's correct; that's it. It's not that complicated—exactly.

The Chair: So the amendment is the last two dates.

Mr. Marchese: No.

The Clerk of the Committee: The amendment is to add, "and Tuesday, April 5."

Interjections.

The Chair: Can everybody please pay attention to this? Can I have everybody's attention just on the amendment? The amendment says that two dates be added, and those two dates are—

The Clerk of the Committee: The amendment is to add, "and Tuesday, April 5, 2005."

Mr. Jackson: And Monday, April 11. That's four days. That's it. We can get it done in four days.

The Clerk of the Committee: OK. So it's March 29, Monday, April 4, Tuesday, April 5 and Monday, April 11.

Mr. Jackson: That's it.

Mr. Marchese: OK.

Mr. Jackson: That gives us four days.

The Chair: So there are three days—

The Clerk of the Committee: So the 29th, the 4th, the 5th and the 11th.

The Chair: The 4th, the 5th and the 11th. And the original motion was speaking to the 29th and the 4th.

Mr. Marchese: We're just adding two days.

The Chair: So basically, what we are voting on are those two additional dates, which are April 5 and April 11. Do we agree? Has everybody understood what the amendment is?

1550

Mr. Marchese: On a recorded vote.

The Chair: Can I ask, on a recorded vote, that the members vote on those two additional dates, April 5 and 11?

Ayes

Arnott, Jackson, Marchese.

Nays

Fonseca, Leal, Parsons, Ramal, Wynne.

The Chair: The amendment does not carry.

I have a motion on the floor for March 29 and April 4. If there are no more comments, I'll take a vote.

Ms. Wynne: And that the amendments to Bill 118 be received—the second part. You're voting on this whole motion.

The Chair: Yes. The entire motion. It's the entire motion that you moved at the beginning. There is only one motion on the floor. Can I please call this.

Mr. Jackson: I'm now going to formally challenge the efficacy of this recommendation, because this did not come out of the subcommittee. I'm not disputing that it has been tabled on the floor, but I'm disputing that that's in fact what happened at that meeting.

The Chair: That was my understanding, but as you can appreciate, since some of us are new at this level and there are different regulations at other political levels, I wanted to double-check. What I'm told is that the minutes had been given to all of us, and the subcommittee's recommendations can be modified at this level. Therefore, the motion is probably slightly different than what was agreed, but it's up to this committee to make a decision. So Mr. Jackson, if the motion is on the floor, we have to vote on it, in favour or against.

Mr. Jackson: Then I wish to speak to the motion.

The Chair: You can speak on it for whatever reason. You want to speak against it? I can go around again. Mr. Jackson, you're next.

Mr. Jackson: Mr. Chairman, by your own admission, you just indicated that this is slightly different. We've already heard from the Liberal members voting in a block against taking the necessary time to complete the clause-by-clause. That should give many of us a considerable amount of concern.

Was the purpose of the public hearings all window-dressing? Was the purpose of the public hearings to just take out an act, which creates standards and a 20-year time frame, and say, "That's it. We're not going to do

any amendments”? I thought that we went through this process in order to take sufficient time to do it properly. That’s what I heard from organizations and disability groups across the province.

Ms. Wynne, in her rebuttal, said, “We can always do that. We can add some time.” And yet now we have a block vote of the Liberals, saying, “No, we don’t want to extend one or two days or have the flexibility.”

I disagree with the clerk’s flat interpretation that the committee can revisit this and extend it. If the House leaders say that that’s the end of our time, that’s the end of our time.

I want to be on record as saying that we need sufficient time. I’m very clear that I don’t think that we need any more than three or four days in which to finish that.

Frankly, the reason that April 4 surfaced is because that was the day that I said that we should be starting the clause-by-clause. That’s the only reason that that was marked. Ms. Wynne’s recommendation that came before the committee only included one date. I distinctly remember it, because that’s what we debated.

Now we find ourselves limiting the process before we’ve even received all of our amendments and before the committee has even seen a report from Elaine Campbell and Lorraine Luski, our legislative research team, in terms of all of the public input that we’ve received.

Believe me, we’re sifting through an awful lot of paperwork. It wasn’t just the public hearings; it’s the extensive amount of written material that has been sent to us. I, for one, can tell you, we have a lot of amendments. I just want to make sure that we have sufficient time in order to table all of those. I just think that we’re surrendering to the House leaders something that we shouldn’t be surrendering. The wording should be in here to say that, and it’s not. That would clearly tell me that there’s a different agenda over there on the part of the Liberals.

The Chair: Mr. Marchese, you’re next, and then it’s Mr. Leal.

Mr. Marchese: Very quickly, I just thought that if you had four days, you’d give finality to how many days you can have for the hearings. If you say “four,” that’s it; you can’t go any more than that. As we have it now, it’s two days, with the promise that, if more time is needed, the Liberal caucus is saying that they will provide it. Now we’re left with that promise. I just hope they will abide by it when the time comes.

Mr. Jeff Leal (Peterborough): I just want to say that we all made extensive notes during the public presentations that were made on this bill. I certainly speak as one individual who wants to make sure that Bill 118 is the finest act for the disabled community in North America.

I know my friends opposite have many more years of experience in this place than I do, but I did chair a general committee for many, many years in the city of Peterborough. When I look at the two days of hearings on Tuesday, March 29 and Monday, April 4, my under-

standing is—and I go back to my municipal days—if work cannot be concluded during those two days, the Chairman always has the flexibility inherent in that to extend additional working days. It seems to me we have that opportunity. If we don’t conclude on the 29th and the 4th, if there is additional work that has to be done, we’ll have that flexibility to do so.

