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**Official Report
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(Hansard)**

Monday 4 April 2005

**Journal
des débats
(Hansard)**

Lundi 4 avril 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
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 4 April 2005

Lundi 4 avril 2005

The committee met at 1556 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 and welcome to the meeting of the standing committee on social policy 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, help to improve accessibility for those who are attending and participating in meetings regarding Bill 118. In addition to our French-language interpretation, we are 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're always at the back of the room. Please identify yourselves for the audience. Thank you. It's nice to see both of you again.

The meeting today will be broadcast on the parliamentary channel, available on cable TV tomorrow at 10 a.m. and will be rebroadcast on Friday, April 8. Also, the Webcast of this meeting will be available tomorrow on the Legislative Assembly Web site, www.ontla.on.ca, at the same time as the television broadcast.

We will now resume our clause-by-clause consideration of Bill 118. At the last meeting, we left off during debate of Mr. Jackson's motion on subsections 6(5.1) and (5.2) on page 17 of our package.

Since Mr. Jackson is not here, I will ask for unanimous consent to defer this item until Mr. Jackson is in attendance. Do I have unanimous approval? Thank you.

We'll move to page 18. Mr. Ramal, please.

Mr. Khalil Ramal (London-Fanshawe): I move—

The Chair: Since we haven't started discussion, we'll go back to page 17. Mr. Jackson, if you're ready, since we left off with you, we want you to continue your debate on page 17, which is subsections 6(5.1) and (5.2). The floor is yours.

Mr. Cameron Jackson (Burlington): First of all, I apologize, Mr. Chairman.

I think I had commented; we were close to finishing the discussion. I only stressed the issue of interim standards because, in my view, there's nothing in this legislation that mandates someone outside of government to bring in these regulations; therefore, the government—and future governments—is completely and totally in the driver's seat.

It strikes me that, with the one codicil of making sure the disability community broadly and the ODA committee specifically have access to input, nothing in this legislation should tie the hands of the government, even to the extent of saying that in matters of its own domain, like within its own ministry, it should surrender a process of consultation in some certain matters to a three-, five- or a seven-year process when in fact the ministry and the government generally can make a leadership commitment.

The ODA committee supports this motion because they see evidence. We also know that the current accessibility council of Ontario, as it's currently constructed and constituted in Bill 125, had in fact begun the process of preparing regulations and a framework in order to recommend certain changes to the government. In some respects, this process in the current 118 takes longer than the process set out in Bill 125, and that's fine, except there's no mechanism for there to be any interim motions, and so interim standards that could flow currently from the process.

I strongly urge members to consider this as a friendly instrument that will assist the current government and future governments to accelerate the process of bringing in standards, guidelines, codes, or any of those matters as set out in the legislation. Thank you.

The Chair: Is there any further debate on this?

Ms. Kathleen O. Wynne (Don Valley West): Just to pick up where we were before, I will just briefly reiterate that the government is introducing an amendment under section 32 on page 84. It's an amendment to subsection 32(3) of the bill that would actually allow for preliminary

measures that would bridge the issue that Mr. Jackson is concerned about.

Mr. Jackson: I think I'd put on the record that the motion Ms. Wynne has brought to our attention addresses the issue of consulting with the disability community. It doesn't deal with the issue of the government bringing in interim measures sooner. I agree with her statement, except that it only applies to subsection (5.2) of this amendment and not to (5.1). If she'd like them separated so that she can support the regulation component and then be silent on (5.2) because it's captured elsewhere, then that would be helpful to the disability community.

The Chair: Any further debate?

I will now put the question. Shall the motion carry?

Mr. Rosario Marchese (Trinity–Spadina): Recorded vote.

The Chair: Can I ask again, do we want a recorded vote on every single section? Yes.

Ayes

Jackson, Marchese.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry.

We'll move on to number 18. Mr. Ramal, please.

Mr. Ramal: I move that the French version of subsection 6(6) of the bill be amended,

(a) by striking out "Les règlements pris en application du présent article peuvent créer" at the beginning and substituting "Une norme d'accessibilité peut créer"; and

(b) by striking out "ils peuvent créer" in the portion before clause (a) and substituting "elle peut créer."

It's some kind of technicality, I believe, to have the French translation match the English translation.

The Chair: Any debate on the motion?

Mr. Marchese: When the translation was first made, obviously we didn't capture the essence of what you were trying to do. So do you know, any of you, what the difference is between "Les règlements pris en application du présent article" versus "Une norme d'accessibilité"? Do you know the difference or what the implication of either of those two interpretations means?

Ms. Sibylle Filion: I can perhaps speak to that. The accessibility standards are regulations, so in fact, as a substantive matter, whether we say "the regulations" or "the accessibility standards," it amounts to the same thing. However, we wanted to be consistent with the English terminology. There had been some inconsistency when originally translated, so we're just trying to make it so that wherever we refer in English to an "accessibility standard," the equivalent term in French, "norme d'accessibilité," is used.

Mr. Marchese: Thank you.

The Chair: Any further debate? I will now put the question.

Ayes

Fonseca, Gravelle, Jackson, Leal, Marchese, Ramal, Wynne.

The Chair: The motion carries with full support.

Next is page 19. Mr. Ramal.

Mr. Ramal: I move that the French version of subsection 6(7) of the bill be amended by striking out "Les règlements pris en application du présent article peuvent définir" at the beginning and substituting "Une norme d'accessibilité peut définir."

It's the same as what happened in the first one, just to match the translation from English to French.

The Chair: Any questions or debate? If there are none, I will put the question.

Ayes

Fonseca, Gravelle, Jackson, Leal, Marchese, Ramal, Wynne.

The Chair: The motion carries with full support.

Mr. Ramal, number 20, please.

Mr. Ramal: I move that the French version of subsection 6(8) of the bill be struck out and the following substituted:

"Portée

"(8) Une norme d'accessibilité peut avoir une portée générale ou particulière et être limitée quant au temps et au lieu."

The Chair: Any debate on this? If there is no debate, I will put the question.

Ayes

Fonseca, Gravelle, Jackson, Leal, Marchese, Ramal, Wynne.

The Chair: Carried with full support.

Shall section 6, as amended, carry?

Ayes

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: Anyone against? None.

The next section is section 7, page 21. Mr. Marchese, please.

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

"Minister's responsibilities

"7. The minister is responsible for,

"(a) establishing and overseeing a process to develop and implement all accessibility standards necessary to achieving the purposes of this act; and

"(b) conducting educational programs and promoting public awareness on the accessibility standards and on

the work and progress of the standards development committees.”

I think it's obvious what we're trying to do: to expand the responsibilities of the minister. It's important that the minister's role be expanded beyond ensuring compliance to include a legislative responsibility to educate.

You will recall that many deputants who came in front of our committee spoke to the need for governments to lead or, if not lead, to at least take an active part in educating the public about issues pertaining to this bill. The majority of people sometimes are not as sensitive to these issues as they should be. Their knowledge of these issues is sometimes very limited, and sometimes a stereotype prevails and discrimination is more at work in terms of what they think about issues of disability. So we would impose a duty on government to educate the public.

1610

I'm not the only one who's speaking to this, but many, many deputants spoke to this. I don't think this would take away one iota from what the government is trying to do; in fact, it would help the government. Often we speak about the need to do so but leave the education portion out of the bill and hope that the government will do some educational program of some kind. The reality is, governments do very little by way of educating the public vis-à-vis a particular bill. It just never happens. So if some of you are going to argue that you're going to do that, or it's part of what you do, it just doesn't happen very often.

This addition would make sure that governments in fact do it.

Mr. Jeff Leal (Peterborough): If I could just ask a quick question of the acting assistant deputy minister: As I understand it, under section 32 of the Accessibility Directorate of Ontario, that looks after the broad-based education in the province of Ontario.

I have sympathy for Mr. Marchese's motion here, but I just don't want to duplicate things that are already in place. It's my experience, as a former municipal politician, that the accessibility directorate often provided that educational thrust for municipal councils or disabled people in municipalities across the province. Could I just have you comment on that?

Ms. Katherine Hewson: Certainly. You're quite correct: Section 32 does provide for the Accessibility Directorate of Ontario to conduct programs of public education. I would also point out that, at the beginning of that subsection, it does specify that that is at the direction of the minister.

Mr. Jackson: Could I ask, Ms. Hewson: You've not been able to get any handle on budget. How much have you dedicated for this purpose within your ministry?

Ms. Hewson: I would have to provide an answer to you subsequently. I don't have that information on hand.

The Chair: Mr. Marchese, you're next.

Mr. Marchese: Deputy—

Ms. Hewson: Acting assistant deputy minister.

Mr. Marchese: The acting assistant deputy minister made it very clear that at the beginning of section 32(3) it

says, “At the direction of the minister....” That means that when the minister says, “You shall conduct research and you shall educate,” or “You shall conduct programs of public education,” then it will happen. But it's “at the direction of.” He or she may not give that direction. It may or may not happen. It may happen at some time in the future, or it may not.

Section 7 says, “The minister is responsible for....” It's very clear.

Mr. Leal, what you're assuming, I'm assuming by this, is that you have high hopes, which I perhaps don't have, that your minister or some other minister in the current government or in the future may or may not do this. All I'm saying to you is that this language guarantees that the minister has responsibility for this and has to do it. The other one is, “At the direction of ... the directorate shall....” I think the distinction is very, very clear.

