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des débats
(Hansard)**

Thursday 25 November 2004

Jeudi 25 novembre 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 25 November 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 25 novembre 2004

The House met at 1845.

ORDERS OF THE DAY

ACCESSIBILITY FOR ONTARIANS WITH
DISABILITIES ACT, 2004

LOI DE 2004 SUR L'ACCESSIBILITÉ
POUR LES PERSONNES HANDICAPÉES
DE L'ONTARIO

Resuming the debate adjourned on November 22, 2004, on the motion for second reading 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.

Hon David Caplan (Minister of Public Infrastructure Renewal): On a point of order, Mr Speaker: I seek unanimous consent that, should there be a recorded division required for 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, it be deferred until Thursday, December 2, 2004, at the time for deferred votes.

The Acting Speaker (Mr Joseph N. Tascona): Is there unanimous consent? It's agreed.

Further debate.

Mr Frank Klees (Oak Ridges): I'm pleased to participate in this debate. I would like to start out by giving a great deal of credit to our colleague the member from Burlington, Cam Jackson, who as minister responsible in the previous government took the initiative with regard to the Ontarians with Disabilities Act, 2001. I know that those members who were here at the time and participated, first of all, in the development of that bill and its subsequent passage will recall the extensive consultation that took place around that bill, and also took a great deal of pride in the fact that the bill was ultimately passed in this Legislature.

I would also say that we take a great deal of pride, I'm sure members of all parties, in the fact that over the course of some eight years, while the previous government had the responsibility to deal with issues relating to disabilities and services available to Ontarians with disabilities, there was an investment of some \$6 billion over that period of time. That is unmatched in terms of the kind of commitment any government in this province has made to the disabled.

I want to say, first of all, where I have concerns about this revised version of the act because essentially, and I think all members of the House will admit, what this is in large part is the previous bill with some nuances, some changes, made to it. But at the end of the day, what I am concerned about is that essentially what this government has now done is to entrench in this legislation the reality that members of the disabled community within Ontario really can't count on anything substantive being done in the near future. Essentially, what this bill is doing is potentially disenfranchising an entire generation of disabled persons in this province. They talk about the implementation to take place over two decades plus. What hope does that leave for individuals in our province who have accessibility issues to deal with today and tomorrow?

1850

From that standpoint I am disappointed, this coming from a government that purported to make substantial strides forward on behalf of the disabled in this province, and once again they failed to do so, but that is something we've come to expect from a Dalton McGuinty-led government. The Liberal way seems to be to call a press conference, have a photo op, make the announcements and hope that people don't read the fine print, hope that people don't look beyond the 6 o'clock news, hope that people, at the end of the day, will look beyond the fact that there is little substance, if any, to the legislation they're proposing and that somehow all will be well in Ontario. We know that's not the case. From that standpoint, I simply say I'm disappointed in what is not in this bill.

Interjection.

Mr Klees: What is here? The member opposite, the Minister of Public Infrastructure Renewal, is barking across the way, suggesting I vote against it. No, Minister, I won't vote against this. I believe we should be doing what we can, as a government, for the disabled in our province. So I will be voting for it, contrary to your encouragement not to.

I don't think this is legislation that we should exercise sarcasm over. I really don't think it's something that would call for making light of the subject of debate. I'm trying to be very straightforward. I'm trying to be very sincere about what I believe we as legislators should be doing, what this government could have done and what it failed to do, quite frankly. But with the steps this government has taken I'm prepared to, certainly, and I will, vote in favour of this bill.

What is missing as well is the fact that there is no intervener funding included in this legislation. Why is that important? It's important because, as we move into setting the regulations that will actually allow the implementation of the intent of this bill, at that stage it's incredibly important that those individuals, who know the issues, who know what the details of those regulations should contain, have the ability to come forward and advocate on behalf of their community. I shouldn't say "all," but certainly most in our province, I think you'll agree, who already have the handicap of a disability don't have the financial wherewithal to do the research and prepare the presentations. So there should be financial support for these individuals or organizations to organize and prepare the research that needs to be done to ensure that the regulations that are implemented will in fact achieve the intended goal.

This government chose not to include that, despite encouragement from the disabled community, from organizations across this province, from the official opposition and from members of the third party as well. That brings into question the degree to which this government is committed to the cause and intent of this bill. Surely it's organizations that represent the disabled community who should be empowered to participate as partners in the ultimate implementation of this legislation, but it does not exist.

What else is disappointing is what's happening in parallel to this legislation. It's one thing for a government to bring forward legislation and, as I said before, have the press conference, the grand announcement, and make statements within the Legislature, but then there is the practical demonstration of where the heart of this government really is. To that, we have to look at what this government has done in its budgets and where the delivery is on the part of this government with regard to the promises they made to these communities before they were the government. Here we have a government that made very loud promises to increase the benefits of the Ontario disability support plan.

Hon Mr Caplan: And we did.

Mr Klees: The minister of infrastructure sits in his place to say, "And we did." Three per cent. That is not what the community expected. It is not what you promised. Once again, we have a government that on the one hand is very good, very effective, at doing the photo op and making the announcements, and when it comes to delivering in a practical way, they are left wanting. So Premier McGuilty stands in his place once again speechless, because he is accused of not keeping his promises and he has no defence.

With regard to this bill, again, I'm pleased to support it. I will support it. I want to point out as well that we are hopeful, as the official opposition, that after this bill is in fact implemented, at least when it comes to the regulations, this government will be willing to work not only with members of the opposition in this House but also with members from the community to ensure that we have legislation and regulations that will truly benefit the people of Ontario.

It's interesting to note that about 80% of Bill 125, as I was saying earlier, is in fact retained in this legislation. That's the legislation that the previous government brought forward. What is happening here is that there is a dismantling taking place of the old legislation. What's fascinating is that for the first time in my time in this building, I see a government saying they're going to repeal a bill, but then they really don't repeal it. Once again, it goes to the issue of what it is that this government is really trying to do. If they wanted to repeal the bill, they should have repealed the bill and truly come forward with their own legislation that does what they promised to do, but that's not what we have here.

It will come as no surprise to members of the government benches here that the official opposition will support this bill, because essentially it really is our bill, except for those areas that you've watered down and you've thrust into the future so you don't have to deal with the cost of implementing the substantive aspects of the bill.

1900

I just want to refer to some of the comments that were made by individuals. Mr Speaker, you will know Patricia Copeland, who, in an article that appeared in the *Barrie Advance*, made a specific comment that underscores what I am saying here. She says, "The Liberals are using tested product marketing techniques to sell us all on their version of Bill 125."

She goes on to say, "It reminds me of the original Coke being upstaged by the new Coke. Frankly, when you cut through the advertising hype, it was still just Coke to most of us."

How many hours of debate have there been on this bill? Some eight hours of debate, I believe, if not more than that, and yet it's a great deal of staging on the part of this government, very little substance. Isn't it unfortunate, the hours that have been taken in this place to simply allow this government to put their branding on a piece of legislation that the previous government had already put in place? Rather than put resources to the existing legislation to ensure that it's implemented and to ensure that the people of this province can truly benefit from it, they chose to go through this smoke-and-mirrors exercise that really does nothing but defer into the future the benefits that should be realized in the near future.

I want to just read this to you because, again, I think it goes to the heart of what I am saying: "The original Bill 125 ... received royal assent on Dec. 14, 2001. It was created with a great deal of public input from municipal officials, interest groups and citizens. It was a major step forward to aid the physically challenged in our province.

“The resulting legislation provided a tool for local governments called, ‘The Guide to a Municipal Accessibility Plan.’ Bill 125 was ‘to improve opportunities for persons with disabilities through identification, removal and prevention of barriers to participation in the life of the province.’”

We have representatives here in this House who were part of municipal governments, and they know full well what the intention of this legislation was. The fact that now we're back here in the Legislature in the process of passing another piece of legislation to repeal legislation that was based on a great deal of consultation, a great deal of input, from people across this province just leaves most of us, I'd suggest, and most of the disabled community wondering what this government is really up to.

You had an opportunity to improve and to put some substance into practice in this province that would truly benefit the disabled in Ontario. What you have effectively done is simply, as Ms Copeland mentioned, tried a rebranding exercise that leaves people in this province wondering when, if ever, they will truly see results in terms of improving accessibility in this province.

I say to you, shame on the government for allowing people to go through another exercise that leaves them no further ahead than they were before this exercise began. Why would this government not demonstrate, not through new legislation but through their budget, by allocating funding, allocating resources to the disabled community to truly help them in a practical way? That is the message the disabled community wanted from you, not more legislation that contains no regulation, that leaves everyone wondering what your real intentions will be.

As the official opposition, our role will be to work with members of the disabled community, to hold the government's feet to the fire and ensure that it takes on its responsibility and funds the necessary programs to ensure accessibility for Ontarians with disabilities in this province.

The Acting Speaker: Questions and comments?

Mr Peter Kormos (Niagara Centre): New Democrats will be participating in this debate this evening. Andrea Horwath, the member from Hamilton East, will be speaking to this bill. I will be speaking to this bill before the evening's over. We have concerns about the legislation; you know that. We have concerns about the fact that these 20-minute speaking slots—I suppose it's one minute for every year that folks might have to wait for the standards to be enacted. I, for the life of me, cannot understand why far shorter-term goals could not have been established for things which clearly could have been achieved within that time frame.

We're also concerned, and we're going to speak to this, that giving access to a building that is, let's say, a workplace is one thing, and it's important; but we're concerned that the act does not make it perfectly clear that “access” also means access to the job in that workplace, that access in this legislation doesn't mean that there has to be an accommodation of persons with

disabilities because, surely, “access” means more than just access to a building.

“Access” means access to the main stream of the economic activity in our province. “Access” means access to real jobs with real wages, to the economy, to the social life, the political life of the province. In that regard, I'm going to speak very briefly, when I get a chance, on how Speakers and Legislatures use privilege to immunize themselves from legislation like this. I'm concerned that that could happen here.

Mr Lorenzo Berardinetti (Scarborough Southwest): In my short two minutes, I want to reply to the statements made by the member from Oak Ridges.

First of all, I want to say in general that we are, as a government, fulfilling a number of our promises. Shortly, I'd like to stand up here during an opportunity and just list the number of promises we have fulfilled. I'm getting sick and tired of hearing, “Broken promises.” This is another promise fulfilled. If you want to talk about broken promises, why don't we look at the ODA, 2001, and what was stated there?