Mr. Chairman, when I was in your position, we dealt with Bill 100, the Electricity Restructuring Act, which was a fairly extensive and complex piece of legislation. During that process we did have the proviso that if we couldn’t conclude the clause-by-clause review within the set period of time, after some discussion with the members of committee, and if a meeting of the subcommittee was needed, we would extend the time. So I think we’re on course to move forward. If we need some more time, we’ll take it. I don’t see anything particularly draconian or trying to cut off discussion or anything by moving forward with this subcommittee report.

Mr. Ernie Parsons (Prince Edward–Hastings): I’m going to support the motion as it is presented to us. Ontarians have waited since 1995 for this bill. I do find the irony during the earlier debate was that Bill 125 was time-allocated and the clause-by-clause was one day, in spite of the other parties asking for additional time. The minister at that time, Mr. Jackson, had one day allocated for clause-by-clause. So hopefully, if you have the two days—

Mr. Marchese: It wasn’t much of a bill.

Mr. Parsons: That may very well have been it, but in spite of hundreds of amendments, one day. The argument was strong that it could be done in one day, and I accept his argument.

Perhaps if we have just the two days available, the members will be prepared to set aside some of the games and stalling tactics on the clause-by-clause.

The Chair: Any other comments? Otherwise, I’ll take a vote. OK. Let’s take a vote.

Anyone in favour of the motion? Let’s have a recorded vote, please.

Mr. Jackson: Chair, you can’t direct the recorded vote. You can ask someone—

The Chair: I’m sorry. I don’t want it. I thought you asked for it.

Mr. Jackson: No.

The Chair: Nobody did. Anyone in favour? Against? It carries. So we have dealt with that.

The third item is the motion by Mr. Jackson, moved on February 1, 2005.

Mr. Jackson: Mr. Chair, you haven’t done the second part of the amendment. I called for a division, so we now have to do the amendment which says we shall receive all of our—

The Chair: I thought there was only one motion.

Mr. Jackson: Was it the whole motion?

Mr. Marchese: They did the whole thing, Cam, yes.

Mr. Jackson: I asked for a division, and the rule is, if it’s a simple request, it is a division. I didn’t know the Liberals could overrule the Chair.

Ms. Wynne: So then we need to vote again?

Mr. Jackson: Yes, just for the record. I mean, it is on the record.

The Chair: If you don't mind, maybe we missed it. So we'll go back. What that means is that we voted on the motion already and it carried. So the question is, do we need a motion to undo or not?

Mr. Jackson: No.

The Chair: We just the break the motion into two parts. Is that clear?

Is that what you want, a recorded vote on the original motion?

Mr. Jackson: No. I called for a division.

Mr. Marchese: He would like to divide the parts separately by vote: (1) and (2), ad seriatim.

Mr. Jackson: All I did was call for (1) and (2). I threw that on the record. The Chair acknowledged it.

1600

The Chair: That was my understanding. I asked the clerk for—

Mr. Jackson: I'm trying to help the clerk at this point. OK?

The Chair: Is it clear?

Mr. Jackson: From what I thought, you had approved Ms. Wynne's—

Mr. Marchese: Number one.

Mr. Jackson: We can do this all day, if you want. I'm trying to help the clerk, if you don't mind.

The Chair: I'll be happy if you can do that.

Mr. Jackson: All we need from the Chair is to ask for part 2 of the subcommittee report, call the question and that will clean it up, and your records will be consistent: the division called for. Otherwise, if we leave it alone, a division was called for and a division never occurred. Therefore, the whole motion would be thrown out until such time as we got back here to fix it.

The Clerk of the Committee: So a recorded vote on number 2.

Mr. Marchese: You want a recorded vote on the second one?

The Chair: Recorded vote on number 2.

Mr. Jackson: It doesn't matter if it's recorded. I'm just trying to make sure the clerk understands this: a division, so now we can vote on this. That's all we've asked for.

Mr. Marchese: Cam, can I ask you a question? If we're not doing a recorded vote on number 2, and it's the same vote as before, why do you want to vote on that separately? If it's a recorded vote, it makes sense, but if it's not—

Mr. Jackson: Can't we move this along?

The Chair: Why don't we move on?

Mr. Jackson: That's not the point. I'm just doing the rules, Robert's Rules of Order here, that govern all of our activities.

Ms. Wynne: Let's just vote again on number 2.

Mr. Jackson: You know what? Leave it alone, OK? I'll take it up with one of the legal counsels. Because as far as I can see from what you've done here, you've

approved section 1 and not section 2, because I called for a division and the Chairman acknowledged it, and that'll be in the report. I'm trying to be helpful.

The Chair: Mr. Jackson, I am happy to take a vote on number 2.

All in favour of number 2? Carried.

Everyone is in favour.

So the minutes are that we voted on number 2 and number 1.

I thank you for your advice on this. Can we then move to item number 3? Mr. Jackson, number 3.

Mr. Jackson: Yes. That is the motion of February 1. In the subcommittee, I asked the question whether or not the subcommittee report would precede my motion. Now we find out its relevance, because the response from Mr. Lepofsky indicated, based on my motion, that he was flattered that we were attempting to allow him to participate directly more than the 15 minutes which everyone else was allocated. But he did state very clearly in his response that he wanted to make sure "that sufficient time be taken by the social policy committee during clause-by-clause consideration to ensure that all matters presented during public hearings to strengthen Bill 118 are fully considered."