Mr. Leal: Mr. Marchese, perhaps my experience is different from that of others as a former municipal politician. We had a lady in Peterborough, Lois Hart Maxwell, who was in the vanguard for educating people in Ontario—

Mr. Jackson: How is Lois?

Mr. Leal: Very well. She sent me an e-mail today, Cam.

As Mr. Jackson knows, she was in the vanguard of educating people in Ontario, as a former municipal councillor in Peterborough, and then taking on the chair of the council for disabled persons and accessing education materials and thoughts from the Accessibility Directorate of Ontario. I can just reflect on what my experience has been in providing that information to the community of Peterborough over many, many years.

Other people may have different experiences than I have. I look at yours and I have some sympathy for it, but it seems to me it's perhaps a duplication of what's going on already, based on my background and experience.

The Chair: Can I go back? The question was asked by Mr. Jackson, I believe, and then I'll go to Mr. Marchese.

Mr. Jackson: I just want to put on the record that I think this motion is perfectly in order and worthy of our support. The Ontarians with Disabilities Act committee has made it very clear that this is an essential component and they have requested that this be entrenched. I think it's a reasonable request and I find it hard to believe—I'm looking at the motion that my colleague is going to present in a moment, which talks about holding additional consultations, and I suspect that, really, providing this better access is the ongoing responsibility of this legislation.

This isn't a slam dunk. It doesn't say that within three years the following items will be fixed. This is a long, 20-year process, and we need to ensure that the disability community is kept apprised of these changes. We attempted to do that in the previous bill by having a five-year review, so that forced public consultation and forced the process of education and public awareness. That was built into the design feature.

I would hope that the government will support my amendment that calls for that. If it doesn't, then clearly this is an excellent amendment that should be considered because it compels the government to keep the disability community fully in the loop and to begin educating the public on the importance of making Ontario barrier-free, even though "barrier-free" is not referenced in the legislation.

Mr. Marchese: I don't think this motion is very complicated. I don't mean to diminish your experience as a municipal councillor; that's not the point. I think that after 15 years of provincial experience we have a good sense of what goes on around here. We do little public education. And there isn't a dollar figure here. It doesn't even say how much you'd be spending. It says you should do something. Then, whether you do a little something—we can criticize you for not doing enough, but at least you would be doing something. In this case, if you just leave it to the section you referred me to, it may or may not happen.

This addition says, "(b) conducting educational programs and promoting public awareness on the accessibility standards"—it's very specific—"and on the work and progress of the standards development committees." That would almost ensure that on a regular basis we know what they're doing and that on a regular basis they report on what's happening as a way of ensuring that people actually know what's going on.

This is not a bad thing; it's a good thing for your bill. If you're proud of your bill, you would want to do this. I can't see why you might want to oppose this section. I just don't. Maybe you want to confer with some of the others who give you advice, I don't know, but it's really not a bad addition here.

The Chair: Mr. Ramal or Ms. Wynne?

Mr. Ramal: I agree with you, Mr. Marchese, that it's very important to educate the public in terms of creating awareness about accessibility, about the bill and what's involved in it. But as has been mentioned by the acting assistant deputy minister about it being duplicated, about it being talked about further when we go to section 32, there's no need to start adding and duplicating and confusing the whole issue. That's it. I have nothing to add.

The Chair: Ms. Wynne, and then I'll come back to you, Mr. Marchese.

1620

Ms. Wynne: I just want to add to what my colleagues have said. Section 32 lays out basically the work of the directorate at the direction of the minister. Again, I'm going to ask Mr. Marchese to look forward at an amendment to that section because we're basically saying that the function he is looking for is going to be in the hands of the directorate, at the direction of the minister. We're being much more explicit.

If you look again, at page 84 in the amendments we're saying that part of the work of the directorate—yes, at the direction of the minister—is going to be "to consult with organizations, including schools, colleges, universities, trade or occupational associations and self-governing

professions, on the provision of information and training respecting accessibility within such organizations."

Then we go on: to "inform"—

The Chair: Excuse me. If I could remind you to slow down.

Ms. Wynne: Yes; I'm sorry. I apologize.

Then the second clause, (e.2): "inform persons and organizations" of the accessibility standards.

So that amendment makes the section much more explicit and actually lays out the level of specificity that you're looking for, albeit in the hands of the directorate.

Mr. Marchese: The problem is, if the minister doesn't say to the directorate, "I want you to do this research," that part won't happen. So the directorate will not give you advice on that. Unless the minister says, "Give me advice on that," it won't do that. What you're saying is that it's there and it will happen. All I'm saying is that if the minister says, "We don't have money for this," the minister will simply indicate to the directorate, "At this point, I don't want you to do that."

My amendment says it is a responsibility of the minister to do that. It's very different, and it's very clear, isn't it?

The Chair: I hear you.

Mr. Marchese: I hear myself too.

The Chair: Any further debate on the motion? If there is none, then I will put the question.

Ayes

Jackson, Marchese.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry.

Therefore, the next is: Shall section 7 carry, without any amendment? I'll put the question for a recorded vote.

Ayes

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: Section 7 carries.

The next section is section 8, page 22.

Mr. Marchese: I move that subsection 8(2) be amended by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following clause:

"(c) determining the need for public consultations and holding such consultations while developing the proposed accessibility standards specified under clause (a)."

The subsection at the moment reads:

"(2) Each standards development committee is responsible for,

"(a) developing proposed accessibility standards for such industries, sectors of the economy or classes of persons or organizations as the minister may specify; and

“(b) further defining the persons or organizations that are part of the industry, sector of the economy or class specified by the minister under clause (a).”

I’m adding:

“(c) determining the need for public consultations and holding such consultations while developing the proposed accessibility standards specified under clause (a).”

Again, I think we would want the standards development committee to have this power to determine the need for public consultation. It is something that Liberal members agreed to when they were in opposition, while debating Bill 125. I think the argument should continue today.

Some of you might argue that this is a totally different bill and therefore they don’t need to have this ability. I don’t know how that argument could hold up, but it seems to me like a straightforward addition that would give the power to the standards committee to be able to have public meetings, public consultations, so they’re not private, so that more and more people know about what these standards committees are doing.

It would say to the public that you have their confidence, that you want to be able to reach out to the public in an open way. It would say that we want to help to inform the public and, to the extent possible, educate the public. If you have consultations, that’s what you’re doing: You’re informing, educating and sometimes, God forbid, politicizing people. You are providing transparency and accountability while you do that, and that’s good for the committee and good for the public.

Here is another addition that I recommend to you. I put it to you that it’s good for you, good for the public, good for the committee and good for people with disabilities, and I’m waiting anxiously to hear arguments against it.

The Chair: Any debate?

Mr. Ramal: In the text of the bill, we talk about the public input that will be taken into consideration and also that the minutes of the committee will be public too. I believe an additional layer of public consultation will delay development of accessibility standards. To move forward without duplication is what we are trying to do. As I mentioned, the standards will be open for the public to put their input, and also the minutes from the committee will be available to all the people in this province. So there’s no need to duplicate again.

Mr. Marchese: Again, the arguments are so feeble that it’s hard to resist a response. First of all, this doesn’t add an additional layer. It allows the standards committee to determine the need for public consultations. It may or may not have them, but it may decide to do so. It’s not another layer.

Secondly, making the minutes available is not participation. The fact that the chair can make the minutes of this meeting available doesn’t allow these people to participate. What you’re saying is, “The people we’ve nominated are going to do the right thing on your behalf, and here are the minutes. Don’t worry. You don’t have to

come. We don’t need to hear from you,” in the event that a consultation is needed.

The standards committee would be given the power to determine the need for public consultations, and that’s all it does. It’s not an additional layer, and the minutes are simply not enough.

Ms. Wynne: As far as I understand, there’s nothing precluding the holding of public consultations, and the way the standards development committees are being set up, the idea is that they will represent the best interests of the disability community and the public at the table. The concern being the delay, I’m not going to support the amendment because my understanding, as I said, is that there’s nothing precluding public consultation.

Mr. Jackson: First of all, I support it because I consider that there are a couple of issues that really will require a significant amount of input. I’m not just thinking from the disabilities community; I’m talking about the broader community who will be impacted financially. Both groups of Ontarians have an interest. I think it would be erroneous to suggest that the absence of it in legislation means that they could do it at any time. Frankly, it is quite the opposite, in legal terms. Unless it’s clearly identified in the legislation—these committees are going to spend enormous amounts of public money, and in the absence of having it in the legislation, it would, in and of itself, preclude that process.

I realize that this is an expensive process, and if that is what’s causing the government’s desire to cancel this option in the legislation, then they should say that. We know it isn’t inexpensive to conduct public hearings in these matters in order to ensure accessibility; however, isn’t that the principle that we’re trying to establish in this bill? It does not ensure that there will be any opportunity for that. In fact, there are budget considerations to conducting further public hearings, and unless it’s clearly set out as an option—I think my colleague has put this more than appropriately, that this is an option for the standards committee to come forward and say to the minister, “We would really like to do this.” The bureaucrats would be the first to tell you that in the absence of this motion, you can ask for anything, but the government is under no obligation, and neither is the civil service required to budget for this eventuality, because it’s not referenced in the legislation. So that’s my 20 years of experience, and it’s clear that this isn’t going to happen.