A few nights ago Mr Jackson, the member from Burlington, spoke on this issue. He stated that “there are very rigid, prescriptive outcomes required” in the ODA, 2001, the previous legislation, “for the province of Ontario, as a government, to make all its publicly owned buildings and programs fully accessible. It goes on, in its regulatory framework, to say they have 10 years in which to make this fully compliant.”

However, these are the facts: No regulations were ever passed under the Ontarians with Disabilities Act, 2001. The ODA, 2001, does not require that all Ontario government programs, buildings and services must be fully accessible within 10 years. There are no such time-lines in the ODA. So it's quite interesting to see members stand up today and speak so highly of a previous piece of legislation which did not contain regulations.

Furthermore—in my very limited time—Mr Jackson spoke about the fact that municipalities have to be consulted on this.

We received a press release on October 12, 2004, from the Association of Municipalities of Ontario, stating the following:

“We are pleased that the government has recognized a number of recommendations made by AMO in the proposed changes to the ODA introduced today.... Most importantly, providing municipalities the flexibility required in the development, implementation and certification of standards is welcomed, as is including the private sector in the responsibility of making our communities barrier-free.” This is quite positive and speaks quite highly of what our government is trying to do.

I had to miss dinner to be here tonight. At home, my wife and my parents are eating. I'm here, and I'm willing to stay as long as possible to deal with whatever legislation so that we can fulfill all our promises that we intend to do.

1910

Mr Ted Arnott (Waterloo-Wellington): I'm very pleased to be here tonight as well to discuss and debate

Bill 118. I want to compliment the member for Oak Ridges for his fine presentation tonight. He gave a superb speech, as he always does, outlining his position on this particular bill, and he gave the House an opportunity to consider and think about the steps that were taken by the former government to assist people with disabilities. Certainly I think there was progress made during the years 1995 to 2003.

I think the provincial government currently has moved forward in the last year with this bill, and I would express my interest and willingness to support it at third reading. But it's important that the government members recognize that the opposition has an important role to play. Our role is to point out the drawbacks and the deficiencies in this legislation, which we will do, but certainly it is our intention to support it in the end.

The disabled community has to look at this legislation with, I suppose, some degree of disappointment, looking at the fact that in some cases this will be phased in over a 20-year period, which is a very long time. I wonder where the government found the 20-year number. Did they pick it out of the air, or was there some thoughtful consideration given to define the 20-year figure? Certainly there is some need for co-operation with every one of our communities to phase this in, but it is a long, long time for the disabled community to wait for what I think we all would agree is treatment that they rightfully deserve.

I would just compliment and once again commend the member for Oak Ridges on his speech tonight and his contribution to this debate. I look forward to the remaining speeches tonight.

Ms Andrea Horwath (Hamilton East): It's my pleasure to get up and make some comments on the debate thus far tonight. I have to say that there is certainly an obvious desire for people on all sides of this Legislature to deal with the important issues facing persons with disabilities in Ontario.

As usual, though, there's a bit of a time lag in terms of the promises that were made by the government. I know one of the other commentators on the member from Oak Ridges's debate was saying that it's a matter of a promise kept. In fact, when you look at this particular piece of legislation, it's a promise kept, flung far into the future, and that's a bit problematic. There's nothing like today to get something done; procrastination is the enemy of time, as we know. For people with disabilities, this bill is the enemy of time. It's something that's not actually going to come into full effect for a couple of decades from now, which means we're going to lose a generation or so of opportunities to be doing what needs to be done to truly and sincerely deal with barriers for people with disabilities. It's interesting, because this particular issue, having come from the municipal sector, has been on the agenda for quite some time. It's really unfortunate that the first stab at it by the government is going to leave people waiting for two decades before we have a barrier-free Ontario.

Certainly the goal is laudable. The perspective, the idea, the need to get this done is something I agree with

wholeheartedly. I just wish, quite frankly, that the time frames were collapsed, that the real efforts were made to get a barrier-free Ontario in a much shorter time frame, as opposed to having people with disabilities still sitting at the back of the line, waiting for us to recognize that they should be participating fully in all aspects of our society.

The Acting Speaker: In response, the member from Oak Ridges.

Mr Klees: I want to thank the members from Hamilton East, Waterloo-Wellington, Niagara Centre and Scarborough Southwest. I find it interesting: There is obviously broad consensus in terms of the need that we all feel to move forward with this legislation.

Those of us in opposition, and I'm sure that in their heart of hearts members from the government benches also, would agree that there should be substantive funding in place, and that the timeline for implementation should in fact be much more immediate than this far-flung, 20-year time frame this legislation contains.

I find the comments from the member for Scarborough Southwest really quite intriguing when he has, frankly, the audacity to stand in his place to say that he doesn't want to hear about broken promises. I don't blame him. I would, quite frankly, be ashamed to face my constituents or anyone in the province and to be identified with this government. There isn't anyone I speak to who doesn't see this government as the government—and that's what it will be known as—that has broken every promise it has made. With regard to this, especially in the context of discussion of this legislation, to have the audacity to stand in your place and say that you have kept your promise—my friend, surely you can't believe that. Surely you yourself must also feel embarrassed that you are a representative of the McGuilty government, guilty of breaking more promises than any government this—

The Acting Speaker: Thank you. Further debate?

Mr Kormos: I'm pleased to speak, as a member of the New Democratic Party caucus, to Bill 118 this evening. Andrea Horwath, my colleague from Hamilton East, is going to be speaking to the bill later this evening.

This is the third day of second reading debate on this bill. I expect that the bill will be put to a vote on second reading at the completion of this evening's sessional day. New Democrats are eager to see the bill put out to committee, and we believe that a broad and thorough consultation with Ontarians and communities of Ontarians across this province is critical during the course of public hearings. We expect that those public hearings will take place during the so-called Christmas/winter break during the month of January.

I also want to note that once again in the chamber is David Lepofsky. Those folks who didn't know him before they were elected—many did—got to know him real fast once they were elected, because Mr Lepofsky, whom I have known for a number of years—as a matter of fact, since a period in time when he had hair and mine had colour—has been a major and leading member of the vanguard of activists of persons and for persons with

disabilities in this province. His intellectual capacity is beyond dispute, and his input into this debate over what has been far too long a period of time has been an incredibly valuable input. His guidance has similarly been extremely important. While New Democrats are not at all pleased about the fact that the bill still sets a time frame which is 20 years from now, we acknowledge that we wouldn't even have this bill were it not for the tremendous commitment, vigour, tenacity and doggedness of Mr Lepofsky, his colleagues, and similar leaders in communities across this province, big city and small town alike.

In the two minutes that I had to address the comments made by Mr Klees, I spoke about the obvious concern that New Democrats have, and that is that the time frame is one 20 years hence. People have waited long enough, and while it's not unreasonable to understand or to expect that certain objectives may take longer than others, part and parcel of that observation is the fact that some objectives can be established immediately, and the absence of immediate goals or the very short-term goals is troublesome.

1920

Mr Lepofsky tells me—and I'm not telling stories out of school—that there will be a plethora of amendments offered up from the community out there in an effort to improve on this bill. I have no doubt that's going to be the case. Similarly, I have no doubt that people with a wide range of backgrounds in various disciplines are going to be addressing this bill from their particular area of experience or expertise.

While one understands why this government, or any government, is pleased to congratulate itself for steps forward, I caution this government to be, let's say, careful about self-congratulatory exercises when there is still so much to be done, even once and should this bill pass—and quite frankly, I expect it will.

One of the concerns I have is that the bill so far, in its language, seems very much to focus on this whole issue of physical access. As I said earlier, access to a job doesn't mean a ramp to the front door of that workplace; it means access to the job. It means being accommodated in that workplace so that whatever the man or woman is doing, they are permitted to do it. It means real jobs with real pay. Access to education doesn't just mean barrier-free entrances to schools: elementary schools, high schools, colleges and universities. It means the availability of the assists that are necessary for any given person to be able to sit meaningfully in the classroom—or stand or lie.

And from time to time, yes, the cost of that access is considerable; more often than not, it's marginal. But I'm concerned about a bill like this one, Bill 118, that doesn't signal very clearly that the province is committed to ensuring that the investments are made in those assists, many of them of marginal cost—from time to time, more than a few of them of significant cost—which would make the bill meaningful to each and every person in this province with a disability who desires access to that workplace, to that education.

Let's take a look at this government's attitude toward kids with autism. On the basis, I put to you, very much of cost, this government here in Ontario—and I have no doubt that it takes some comfort from the recent Supreme Court of Canada decision, although it should be cautious about wrapping itself with that decision—this province declines to treat children once they reach the age of six. And cost is the factor; end of story. Come on, the feeble argument advanced by the government in some of the litigation that, "Oh, we're not sure if the treatment works for kids,"—horse feathers. It's got nothing to do with it. It's the cost.

Like so many other members of this assembly, I have found myself advocating for constituents with special needs, some with extraordinary needs, where the issue has been the cost. People from the Welland District Association for Community Living, who may have the chance to be watching the legislative channel right now, know who some of those people are. We have found ourselves frustrated, angered and dismayed at the government's ability and willingness to create classes of deserving and undeserving persons with disabilities based on the cost of providing the treatments, the assists or the access to that person and his or her family.

The message has got to be clear in this legislation. It has to be clear. It has to be legislated. Bill 118 has to very much contain within it language that is tantamount to a declaration, a charter of rights for persons with disabilities that ensures that no government—this government or any successor government—can deny real access—not a ramp up to the front door; real access—on the basis of cost or on the basis of numbers. It's trite to observe that those persons who have extraordinary needs tend to be fewer in numbers, and the corollary of the cost argument as well, that there are only one or two or three persons in the province who have that level of need, and we can't develop a whole program just for one, two or three—horse feathers. You either believe in access or you don't, and it's got to be access for all and it's got to be access to every facet.

This building alone, this home of Ontarians' Parliament, governance, is one of the most bloody inaccessible buildings you could ever find, and continues to be, notwithstanding all the fine speeches by government after government about access.

That takes me to this: There has been an incredibly disturbing trend on the part of our Parliaments to utilize privilege as a defence to the demands of this type of legislation. At the federal level, you're well aware of the litigation surrounding a former Speaker of the House, Liberal Gib Parent, against whom a prima facie finding of discrimination was found with respect to one of his employees. Former Speaker Gib Parent and the federal Parliament are arguing privilege as a defence to the human rights claim, saying that a Speaker, because of parliamentary privilege, is immune from claims under the federal Human Rights Code.

Just this week, the Speaker of this Legislature, in a letter to members of the Toronto Disaster Relief Com-

mittee, who were participants in and organizers of the homeless protest and demonstration that first assembled overnight in front of city hall and then attempted to do the same—peacefully assemble—on the lawns of this assembly, argued that because of privilege, the Charter of Rights and Freedoms does not apply to the Speaker of the provincial Legislature or to the Ontario Parliament. That is a shameful, disgraceful, odious, cowardly exploitation of the long-held tradition of privilege.