It would appear that the Liberal members of this committee have not seen fit to acknowledge that concern that was being expressed by Mr. Lepofsky and the Ontarians with Disabilities Act committee, by virtue of the simple request put forward by Mr. Marchese and myself that we at least have three or four days' maximum of hearings instead of the two maximum which sit on the current motion.

I don't wish to respond beyond that, other than to suggest that there is a real concern that we are not able to complete all of this in the allocated time. Should anything happen on the floor of the Legislature that delays the completion of routine proceedings until after 4 or, in some cases, 4:30—or heaven forbid, we lose a date—then we really are putting our back to the wall. So that section of my motion I still think is relevant today; in fact, it causes me even greater concern.

In my conversation with Mr. Lepofsky—I spent about four hours with him last Thursday—he was aware of the substantive number of amendments both that he was presenting and that others had presented during the course. He has some concerns, which hopefully we will get to in the next half hour, to be raised with the ministry officials who are here.

I'll leave it at that, Mr. Chairman. I think that was what's left in the motion, which I think is still relevant to the activities of this committee and the purposes for which we have been working together.

The Chair: Do any honourable members wish to speak on the motion?

Ms. Wynne: I would just like to be clear. Is Mr. Jackson saying that the third section of his motion—"that sufficient time be taken by the social policy committee during clause-by-clause consideration to ensure that all matters presented during public hearings to strengthen

Bill 118 are fully considered”—is the section we are still considering today?

Mr. Jackson: That is correct.

Ms. Wynne: I guess that I would just like to say that—and I’ll go back to my previous comments—I have no trouble supporting this part of the motion because if there is a reason for us to extend the clause-by-clause—the clause-by-clause has been set for two days. If it’s not possible to complete the clause-by-clause within those two days, it is within the absolute power of this committee to extend that time and increase the number of days, so I have no problem supporting that third part of the motion.

The Chair: Any other comments on the motion? Mr. Jackson, could you read the motion for the record so that everybody is clear and then I’ll ask again if there are any comments and we’ll go from there.

Mr. Jackson: Instead of asking for a division this time, I will only move that sufficient time be taken by the social policy committee during clause-by-clause consideration to ensure that all matters presented during public hearings to strengthen Bill 118 are fully considered. That constitutes the motion I wish to table.

The Chair: That’s the only motion. Thank you. Any more comments on that motion? If that was clear, then I’ll go for the vote. Anyone in favour of the motion? It carries. Unanimous support.

We dealt with number 3. Number 4 is a motion by Mr. Jackson that was moved on February 3. Can I hear what you’re moving first, and then comments?

Mr. Jackson: For purposes of discussion, I move that the standing committee on social policy invite the chair and/or members of the Accessibility Advisory Council of Ontario to be given sufficient time to provide a detailed technical briefing to the social policy committee on the progress to date on their work to prepare sectoral accessibility standards and regulations, as mandated in section 19 of Bill 125, the Ontarians with Disability Act, 2001, to occur when the Legislature reconvenes before clause-by-clause consideration of Bill 118.

The Chair: That is the motion in front of us. Do I hear any comments from the honourable members on this?

Mr. Khalil Ramal (London–Fanshawe): I would say that the advisory committee has only been hired to advise the minister. We have no jurisdiction over this committee.

Ms. Wynne: I would like to draw the committee’s attention to the letter that we’ve been given, which was received by Ms. Stokes, from the chair of the Accessibility Advisory Council, in which he makes it clear that motions to invite members of the advisory council to a standing committee are quite uncommon. It is my belief that any technical advice required on Bill 118 should be provided by staff of the Ministry of Citizenship and Immigration, as needed. For that reason, I will not be supporting this motion.

The Chair: Any other comments from honourable members?

Mr. Jackson: It’s for that reason that I am prepared to amend my motion to include that we are inviting staff from the accessibility secretariat to present. In other words, change “Accessibility Advisory Council of Ontario” to the “accessibility secretariat.” We’re asking members to provide the detailed briefing. That is essentially what the subcommittee has already passed.

The Chair: Are you amending your original motion or are you trying to change the original motion? What is your intent, Mr. Jackson? I would prefer if we deal with an amendment, otherwise we may get into some confusion. There is in fact a motion, plus an amendment to the motion, on the floor. So the only discussion is to the amendment now.

Mr. Jackson: In fairness, why don’t I just simply table the motion that the standing committee on social policy invite members of the accessibility secretariat to be given sufficient time to provide a detailed technical briefing to the social policy committee on the progress to date on their work etc.?

The Chair: You’re tabling this and you only have the original motion on the floor. Is that what you’re saying?

1610

Mr. Jackson: No, I’ve amended the original motion to reflect Chair McMahon’s suggestion that he’d feel more comfortable if staff made the advice.

The Chair: Mr. Jackson, will you do me a big favour?

Mr. Jackson: Sure.

The Chair: I’m an accountant by profession. I deal with numbers, and I want things clear. You had the motion on the floor. Then you made an amendment to the motion. Then you suggested that you wanted to table something.

Interjection.