1630

I don’t want to take up time by giving example after example of issues which are so sensitive, in terms of the cost and in terms of the desire of the disability community to be treated with equality, that there will be required additional public input. I remind everybody that this legislation that’s before us has a proviso that you can drive a truck through saying that the government reserves the right to create exemptions for classes of people, organizations and businesses. When you have that clause there and that protection for people who don’t want to make Ontario barrier-free, then I think we should be

providing opportunities for public input to ensure that we do get the very best regulations and standards and codes built into the province's changes in legislation which will inevitably be required for some of these issues.

The Chair: Mr. Fonseca. Rosario, can I let him make some comments and then come back to you?

Mr. Marchese: Yes. I beg your pardon.

Mr. Peter Fonseca (Mississauga East): We ought to get these standards in place sooner rather than later. As Mr. Jackson has mentioned—and Mr. Jackson often refers to the cost of things—this may actually delay for people with disabilities, where we may have many businesses and many others coming forward that would look at this as a delay to getting these standards in place, and having more and more consultation that would take up months, if not years, holding us from moving forward on something that we need to move forward on as quickly as possible.

Mr. Marchese: Here's the problem with that argument. What you're saying is, you don't trust the standards development committee to do the right thing. If you say, "We don't need more and more consultations," it suggests that the committee would do just that as a way of almost impeding, preventing, blocking, deliberately having consultation meetings so as not to move the issue on. I don't think they would do that. I don't think they would be appointed for the purposes of purposely obstructing the government by having more and more meetings. What you're saying to that standards development committee—you haven't appointed them, but what you're saying, theoretically, to that group is that you don't trust them.

This motion is very prescriptive. It says,

"Each standards development committee is responsible for,

"(a) developing proposed accessibility standards....

"(b) further defining the persons or organizations that are part of the industry," and so on.

It's very clear. It doesn't allow for flexibility for them, in the event that they need to have a meeting of sorts, to do so. If not included, it is indeed precluded. Again, I'm puzzled as to your interest in opposing this very simple motion that would give this committee the power to determine if they need a meeting for public consultations. I'm puzzled by it—not surprised, but still puzzled.

The Chair: Is there any further debate? If there's none, I'll put the question.

Ayes

Jackson, Marchese.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry.
The next one, Mr. Jackson, pages 23 and 23b.

Mr. Jackson: I move that subsections 8(3), (4), and (5) of the bill be struck out and the following substituted:

"Key sector committees

"(3) Within six months of the day this section comes into force, the minister shall establish standards development committees for such industries, sectors of the economy or classes of persons and organizations as the minister determines should be given priority based on the needs of persons with disabilities, including the following industries and sectors of the economy:

"1. Transportation.

"2. Education.

"3. Health care.

"4. The construction industry.

"5. Employment sector.

"6. Retail sector.

"7. Customer services for persons with disabilities.

"Other committees

"(4) In addition to establishing standards development committees that are charged with the responsibility of developing proposed accessibility standards for specified industries, sectors of the economy or classes or persons or organizations, the minister may establish standards development committees to develop proposed accessibility standards to address a barrier or a class of barriers that may exist in more than one industry or sector of the economy or may apply to more than one class of persons or organizations.

"Notice of committee to be established

"(5) The minister shall publish a notice announcing the establishment of a standards development committee in a newspaper of general circulation in the province and shall post the notice on a government Internet site.

"Content of notice

"(5.1) The notice referred to in subsection (5) shall,

"(a) explain the function of the standards development committee and identify the industry, sector of the economy or class or person or organization or barrier for which the committee is to develop accessibility standards;

"(b) state the number of members that are to be appointed to the committee;

"(c) identify the qualifications that a person must have to become a committee member;

"(d) invite interested persons to apply to the minister to become a committee member; and

"(e) set the date by which applications must be received by the minister in accordance with subsection (5.2).

"Timing of application

"(5.2) All applications to become a member of a standards development committee shall be submitted to the minister on the earlier of,

"(a) the day specified by the minister in the notice referred to in subsection (5); or

"(b) the day that is 21 days after the day the notice is first published in a newspaper of general circulation in the province.

"Publication of applicants' names

“(5.3) Within three days of the last day for submission of applications to become a member of a standards development committee, the minister shall,

“(a) publish the names of all applicants received in accordance with subsection (5.1) in a newspaper of general circulation in the province and post the list of names on a government Internet site;

“(b) invite members of the public to comment on the qualifications of applicants for appointment to the committee within 15 days after the day the list of applicants is first published and posted in accordance with clause (a).

“Selection of committee members

“(5.4) Within 15 days after the last day of the period for public comment referred to in clause (5.3)(b), the minister, having considered the comments received, shall select the members of the committee and provide each applicant with the decision to grant or refuse the application and the reasons therefor.

“Publication of appointment

“(5.5) The minister shall publish the names of the appointees to a standards development committee in a newspaper of general circulation in the province and shall post the list of names on a government Internet site.

“Term of appointment

“(5.6) The members of a standards development committee shall be appointed for a period of five years.”

The Chair: Any debate?

Mr. Ramal: We’re not going to support this motion, for many reasons. First, specifying the number of standards development committees would take away the flexibility needed for smooth implementation. Also, you mention here many sectors—employment and customer service—which, by any definition, wouldn’t be considered as sectors.

Second, trying to set out a priority would discourage many non-priority sectors from moving forward as soon as possible to implement whatever is necessary to make themselves accessible.

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Third, we believe that Bill 118 rates an inclusive model for the standards development required by each economic sector to assess, themselves, when they’ll be ready to implement that bill. Also, the government will work in conjunction with the disabled community in order to define the sectors and develop the sector accessibility standards in order to reach the goal set by Bill 118.

Mr. Marchese: I support this motion. Again, it seems to me very reasonable. I don’t know how it takes away from flexibility; the government would have to do whatever.

In terms of the key sector committees, these are the committees that I think people in the field have identified as areas they should be moving on as quickly as possible. That’s why they’re listed as such. This isn’t a list that we’ve invented or that Mr. Jackson has invented; it has come before us on the basis of the experience of people with disabilities. They have a lot of experience, more than I do, so I think that’s a very good suggestion.

“Other committees

“(4) In addition to establishing standards development committees that are charged with the responsibility of developing proposed accessibility standards for specified industries ... the minister may establish standards development committees to develop proposed accessibility standards to address a barrier or a class of barriers” gives the minister flexibility that I don’t think is currently in the bill, unless proven otherwise. So this is a useful suggestion. I’m not quite clear on the thinking of the government on this side.

“Notice of committee to be established

“(5) The minister shall publish a notice announcing the establishment of a standards development committee in a newspaper ... and shall post the notice on a government Internet site.” Practical, so that people know. I don’t know why we would be opposed to that.

“Content of notice” specifies and has the effect of informing, educating people on what is going on. So it’s practical and useful.

I support the next one as well, “Publication of applicants’ names.” It’s very useful.

“(5.3) Within three days of the last day for submission of applications to become a member of a standards development committee, the minister shall,

“(a) publish the names of all applicants received ... in a newspaper of general circulation ... on a government Internet site,” I think is useful; not complicated.

“(b) invite members of the public to comment on the qualifications of applicants for appointment,” I think is useful. Some people may be intimidated by this, but I think those who get appointed, if they’re to have the confidence of the public, would be happy to have the minister receive some feedback as to the appropriateness of their application. So what this says is that the public has confidence in the people you’ve nominated or will select. I think that’s a very useful addition.

“Term of appointment

“(5.6) The members of a standards development committee shall be appointed for a period of five years.” I think the government has a motion to that effect too; I don’t remember. That is useful because it adds stability and continuity.

This whole motion is a very reasonable one. I’m supporting it.

Mr. Jackson: I’m rather disappointed to see the parliamentary assistant read from some notes about why he’s objecting to this. I thought the purpose of this was to have some input from the public, in particular the disability community. I’d like to take credit for this motion. I got this from the ODA committee. Their primary concern is right in the very first sentence: “Within six months of the day this section comes into force.” We have heard, the bureaucrats have told us, that there could be anywhere from 17 to 20 of these standards committees, and surely the disability community has said to this government, “Here’s where we think you should begin.” This is the list that they gave me, and Mr. Marchese has a motion that’s almost identical, dealing with this first section—he has five, and that’s fine; they’re both

sound—the point being, of course, that there’s very real concern that we’re not going to get down to the important issues. We’ve heard from the minister. On this list, she has identified transportation. It’s the only one that’s on the minister’s list. That’s not the only one on the disability list.

Mr. Ramal: Just a question to clarify. The employment sector and customer services have never been considered by any definitions as sectors, so that’s what the confusion is.

Mr. Jackson: If you wanted to remove “Customer services for persons with disabilities,” I doubt seriously that’s going to win your favour for the rest of the motion. But we consider that a sector in terms of achieving what the ODA committee has asked us for. Without getting into a debate over what the various sectors are, the priorities are established: transportation, education, health care, the construction industry, the employment sector. Mr. Marchese has identified customer services as well.

The reason that retail and customer services were put in there is because they are quite achievable in a very short time frame, whereas transportation has significant financial implications to the province. So it’s important that we have some early identified successes for the standards committee.

I thought the request was reasonable. We are eliminating a piece of legislation that identified that all government ministries must have standards developed and so on and so forth. We’ve removed that, so we are now dealing with the province as a whole, yet we do not have anywhere in the legislation the beginning time frame and specific sectors that we feel are a priority. If that isn’t fundamental to the exercise of helping us to identify—and we heard significantly that transportation is considered a number one priority because too many disabled persons are being stranded, and they miss their ride and it limits all their access points.