I find it reprehensible that either the federal Parliament and its Speaker would use privilege to defend itself against a claim of human rights violations or that the provincial Liberal Speaker would similarly invoke privilege to tell Ontarians that they can't assemble on the front lawn of the Parliament of Ontario. And I say—

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Mr Klees: On a point of order, Mr Speaker: I must say that while I agree with the sentiments of the member from Niagara, I do believe that it is very much out of order, according to the rules of this place, to call into question the acts of the Speaker in this place. And I think, in the interest of protecting the rules here, that you should ask the member to withdraw those remarks.

Hon Joseph Cordiano (Minister of Economic Development and Trade): On a point of order, Mr Speaker: I would like to say that the member is completely out of order to challenge the Speaker's rulings. There is no place in this assembly for that challenge, and he knows that. He should know better than to challenge the Speaker of this assembly. It's a great disrespect to this assembly and all the members of this assembly for that member to challenge the decisions made by the Speaker.

The Acting Speaker: Thank you. I would ask the member to ensure that all remarks are viewed through the Chair and that we remain with Bill 118 at this time.

Mr Kormos: Thank you, Chair. To the Speaker, it is unconscionable that a Parliament would claim privilege to defend itself from a human rights claim. There is a trend across this country, and across Parliaments, to invoke privilege as a defence to anything from the Human Rights Code to the Charter of Rights and Freedoms. And this legislation, without a clear declaration of rights—

Hon Mr Cordiano: Point of order, Mr Speaker.

The Acting Speaker: The Minister of Economic Development and Trade, and I'd ask the clock to be stopped.

Hon Mr Cordiano: Once again the member from Welland is showing great disrespect to the people who are listening to this debate, who want you to debate the Ontario disabilities act, and yet you're completely off topic, challenging the Speaker's decisions. I think that's totally inappropriate and disrespectful to all those people out there who would like this debate to be focused on the Ontario disabilities act. And I don't know why you're not doing that.

The Acting Speaker: I certainly heard the member speak about the accessibility within this building and how the building is under the direction of the Speaker. I

would ensure that the member continues on to speak on Bill 118. Thank you. Continue.

Mr Kormos: Well, thank you kindly, Speaker, and I appreciate the members opposite trying to chastise or somehow guide me in the course of my comments. They've been trying for 16 years. They're no more successful 16 years later than they were in year one.

Look, we've got Bill 118, which is as much a public relations exercise as anything else. Without a clear declaration of rights of persons with disabilities to the access provided for in this legislation, we risk Parliaments, for instance, invoking privilege to exempt themselves from the legislation. And this Parliament has not demonstrated itself particularly eager to make this building accessible, never mind the political activity within it.

We have communities being called upon, municipalities in excess of populations of 10,000 people, to strike up these committees, to set standards, but not a mention of investment in those communities to enable them to make the new standards meaningful by way of implementation.

It goes back to the right of access, which is a right on paper only if there isn't the investment made to guarantee and ensure that access. The right of access to a municipal sidewalk is irrelevant unless that municipality has the resources to make those sidewalks accessible, never mind the schools in that municipality, never mind the workplaces in that municipality.

The retrofitting alone—and as you know; you're here long enough, Speaker, other members longer—the availability of funding for anything from elevators onward to any number of non-profit organizations, be it churches and church halls or various social clubs in the community, has long, long expired. This government has shown no interest whatsoever in creating de facto access.

This government very much wants, for persons with disabilities and their friends and advocates across this province, to debate the standards that are going to be established without offering up any assurance whatsoever. Oh, there's the cowardly refrain of protest when I dare discuss the reluctance of a Parliament to abide by the law and its eagerness to invoke privilege, like Gibby Parent, the coward, did in Ottawa, and like the Speaker of this chamber did when he sent a letter to people from the Toronto Disaster Relief Committee telling them that the Charter of Rights and Freedoms did not apply to the Speaker of the Parliament of Ontario.

Hon Mr Caplan: On a point of order, Mr Speaker: I'd like to quote you to from standing order 13(a) and (b): "The Speaker shall preserve order and decorum, and shall decide questions of privilege and points of order. In making a decision on a question of privilege or point of order or explaining a practice, the Speaker may state the applicable" ruling.

Under (b), it says no debate or appeal of the decision of the Speaker. It says specifically, "No debate shall be permitted on any such decision, and no such decision shall be subject to an appeal to the House."

The member has just done that, and repeatedly done that. Speaker, that is completely contrary to the standing

orders of this House. I would ask that you call the member to order.

The Acting Speaker: Certainly we have heard the member's comments. He has made a number of comments regarding Speakers' decisions that have been made in this House. I believe at this time that we would ensure that the member is speaking—although I don't really think he was challenging the Speaker's decision.

Hon Mr Cordiano: On a point of order, Mr Speaker: I think I heard the member clearly refer to the Speaker as cowardly, both the previous Speaker in Ottawa—a Speaker of a previous House of Commons—and this current Speaker as cowardly. I would check the record, Mr Speaker.

The Acting Speaker: The member clearly stated that it was not regarding a Speaker of this House when that comment was made; it was about another Parliament. I have no jurisdiction in another Parliament. So I think we will continue on with the member's comments. Please—

Interjection.

The Acting Speaker: No; we will continue on. Please remain with Bill 118.

Mr Kormos: What's cowardly are these Liberal members who try to suppress any meaningful debate around Bill 118. What's weaselly are these Liberal members who want to curtail real debate around the ultimate responsibility of this chamber. What's sleazy and slimy are members who stand up on spurious points of order, spout their garbage and indeed want to suppress debate, quash debate, and indeed don't like debate that doesn't please them. That's sleazy, that's slimy, and their constituents are sorely disappointed. What an incredible bit of cowardice from Liberal backbenchers.

The Acting Speaker: Questions and comments?

Hon Mr Cordiano: Now you've heard that very clearly. He referred to members of this chamber as sleazy and slimy, and that included everyone in this chamber, including the Speaker. Therefore, I would say that I don't think this member ought to be given his privilege to refer to members as sleazy and slimy ever again, unless he first looks in the mirror and looks at himself when he's saying those things.

The Acting Speaker: Order. We are now moving to questions and comments.

Mr Bob Delaney (Mississauga West): Thank you, Mr Speaker. Perhaps we can have some meaningful debate. While my colleague from Oak Ridges was speaking earlier, and I thank him for his support of the bill, I made a short phone call to a very dear friend, Mr Chris Portelli, the regional representative for the Ontarians with Disabilities Act Committee for the region of Peel-Halton-Dufferin. Chris is watching tonight. Chris, I send you my greetings from the seat in the Ontario Legislature that and you your family so very much wanted to see me occupy. To Vince And Maria Portelli, I send you my warmest and dearest regards.

Chris is disabled. He speaks from his wheelchair and needs some assistance breathing as a result of his spinal injuries years ago. Here's what Chris said to me just a

few minutes ago: "We in the disabled community look forward to working with this Ontario government to implement this new and groundbreaking legislation that is long overdue."

Within the ODA, Chris's region of Peel-Halton-Dufferin is second only to Toronto in size. He speaks for the disabled community with conviction and from a broad base of support. Much of what I learned of the issues of those with disabilities I learned from the forums sponsored by the ODA. I heard it from the lips of those who live the life of the disabled.

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Here's what those who cope with visible and hidden barriers have to say about Bill 118. They say that the bill has teeth. Unlike its predecessor, this government will actually pass regulations pursuant to this bill. We'll make it work.

ODA has asked that the outcomes arising from the bill be clear and prescriptive. In other words, the public and private sectors must do something, and do specific things to enable those with disabilities to participate as fully as possible in Ontario life.

So, Chris Portelli, for me, Bill 118 is about you. Here's to you.

Mr Klees: I'm pleased to add my comments to those of the member from Niagara, although I must say that some of the comments the member made were in fact out of order, Speaker, and I, for one, was quite frankly embarrassed by them.

Having said that, I don't blame the member for taking exception to how this place doesn't work. And I've said many times that in this place, if there were meaningful debate, then those watching us could take some heart that meaningful work was being done here. We in the opposition are making comments and proposals that we believe would improve this legislation. We have not been heard. It's my hope that members of the disabled community will be heard. If the government doesn't listen to us as members of the Legislature, then so be it, but at least we trust that they will listen to members of the community, who, as the member from Mississauga West so rightfully said, know full well what needs to be done and what should be done.

Our only hope is that this government, in the days and months ahead, will listen to the community, will ensure that the regulations that are put in place are meaningful, are constructive and, above all, as I said in my debate earlier this evening, will provide the necessary funding and resources to give credence to the intent of this legislation.

Mr Arnott: On a point of order, Mr Speaker: I'd just like to recognize the presence in the chamber of a former member of this Legislature, Gary Malkowski, the former MPP for, I believe, York East.

The Acting Speaker: We certainly welcome the member.

Further questions and comments.

Ms Horwath: I'm not going to delve into did he or didn't he breach the rules of the House, but I do have to

say that my colleague from Niagara Centre, Mr Kormos, is quite well aware of what is in this bill and is quite well aware of what's not in this bill. And, not dissimilar from some of the other comments that were made, I think he made it quite clear that there are some improvements that need to be made, there are opportunities for not only improvements in some of the actual specifics of the legislation, but certainly, at the very least, in the time frames. That's something that's extremely troublesome to many of us.

I look forward myself to talking a little bit about what the principles should be when we're looking at this kind of legislation. In fact, I believe that there were some principles agreed to not too long ago in this very chamber, and I think it's something we need to stick to when we're looking at new legislation, a new Ontarians with Disabilities Act.

I think my colleague Mr Kormos from Niagara Centre did a very good job of outlining the issues, but also of raising the fact that it's up to us to make the difference, it's up to us to keep the pressure on, it's up to us to make sure that, with the voices of the advocates and community, we're keeping the government to account. That's the job of opposition. That's the job we're doing here. We're doing it tonight. We do it every day when we debate these bills, when we try to push the envelope and make sure the promises the Liberal government makes during election campaigns are actually fulfilled when they're in government and they're at a point where they have the power to make the differences they purported they were going to make for the province of Ontario. I look forward to seeing those promises being fulfilled, certainly by some amendments to this legislation.