The Chair: It’s the amendment he wants to table. There is only the original motion, which is tabled. Therefore, we are—

Mr. Marchese: You’re asking him to rewrite his motion so that it reads in the way he suggested? He obviously doesn’t want to present the motion that was before us. He wants to change it. Should he rewrite it and present it to you so that the—

The Chair: Yes. I suggest that would be the best way, so that there is no—

Mr. Marchese: Can we just recess for two minutes or something like that?

Mr. Jackson: No.

Ms. Wynne: Can I just make a comment? I guess I’m not following, because my understanding is that staff is here already. So I’m not quite clear why we would need another motion when staff is already here to answer the question. Sure, write out the motion, but—

The Chair: I will ask for a recess of two minutes or so until Mr. Jackson adjusts the motion and amendment in writing, and then we’ll start the discussion all over again.

The committee recessed from 1612 to 1615.

The Chair: I think we’ve had plenty of discussion. If you agree with me, I’m going to ask the clerk to read only the amendment and I will ask for a vote once she

reads it, unless there is any clarification that's needed on what the wording of the amendment is. Would you read only the amendment, please?

The Clerk of the Committee: The amendment would delete the words "the chair and members of the Accessibility Advisory Council of Ontario" and replace them with "members of the accessibility secretariat to be given sufficient time" and also to delete "when the Legislature reconvenes."

So the amended motion would read, "That the standing committee on social policy invite members of the accessibility secretariat to be given sufficient time to provide a detailed technical briefing to the social policy committee on the progress to date on their work to prepare sectoral accessibility standards and regulations as mandated in section 19 of Bill 125, Ontarians with Disabilities Act, 2001, to occur before clause-by-clause consideration of Bill 118." That's being typed and will be distributed shortly.

The Chair: Is the membership prepared to vote on the amendment or not?

Mr. Jackson: I think it's clear.

The Chair: It's clear? OK.

Ms. Wynne: Yes.

The Chair: I want to hear, if I may, if I can take a vote only on the amendment. Does anybody disagree with that? Nobody does. Then I will take a vote.

Mr. Marchese: Mr. Chair, just to be clear, on the amendment to the motion?

The Chair: Yes.

Mr. Marchese: Because that would be the main motion; right? OK.

The Chair: We are voting on the amendment. I have a motion on the floor; then I have an amendment.

The amendment will be the first one—

The Clerk of the Committee: The amendment is to delete the words "the chair and members of the Accessibility Advisory Council of Ontario" and delete "when the Legislature reconvenes."

Mr. Marchese: Sure. OK, that's fine.

The Chair: That is what we are voting on. Is that clear now?

Mr. Marchese: Yes, sure.

The Chair: OK. I'll take a vote if no one disagrees. Anyone in favour of the amendment? In favour? Anybody against the amendment? The amendment does not carry.

What we have in front of us is the original motion. Is there any question what the original motion is? If there's none, I'll go for a vote on the original motion, as it was introduced.

Mr. Jackson: Recorded vote, please.

Ayes

Jackson.

Nays

Fonseca, Leal, Marchese, Parsons, Ramal, Wynne.

The Chair: The motion doesn't carry.

May I move to the next motion? We dealt with number 4.

Number 5: technical briefing.

Ms. Wynne: Mr. Chair, if I could just interject; I apologize. My understanding was that there were questions that Mr. Jackson had of the ministry that were to be submitted last week, which they were on Friday. We had expected them on Wednesday. The ministry got them on Friday.

My understanding is that the questions were to do with the transition, the move from the state of being in the province where Bill 125 was in place to Bill 118, and the process of how the sections of Bill 125 were going to be repealed or changed as Bill 118 came into place.

As I look at the questions that were submitted, my sense of those questions is that they have to do with compliance with Bill 125. They really don't have anything to do with Bill 118. It seems to me that these questions are something different than what the ministry had expected to be preparing. This committee is in place to deal with Bill 118. These questions have been put in place and they deal with compliance with Bill 125. My sense is that these are not appropriate questions to be asking the ministry to answer at this point.

1620

I just want to go on the record with some of the information I gleaned from the ministry in preparation for this meeting, because I understood we were going to be talking about the transition. My understanding is that this is the information, some of which Mr. Jackson was looking for—

The Chair: Ms. Wynne, I appreciate what you're saying. I already have some professional opinion that agrees with what you're saying. But I didn't hear any questions being asked here today. So what I thought we should do is allow staff to have a seat and, if there are any questions asked that are not proper, I guess any of you can challenge or question it. I think that's the way we would normally proceed. I do appreciate your comments, because I'm aware of your comments.

Ms. Wynne: Mr. Chair, I don't mean to be difficult about this, but the whole point of having this meeting, as we discussed it in the subcommittee, was that there were some questions that Mr. Jackson wanted to put on the floor so they could be answered in a public forum. In the subcommittee we agreed that those questions would be submitted, so that it wasn't a free-floating discussion about anything and everything; it was about particular questions. These questions that have been put forward are not on the subject that we understood they were to be on. What I think is unfair is subjecting ministry staff to a very free-floating conversation that they may or may not be prepared for, and the questions that are asked of them are not appropriate.

The Chair: I hear your arguments. Any other comments? OK, so if there are no comments, I guess you're waiting for my opinion on this matter.

I would ask that staff take a seat, please. I do hear Ms. Wynne's arguments. Let me tell you what is happening here. I tend to agree with what you said, Ms. Wynne, that the questions had to be done in writing. They have been done, and the opinion is that they are not related to Bill 118. So I do agree with you on that. At the same time, I see staff here, and it's my intention to try to come as close as possible—I'm going to allow some questions. If I feel that the questions are not proper, I will use the gavel. I will expect every honourable member to respect the Chair and allow me to run the meeting as best I can.