ODAC has identified the issue of wanting to know. As minister, I think I appointed the first five representatives to the Ontarians with Disabilities Act committee. I purposely didn’t appoint any more than that because I felt that we needed input from the rest of the province. I knew that the first five were outstanding individuals and they were not controversial. In fact, the first chairman I appointed was Lyn McLeod’s riding president. I didn’t think I could be any more open-minded than that, to pick Dave Shannon. Dave was an extraordinary individual—so good that the federal government grabbed him as soon as we identified him.

I’m not identifying what we’re going to compensate these people with. I understand that the government is considering a much, much cheaper model than the one that was contained in Bill 125. That’s fine. With the size of the number of standards committees, perhaps that’s part of the planning. But ODAC made it abundantly clear they want a process that’ll allow many people an opportunity to apply. To those of us who went around the province to the various communities, it was perhaps one of the most consistent questions that was raised: “How do I

apply? How can I make sure that my application is read and that I have a chance at serving?” That’s a valid question and one that requires the kind of commitment that we’re setting out here in the legislation.

1650

Again, the timing: This is one of the most under-resourced secretariats, given the size and the enormity of the responsibility we’re about to put on them. We have no statement or commitment from the government in terms of resourcing this committee; therefore, to protect the integrity of this legislation, we need firmer timelines, because they become a mandate for that ministry. Therefore, they have to report to their minister and say, “Minister, you can cut your little program here, you can cut over here, but you can’t cut here in the secretariat because we have the mandate which is clearly set out in legislation.” In the absence of those timelines, you take the pressure off the outcome-based requirement for the minister to get resourced properly. That was the whole principle behind forcing every ministry to put it on their Web site, because it forced them to be held accountable if they decided to steal the money and put it somewhere else instead of toward the disability community, and there’s already evidence on the Web site that that’s occurring. These are the kinds of protections that are built into legislation, and ODAC knows that. They know that from past experience and because they have people who are legislative draftspersons.

The purpose of this is to say, “Look, we want to get on with the business of identifying the key elements of reform required.” To put it another way, we heard long and hard, “We don’t want health care done in the 20th year. We don’t want education done in the 20th year. We want it started now.” This essentially disciplines this legislation and says, “In order to proceed and go further, the purpose of the consultation was to get that input. We’ve now received that input and we’re putting it into the language of this legislation.” Persons with disabilities all across Ontario will feel they’ve had a more direct hand in this legislation because those are the committees that will be developing standards first and foremost in our province.

Ms. Wynne: Very briefly, the level of specificity in this motion will be in the terms of reference of these committees. It’s not that we’re saying these things shouldn’t be specified, but we’re not going to pre-empt the process that the ministry will put in place in terms of establishing the terms of reference and laying out the process for choosing the sectors in consultation with the disability community and the sectoral readiness. So it will all be there. It’s just not going to be in the legislation; it’ll be in the terms of reference.

The Chair: Is there any further debate? I will now put the question. Shall the motion carry?

Ayes

Jackson, Marchese.

Nays

Fonseca, Leal, Ramal, Wynne.

The Chair: The motion does not carry.

The next one is Mr. Marchese's, page 24.

Mr. Marchese: I move that subsection 8(4) of the bill be amended by striking out "The minister shall invite the following persons or entities to participate as members of a standards development committee" and substituting "The minister shall establish qualifications for membership in a standards development committee and make those qualifications available to the public in the prescribed manner and shall publicly solicit applications from among the following persons:"

It's quite different in terms of what we're proposing. It says that rather than the minister saying, "We shall invite the following persons to participate," we say, "The minister shall establish qualifications for membership." That means that we're indicating to the public and to people with disabilities that we should be establishing—

The Chair: Just a moment, please. You are on page 24, aren't you?

Mr. Marchese: I will be now.

The Chair: Would you mind starting from—

Mr. Marchese: Given that this amendment has already been defeated, I will withdraw it.

The Chair: Page 24 has been withdrawn. Mr. Marchese, you are now on 25.

Mr. Marchese: Should I reread my—are we OK?

The Chair: There's no need. You just finished reading it. It's on the record already. Go ahead with your comments.

Mr. Marchese: I couldn't quite understand why people were saying, "Hmm, are we on the right page?"

Rather than the minister simply inviting people to participate, we're saying that "The minister shall establish qualifications for membership ... and make those qualifications available to the public."

Again, I argue that you would be saying to the public that it's not just a matter of the minister inviting anybody he or she thinks should be on that committee; rather, we want to let the public and people with disabilities know that certain qualifications are required for the job. Then we want to be able to post that and "publicly solicit applications from among the following persons."

It's different from what we have at the moment. It gives greater public confidence in what the minister is doing, rather than simply assuming that the minister will do the right thing and appoint the right people. If we establish qualifications, we will feel better and people with disabilities will feel better about that.

Mr. Fonseca: The minister will consult with stakeholders prior to establishing those standards development committees, to ensure that there is adequate and fair representation on all those committees. Also, as Ms. Wynne said, the qualifications for standards development committee members would be spelled out in the terms of

reference and they would be tailored to each standards development committee as we move forward.

Mr. Jackson: I'm perplexed. We've asked if there's been any work done in this area and we've been told there has been no work done on it. The essence of this is that this has to be done within six months. Your first contribution to this was to say, "Wouldn't that be interpreted as a delay?" We're just doing what the ODAC has asked us to do, which is to put a time parameter around this and get going with it.

Mr. Marchese: Mr. Jackson, we're on page 25. Sorry.

The Chair: It's subsection 8(4).

Mr. Jackson: All right, but does this have a time frame?

Mr. Marchese: No.

Mr. Jackson: Exactly.

Mr. Marchese: No, it's 8(4).

Mr. Jackson: I know, but it doesn't speak to the issue of time, and we still do not have the regs. You're free to ask, but there is none developed. No work has been done in this area. And we've asked. We asked at the beginning of the process.

The consultation on this legislation started a year ago. Here we are at this point, and we're no further ahead to knowing exactly what the framework's going to be. That's all well and good, but you're going to be up on the floor of the Legislature, not able to ask a direct question to the minister—she or he, whoever the minister's going to be after the shuffle—about where are the time frames, where are the individuals being appointed, and under what terms of reference.

This is all very strange, because these are matters that shouldn't, under normal government procedure, go forward unless those questions have been answered. Cabinet shouldn't be proceeding with the first draft of this legislation without knowing exactly how the framework would work. The fact that you don't wish to share it with us, I can perhaps understand. What I can't understand is that you've got bureaucrats saying, "We haven't done any work on this thing yet." That causes me great concern. It goes back to the point I raised earlier: This ministry is not being adequately resourced. It is spending less today than it spent the year we opened it. That's wrong in such an important piece of legislation that's getting ramped up. Those are just the facts.

Anyway, you have my support.

Ms. Wynne: I guess I'm just trying to extract the real question from the disingenuousness. My understanding of the way this place works is that legislation gets passed and regulations get written. The regulations and terms of reference that spell out how an act is going to be implemented would not be public and would not be available before the legislation had passed. My understanding is that in the natural order of things, the legislation needs to get passed and then the regulations and the terms of reference will be put in place.

I think we're on track to do that. We'd like to see this legislation go through as quickly as possible so we could get going on getting these committees set up.

1700

Mr. Marchese: I was trying to see where the argument was made about how my amendment is interpreted as being disingenuous. I just don't get it.

Ms. Wynne: No, sorry. I was referring to Mr. Jackson. I apologize, Mr. Marchese.

Mr. Marchese: Thank you.

I understand that you say, Mr. Fonseca, that the minister plans to consult. I suspect the minister would probably do that. I'm not bothered by that, but my motion doesn't speak to that. My motion says, "The minister shall establish qualifications." You post that and you make it available in public. I have no doubt that if you do what I'm recommending, the minister will still consult with stakeholders as to who should be appointed. They are two different things. By saying that you establish qualifications, you're saying, "Here are the criteria." That's all we're saying. It doesn't complicate this in any way.

You also add that the qualifications would be established somehow in the terms of reference. I'm not sure that's the case. I don't think there is any line in this bill that would do that, nor in anything that might be done by regulation that would spell out the qualifications necessarily. I don't know that. You say it might be, but I don't know that that's the case. Why would you object to this? That's what I'm trying to understand.

Mr. Fonseca: Mr. Marchese, I was just letting you know that, yes, those qualifications and standards will be spelled out in the terms of reference. This will be a transparent and accountable process that we will be bringing forward. It will be open so everybody can see. Those terms of reference will be there as those committees are set.

Mr. Marchese: OK, Peter. People appreciate what you said and they'll hold you accountable to that, I guess.

Mr. Jackson: I just wanted to put on the record that it's not uncommon—it does occur—that regs have been known to be tabled at the same time as legislation. That's not totally uncommon. It's not commonplace, but it does happen.

Secondly, terms of reference are always either set out in legislation or the participants know in advance generally what the guidelines are. The fact that the government has done no work in this area or has been unwilling to share any of that with the disability community to date is a cause for concern.

I keep hearing the notion of "in the interest of time," but we've done no work in terms of identifying the terms of reference for the committees that will operate or the ratio of disabled persons to participate, the qualifications and so on. So the absence of this work causes me great concern.