Mr Brad Duguid (Scarborough Centre): I'm pleased to support the Accessibility for Ontarians with Disabilities Act, 2004, for a number of reasons. First off, it'll make Ontario more accessible for people with disabilities. Secondly, for the first time, the private sector will be covered by accessibility standards—standards that are reasonable and achievable—and I think that's important. I also support it because it recognizes that by the year 2025, when 20% of our population may well be people with disabilities, we'll be able to ensure that with \$25 billion worth of spending power, our markets, our private sector is ready to ensure they can gain access to that market. I find that extremely important.

But the real reason I so passionately support this legislation is the respect and admiration I have for two people: Carolyn Fenn and Betty Ann McKeating. Carolyn Fenn has overcome a variety of disabilities that have affected her ability to be mobile. That has not stopped her from being a vocal advocate for tenants, public housing residents, people with disabilities, public transit and veterans. Betty Ann McKeating has overcome a variety of health challenges as well, challenges that I think would have ground most of us to a halt. For decades, Betty Ann has been a stalwart, active member of our community. She's been a strong advocate for Wheel-Trans, accessibility, youth and a number of other causes.

These two courageous ladies have been inspirational and effective voices in my community for decades. When I look at the challenges they've had to overcome and the work they've done in our community, I'm proud to have been able to represent them for almost a decade. When I look at this act, my appreciation and congratulations go to these two ladies. They're among many others who have pushed many different levels of government to move forward with these very important issues, and I thank them for their efforts.

The Acting Speaker: The member from Niagara Centre has two minutes to summarize.

Mr Kormos: I'm going to sleep better tonight, because when I hear squeals of protest from the Liberal benches, I know I'm doing something right. And squeals of protest indeed we heard. The porcine squealing I managed to provoke will, I'm sure, be echoing through here until Monday at 1:30 in the afternoon.

Gary Malkowski, former member of the Legislative Assembly, long-time friend and former colleague of mine, dropped by and left a message for me, a list of eight points that he feels are sorely lacking, and obviously lacking, in Bill 118. I'm going to give them to Andrea Horwath, because I think it's important that there be some consideration of at least some, if not all, of these serious omissions. Gary Malkowski has expertise, dare I say, and experience in this matter of accessibility, for the obvious reasons, that others don't. That's exactly the point. You've got leaders like David Lepofsky and Gary Malkowski, a long-time New Democrat and a person who served this province well as a member of this Legislative Assembly, with incredible legislative experience, who says, "Well, here's Bill 118, and we very much want to see Bill 118 go to committee."

Interjection.

Mr Kormos: Mr Caplan, don't debate the Chair's ruling, please. Don't do it sotto voce; don't do it on camera. Don't debate the Chair's ruling.

Gary Malkowski is a valued member of our provincial community whose expertise is going to be an important asset at the committee hearings. The consideration, of course, has to be where those hearings are going to be held. I'm told that people want those hearings held across the province, to ensure real, meaningful access from as many people and as many parts of Ontario as possible. Let's see if the government is going to live up to that.

The Acting Speaker: Further debate?

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Ms Laurel C. Broten (Etobicoke-Lakeshore): I'm very pleased to have a chance this evening to stand and talk about Bill 118, the Accessibility for Ontarians with Disabilities Act. I want to start with where this came from, and I want to reiterate some of the comments of my colleagues who talk about this being a promise kept.

Before the last election, the Premier, who was then the Leader of the Opposition, wrote to the Ontarians with Disabilities Act Committee. What did he say? He said to them, "We believe that the Harris-Eves government's Ontarians with Disabilities Act does not even begin to

adequately address the needs and rights of countless Ontarians. We will introduce ... a strong and effective ... act." I say to you that that is what we are doing tonight, what we have done and what we are debating this evening.

I want to talk a little bit about how we crafted this legislation. It goes with our government's desire to consult with experts, to consult with those who know about what we are talking about. In the throne speech last November 20, our government pledged to work with Ontarians with disabilities to develop meaningful legislation that would allow them to fully participate in building a stronger province. After that time, on December 3, the Minister of Citizenship and Immigration, Dr Bountrogianni, marked the International Day of Disabled Persons by announcing consultations on strengthening the Ontarians with Disabilities Act, 2001.

In the first three months of this year, Dr Bountrogianni and Dr Kular, her former parliamentary assistant, travelled across the province, seeking out the advice we needed to make sure we could deliver on this strong legislation. They held 14 round-table meetings, seven regional public meetings and 246 stakeholder meetings, and more than a thousand people participated. Through those organizations, through those meetings, they met with disability organizations, individuals with disabilities, the private sector, leaders from hospitals, universities and colleges, and students. All the meetings were fully accessible, and we made sure we talked to those people on the front lines who had advice to give us.

People we spoke to, people we took guidance from, were the Ontarians with Disabilities Act Committee, and in particular the chair, David Lepofsky, who I know was here this evening and was perhaps scared away by the lack of meaningful debate on this legislation. I'm pleased to thank Mr Lepofsky for all the work he has done over the years, and for participating with us as we developed this legislation.

We also had a chance to speak to the Ontario March of Dimes, the Learning Disabilities Association of Ontario, the Canadian Paraplegic Association—all of those groups—along with the private sector which came forward: the Retail Council of Canada; the Greater Toronto Hotel Association; the Ontario Chamber of Commerce; the Ontario Restaurant, Hotel and Motel Association; the Canadian Standards Association; Dofasco; Canadian Tire, and the list goes on. It was through those extensive consultations that this legislation came to pass.

We took that advice and guidance, and a number of themes came forward from the consultations. We found broad consensus that clear standards leading to measurable outcomes were necessary. Many participants urged stakeholder involvement in developing the standards and enforcement mechanisms. We understood from the consultations the need to increase our understanding about accommodating employees with disabilities in the workplace. We were told that the private sector needed to strive for increased accessibility and needed to participate in this. We were also told that the process needed to be

flexible and the measures reasonable to avoid a negative economic impact on the private sector, particularly our small businesses in this province. The guidance we took from those consultations—those ideas are found in Bill 118, this proposed legislation.

I want to spend the few minutes I have talking about some specific issues. We've heard a lot of discussion about the timelines, and the timelines of this legislation. It's all well and good to set standards for installing ramps or getting menus into alternate formats or improving customer service. But unless we have timelines, and timelines that are meaningful, we are simply telling organizations that they can comply whenever they choose, which could certainly be a long way off. So the provision of timelines is a way that this piece of legislation has teeth.

The question then becomes, how long should those timelines be? We've heard discussion about the timelines. Our proposed legislation is visionary and, at the same time, I suggest that it's realistic. Mandatory standards and real results would be achieved every five years or less, moving toward an accessible society in 20 years. We are talking about a major social transformation; there's certainly no doubt about that. To achieve an accessible Ontario would mean changes to facilities, programs, services, communications and employment.

We certainly understand that on first blush, on a misinterpretation of what this legislation is about, 20 years sounds like a very long time to wait, a very long time for Ontarians with disabilities to fully participate in our province. But I want to be clear to the people watching at home, to my colleagues across the House, to Ontarians with disabilities across this province, that 20 years is not the beginning; 20 years in this legislation is the end point.

Within five years, people with disabilities will begin to notice real and fundamental change in our society and in our built environment. Ontarians would see greater access to things such as buildings, transportation, customer service and training. We're going to see within those first five years a shift in this province's approach and thinking with regard to disabilities. We understand that this significant shift, this significant transformation, cannot happen overnight, but we are anxious to get started, and this is what this legislation is doing in incremental, realistic steps.

What we can do rapidly is accelerate our progress so momentum will build and accessibility will improve, and that's what we propose to do. We think and believe that transformation will take a generation. We know that the baby boomers are aging, we know that people are living longer, and in 20 years we can expect that one Ontarian in five will be a person with a disability, a potential consumer in the marketplace and the labour market. No business or service provider can ignore those individuals.

Our approach in setting a 20-year standard is in line with other jurisdictions. For example, with regard to transportation barriers, Australia has set a 30-year time frame, with five-year goals for implementing full accessibility. Again with respect to transportation, the United

States has set a 30-year standard. What I say is that our standard is both visionary and realistic. It is 20 years, not 30 years, and it is much broader than the other jurisdictions that we are comparing ourselves to.

As I mentioned earlier, I know that David Lepofsky supported the idea of setting over 20 years, based on needs and resources, and I want to quote from him. He said, "We're very practical. We want business to make money on this, not lose money on this. We want to bring more business in their door including customers with disabilities and their friends and families."

That's what this legislation is about. This is about bringing Ontarians together, bringing business to the table, bringing community organizations to the table, bringing the able-bodied and those who are disabled to the table, for a combined Ontario, one where we can all prosper in years to come, one that will be accessible to all of us, one where all Ontarians will have access to services, access to jobs, access to the labour market and the marketplace. It is by putting in those realistic time frames that we believe we will be able to achieve our ultimate goal.

This legislation also contains time frames that the committees would be required to follow. Those committees will have responsibility for setting the all-important standards and reviewing those standards every five years. Setting deadlines as to the work of the committees will be the minister's responsibility, and she will require regular reports of them. They will have meaningful standards that they will put in place, real standards that would be achieved every five years on the all-important path to an accessible Ontario in 20 years.

I wanted to simply talk, in the last moments I have about the breadth of this legislation, why we will see such significant changes in those five-year intervals, and why 20 years from now Ontario will be a different place in which to live, work, learn and raise a family.

This bill could potentially cover more than 300,000 public and private organizations. We will need innovative enforcement and realistic time frames to include all of those organizations in cost-effective compliance, and that's what this bill provides.

In closing, I simply want to talk for a moment about small businesses and about the businesses that we have asked to participate with us in the development of these standards, the communities that we have asked to come together, to make sure that all of us in years to come will see the realities and will believe, as our government believes, that the key to Ontario's success is to strengthen our greatest competitive advantage, and that competitive advantage is our people.

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The proposed Accessibility for Ontarians with Disabilities Act, 2004, will help do just that. We will all benefit in the future from full accessibility, when people with disabilities have the best chance possible to contribute to our society, our community and our economy.

I'm pleased to support this legislation, and I look forward to what Ontario will be like in the next five, 10, 15 and 20 years to come.

The Acting Speaker: Questions and comments?

Mrs Julia Munro (York North): I think when we look at this legislation, what we're looking at is carrying on a tradition. Over the years, we can see that there has been the recognition, as a society, to look at how we can make our communities more accessible, and I think what we're seeing here is the continuation of that kind of recognition.

Obviously we support—certainly I support—the notion of providing greater accessibility. I think the timelines are somewhat problematic, and I will have the opportunity later to make further comment on this. But I think when you look at the previous bill, Bill 125, and the fact that this government is taking years to move on its proposed legislation, as well as phasing out segments of this bill, it speaks to the complexity of the issue and to the comprehensive nature that has to be evolved.