Mr. Jackson, if I may say this: I think I have the ability to say no to questions. You put your questions in writing and I have concluded, rightly or wrongly, that those questions should not be asked under Bill 118. Just to—let me finish, please.

Mr. Jackson: I didn't interrupt you. I just let you know that I wanted to be recognized.

The Chair: I just want to go a little further than I would normally do. So I ask your assistance in doing that. I know that some members are not pleased, but since the staff is here, let's see if there are one or two questions that we can deal with, and then I'll move from there.

Mr. Marchese: If I can, the staff themselves may determine that it's not something that's appropriate for them as well, in which case, they will tell you and they will tell us.

The Chair: Yes, of course. I expect staff, in particular, to assist me. We have been clear from the beginning. Some of us have lots of experience at different levels and there are different rules. I don't want to rule with what I have been trained, which may not be proper at this level. So I would expect, first of all, the clerk to assist me and you at the same time.

Mr. Jackson: Not to be argumentative, but the short story of this line of questioning was that I put forward a motion in February at a public meeting, while the committee was on the road, in response to a specific deputant who raised concerns about the transition between Bill 125 and Bill 118. In fact, my motion clearly stated that, and that that was the purpose of having some technical questions. The fact is that we have been able to accommodate a modification of this at the subcommittee level. The accommodation was that instead of asking Mr. McMahon to come here, which we have the right to do—in my last conversation with him, he was encouraged to let staff come. That's being accommodated here. However, there are questions that have come out of the public hearing process regarding transition. Again, if there's anything unusual about this, it's that we're repealing a complete piece of legislation some time down the road, which is unknown, without knowing which clauses are involved, and that is extraordinarily unusual.

This has given cause for great concern for Mr. David Lepofsky. He spends two pages in his report to this committee on this. I spent a considerable amount of time with him last week in order to narrow down some of those questions so we can get a sense of how staff in the

secretariat is resourcing disability legislation in this province. That's a concern that all disabled persons are expressing.

My understanding is, we're proceeding with a process that was supported by the subcommittee and has been approved by the committee.

The Chair: You also heard the legal opinion, I suspect, from our staff on your questions. Nonetheless, they are here—

Mr. Jackson: If you're going to suggest it's a legal opinion, I'd like to know where this legal opinion—

The Chair: Is it a legal opinion that I was given on this matter or not? I did get a professional opinion, and I agree with that opinion. The opinion, as I said earlier, is that the questions that were put in writing do not refer to Bill 118. Having said that, Mr. Jackson, you have the floor, please, for questions.

Mr. Jackson: My first question has to do with a question raised about Bill 118 and the accessibility standards committee, which is similar in scope and context to the current accessibility advisory council. My first question, which they raised, was frequency of meetings. That was the first question. How frequently are you currently conducting, and have you profiled through regulation any context around how frequently the accessibility standards committee—you'll correct me if I'm getting it wrong because I have to flip between the two, but you know my question.

The Chair: Just as a reminder, please assist me. If any of those questions, in your professional opinion, are not related to Bill 118, please say so before you attempt to answer the question. The floor is yours.

Ms. Katherine Hewson: The first question probably relates to Bill 125 and the council under 125, but if I understand Mr. Jackson's question, it might also relate to what is intended with the future council. So I can answer, I guess, in terms of the existing council.

The existing council was first appointed on May 1, 2002—the first five members of the council, including the chair and the vice-chair. On November 18, 2002, the minister then appointed seven additional members to complete the council, including naming a new chair and vice-chair. From May until December 2002, council members attended a total of 24 stakeholder engagement events, including the first council quarterly meeting held in November 2002.

In 2003, council members attended eight council quarterly meetings and teleconference meetings. They took part in five subcommittee meetings and there were 61 stakeholder engagement events that council members participated in, representing a diverse cross-section of disability sectors and geographic regions.

In 2004, from January until present—

Ms. Wynne: On a point of order, Mr. Chair: I just do not see what this information has to do with Bill 118. I really need to understand that. This is activity that has taken place under Bill 125. The questions, as we understood them, were about the transition from 125 to 118, and I do not see what this has to do with Bill 118.

1630

The Chair: I tend to agree with the comments. I did ask you—

Ms. Wynne: I'm asking for Mr. Jackson to clarify that, actually.

The Chair: If we're trying to deal with the issue and be as efficient as we can, I think I will remind you that I only want you to answer questions that are related to Bill 118. I know the comments you made earlier. Let's—

Mr. Jackson: On a point of order, Mr. Chairman: Somehow we've gone from issues that are a transition between two bills, then to your suggestion of issues you're comfortable with, to now your ruling that only those items that deal with 118.

In fairness, you, sir, are guided by the direction of the committee, and I have a motion which says these people are here to speak about the issues in 125 and 118. That was the motion that the subcommittee agreed to, and those were the terms and conditions.

I don't wish to debate that, but Mr. Lepofsky asked specific questions about the frequency of meetings for the council, about compensation levels, about whether these meetings are in camera or not in camera, about the selection process and about the regulations that govern it. Those are the questions I am attempting to ask. Ms. Hewson gives full answers, and that's appreciated. If you want to instruct her to tighten up her answers, fine, but I believe these answers are well in order and they flow from the public hearings. That's what I'm here to get on the record to help this legislation.