I don't wish to get into a whole series of other issues—the appointment of committees—which the government is currently engaged in that are taking a lot longer than they should. This legislation has a unique life of its own. We just want to make sure that it gets started

quickly and the access community knows what's happening.

I don't think the minister needs to consult. I think she has heard loud and clear from the disability community who they would like to see participating. If she is going to add another layer to this, how long is it going to take for the government to get its standards committees up and running? That's the concern.

I will be supporting this amendment.

The Chair: Is there any further debate? I will now put the question. Shall the motion carry?

Ayes

Jackson, Marchese.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry.

Page 26, Mr. Marchese.

Mr. Marchese: The opposition feels very lonely at times.

I move that subsection 8(4) of the bill be amended by adding the following paragraph:

"4. Representatives of trade unions and professional associations who represent employees employed in the industry or sector or the economy to which the accessibility standard is intended to apply or employed by the class of persons or organizations to which the accessibility standard is intended to apply."

It simply adds to the section that I was debating a moment ago, that "representatives of trade unions and professional associations who represent employees" be added. Trade unions represent 35% of the population in the province, if not more, and they play a key role in anything that we do in this society. This bill can only be enhanced by their involvement, not diminished by it.

Mr. Leal: Mr. Chairman, if we move ahead to the government motion 27, which is an amendment, it would provide, "Such other persons or organizations as the minister may consider advisable."

The minister recognizing the role and history that trade unions have in the province of Ontario, or other individuals or organizations that should be invited forward to participate, I'm comfortable that this amendment would cover those issues.

The Chair: Mr. Jackson and then Mr. Marchese.

Mr. Jackson: Very short. I support it because there's no guarantee that you will get those organizations so named. That includes OPSEU, CUPE or anyone else. I feel very strongly about the government fixing its own backyard before we go imposing it on the rest of the world. In this instance, this minister or future ministers can consider not putting that representation on. That's the way legislation is written. It isn't enabling, but he or she already has that power now.

One of the things being considered is changes to occupational health and safety and looking at the framework of that legislation and its impact on the disability community, because some disabled persons are actually at risk in the workplace as a result of that. That model specifically sets out representation for the protection of the individuals. There are no guarantees in this legislation we'll be affording similar kinds of protection and entitlement that in this province should be considered.

So I thank the member for his amendment and I will support it.

Mr. Marchese: I suggest to you, Mr. Leal, that your minister will not have trade unions there. I can almost guarantee it.

Mr. Jackson: Even though she's from Hamilton.

Mr. Marchese: In spite of it.

Mr. Leal: I disagree. Every minister, regardless of political stripe, knows the realities of Ontario and the people who make up Ontario, but maybe my view of the province is different than others'.

Mr. Marchese: You're probably right. You're probably thinking that the minister will invite trade unions. Is that your thinking?

Mr. Leal: I just go from my background and how you deal with people in society. You look at all the groups.

Mr. Marchese: Sure.

Mr. Leal: If you're bringing forward such a significant piece of legislation, as I believe Bill 118 is, I believe the minister of the day, regardless of what political stripe the government is, would certainly make sure, under our government amendment, that all groups are represented. That's why I can vote against yours and accept the government amendment—

Mr. Marchese: Ah, but here's the problemo, Mr. Leal. Your motion says that the minister shall invite any "other persons or organizations as the minister may consider advisable." Mine is very specific; yours is vague. Yours depends on whether the minister thinks it's good or bad, whether there's enough pressure from one group to be included or not. I appreciate what you're getting at, but my point is that I don't believe trade unions would be represented there. That's my feeling and I'm guaranteeing it in advance. Imagine that. I don't even know, right? But I can almost assure you they won't be there. That's why I feel that if we include them, they would be there at the table, and if we don't, they won't be—guaranteed.

1710

The Chair: Is there any further debate? I will now put the question. Shall the motion carry?

Ayes

Jackson, Marchese.

Nays

Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry.

Mr. Gravelle, page 27.

Mr. Michael Gravelle (Thunder Bay–Superior North): I move that subsection 8(4) of the bill be amended by adding the following paragraph:

"4. Such other persons or organizations as the minister may consider advisable."

The Chair: Any comments?

Mr. Jackson: I'm unfamiliar with using this phrase "advisable." Who, in your mind, would be advising the minister that these other groups would be appropriate? It's just an awkward way of wording it. Normally, we say "from time to time, the minister may choose." We say any number of things, but "advisable"? Who's advising her or him?

Mr. Ramal: That will be necessary to get the job done, and this motion will give the minister the flexibility to advise or to ask many sectors to be present in committee in order to advise her to get the job done.

Mr. Jackson: So she can reject it if it's advisable.

Mr. Ramal: When you talk about advice, it means you can take that advice or not. That's what "advisable" means. Anyway, she has the flexibility to choose whom-ever she thinks is willing to get the job done and who would be helpful for the standards committee. The motion would talk about this and give the minister—

Mr. Jackson: We just thought organized labour would be helpful to the standards committee—

Mr. Ramal: Possibly.

Mr. Jackson: —but they've just been eliminated.

Mr. Ramal: No, we're not eliminating anyone. It's open. It would be—

Mr. Jackson: Yes, but it says "may consider advisable." Shouldn't this specifically say that it's the accessibility standards council advising the minister?

I'm just trying to understand the logic of this. If you've set a standards committee, you can't ask the standards committee if it needs the input, because once you've completed that, you've got a full committee, so there's no room for them. So who would be advising the minister that certain other groups and organizations should be added?

We wouldn't want it to be after the fact, because we want to ensure that a majority of the individuals sitting on a standards committee are persons with disabilities. We want that entrenched in the legislation. So you don't want to be adding a group of business people after the fact that waters that down. That's why I'm a little concerned about who would be advising her.

Mr. Ramal: We go back to your motion. When we lay out the sectors, it means taking flexibility away from the minister in order to get advice from them. That's why this motion would give the minister the flexibility to choose whether a union or the private sector or the disabled community or whoever would be advisable for the minister. That's why we're not mentioning or capping who's to be the adviser or not to be the adviser. We left it open. If you want some kind of technical meaning for the

whole thing, we have the legal department here and we also have the policy adviser.

Mr. Jackson: Could someone respond to this issue of whether the minister's subsequent appointments might throw an imbalance on to any standards committee?

The Chair: Would staff be able to reply, please?

Ms. Hewson: I don't think that amendment by itself would create an imbalance, but that would all be dependent on the people the minister appoints to the standards development committee. I don't think that amendment would affect that, Mr. Jackson.

Mr. Jackson: If, after we set—we'll say the magic number for the transportation committee is 16. Then, at the 11th hour, after it's all been struck, it's been on the Web site and everybody's had an opportunity to have input, according to the regs we think are going to happen, all of a sudden, the minister says, "You know what? I really think these three other municipalities with the largest transportation systems should have somebody on the committee."

So where a majority of the standards committee must be persons with disability, now you've thrown that into—or are you telling me that there isn't an absolute requirement to have a majority of individuals who are disabled?

Ms. Hewson: Not on this committee.

Mr. Jackson: None of the standards committees?

Ms. Hewson: Not on the standards development committee.

Mr. Jackson: Why not? I thought that was what ODAC had asked for.

Ms. Hewson: The standards development committee needs to have members who are persons with disabilities or their representatives—representatives of the industry sectors, etc., and then their representative ministries, plus others.

Mr. Jackson: I accept that. I understand that, but there's nowhere in this legislation, or with amendments, to your knowledge, that confirms that a majority of the individuals must be persons with disabilities.

Ms. Hewson: No, that's on the standards advisory committee.

Mr. Jackson: Yes, the one council, but their responsibility to the council has been reduced rather substantially between the two legislations. They no longer draft regs and codes. That's a substantive change in this legislation, that the body that was responsible for drafting and recommending to the minister the codes and so on—standards and everything—had a majority of disabled persons on it. This is not now the case, you're telling me.

Ms. Hewson: There's nothing in the bill that requires the majority of people on a standards development committee to be persons with disabilities.

Mr. Jackson: I thought that was in these amendments. So if it's not, I would like counsel's advice as to which section would require that amendment, before we leave this section.

Mr. Ramal: We'll give the flexibility for the minister to move on and seek whatever number and whatever element would be represented in that committee. When

we start capping and demanding a percentage, we'll take away that flexibility. I guess we'll also create some kind of implication in order to smooth the implementation. So I would imagine the flexibility to be in good faith. That's what we've been working on from day one in order to establish and pass this bill.

The Chair: Can we recognize other people who want to speak on this topic? Mr. Leal, and then Ms. Wynne.

Mr. Leal: I have a question. I think it's Mr. Lilloco, is it? At first blush, by putting "advisable" in the end—I may look at that as slightly awkward, but maybe you could help me to understand that.

Mr. David Lilloco: I don't really see the ambiguity in it. If the minister considers it advisable, if the minister considers it to be a good idea, if the minister considers it to be appropriate—I'm not aware of any substantive distinctions between those terms, unless leg. counsel may want to comment; I don't know.

Mr. Leal: I appreciate the word "appropriate," because that's probably what I would use, but now that you've expanded that for me, that was the context that I was thinking of it in, "appropriate" maybe being a better word. Now that you've explained it to me, I can accept that.

Ms. Wynne: I just wanted to address the issue that I think I'm hearing from Mr. Jackson, where he's suggesting that somehow by adding number 4, which broadens the people who might be appointed to these committees, this gives the minister the opportunity to appoint more people than are laid out in the terms of reference, or at the 11th hour put on more people and create an imbalance.