The member spoke of the need to consult, and I think that's something that has to be appreciated. I would suggest that those consulted will also be looking for some kind of opportunity for compensation, for understanding the kind of financial obligations that this legislation will ultimately represent.

Ms Horwath: It's my pleasure to make some comments on the debate provided by the member from Etobicoke-Lakeshore. I think all of the comments that were made reflect the obvious positioning of the government and the minister in regard to the bill, and that's the way it should be. That's what their job is. But I think it's a little bit of a concern that there doesn't seem to be a willingness or a sense—I don't get the sense that the members opposite are prepared to really hear when there are positive suggestions coming from the opposition benches, whether that's the official opposition or the third party. I think it really is a bit arrogant to assume that you've touched every single base and covered off every single issue.

Later on, when I have an opportunity to debate this bill, I actually have some significant and quite specific recommendations. I have some general comments regarding the bill, definitely, but I also have the honour of having been provided with some very tangible recommendations from a former New Democratic Party member of provincial Parliament, Gary Malkowski. I'm quite honoured to be able to bring them into this forum and provide them, hopefully, as some positive, productive and constructive comments and criticisms.

Not all criticism is bad. In fact, people who are prepared to learn and grow and improve on ideas are those who understand that criticism can often be very positive and productive. That's what we're doing in relationship to this particular bill: We're providing positive criticism, positive opportunities for the government to make some changes so that the people in this province, particularly persons with disabilities, are going to be able to participate fully in every aspect of our community life.

Mr Khalil Ramal (London-Fanshawe): I'm honoured to stand up and speak in support of this bill. I just have a few comments before I start talking about it.

First, I want to thank my colleague from Etobicoke-Lakeshore for her eloquent and articulate description of Bill 118. I also want to go back to the member from Oak Ridges, who was talking about the difference between Bill 125 and Bill 118. There's a big difference, my friend, and I'll tell you what the difference is. We had in the galley the chair of the ODA committee, Mr Lepofsky. In an interview, he talked about Bill 125 and he said that bill was toothless. Also, he said it didn't apply to the private sector in any way, shape or form, nor was it enforced by the government back then. That's why, my honourable member from Oak Ridges, the Minister of Citizenship and Immigration came up with Bill 118, in consultation with all the people in this province, in order to have a strong bill that has teeth, enforced by law. That's why we're debating it here today.

Also, I want to say to the member from Hamilton East, when she was talking about recommendations, that's why we're debating this bill here today: to listen to the recommendations of all sides of the House.

Also, I want to assure you and all the people of Ontario that this bill is going to committee. We are going to conduct more information. We're going to listen to all the people with disabilities in this province in order to ensure a strong bill that will benefit all the people across the province, especially people with disabilities. That's why we are here today. Again, we're going to assure all the people in this province, especially people with disabilities, that this bill is going to committee. We're going to listen to more people—

Mr Kormos: Across the province?

Mr Ramal: Across the province.

Mr Kormos: Are you going to travel?

Mr Ramal: Listen, my friend, I'm going to tell you something—

Mr Kormos: Are you going to travel?

Mr Ramal: Of course. Definitely.

Mr Klees: Well, what a surprise: We hear from a member of the government that they will listen. We hear from a member of the government that the reason we are here is so they can get input.

What is missing in this province, truly, is accessibility—accessibility to democracy. That's what's missing in this place, and the government is responsible for the barriers to democracy in this province.

I asked the table during debate about two weeks ago to do some research and to present to me the number of amendments this government has allowed since they took office more than a year ago on all pieces of legislation, through all debate, in all standing committees. I want to thank the table for their good work. In all that time, there were three amendments presented by the official opposition and the third party that were allowed by this government. Two of those amendments were simply the change of a date in the legislation.

So what I'm asking for is that as this government debates the accessibility bill, we give some thought to the true challenges to accessibility and the barriers that we have in this province. It's the barrier to true democracy.

This government now considers itself to have a monopoly on all of the ideas. Let this bill be evidence that they truly are prepared to listen, not only to the opposition or the third party, but to interested people in this province who want to bring forward their ideas. I look forward to seeing how many of them they will allow in this legislation.

The Acting Speaker: In response, the Chair recognizes the member from Etobicoke-Lakeshore.

Ms Broten: I want to thank my colleagues from London, York North and Hamilton East, and I want to respond specifically to some of the comments that my colleague from Oak Ridges made.

The perspective I would bring is that we do our homework first. We have consulted and we have listened. Perhaps you missed that we consulted with more than a thousand people before this legislation came through. Many round tables were held with business, community specialists and activists.

The job for all of us here is to bring forward constructive comments to look at the legislation. I would suggest that, coming from a member whose own legislation has been viewed by the disabled community as not having any teeth, as not having enough measures, as not having strong enough standards—bring forward what changes you may, but please debate the legislation.

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We have consulted. We have brought forward legislation that will be put in place and will make significant changes in this province. We've brought forward all the sectors. I understand if there's not a comprehension of building consensus and bringing factions together. That's what the minister did in bringing this legislation forward. It's historic to have activists in the disability community working with business to come forward with legislation that everybody knows will change the face of this province in 20 years to come. This legislation will start making those changes immediately.

It's easy to set standards that are sometimes off into never-never land and into the future, but those individuals who understand what it is like to live and work in Ontario each and every day with a disability, like David Lepofsky, have said this legislation sets goals. It sets five-, 10- and 15-year goals and it will make this province completely accessible in 20 years. That's something to be proud of and that's something that I am proud to stand up in this Legislature and fight for.

Mr Klees: On a point of order, Mr Speaker: The member for Etobicoke-Lakeshore has just confirmed for us that they have all the answers and that we need not debate the—

The Acting Speaker: That's not a point of order.

The Chair recognizes the member for Oshawa.

Mr Jerry J. Ouellette (Oshawa): I very much appreciate the time to speak on Bill 118. I know many members having the opportunity to sit here tonight are very eager to speak on this and very interested in the details of this bill.

As opposition members all know, we share concerns, and our function is to point out some of the concerns

expressed by groups and organizations, and that is what my intention will be.

First of all, I should state that I will be supporting the legislation, as I believe most of our members will. I should also note that I am sharing my time with the member for York North.

Section 9 speaks about the standards in the affected ministries. Some further detail as to how the ministries are being affected—for example, as some may know, I'm the MNR critic, and in the MNR field there is a disabled moose hunt that takes place. So how will that ministry be affected in regard to things like that? There is; if you read the regulations, there is something on a disabled moose hunt and how those individuals—in the Ministry of Natural Resources, one of the areas the previous government worked on was that disabled individuals had to qualify every year in order to be classified as disabled. One of the areas that has not been moved forward was that there was going to be consistent and ongoing—for those individuals who wanted to have, for example, on their outdoor card a D designation, so they wouldn't have to be qualified by a doctor every year. That would certainly help out from that perspective within the Ministry of Natural Resources.

A couple of other things: section 15, reports by committees and the timelines, that a director may specify the timelines. Some concerns are, when are those timelines going to be established? Certainly, when you look at the legislation, the 2025 date and the 20-year timeline have brought a lot of concern for members here.

Another area would be part VI, the timelines and the appeals process. I have some concerns about the timelines. There's no specific date set for the appeals process. Could it be a year long? Could it be six months? Could it be 30 days? It doesn't specifically lay that out in the entire timelines. The concern might be that somebody is putting up a structure or a building and has now been shut down because of the new act that's coming forward. Those timelines may shut down that construction or that process unless some specific areas are clarified. Of course, I know the usual response is that that comes in regulations; however, the difficulty with that is that regulations are not put before the House, nor do the members have an opportunity for input on the regulations prior to them actually coming forward.

Some other areas: A lot of property managers and developers certainly have concerns. When new legislation comes out, it's always a concern. It's that unknown fear factor, the "what if" or the "analysis paralysis." What happens to the buildings that are currently out there? What are the timelines for retrofitting or upgrading or making sure that all those concerns are taken care of? Some of the developers and certainly property managers, individuals who look after this, should be looking at that aspect of it.

What about adding some form of transfer of ownership? When a transfer of ownership takes place, should not some guidelines and implementation of the policies be sped up or be made a part of that process? That's something the government could look at.

As well, it speaks under part III, clause 6(6)(c), about the different standards that might be utilized for different sized buildings or construction, whatever the case may be. Some of the concerns may be that you may be inspiring developers or businesses to build certain sizes, depending on the criteria that are brought forward. Now, we want to make sure that we as a society, as a whole, move forward with all development and that all are brought under a standard that won't negatively or possibly negatively impact the size of development, whether that be large or small, that developers may come forward with.

Committee membership needs to be very well balanced from all sides. We don't want developers to have a major say or individuals with disabilities to have a major say in what takes place, in that we need to come with a balance, and I would expect that the minister would certainly look at making sure that balance is there.

Also, the target dates are good. It's good to see they are in there.

Something else that should possibly be looked at is those groups, organizations and developers, whatever the case may be, having incentives to far exceed those dates that may be here. I know, for example, that in the Ministry of Transportation, when tenders are put out, if somebody exceeds that timeline for construction of a highway, for example, they receive a financial incentive to achieve that. There should possibly be incentives in this manner so that developers who are willing to come forward and step up to the plate that much faster or those who are willing to retrofit buildings that much quicker receive some form of concession, whether that's a tax concession or whatever the case may be. That would be a strong incentive for these individuals to move forward.

There are some other areas in the bill—I know that subsection 9(7) had some concerns in there as well. When you read clause 9(7)(b), it specifically states, "if required, revise the measures, policies, practices and requirements to be implemented on or before January 1, 2025, and the time frame for their implementation." Effectively, this clause could be used to delay any further implementation beyond the 2025 date. Certainly, when it says "the time frame for their implementation," when they're discussing that, that is a very specific aspect of this legislation that would cause me concern. Now, 2025 appears to be a time that the current government has picked as being fair and equitable to all those individuals with concerns on that. However, when you read sections such as 9(7)(b), there may be some more concerns brought forward as to further delays on this.

Some of the other areas: in section 14, "person or organization to whom an accessibility standard applies shall file...." Now, what we're going to see, or what I would expect to see, is a large number of groups and organizations such as, for example, the Metro East Anglers, a volunteer club and organization that runs a fish hatchery at Parkview golf course. Their concern may be, what is the impact of this legislation on their fish hatchery and accessibility? Certainly, when things such

as liability insurance came forward, there was a large flurry of groups and organizations moving forward to address that issue, and rightly so. They need to know how it's going to impact them, or are they impacted? These are the sorts of responses I'm hoping the government will be able to bring forward.