The Chair: Mr. Jackson, I'm trying to see—does the motion make reference to 125 or just to 118? It doesn't specify 125.

Mr. Jackson: OK, so it doesn't.

The Chair: We should stick to Bill 118. I am as flexible as the membership wants me to be. I hear that there are members who don't believe the question is related to the bill in front of us, and that's the difficulty I'm having.

Mr. Marchese: I'm really trying to be helpful but I am struggling with this. We rarely do this. What we're doing is unusual, but I like it, because it's rare that we could do this, as a committee, if we want to. But if we're going to get these kinds of questions and those kinds of answers, it's not helpful to me.

I'm trying to be helpful to Cam in terms of what he's trying to get at. I agree largely with the argument Ms. Wynne made earlier about trying to create the link between the previous bill and this one, and if there is such a connection by way of the questions, it might be helpful. You were trying to accommodate that as a caucus, and I thought that was very nice and very helpful. But I'm not quite sure. It would be nice, Cam, to know what kind of questions you want to get at that link the former bill with this one, as a way of allowing some better understanding of where we're going. If not, I really don't find it helpful. So I thought I'd put that on the record.

Ms. Wynne: I just want to make one more comment. In my opinion, what will serve the disability community in this province is if we can get new legislation in place that meets their needs, and we can start to get standards

in place. Anything that's going to unnecessarily delay or, for political reasons, put obstacles in place for this legislation to go forward is unconscionable. That is not what we should be doing here. If there are questions that are to be asked, then let's ask them, let's get the answers and let's move on. But long lists of meeting dates that have to do with a regime that is about to pass, because we're putting new legislation in place, makes no sense to me. I don't think this committee should waste taxpayers' time engaging in that kind of discussion. I'd really like to see us have the questions answered and move on.

The Chair: Mr. Jackson, and then we will try to get some answers.

Mr. Jackson: Well, there are some other aspects to this that are unprecedented. We have several order paper questions in, we have a freedom of information request in, and we've had resistance from the minister personally and from her government to answering these questions. These are questions which the ODA Committee has asked about, questions about the level of financial commitment and the commitments that have been made to date. These are not being answered as part of the framework of the new legislation.

Interjection.

Mr. Jackson: I have the floor, Mr. Chairman, and I am very concerned that all and any efforts to try to get some of this information have been frustrated. Staff are here to do their job, which is what they always do, and we're the ones seeming to have some difficulty, not wanting to know some of the information.

If you want me to tell you what the concerns are that I'm hearing from the disabled community, I can do that. Ms. Hewson was about to share with you that the Disability Access Advisory Council of Ontario, for its first seven months in operation, met 24 times, and this year they will meet four times. That is an issue which I think is important for the disabled community to know and for this committee to know, because we may want to make recommendations about the scope.

When I move into compensation levels, this committee will learn from Ms. Hewson that the starting salary for the chair of that committee was something in the order of \$70,000 or \$80,000, because of the workload. That has now been pared down to \$350 per meeting, times four meetings, and the accessibility advisory council members are making \$200 for their meetings—a question Mr. Lepofsky asked and couldn't get an answer to.

I'm not asking Ms. Hewson what she's currently considering recommending to the minister in a regulation. I was going to ask her if she has any more regulations drafted or ready to follow this legislation. But these are questions which the disability community said we want answers to.

The Chair: Well—

Mr. Jackson: Mr. Chairman, I'm not the one who interfered and interrupted Ms. Hewson, but if my motives are going to be challenged, I have every right to clarify why I've raised them.

The Chair: And I think you did, Mr. Jackson.

Mr. Jackson: I think I have, but I've raised them in the spirit in which the ODA Committee presented them to me. They have subsequently, before all of us, at all the public hearings—and I didn't miss a single day of public hearings. I went to every single one of them and these themes kept coming forward. So if Ms. Hewson wants to simply answer that, "In our first year of operation we had 24 council meetings," and in the subsequent year she indicates that that number dropped, and in this current year—and that confirms what your chairman confirmed with me over the phone.

My next question has to do with compensation levels. Is that fairly accurate? This is awkward, because I signed the order as the minister. You were my ADM at the time, and the structure set up for the chair and the vice-chair, with the workload, was structured around those timelines. I'm not going to impugn motive as to what's happened, but we seem to have gone from a very busy, active accessibility advisory council to one in which we're down to four meetings a year. If that's how important they're going to be, then we'll be guided as to how much weight we put on the accessibility standards advisory council.

The Chair: You asked a question. Why don't you answer? I heard at least two questions. Just answer the question, please.

Ms. Hewson: I'll try to answer at least part of that. I wouldn't agree with the assessment that the advisory council is less busy now. For example, in 2004, there were 22 consultations regarding strengthening the Ontarians with Disabilities Act, and council members participated in all 22. They've been involved in four key stakeholder meetings in September 2004, and in addition they've participated in 25 stakeholder engagement events, as well as participating in eight meetings of Accessibility Directorate advisory committees on Accessibility Directorate initiatives. I would say that they continue to have a strong role to play. I don't know if there's anything further.

The Chair: Mr. Jackson, do you still have questions?

Mr. Jackson: Yes. I concur. In your answer previously to this committee, staff confirmed that a significant amount of their work had shifted to the new minister's consultation framework, and I accept that. You mentioned advisory committees within the council. Could you please enumerate those and their responsibilities?