As I read this, this is simply expanding the pool of people from which the minister can choose to request to serve on one of these committees. So it has nothing to do with the sequence of appointment; it has nothing to do with changing the balance on the committee; it's simply expanding the pool, which we heard in our hearings was what people wanted. They wanted the opportunity for unions and federations to be represented, and other organizations. That's why I think that this more inclusive amendment is more appropriate.

Mr. Marchese: I just wanted to say that I support the amendment, because in theory this could allow the minister to include trade unions, for example. That could very well end up supporting a motion they defeated. So I think it's not so bad.

The Chair: Any further discussion? Is there any further debate? If there isn't, I will now put the question. Shall the motion carry?

Ayes

Fonseca, Gravelle, Jackson, Leal, Marchese, Ramal, Wynne.

The Chair: Full support. Thank you. The motion is carried with everybody's support.

The next one is page 28.

1720

Mr. Marchese: I move that section (8) of the bill be amended by adding the following subsection:

“Term of employment

“(4.1) The members of a standards development committee shall serve on the committee for a term of five years.”

I think this is straightforward. I believe that members should have the stability of knowing they are going to be there for a while, and five years is obviously in keeping with the time frames that your government has established. To be any less than that would be a problem. So I'm recommending this, and I'm assuming that we're in agreement.

The Chair: We'll find out shortly. Any comment?

Ms. Wynne: I'm not going to support this amendment because my question would be, why five? Why not three, why not six, why not two, why not seven? I think we need the flexibility so that in the terms of reference there can be the time established—

The Chair: If you could slow down.

Ms. Wynne: I'm sorry; I'm talking too fast. I really apologize.

I would like to see flexibility in the terms of reference so that the appropriate term of serving on these committees could be put in place for each sector.

Mr. Marchese: I thought we were going to be in sync, but clearly not even with this.

Mr. Ramal: We are.

Mr. Marchese: What you have, Michael Gravelle, are five-year cycles. They're not three-year cycles; they're not two-year cycles. You didn't agree with that, remember? We've got five-year cycles.

If that is true, the assumption is that those people are going to be there for five years. To have the flexibility to remove people after two or three years and bring somebody new midway I don't think is consistent with what you're thinking or with the cycles that you've planned. I think people who sit on those committees would want to know that they are there for that length of period and have the continuity. So in my mind it makes a lot of sense. I don't really know why you want the flexibility to change the cycle, given that you've adopted five-year cycles.

Mr. Jackson: This is a fairly important amendment because it deals with the issue of continuity and the development of the expertise and not leaving people to the vagaries of changes of government and mandate and so on. Historically—and that's still the system that the bureaucrats recommend to cabinet ministers; I know because I had to go through it as well—the standard is one-, two- and three-year appointments. That's the standard.

I would find it difficult, and that's why on occasion we've put it into legislation—you don't want to have someone, get them all cranked up, they get a one-year appointment, and then for whatever reason somebody doesn't like their contribution and they're politely asked—we know the informal system is that they check

with the chair of the committee. The chair of the committee says, “This person is a troublemaker. This person hasn't contributed. Their attendance record”—whatever, and they get a nice letter from the minister saying, “Thank you. The province appreciates your volunteer efforts.” That's the end of it.

This committee isn't the same as regulating the ophthalmologists of the province with a board of 20: 10 professionals and 10 lay people. This is a very unique kind of committee that is tapping into the kinds of human resources that are out there. We're not doing these people a big service. The bureaucrats are going to give you the advice that you can't have everybody coming on a five-year cycle or a two-year cycle; you have to stagger them. That's fine, but we need to commit to these people a certain amount of time for them to be investing into the work they're going to do.

As well, I think it's been referenced and we'd better pray to God that we pay the legitimate out-of-pocket expenses of these people in order to come to Toronto, if that's where they are going to be summoned to do their work. But this is going to be very, very difficult, and this committee has heard my concerns in the past. I had to use my own credit card to pay the expenses for people to come to Toronto, because the bureaucrats simply said, “We don't pay in advance; it's when they submit their bills.” The disability community just doesn't have the liquid amount of assets in order to do that—nine out of 10 of them don't. So the length of the appointment is important, and how we treat these people in terms of their ability to come to Queen's Park and participate. These things had better be set out very clearly; otherwise we're just not going to get the level of participation that's required to make this bill successful. And this is only one of a series of issues.

I'm open to any suggestions from the government, but in the absence of that, you're going to be left with the traditional bureaucratic response: one-, two- and three-year staggered appointments, and then you start the cycle all over again. I understand the purpose of that, so that you don't lose all of your continuity. In this instance, if your issue is that you don't want to saddle the private sector, that's fine; work it out in your regs. But at least when we, as committee members, are creating legislation, we should be able to protect the disability community, that they'll be there for a reasonable length of time.

As my colleague has said, we didn't create the five-year cycles. The five-year cycles were envisaged in the previous bill, they are reinforced in this bill, and we think that's reasonable.

The Chair: Is there any further debate? I will now put the question. Shall the motion carry?

Ayes

Jackson, Marchese.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry. The next one is page 29 and 29(a).

Interjection.

The Chair: I'm sorry. Before we go on?

Mr. Jackson: Very briefly, I want to further amend that one section. I move that section 8 of the bill be amended by adding the following section:

“Same

“4.1 The minister shall ensure that the majority of the members of a standards development committee are persons with disabilities or their representatives.”

The Chair: Any comments? Is there any debate on the amendment?

Mr. Jackson: I think I've stated for the record what my concerns are here, that this is a fundamental aspect of this legislation. If you ask the disability community, they will tell you that it is their assumption that the government is going to move in this direction. I consider this a very important amendment and I believe it comes close to the commitment this government has made to the disability community. It certainly was a commitment that I made in Bill 125, and I suspect that should also be entrenched in this legislation.

Mr. Ramal: Also for the record, Bill 118, those motions and the whole thing is all about the disability community. We want to make sure we eliminate barriers. We want to make sure also that they're represented in any committee being established. But when we say a number, it means that we put some kind of limit on the ability of the minister and take away the flexibility from her or him. That's why we are against it, not against the disabled community. As a matter of fact, all of us are working on this bill for the disabled community, but we cannot, in any fashion, impose some kind of limitation on the minister or the ministry.

Mr. Jackson: Then you want to uphold the minister's right to discriminate against the composition of this committee for persons with disabilities. Is that what you're saying now?

Mr. Ramal: No. It could be that the whole committee is from the disabled community, it could be 5%, it could be 20%, whatever the minister or the ministry think is possible and advisable and will help the ministry to go forward with this bill and implement it.

Mr. Jackson: I think you're deluding yourself if you think, by your own statement, that you can have a standards development committee with 5% of the members from the disability community. Anyway, it's a principle, and that's what some of these amendments are about: where you stand on that principle.

1730

Ms. Wynne: I'm just wondering if I could have a comment from staff on whether there's a policy or a legal—I'm just not sure whether there's a rationale that we could hear.

Ms. Hewson: The expectation was that this would be a balanced process; that there would be full participation by people with disabilities, by the sector that was affected, by the ministries that are affected and then, with the amendment, by other people whom the minister considers advisable. So it's more of what I understand to be the usual kind of standards development process, where there's a balanced approach.

Ms. Wynne: So in fact, what we're trying to get at here is a truly collaborative process that doesn't tip the balance one way or the other. That discussion comes up with the best standards possible, given the realities of both the public and private sectors' and the disability community's needs. Is that accurate?

Ms. Hewson: That's correct.

Ms. Wynne: Intuitively, I would like to have a process that is going to advantage the disability community. Personally, intuitively, that's what I would like to see. On the other hand, I'd like to see the best standards developed, given the possibilities and realities in the community. That's why I would support that collaborative, balanced process.

Mr. Jackson: Frankly, I'm at a loss to understand it. When the minister tabled this bill in the Legislature, I made the statement that one of the defining features between the two legislations was that the first bill was an empowerment bill and the second was a negotiated instrument. We're now seeing clear evidence of that. I'm not 100% sure I subscribe to that.

Over my 20 years, I've worked on all sorts of legislation. The one that immediately comes to mind is the Ontario College of Teachers Act, which gives the teachers' union 21 representatives and the public 20. It's very hard to create systems that are so perfectly balanced. When it comes to the College of Teachers, we seem to feel that it's significant enough that we should empower teachers in that model so that they have that much of a say. Now Ms. Wynne is suggesting that there may not fully be the expertise in the disability community to work on their own regs, their own guidelines and their own standards. That would cause me great concern.

I think we are creating legislation that impacts individuals. Either we're empowering them, which is the model I thought we should be moving forward on—it's obviously a model that's fallen in some disrepute, and now we're going to negotiate outcomes over 20 years. So I, for one, am rather disappointed. The fact that a majority can sit on the accessibility standards council is fine, except that the council isn't empowered to actually draft the regs and develop standards and codes. It is coming from this negotiated instrument of a mixture of bureaucrats, special interest groups and, oh, yes, the disability community as well.

I consider this an important amendment. I'm rather distressed that part of the rationale is that the disability community themselves may not have the expertise or the ability to get the very best standards out there.