Also, through the committee process, we're certainly hopeful that the government will hear all groups and organizations to make sure they have a balanced perspective coming in.

When you look at subsection 14(3), the form that is going to be made available, how is that form going to be put together, who will have to apply, and how often is that form going to need to be utilized?

Some of the final areas, before I turn it over to my colleague, include the inspections without warrant. It takes place—for example, I know sometimes certain aspects of a community will find areas that they need to get into, and how are they going to deal with it? I know that there was a concern, for example, that conservation officers have access to facilities without warrant. Having a former deputy chief of police working in my office and my father being a chief of police in Thunder Bay. The ability for police to potentially assist in these areas, to access without warrant, may be cause for concern.

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One of the other areas that I would like to more or less close on is section 19(4): "An inspector shall not enter into a place or part of a place that is a dwelling without the consent of the occupant." Where is the proof and onus for occupancy? Being a man of the bar, you certainly would know that there is no form for proof of occupancy. So when someone doesn't want somebody to come in, they can say, "I'm not the occupant." You don't have the support of that. It's just a grey area, but our function is to point out these grey areas in the legislation that need to be addressed.

In closing, I would like to say that I intend to support the legislation. The time frame of 2025 is somewhat of concern. I hope that the government members have heard my concerns regarding some aspects of the bills, such as the appeal times, to make sure business can move forward in a timely manner, to make sure it is not delayed beyond something that is reasonable. I certainly hope, through the committee hearing process, that all these groups and organizations, from all aspects, will have the opportunity to give input on this. Once again, we will be supporting this legislation.

Mrs Munro: I'm pleased to rise this evening and offer a few comments on Bill 118. I looked back to the comments made by the minister when this bill was being introduced. I think it's a really good starting point for us to understand the context of this bill that we are debating here this evening.

At the time of introducing this, she said, "Through public education we can change attitudes, one of the biggest barriers people with disabilities face. We need to raise a generation of Ontarians who are acutely aware of accessibility, who are determined to create a truly accessible and barrier-free society."

I think it's a really good starting point because it offers us an opportunity to look back and see some of the history of the development of that kind of awareness. I'm sure there are many of you who remember when there were no curbs at corners that were formed to allow for wheelchair accessibility. There were no designated parking spaces. There were no elevators in buildings beyond multi-storied buildings. I think it's important to look at those examples, because I can recall when people talked about the need to change the curbs at corners, for instance, and the initiative that drove that. There were many people who looked at that and said, "I don't think that's necessary. I don't think there are very many people who would be able to benefit from that," and certainly the same thing with designated car spaces.

What we see, then, is that successfully in this province we have been able to raise that awareness and, at the same time as that awareness has been nurtured, developed and increased, we also see the increase in accessibility. The good news about increasing that accessibility, along with those beginning changes, is the understanding of the goal of creating a more accessible society. It comes when people who perhaps didn't understand the need for those things actually see people able to conduct themselves independently on the sidewalk and get across busy intersections by themselves, with motorized wheelchairs and things like that.

I think that when we look at this piece of legislation and the previous Bill 125, look at how successfully we have been able to increase public awareness. I understand there's a long way to go, and I'm not suggesting that this is over with. But I am suggesting it is that ongoing commitment that has allowed for a continued recognition of the need to make the changes.

At the time when the bill was introduced, we were reminded by the member from Burlington that the province has a proud reputation, that it was the first jurisdiction in North America to have a Human Rights Code and a human rights commission. We have kind of created the fertile ground; we have created the opportunities. It's a question, then, of this government providing that kind of resource to move things forward. It's important to understand that it is an ongoing process. It is an education process to a large extent, but it's also a process that means we have to listen to the kinds of recommendations that people are able to make.

I think that we have had some extremely good examples in the kind of work that has been done. I particularly want to draw attention to the work that has been done by the accessibility committees, because in ensuring that every municipality had an accessibility committee, it again brought closer to home the variety of issues around the problems of accessibility. I know that certainly in my community, the people involved in the accessibility committee who came from the need for greater accessibility found an avenue for an audience, an understanding and a recognition of their needs, which need to be met. I think that it's really important to be seeing this piece of legislation built on a foundation that has continued to grow over many years.

I think the comments we have from Patricia Copeland, a former member of the Barrie city council, who certainly saw first-hand the kind of work that an accessibility committee can do—she comments on the fact that, with the combination of the volunteers, who were, of course, men and women either living with a physical challenge or offering support to this community through their careers in a related field, they were able to work with city staff, who then participated. That, in turn, has the effect of simply creating a broader base of the community that understands the kinds of challenges that people face and the kinds of responses that we as a society have to make.

Having said that, however, when we look at some of the details about this bill, there are some issues that I think we need to raise, certainly the fact that those who have spoken on the government side have referred to the previous bill as toothless. I find it interesting that they're using that phrase because, at the same time, they are looking at a 21-year time frame. It seems to me, that's a long time for people to move in a direction—some people lose their teeth, actually, in that length of time.

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As this is obviously a generational exercise that this government is taking on, we need to look at the importance of the role of recommendations. Clearly, no one has a monopoly on good ideas. So if we're looking at a 21-year time frame that isn't a public relations exercise, then I think we have to be looking at how we are going to broaden the scope and be able to hear a greater number of voices. In my view, the fact that it's 21 years, the fact that it does appear to be a public relations exercise, the fact that we must have methods of broadening the scope of hearing more voices, the fact that we're looking at the repeal of Bill 125 over a period of many years—and while we support, in principle, the notions that are in this piece of legislation, we have to be very cognizant of the importance of keeping this government's feet to the fire—never mind its teeth—and make sure it continues the tradition of broadening the opportunities for people with disabilities in this province.

The Acting Speaker: Questions and comments?

Mr Kormos: I listened carefully to the well-put comments of the member for York North and appreciate her participation in this debate, without the use of crib sheets prepared by some minion in the backrooms or with the advice of spin doctors, as is so often the case with government members when they stand up and read their scripted addresses, little of which, often, reflects their own true feelings and little of which is very comforting or assuring to their constituents. Ms Munro spoke on the basis of experience, on the basis of her own analysis, and fulfilled her responsibilities as a legislator here in that regard.

In about eight minutes' time, we're going to hear from Andrea Horwath, the member from Hamilton East. I want to encourage people to not abandon this over the next eight minutes, because Andrea Horwath is going to be taking the floor and making her 20-minute con-

tribution to this very important debate. So folks in Hamilton who want to hear from Andrea, whom they sent here—and we're grateful to you—will be able to do that in about eight minutes' time.

After I speak, I'm confident that one of the Liberal backbenchers is going to stand up and explain to you why we agreed that if there's a deferred vote—and I predict that somehow there will be a deferred vote. Nobody opposes the bill, but there are going to be Liberal members who will vote against the bill when it comes to a voice vote. Mark my words: There will be Liberal members who will vote against the bill so they can force a recorded vote. The trick is for the audience to listen carefully and find out which Liberal members are voting against this bill.

The other concern that's been expressed is, if there's a deferred vote—and the Liberals are going to create one—it's going to be on December 2. Ms Wynne is going to explain to you why. Various people want that explained because they're nervous that others are going to be worried that the government is stiffing them, because this government has such a bad reputation, has proven itself so unreliable and untrustworthy, that they want assurance as to why this vote is going to be deferred to December 2. You'll hear it soon from Ms Wynne.

Ms Kathleen O. Wynne (Don Valley West): I just want to say that I think anyone watching who can follow what's going on deserves an award.

I'll just follow up on what the member for Niagara Centre has said. By way of explanation, I understand there will be a vote later tonight, and in order to elicit a recorded vote—a division, as we call it in this House—five people are going to have to stand. There will be a “no” expressed. Five people will have to stand in order to force that division, or that vote. Then the vote, actually, is going to be deferred. I believe it will be deferred to December 2, which is International Day of Disabled Persons, and that actually has been requested by the community. So that's why later on tonight you will see that there will be a division, a vote, and it will be deferred. I want to thank the member for Niagara Centre for his attempt to elucidate the situation.

I just want to take issue with a couple of points that were made by the member for York North and the member for Oshawa—although, for the most part, measured comments.

I look forward to the comments from the member for Hamilton East, who is going to be speaking on behalf of Gary Malkowski, whom I had the pleasure of working with during the adult education review. I know that comments from people like Mr Malkowski and Mr Lepofsky are the kinds of comments we're going to want to hear as we move forward with this legislation.

The way this legislation was written was in consultation with people from the community, people with disabilities. So I really look forward to, in this House and also in the committee, comments from people who are living the reality that this bill is going to address. The fertile ground the member for York North spoke about is

the heritage of this province, and this bill builds on that broadening of opportunity for all people.

Mr Klees: I want to commend the member for York North for her insightful comments on this bill.

I want to now take the government at its word. They say they will be open to suggestions. We're talking about the importance of funding projects. I'd like to make this proposal: We have in this province a Trillium fund. There are some \$100 million-plus that come into that fund every year that are not allocated, but it's a responsibility of boards throughout the province to make specific allocations out of that fund to the community. Why don't we do this? Why don't we designate 2005 as accessibility year in this province and have every dollar out of that Trillium fund dedicated to accessibility projects within our communities? Why don't we do that? I would like the government of this province to take on that challenge.

Any place, any organization, whether that be the Legion within our community that needs to put in place accessibility mechanisms, whether it's a community centre, whether it's a church, could come forward and make their application for accessibility purposes. The year 2005, the year of accessibility, \$100 million-plus for accessibility projects: Let's see what the government does with that.

Ms Horwath: I just wanted to make a few comments myself on the debate presented by the members for Oshawa and York North. I have to say that I enjoyed very much the comments by both of these members. I think they've certainly taken the time to look through the bill. They've taken the time to determine what pieces they can support and what pieces they still have some concerns with.

It was made quite clear, and I think we'll see, as this bill progresses through committee and into third reading, that in fact the general sense—as Mrs Munro actually mentioned quite articulately—from the members of this House on all sides is that the bill is a positive step forward.

The issue becomes, then, what happens after second reading when the bill is into committee? Where is the commitment of the government to make sure that real, positive, true, well-thought-out and well-put amendments are going to be accepted by the government so that all voices are heard, all issues are raised and all concerns are appropriately dealt with so that we do end up with legislation that we can all be very proud of in the province of Ontario?

I think if we see that happening, it'll speak well to the comments we've heard by the government members tonight, that they are committed to accepting well-thought-out amendments, that they are committed to accepting the fact that members of the opposition and the third party actually have some positive comments to make. Unfortunately—

Mr Kormos: The NDP.