1640

Ms. Hewson: If I may, I would ask my colleague Nadia Temple, who's the director of the Accessibility Directorate of Ontario, to respond to that.

Ms. Nadia Temple: Mr. Jackson, I think I need some clarification. When you ask about committees within the council, are you talking about subcommittees of the council?

Mr. Jackson: Ms. Hewson just referred to advisory committees that they served on within the council. You can call them subcommittees or advisory committees; whatever you wish.

Ms. Temple: They are advisory committees, in fact. What we do there is invite the council to sit on various initiatives that we're undertaking. We have a number that they've been involved in. Would you like an example of some?

Mr. Jackson: I wanted the list. I think it was one of the questions I asked. So if I could have the list, that would be great.

Ms. Temple: We had a partnership with the Canadian Standards Association to follow up on the development of a customer service standard for people with disabilities. It's an implementation program called Building Champions. We have two members who are sitting on a technical advisory committee for us on that project.

With the Ontario Historical Society, again, this one is under development. It's a partnership project. It looks at heritage and cultural organizations to increase accessibility to facilities. Again, two members sat on that advisory committee.

We've worked with the Greater Toronto Hotel Association. We developed an accessibility checklist to assist the industry in assessing the physical accessibility of their properties. Again, we consulted with the council on the checklist itself.

With the Ontario Community Transportation Association, we developed a training program for drivers on serving and assisting passengers with disabilities in the conventional, specialized and volunteer public transportation sectors. Again, we had a member sit on that. They also attended the association's conference and spoke there on the program itself.

We have developed—sorry, it's in progress—a generic customer service training program. That's an on-line training package to increase the knowledge of service providers on how to provide effective service. Again, we have members of the council assisting us on that.

We have a program for people who are deaf and people who are hard of hearing. It's a service guide for providers of services and businesses.

We've had many employment-related projects with the Canadian Mental Health Association called Mental Health Works.

We've had the development with the Learning Disabilities Association of Ontario of a brochure for employers.

We had a project with the Canadian National Institute for the Blind, and employer awareness sessions.

There are a number of others, but that gives you a full range of examples, I think, of the work.

Mr. Jackson: The compensation levels, Ms. Hewson: They're collecting the \$200 per diem?

Ms. Hewson: There is an OIC for remuneration, which is \$200 per day.

Mr. Jackson: For regular members.

Ms. Hewson: Yes.

Mr. Jackson: Are those meetings in camera? During the public hearings, this became a big issue.

Ms. Hewson: The meetings of the council are in camera under Bill 125. I'm not sure that it relates to Bill 118.

Mr. Jackson: It's just that it's a recommendation, and I was unsure if you were conducting them—or do you make the minutes for your meetings available on your Web site?

Ms. Hewson: No.

Mr. Jackson: OK. Thank you.

Section 4 of Bill 125 deals with government buildings. This section was proclaimed, and my understanding is that it's a section that the government is not repealing right away, that it's going to leave in the current legislation. Is that your understanding as well?

Ms. Hewson: I can address the relationship between 118 and 125. What will happen is that the sections dealing with specific government obligations in Bill 125 would remain until there are standards that would adequately address this for the government.

The Chair: Any other questions, Mr. Jackson?

Mr. Jackson: Yes. What current mechanism is in place, since they were standards that were clear in the legislation—what process is there to review? Is the minister responsible for Management Board responsible to monitor this?

Let me tell you about the questions being raised. Who within the government is going to monitor the government's compliance with Bill 125? Since you're carrying over legislation from one—sorry; let me start that again. The concern being expressed from the ODA Committee is, who is going to monitor the government of Ontario's responsibilities under Bill 118, which contains within it responsibilities that flow from 125? The act still says there must be enforcement of 125, under the umbrella of 118. So who currently is responsible for monitoring the property arm of the government that is responsible for approving leases that are done to those standards? Who is monitoring that? That obligation continues under this new legislation.

Ms. Hewson: Maybe I could focus on how 118 will work and then work backward from there. Bill 118 will require accessibility reports to be completed by all those who have obligations to comply with standards. So the government will have obligations, ultimately, to comply with standards and will provide a report. That isn't the case now in the sections that you're referring to in Bill 125.

Mr. Jackson: Yes, but Bill 118 says that the government can cause exemptions, and one of the concerns of the ODA Committee is that, under the current 118, they can give whole ministries exemptions if they so choose. Under 125, the responsibility for the government to make its buildings accessible, up to or better than the building code, is clear in the legislation. That talks about retroactively fixing buildings that aren't compliant today, and that's a right which the ODA Committee fought for and they want to see retained.

What you're suggesting to me is that—I won't get into a debate with you about the regulation, because the

legislation does give the government the right to proceed with regulations under the old act, if there is the political will to do it. I simply asked you, who is responsible for monitoring that performance under Bill 118?

Ms. Hewson: I think the answer is, once the standards are in place under Bill 118, there is a report that is done by the organization that is required to comply with the standards. That report is provided to the government, and there will be audits and inspections in accordance with Bill 118 in a way that that will apply to everyone.

The Chair: Can I just recognize Mr. Marchese? I know Mr. Parsons wants to speak. I'm trying to allow Mr. Jackson to ask all his questions. I think it's healthy, if they are related to Bill 118, and this way we can get the answers as quickly as possible.

Mr. Marchese, you're next.