Ms. Wynne: I certainly wouldn't want to cause distress. The regulation of a profession by that profession is

quite a different thing from the setting of standards for the whole society. I don't think they are comparable. That's why I stand by my position of supporting a balanced process for the setting of standards.

The Chair: Is there further debate on the motion? I will now put the question. Shall the motion carry?

Ayes

Jackson.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry.

We'll move on to the next one, pages 29 and 29(a).

Mr. Marchese: I move that section 8 of the bill be amended by adding the following subsections:

“Accessibility standards re: education

“(5.1) In addition to the standards development committees that will develop accessibility standards for particular industries, sectors of the economy and classes of persons and organizations, the minister shall establish a standards development committee that shall develop standards to ensure that,

“(a) students in schools under the Education Act are, as part of the school curriculum, sensitized to and made aware of the existence of barriers to persons with disabilities and of related accessibility issues;

“(b) before becoming authorized to practise as a professional engineer or as an architect in Ontario, a person receives training on how to construct buildings and structures that are accessible to persons with disabilities; and

“(c) persons training to practise as a professional engineer, as an architect or in any other profession that the committee considers appropriate receive training on how to run their practices and on the measures, policies and practices to implement in their practices so as to remove and prevent any barriers to persons with disabilities.

“Same

“(5.2) The standards development committee established under subsection (5.1) shall consult with school boards and the governing bodies of appropriate professional associations in developing the accessibility standards referred to in clauses (5.1)(a), (b) and (c).”

Mr. Chair, in the second reading debate on this bill on October 12, 2004, the minister stated the following:

“The next principle: public education. This area is my passion,” she reveals. “I will use every tool available to help shape a change in attitude, a change in values. Over and over again, people with disabilities have told me that the biggest barrier of all is one of attitude. On this score, I look forward to working closely with every MPP to help foster a true culture of inclusion for people with disabilities.”

It's inspiring to hear that. It's from those words of inspiration that I included this in my motion, because she

wants to work with us and I want to work with her. This amendment speaks to that. If people like me don't help her, I don't know who will. Maybe there are others. I don't know, but at least I'm trying.

This recognizes that education is a key component of how we change attitudes. If you want attitudes to change for the long term, you do it in the school system. Those very children who become young adults, who become architects or become engineers, will remember as they study their professions what they learn at the elementary grades, having to deal with issues of accessibility and issues of disability. Clause (a) attempts to help the minister do what she wants, and clauses (b) and (c) are very much in line with that thinking.

It is my hope that the members opposite will support the minister in this regard.

Mr. Ramal: We're not going to let you down on this one here. We've got to bless your heart. I guess the minister and the ministry also believe in public-wide, province-wide awareness in order to create attitudinal change and an educational mechanism in order to educate the public. That's why we are proposing, I believe in subsection 32(3), an amendment to—

The Chair: Which page would that be, Mr. Ramal.

Mr. Ramal: It would be page 84—to address your concern. The government is proposing to move that subsection 32(3) of the bill be amended by adding the following clause: “consult with organizations, including schools, colleges, universities, trade or occupational associations and self-governing professions.”

We are going forward in this proposal. Hopefully, you'll be happy with it. That's why we're not going to let you down, and hopefully you'll support our motion.

1740

The Chair: Would that satisfy your question, Mr. Marchese?

Mr. Marchese: That was a bit uninspiring, I must admit.

I followed the page very carefully in the motion, and subsection 32(3)—it's so hard to get to these pages. Let's see what it says there. Let me bring you there for a second:

“At the direction of the minister, the directorate shall”—this is the one that says to add the following:

“consult with organizations, including schools, school boards, colleges, universities, trade or occupational associations and self-governing professions, on the provision of information and training respecting accessibility within such organizations.”

It's not the same; they're two different things.

First of all, I remind the member that it's “at the direction of the minister.” The minister may or may not do it. By the way, you may not be in government. We might have a Conservative government; God forbid, but we might.

Mr. Ramal: It's scary, isn't it?

Mr. Marchese: I find you guys equally scary, I've got to tell you.

You might have a different government that may or may not decide to do anything in this regard. You might have your own government that might decide, “We can’t do that either.” It’s at the discretion of the minister. Nothing will happen unless the minister says, “You will do this.” That is not consistent with my motion. Your minister is not going to be happy with your defeating an amendment that speaks to her passion.

Should I remind you, Mr. Ramal, that—

Mr. Ramal: No, no.

Mr. Marchese: Let me remind you. She said, “The next principle: public education. This area is my passion.” How could you forget that? “I will use every tool available to help shape a change in attitude.”

Please, we’ve got to help her out. This is the only way to do it. Your suggestion—maybe it slipped the minister’s attention or mine, but what you referred to me doesn’t educate the public, and it doesn’t deal with young people learning where the barriers are and how to remove them in the future. It won’t do that. I think she’s going to be awfully disappointed with all of you in this regard, and I’m going to point it out at third reading debate. I can assure you of that.

The Chair: Is there any further debate?

Mr. Jackson: Just a question. Mr. Marchese, this is under the section dealing with the roles and responsibilities of the accessibility standards development committees, correct?

Mr. Marchese: Yes.

Mr. Jackson: So you’re suggesting that the one on education should do these things.

Mr. Marchese: That’s right, a standards committee that will do the following: (a), (b) and (c)—exactly.

Mr. Jackson: But the way it’s worded here, I’m not 100% sure if you’re suggesting that another standards committee deal with this implementation or that the standards committees so affected or so charged or so—I’m trying to tie it more directly.

Mr. Marchese: Yes, “the minister shall establish a standards development committee that shall develop standards to ensure that”—in these areas. It’s a totally different standards committee.

Mr. Jackson: OK. That wasn’t abundantly clear to me. I really like the principle, and (b) in particular. When I did the Alzheimer strategy, we specifically set out in one of the recommendations that the government shall host, on a biannual basis, a forum for the architect community and the broader community to determine that the best design features and program etc.—it’s not just the bricks and mortar; it was the program for training. To my knowledge, that still continues to this day under the Alzheimer strategy, every two years. That was put right into the strategy.

I think you’re on to something here. I know we talked to architects. I’m not sure about professional engineers—I’m trying to get my mind around that—but clearly, architects on the limited amount of discussions they have in terms of disabilities issues and accommodation.

Anyway, I will support this.

Mr. Marchese: Anyway, it appears they’re going to defeat it, Cam.

Mr. Jackson: Well, I think it’s got tremendous merit, and I know the minister speaks to this frequently.

Mr. Marchese: It’s her passion. They’re going to disappoint her.

The Chair: OK. Let’s have some comments one by one.

Mr. Jackson: Mr. Chairman, I had a question for clarification. Thank you.

The Chair: Is there any further debate?

Mr. Marchese: I should point out that many deputies spoke to this. It isn’t something that I invented on my little own.

Mr. Leal: Just quickly on this, I believe it’s page 63 of the Rae recommendations. The reason I know it is because I am the parliamentary assistant to the Minister of Training, Colleges and Universities. Mr. Rae, in his recommendations, certainly talked about the issues relating to disabilities in the community colleges and universities.

The other side of it—and I just reflect on experience. I think it came out of Mr. Jackson’s Bill 125. Many municipal committees that were established, the local councils for disabled persons, had a direct liaison, because a lot of the activity associated there was municipal buildings and design of municipal buildings and the future design of municipal buildings. So those architects and design people who were going to be actively involved in the design of retrofitting of existing municipal buildings and future municipal buildings that all municipalities have in their capital program looking five and 10 years forward were certainly upgrading their skills to make sure they could avail themselves of those opportunities, particularly in the municipal area. Mr. Chair, I know you’ve had experience with that personally in your former elected position.

Ms. Wynne: One of my concerns about this amendment is that it assumes that education is not a sector, the way the bill is written. I have certainly not made that assumption, and in fact have assumed the opposite. I’d like to have some clarification from staff. I’ve assumed that education would very well be a sector and there would be standards that would be put in place vis-à-vis education.

Ms. Hewson: It would certainly be a sector or part of a sector, depending on how broadly you define “sector.” This would certainly be the kind of thing that one would anticipate the educators who would be participating and certainly the representatives of persons with disabilities and persons with disabilities would be very likely to be addressing in the standards.

Ms. Wynne: So, in fact, the rationale for not accepting this motion is that we’re not going to do the same thing for transportation, and we’re not going to do the same thing for construction; that those terms of reference for those sector committees are going to be laid out again in the terms of reference. So I think that this will be redundant, given the process going forward.

Mr. Marchese: It won't be redundant. This won't happen. This is a key component of what I'm speaking to. Unless you make it clear, in my view, it won't happen. We're simply making it obvious what is key. You want to make sure that students are sensitized, are aware of barriers, and are aware of their removal from an early age. You've got to make it clear. You can't say, "Some teachers might be involved," or "We might or might not have the education system be involved directly." My sense is that it won't happen unless you specifically say that. This is key. A lot of people with disabilities are telling us this is key—the education and training of not just engineers or architects, but they mentioned so many other groups. They mentioned doctors, lawyers, health care providers, teachers, social workers. They mentioned everyone. There's a whole list. This is not limited. You want people to be trained in understanding these issues. This is very specific. Some of it may or may not happen. We may or may not touch on some of these professions. The education system may or may not be touched fully, but there might be some reference to it in some way.

Anyway, it doesn't really matter. Let's vote on this.