Ms Horwath: The member for Niagara Centre keeps reminding me I should be saying "NDP." It's not like

those days when we weren't allowed to say it in here, is it?

The bottom line is, I think New Democrats certainly do have a lot to say about this kind of legislation. We've often been on the cutting edge of progressive legislation like this, and we look forward to our comments during committee.

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The Acting Speaker: In response, the chair recognizes the member for York North.

Mrs Munro: Thank you to all of those who have made comments. Simply because of the nature of the comments, some of which seem to be more questions of stage direction than actual responses to the comments made by the member for Oshawa and myself, I would just echo some of the comments made by the member for Hamilton East, and that is simply the fact that as members of the opposition, we have had the opportunity, through debates such as this, to look at this bill, to look at what is the state in terms of the challenges of accessibility within the province.

The issue really is, what happens next? Obviously many of us believe that 20 years is too long. We have reservations about the ability to accept recommendations from a variety of sources, including those of the opposition, and we also have reservations with regard to the lack of commitment to specific areas of funding for steps that would be taken subsequent to passing this bill. So thank you very much to all of those who have commented.

The Acting Speaker: Any further debate?

Ms Horwath: It certainly is my pleasure to finally get an opportunity to debate Bill 118, the act that's before us. It's 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. As you can well imagine, it's quite an extensive piece of work. It's had a lot of attention paid to it, but what I would like to talk to you about tonight is just some of the things that maybe have been missed, some things we might need to reconsider.

I'm going to talk a little bit about the fact that we all know very well that people living in Ontario, and particularly persons with disabilities living in Ontario, have waited one heck of a long time for legislation that is going to address their specific needs and concerns. Those concerns are as diverse as every single person who sits in this room is diverse from one another. So it's not a matter of any kind of cookie-cutter approach; it's a matter of really making the huge effort to understand, to become aware, to become sensitized and then to become committed to making the changes that are necessary, not only to enable but to encourage and in fact to ensure that persons with disabilities in Ontario are able to participate fully in all aspects of community life, and that means political, social, working, shopping, going to restaurants, being educated. Every single possible thing you could

imagine or think of that a person without a disability is able to do in our province, so should a person with a disability be able to have the same kind of opportunity.

The problem is that the bill itself keeps a lot of the details out. The bill is absent on specifics around incentives and timelines. It actually leaves a lot of discretion up to the minister and to the committee that will at some time be struck to hammer out the details.

I guess the thing I'm most concerned about is that we are very careful to put as much into the actual bill itself and not leave it all up to the regulations; to make sure that the bill is very specific when it comes to the kinds of activities, the kinds of real actions that the government is going to undertake. Otherwise, they'll get foisted off to either ministerial decisions or regulations, which are not part of what's happening here but in fact are happening in another forum that is not necessarily going to have the light of day for the public, and that's problematic. It's problematic because the government, as you heard earlier tonight, was, I have to say, bragging—is "bragging" a parliamentary word? I think it is—about how much consultation they've done, how much work they've done making sure they've spoken to every single person who might be concerned about this particular bill. I have to say that it's a bit—what's the right word?—presumptuous to assume that every concern of every person with a disability in the province of Ontario is necessarily going to be reflected in this bill.

Certainly, a process is an important thing to do, but the bottom line is when it comes to something that's actually written. So after consultation, you have a first draft. That's where we are now. We're at the first-draft stage. The issue becomes, if a lot of the specifics are left to regulations or left to some other committee to decide, then what happens is that you lose the opportunities that you had, in terms of indicating that in fact it was a full consultative process all the way through, because that consultation then stops at a certain point and the regulations are put into effect in a way that is not a consultative process. So there's a little bit of a disconnect there between what's being suggested is happening and what's actually going to happen, unless we can get a lot more of the specifics actually written into the bill as opposed to being just dealt with through regulation.

The time frame is an issue that is of concern, and not for everyone, but certainly there has been some criticism raised in regard to how long it's going to take for the full effect of this legislation to be felt in the province of Ontario. In fact, one of the people who is very involved in these issues is a woman from St Catharines. She sits on the mayor's advisory committee on accessibility for the city of St Catharines. She said, "A lot of us will be dead in 20 years—most of us will be dead. We can't wait 20 years. It's better than nothing, that's for sure. But to phase it in over 20 years—we need some real action now." That's a woman named Linda Crabtree, again, who is the co-chair of the mayor's advisory committee on accessibility for the city of St Catharines.

Another thing, actually, that's problematic—I've spoken about it a little already. I'm going to get into

some specific recommendations that, as I said before, Mr Gary Malkowski gave me to be able to have the honour of presenting them tonight during this debate. Really, the government is claiming that all of the standards that deal with such things as aisle widths in buildings and staff training and serving customers—in other words, all of the specifics around the hows, the really detailed stuff around how you train your staff and how you ensure that people are fulfilling the requirements of the legislation—all of these things are not actually laid out in the act. These are things that some committee in the future will establish and bring forward. Again, these standards are something that really should be laid out in the act, because you know what? When they're not, they're much easier to mess with in the future.

Again, those are some of the comments that I've heard. People are concerned that when things are not laid out in legislation, when they're left to be undertaken by these other processes—

Mr Kormos: "Trust us."

Ms Horwath: It does. It becomes an issue of, "Trust us. It'll be fine." You know what? The bottom line is, people in this province are quite aware that the promises that are written on paper like this are really not worth the paper they're written on, because the promises actually don't come to pass, nine times out of 10, in the province of Ontario. That's what we're experiencing with this government, anyway.

It's not even that. It's not even this current government and the promises that they are breaking blatantly, day in and day out. In fact, the other piece of the puzzle, the other problem is, what happens when the next government comes along? How do we make sure that the next government that comes along doesn't erode some of those standards, doesn't change them, doesn't fiddle with them, not in the light of day in this chamber but through the regulations process or through ministerial orders? The bottom line is, if it's not in the act, it's a lot easier to do that. Why? Because the public scrutiny of this forum is not being brought to bear in that kind of a process.

Really, to have the pieces outlined specifically right in the bill is what we need to see to make sure that the legislation that we end up with at the end of the day is going to be legislation that we continue to have over time. For a bill, quite frankly, when it becomes legislation, that's going to take a 20-odd-year time frame to be implemented completely, you can well imagine that if you have another government in four years or so turning around and changing parts of those standards and regulations. Then what happens? Your 20-year timeline is now a 30-year timeline or a 40-year timeline, or never.

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That's something we certainly can't risk when it comes to persons with disabilities in this province because we all know very well that their concerns, their issues, their needs, their rights, have just not been met by the province so far, and we can't see anything put into place that's going to be at risk of being eroded over the short term—or the long term, for that matter.

One of the other issues that isn't quite laid out in the act is the issue around enforcement tools for compliance. Quite frankly, what we need to know is exactly what is going to be in place when it comes to enforcement tools. The bill talks about the minister being able to set fines and to determine the process for the establishment of enforcement tools. Once again, it's another situation where, what if the minister is not inclined to set up the tools, what if the minister is not inclined to put real teeth behind a system of fines for people who are breaching the requirements of the new law?

Obviously these kinds of things we would all hope would be motherhood. We would all hope that every single citizen of this province, every single business in this province, every single employer in this province, every single educator, every single restaurant, every single provider of services or goods would be inclined to do what the law says. But we also know that there are going to be those—not unlike the Premier Fitness people who were going after consumers of fitness memberships in my city, the city of Hamilton. We had a discussion about that earlier today. Quite frankly, there are corporate bad apples. There are people who are going to try to do whatever they can to not come up with the kinds of accommodations that are necessary to ensure that persons living with disabilities are able to access services and goods. So you end up in a situation where leaving that to a ministerial whim is simply not strong enough, it's not good enough and it needs to be put right into the bill.

Some of the other issues that have already been outlined by others come from a list, my understanding is, more or less a wish list, if you will, of what the real obligations should be. Apparently in 1998, the Legislature adopted a resolution talking about what the principles should be, what any new Ontarians with Disabilities Act should embody in terms of principles. I have the original text with me, and I'm going to quote it and then do just a few things to talk about what that means.

"In the opinion of this House, since persons with disabilities in Ontario face systemic barriers in access to employment, services, goods, facilities and accommodation; and since all Ontarians will benefit from the removal of these barriers ... this House resolves that the Ontarians with Disabilities Act should embody the following principles...."

It goes on to lay out 11 or so principles. I have to say, there are several principles that are quite clearly indicated within the bill, and that's a positive thing; there's no doubt about it. It's why many of us around here are saying that it's likely this bill is going to pass at second reading and probably go on to bigger and better things in committee, let's hope, with amendments.

There are some places it falls short, quite frankly. It falls short in a number of the various principles. One of the first is the principle of doing all of this work in as short a time as possible.

I had already quoted the woman from St Catharines who is on the accessibility advisory committee for the mayor. Linda Crabtree quite clearly indicated that there

are many people who think the timelines are inappropriate.

I don't have very much time left and I have a lot more to say. What I am going to do, if you excuse me for a minute, is just grab the piece of paper that fell on the ground, because that's the piece of paper that I was given by Mr Malkowski. He has a lot of personal experience, but is also very well-respected in regard to advocacy work for persons with disabilities. I do have to say I'm quite honoured to have the opportunity to bring these things to your attention. So excuse me for one second. There we go.

Before I go on to that, though, I have to say that many members rose today and talked about some specific individuals in their communities. I have to tell you, coming from the community of Hamilton, representing the downtown area when I was on city council at the time, that was the area that had the largest numbers of units that were set aside for persons with disabilities. I have had the pleasure, the opportunity, to be educated, to be brought along in terms of my understanding of not only the kinds of disabilities that I think we all are faced with most often, which are the obvious, physically apparent disabilities, but also of many, many other people in the community that I used to represent and in fact the community that I represent right now in Hamilton East, large numbers of people with disabilities, whether they're injured workers, whether they are people who had disabilities from the time they were born, whether they were people who acquired disabilities through various kinds of accidents or exposures or different kinds of circumstances in their lives.

The variety of people and the number of people who have sincerely worked with me—whether it was on a municipal non-profit board when I was the chair of that, working on how to get truly accessible units in place, whether it was working with the city of Hamilton to put a system of urban Braille in place, which the city won awards for, to help people who are visually impaired to navigate our city's sidewalks in our downtown, whether it was working with our access and equity committee to talk about how to make our city hall physically more barrier-free, I had many, many opportunities to deal with these issues, and I really look forward to bringing that around to this particular discussion and debate.