Mr. Marchese: I just wonder how many more questions Cam has before I decide what I'm going to say.

The Chair: I don't know. Do you have an answer to that, Mr. Jackson?

Mr. Jackson: I have about six more.

Mr. Marchese: Mr. Chair, I'm really trying to be helpful and respectful of Mr. Jackson's questions and what he's asking. I really find it helpful that you, as the Chair, and this committee are allowing for this, because it rarely happens. But I'm not finding it as helpful at this time in terms of where I think we should be going.

Mr. Jackson is a former minister, so he's got a lot of knowledge about what happened and what didn't happen. I want to urge Mr. Jackson to reflect his knowledge and his discussions with other people in the amendments to Bill 118, and then urge us as a committee, once we've dealt with Bill 118, to refer to section 109, which allows this committee to, from time to time, address matters of whatever concern. In this case, it would be Bill 118. We could, on a yearly basis, decide as a committee that we would like a review of how things are going. Then it would be really helpful to have them come in front of the committee and address questions that we have, as they relate to the implementation of Bill 118.

I really recommend that we move on—I'm not interested in pursuing this any longer—and that we reflect our concerns by way of amendments, when we deal with them. I hope that we as a committee will be able to do this review with the approval of the committee members, so that from time to time, we—opposition and government—can ask, "How is the bill going? How are you implementing it?" Because we rarely do that, and it would be great to do.

The Chair: I thank you for your recommendation; I agree. The only thing I'm going to suggest to all of you is that, if Mr. Jackson wants to ask those questions and he persists, the probabilities are that by us interfering, it may—

Mr. Ramal: On a point of order, Mr. Chair: We can debate from now until the end of eternity. We're repeating ourselves. I would echo what Mr. Marchese said. We can pursue it as a motion, if you want to, and vote on it, and end the whole discussion.

The Chair: Mr. Ramal, with the highest of respect, yours was a comment; it was not a point of order. That's fine: We are being informal up to this point.

I'm going to suggest to the committee that if there are six quick questions, the probability is that we'll finish sooner than if all of us participated in the debate. Nonetheless, Mr. Parsons has been asking to speak for a while. You're next, and if anybody else wants to speak, then I'll go back to Mr. Jackson.

I appreciate what you said, Mr. Marchese. I trust that Mr. Jackson will keep in mind what you recommended.

Mr. Marchese: I actually would prefer that we end the debate and that I move a motion to that effect. Then, if Mr. Jackson wants to speak for the whole hour, he can. That would be fine by me.

The Chair: Is there a motion on the floor?

Mr. Marchese: I would move that we end this debate—

Mr. Jackson: On a point of order, Mr. Chair: This is not a debate. I was engaged in questions. Clearly—

Mr. Marchese: This is—

Mr. Jackson: You want to end the debate that the government's throwing up?

Mr. Marchese: It's not helpful, Cam. I'm not interested in doing this; I'm not. I was trying to be helpful in agreeing to allow this to go on, because I was tempted initially to say that this whole thing shouldn't be happening on the basis of the subcommittee request that was made. This process that we're engaged in at the moment is out of order, so to speak.

Mr. Jackson, I really don't want to go on with this form of questioning; I really don't. So either we voluntarily end this or I say that we rule on the fact that, based on the amendment, it is not in keeping with the kinds of questions we thought were going to be asked, and therefore we move on.

The Chair: That's the motion on the floor. Are you clear on the motion, before I rule on the motion?

Mr. Marchese: Or amend it differently—whatever you like.

Interjection.

The Chair: Excuse me. I will recognize everybody.

Right now, what I heard is a motion to end the argument. You heard it. The question is if that is proper.

Mr. Marchese: I think the amendment is that these questions do not deal with Bill 118, and therefore it's out of order—or whatever wording the clerk might want to suggest in terms of reflecting what I'm saying.

The Chair: Just give us a second, so we can sort these things out. I will come back to you.

Mr. Jackson: Mr. Chairman, I request a 15-minute recess.

The Chair: Can I just hear from her? And then you're next. You asked for the 15, not me.

Mr. Jackson: No. A 15-minute adjournment is a 15-minute adjournment, Mr. Chairman.

The Chair: I have a request for 15 minutes' adjournment.

Mr. Marchese: I would move adjournment.

Mr. Jackson: No, I've already got one on the floor that we take a 15-minute break. That's my right, and it's non-debatable, and we'll just proceed with it.

I would have been done in 10 minutes.

Mr. Marchese: No, Cam, it's just too tiring. I'm sorry; I'm exhausted. I can't even concentrate.

The Chair: It's my understanding that we have 15 minutes' adjournment. We will be back at exactly nine minutes after. Is that fair? I've got about six minutes to 5. So we will be here nine minutes after 5, and we can sort it out.

The committee recessed from 1654 to 1709.

The Chair: I show nine minutes after 5. We will resume the meeting. Ms. Wynne.

Ms. Wynne: For all the reasons that have been put forward by Mr. Marchese, and for reasons I've stated earlier about the relevance of the questions, I'd like to move adjournment of the committee.

The Chair: Adjournment doesn't require any discussion, am I correct? No debate, I should say. Therefore, anyone in favour? Anyone against? The motion carries. The meeting ends.

The committee adjourned at 1710.

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Ms. Nadia Temple, director, Accessibility Directorate,
Ministry of Citizenship and Immigration

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Ms. Anne Stokes

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