Mr. Jackson: Let's not lose sight of the fact that the purpose of this amendment is to put it into the school curriculum. I hesitated to ask Mr. Marchese if we could separate these. I really fundamentally believe if we could divide on this that surely (5.1)(a) has to be supported by everyone. Both Ms. Wynne and I have served on school boards, I believe, and we understand the point that Mr. Marchese is making. I happen to believe very strongly that (a) is one that absolutely should be approved. Ms. Wynne raised the question.

Mr. Marchese: There's no support for it.

1750

Mr. Jackson: But that's not the point. The point is that surely these marching orders can be amended slightly when committee members—

Mr. Marchese: Things are changing.

Mr. Jackson: We can only appeal to, as Lincoln said, their higher souls, the essence of democracy.

However, the reason we don't have guarantees that education is going to be in here is because you've defeated both an NDP and a PC motion that says within six months we must, in this province, have an accessibility standards development committee for education. That has been defeated by the government.

I know from my own experience, my two youngest daughters, Lauren and Michelle—one's in high school, one's in elementary school. There was a remarkable change, which they generated on their own, in terms of their experiences having a disabled student in their classroom. I was very proud of how they became sensitized. Yes, it was through an issue with their teacher, it was an issue of the way they were raised and it's an issue of the way the community of that school operates.

Not every student gets that opportunity, nor should it be the simple act of having, by happenstance, a disabled child in your classroom. When I listen to my daughters carefully, I get this overwhelming message and question

about what else we're doing. As they incorporate them into their own personal lives, then they have to tell Dad there are certain issues around their accommodation. One girl is in their theatre group; they have to accommodate around the theatre group that my daughter's active in. We would be amazed at how significant an instrument those children are for reform.

We already know that this bill could take upwards of 20 years. I think it's essential that we get at those children right away with the promise that this legislation has, at least on paper. So if you thought, Mr. Marchese, there was any hope that the Liberal members of this committee might feel merit in the students in our schools and that this should be part of the curriculum, I think that's an essential piece. If you think by separating it you might have a chance, I would support that. You simply have to ask for it.

Interjection.

Mr. Jackson: I can see where (c) and (d), particularly, may give them a bit of—(c), anyway, but (a) certainly should be defensible. I know the minister herself has spoken to this, so I would be amazed if this doesn't go through.

The Chair: Is there any further debate? If there is none, I will now put the question. Shall the motion carry?

Ayes

Jackson, Marchese.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry.

The next one is page 30.

Mr. Jackson: I move that subsection 8(6) of the bill be struck out and the following substituted:

"Terms of reference

"(6) Within 15 days of the appointment of the members of a standards development committee, and after consulting with the members of the committee, the minister shall fix the terms of reference for the committee and shall, as part of the terms of reference, establish the deadlines that the committee must meet throughout the various stages of the standards development process.

"Publication of terms of reference

"(7) The minister shall publish the terms of reference of a standards development committee in a newspaper of general circulation in the province and shall post the terms of reference on a government Internet site."

The Chair: Any further debate?

Mr. Leal: Just quickly. I think if we go ahead to page 32, which will be a government amendment, in my view, it covers the essence of what Mr. Jackson is proposing.

Mr. Jackson: Reading the amendment that the government is poised to table in a moment, am I to understand that they're not fixing any firm time frames here? You're speaking to the issue of posting, and that's

appreciated. But there's no real time—is there any commitment in that area?

Mr. Ramal: Subsection 8(7): We're talking about fixing that term of reference, which is clear on this issue, so there is no need to speak about it in your motion, Mr. Jackson. That's why in order to maintain our position and keep the same format of the statute, of the bill, I think subsection 8(7) will speak about it.

Mr. Jackson: So you're silent on the issue of the amount of time—

Mr. Ramal: We talked about it before.

Mr. Jackson: I listened to Mr. Fonseca; he kept saying about how fast we can get this thing done. So there's no time frame here to make sure that the people get on with the business of—OK, thank you.

Mr. Marchese: I support this motion, obviously. The point of establishing deadlines is to give everyone, us and people with disabilities, a sense of what those timelines are. It is so good to have a time frame. I understand the government's reluctance to do that, because they don't want to pin themselves down to any time frame. That is one aspect of the problem, which is a political one, and the other one is a social one, a real question of people with disabilities saying, "I really would like to have a sense of what we're going to do with these things," and their right to know. Governments change, and if governments do change, those timelines and time frames are likely to change.

But if you set some time frames and deadlines, everybody knows what the stage is and what needs to be done to work at whatever deadline you establish for yourself. I don't like giving governments the flexibility not to do. Establishing deadlines says they will do it in the timeline that is established. I certainly support it.

The Chair: Any further debate? I will now put the question. Shall the motion carry?

Ayes

Jackson, Marchese.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry.

The next one is page 31. Mr. Marchese, please.

Mr. Marchese: I move that section 8 of the bill be amended by adding the following subsections:

"Meetings open to public

"(7) The meetings of a standards development committee shall be open to the public, except as required to protect the privacy interests of individuals or organizations.

"Information to be made available

"(8) Every person has a right of access to a record or a part of a record in the custody or under the control of a standards development committee unless,

"(a) the record or the part of the record falls within one of the exemptions under sections 12 to 22 of the freedom of information act;

"(b) the committee is of the opinion on reasonable grounds that the request for access is frivolous or vexatious."

This is very clear. Meetings should be open to the public. There is absolutely no reason why any meeting should not be open to the public, absolutely none, in the same way that what we do here in government, generally speaking, is consulting in public, including the committee hearings. People should hear and see what is going on. That's what part of this amendment does. And the information should be made available to the public, and every person has a right of access, except and unless as specified in (a) and (b). It's very, very obvious.

Mr. Fonseca: Mr. Marchese, to increase the openness and transparency of this standards development process, the government has proposed an amendment that would ensure that all those meetings are minuted and those minutes are available to the public. This would ensure the confidence of all those across the province who would be able to read those minutes and see the progress that is being made in terms of the development by each of those standards committees.

Mr. Marchese: It's really an embarrassing thing; it really is. This ought to embarrass the government members who are here, and the government in general. To simply say the minutes are available—I don't understand how you could defend that. How could you not support a motion that says meetings should be open to the public? I don't understand it.

"We're going to meet and we're going to make the minutes available to you. You should be happy. None of you, people with disabilities in this room, should be unhappy about the fact that we're not going to hold a meeting in public." It boggles the mind. Why wouldn't you do that? On the basis that you're going to make the minutes available and that should suffice and people should be happy? It makes no sense. It absolutely makes no sense. It's not a good justification, I'm telling you. It's embarrassing.

Mr. Fonseca: This process would continue with the openness and transparency. People will be able to read the minutes, see the progress that is being made, where they're at, and make sure that it moves in a timely manner so that things don't get cumbersome.

Mr. Marchese: How does having an open meeting prohibit that from happening? How do open meetings prevent you from doing that? I don't get it.

Mr. Fonseca: As open meetings are taking place, it would depend on the venue, where it's taking place, in what room, where that committee is meeting. This way, the minutes do get out. Everybody is able to see those minutes and able to see the progress and, I'm sure, able to deliver feedback to each of those standards development committees.

Ms. Wynne: I think the other reality is that these are going to be very difficult, contentious conversations.

What we want to do is allow these committees to form as a group, to not be in a position where they're having to perform for a particular audience or not. We want a frank conversation in these standards development committees so we can get the right answer.

Posting the terms of reference and posting the minutes makes them public. It doesn't delay the process. It means they can move ahead quickly and, I think even more importantly, they can have the frank, complex discussion that's needed.

Mr. Marchese: Chair—

The Chair: Can I let Mr. Fonseca complete—

Mr. Fonseca: No, go ahead.

The Chair: Mr. Marchese, you're next then.

Mr. Marchese: I'm a bit dumbfounded by your arguments. Of course these issues are going to be contentious. They always are. Everything is. Everything we do in government is contentious. But that doesn't mean we say to these people who are here, for example, "You can't come in because this is a contentious issue," or whatever issue we're talking about, whether we're discussing pit bulls or rights that we extend to gays and lesbians. They are all complicated, but as legislators we deal with it. If a standards development committee is set up to deal with whatever issue and difficulties arise, that's up to that committee to deal with them, in the way the Chair has to deal with whatever problem arises here today. But to say that they are contentious and therefore we should just allow the committee to quietly do its work so as to prevent anyone being upset or being obstreperous or difficult—I don't know; it's just not right.

Let's vote. I want to move away from this debate. It's embarrassing.

The Chair: Mr. Fonseca, you're next, unless somebody else wants to join in.

Mr. Fonseca: I'd like to move a motion to section 8 of the bill.

The Chair: No, we are dealing with this right now.

Mr. Fonseca: OK.

The Chair: Is there any further debate? If there is no further debate, I will now put the question. Shall the motion carry?

Ayes

Jackson, Marchese.

Nays

Fonseca, Gravelle, Leal, Ramal, Wynne.

The Chair: The motion does not carry. The next one is number 32.

Mr. Fonseca: Now I'd like to move a motion to section 8 of the bill.

Mr. Marchese: It's 6 o'clock, Mr. Chair.

The Chair: It is 6. I was trying to finish the section, but since you called it, we will end this meeting. We will resume again tomorrow at the same time, at 3:30 or so.

Thank you very much. See you tomorrow.

The committee adjourned at 1803.

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Ms. Anne Stokes

Staff / Personnel

Ms. Sibylle Filion, legislative counsel