Let me go through the quick list here. These are the suggestions that we hope to be raising once again during committee debate. How many are there? Maybe 10. We need to include the following in sections of Bill 118. Again, Mr Gary Malkowski suggests that we actually put this stuff right into the bill. Don't leave it to regs; don't leave it to any other process; don't leave it to a committee. Put it right in the bill.

One: "To train, expand and hire a significant number of pool of skilled accommodation service providers." That means people who are signers. That means people who are real-time captioners, deaf interpreters, interveners for people who are deaf-blind. That means personal care assistants, personal attendants. That's one thing.

The second thing: "To establish standards for quality assurance of accommodation service providers." So it's not good enough to just say that we're going to have these providers of services to assist with accessibility, but rather that these providers of services are specifically required to have qualifications and are required to have specific levels of training, expertise and professionalism.

Number three: "To require the House of leaders to review all private members' bills, resolutions and government bills to ensure accessibility issues have [been] addressed to include accommodation services for persons with disabilities. As well, it should include" the review of "all legislations and regulations with special attention for accessibility issues for persons with disabilities."

So, as we continue our work here, let's use the looking glass of accessibility to make sure that we're reviewing all of our legislation and all of the initiatives we're undertaking to ensure that we're not then perpetuating problems with creation of barriers. If we're not committed to doing that, then we're just committed to going in the wrong direction.

"To require" that we include "budgets for provisions for accommodations for persons with disabilities for MPPs, mayors, town/city councillors, constituency offices, Queen's Park offices, city and town councillors' constituency offices, municipal process and provincial parliamentary procedures, public hearings and consultation meetings." In other words, wherever we're doing the business of government, wherever we're doing the work that needs to be done to move our community forward in whatever way it is, that in every one of those locations, in every one of those forums, in every one of those places, we're making sure that we are making the commitment and building in the required budgets and the required commitments for persons with disabilities in Ontario.

"To review and amend to include accommodation provisions for persons with disabilities for election campaign activities, including offices and election debates as well as for municipal and provincial candidates with disabilities and volunteers with disabilities in Municipal Election Act and Ontario Election Act." So make sure that even our processes for getting people to these places of decision-making, our processes and our places that people who have physical and other types of disabilities are able to access not only as candidates but as volunteers.

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What else? "to include stiff penalty fees, tax incentives and tax breaks for excessive costs of accommodations for persons with disabilities for any size businesses and level of government." Again, this is the stick and the carrot approach. So it's not only a matter of making sure that fines are in place—fines are outlined for those who won't undertake the required accommodations—but also a matter of making sure that we find incentives, whether they be tax breaks or other kinds of incentives, to ensure that businesses, particularly small and medium-sized businesses, are able to accommodate people and make the changes that are necessary.

"To provide funding for low-budget, non-profit organizations and limited-budget municipalities to make services and programs accessible, as well as for accommodation provisions for employees with disabilities." So, again, it's another idea that speaks to the implementation. I know that other members have raised that issue as well, and I know that other members in this debate have talked about not just what it is that we need to do, but how it is that we're going to get there.

Certainly, Mr Malkowski, in his recommendations, is also recognizing that we need to put some serious thought to how we're going to not only encourage but actually fund, particularly the non-profit sector, particularly smaller types of organizations that just don't have it in their budget lines to be able to find the money to make the accommodations that are necessary.

I have to say that I'm a bit disappointed. During my little speech here, my friend from Niagara Centre, Mr Kormos, a great New Democrat and long-time member of this Legislature, wasn't interested. He said to me, "People are going to turn the channel if you're not interesting." He turned the channel and left his seat, but you know what? I know that he listened to every word that I had to say, because he's an excellent supporter and a great New Democrat.

Those are my comments.

The Acting Speaker: Questions and comments?

Mr Berardinetti: I appreciate the comments made by the member from Hamilton East, and I want to assure her, I was paying attention to what she had to say.

I want to go back to the fact that this legislation in front of us today really provides for regulations, which are mechanisms to enforce the new act. This is something that the previous government, the Tory government, did not undertake. I hope that the member from Oak Ridges addresses this when he speaks in his two minutes, because I want to know the answer to why, when they were in government and passed legislation in 2001, no regulations were put into place. The act was put into force, but no regulations.

Today, we bring forward an act which has real teeth, which has regulations, which allows inspectors or directors to go into businesses and other buildings in order to inspect and, if necessary, go forward and issue an order so that that business will comply. I tell the member from Oak Ridges, when he was in government as a cabinet minister, that he had a choice to make at that time, and he could have said around that cabinet table, "Let's put in regulations. Let's give our 2001 legislation some teeth."

It reminds me a little bit of what happened in 1984, when Brian Mulroney said to John Turner, "Sir, you have a choice; you have an option." Mr Turner did not take that option. I wonder why the member from Oak Ridges did not take the proper option at that time and did not do what was right.

This legislation has teeth. It's another promise fulfilled. I know he's going to say, "Another broken promise," but this is another promise fulfilled, such as freezing auto rates, increasing minimum wage, cancelling

the private tax credit, cancelling corporate tax breaks, more money in health care, more money in education, introducing greenbelt legislation, freezing MPP salaries, two cents a litre provided to municipalities, and the list goes on and on.

I hope that in the future I get more opportunities to let the member from Oak Ridges know, and the rest of the Tory party know, that we fulfilled more promises in our first year than they did in eight and a half years.

Mr Klees: What an absolute joke. There isn't a person in Ontario who doesn't know that Premier McGuinty and the entire group of Liberals sitting behind him have broken more promises—they have zero credibility. Not one person in this province doesn't know that Mr Pinocchio, who presents himself as Premier, has undermined the credibility of politicians not only in this province but right across the country.

With regard to what we're supposed to be doing here, I want to compliment the member from Hamilton East for a very informed debate. Obviously, the member has taken the time to understand this legislation. She has challenged the government. It's interesting that the Liberal member took the time to talk about the member from Oak Ridges rather than respond to the very reasoned debate and the challenges that the member from Hamilton East put to him and put to the government to talk about where the implementation mechanisms are, to talk about where the funding is, to talk about what all of the practical recommendations are that Mr Malkowski put forward.

No. This government is afraid to deal with those issues. They're very good at deflecting any criticism. But the people of this province know, because they're watching and they know that the smoke and mirrors being presented by this government in this bill is precisely that. It's one more photo op; it's one more bumper-sticker political attempt on the part of this government. It's unfortunate.

I credit the member from Hamilton East with very reasoned debate and recommendations. Let's see if in fact the government—

The Acting Speaker: Frank, enough.

The Chair recognizes the member from Timmins-James Bay.

Mr Kormos: The breathless member from Timmins-James Bay.

Mr Gilles Bisson (Timmins-James Bay): There we go; not bad. I ran up the stairs and made it within a minute and 30 seconds.

I was in my office watching this particular debate and I must say that I was terribly impressed with the member from Hamilton East.

Ms Horwath: Did you turn the channel?

Mr Bisson: I didn't even turn the channel, can you believe. And I am breathless. I thought I could run up those stairs and I could do it easily.

I thought a couple points needed to be made. First of all, I thought there was a pretty good presentation in regard to saying, "Yes, we need to move forward. Yes,

this is a step in the right direction." And yes, I am breathless—unbelievable. Boy, do we get out of shape when we get older.

Anyway, there is a responsibility on the part of all members, not just opposition, to try to find ways to strengthen this act. Because she's right: There are a number of parts in this particular bill that quite frankly are not going to do the disabled community a lot of good for a long time. Unless the government is prepared to accelerate some of those issues and find ways to lever those things from happening, it's not going to do the disabled community a lot of good real quick.

The other issue is to put the real meat and potatoes to the bill. I think that's a point that needs to be made in this debate. I just had Gary Malkowski in my office for about the last hour talking to me about all those issues.

Mr Kormos: So you weren't watching Andrea Horwath.

Mr Bisson: Gary was there. I was watching her for the last 20 minutes.

But the point I make is that the point Mr Malkowski and others have made is that, yes, this is a step in the right direction—they give the government some credit for doing something that's right—but where is the meat? That's what they're basically saying. They're saying, "There's nothing wrong with taking a good step forward, but you need to make sure that you put in place the real mechanisms and the funding necessary to make sure that these kinds of changes are meaningful to the disabled community."

For government members to get up and say that if the members of the opposition get up and try to strengthen the bill, that's somehow not a good thing, I think is a disservice to the disabled community.

Hon Mr Caplan: It's a pleasure to comment on the speech of the member from Hamilton East. I think everybody in this chamber understands, and the people outside who are watching understand, the nature of debate, the way it goes on in the Legislature. The government proposes legislation. They propose direction. The job of the opposition is to talk about the flaws, about how things can be strengthened, what should be done, and urge actions to happen faster. I've been on the opposition side and I've been on the government side, as have many members.

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One of the things I like to do is read some of the old Hansard debates. In fact, I've got some interesting ones here that deal with Ontarians with disabilities acts: a resolution brought by Marion Boyd back in 1998; a resolution brought by Mr Duncan, the member for Windsor-St Clair, also in 1998; a resolution by Steve Peters, the member for Elgin-Middlesex-London, brought in 1999. They're generally all around this time of year, as a matter of fact. It has a great deal to do with the fact that this is the time we generally mark the international day where we recognize persons with disabilities and we want to bring in meaningful actions.

This act, the Ontarians with disabilities act, moves the yardstick further than anything that has ever happened in this province, and that's something to celebrate. I think we all take the comments the members have made within that light.

I do want to reserve one last comment for the member for Oak Ridges, who made several comments which I think, when he reflects on them, will find that he regrets some of them because they're simply wrong. I would say to the member, if you don't find anything supportable in this bill, why would you support it? Have the courage of your convictions and vote against it. But if you think there is something worthwhile in the bill, you should stand in your place and say so.

Mr Kormos: On a point of order, Mr Speaker: For the deputy House leader to talk about convictions when it's the Speaker of this assembly who is ordering people arrested—

The Acting Speaker: The Chair recognizes the member for Hamilton East in response.

Ms Horwath: It's my pleasure to respond to the comments of the members for Scarborough Southwest, Oak Ridges, Timmins-James Bay and the Minister of Public Infrastructure Renewal and deputy House leader.

I have to say that I really believe there are extremely important pieces to this legislation. I look forward to seeing it pass through second reading and going to committee. I look forward to opening the doors of this Legislature, in whatever way possible, and welcoming in next week people who are activists within the community of persons with disabilities, persons with disabilities themselves and other people who are just going to be really interested to see what we're doing here.

It's appropriate that we came to an agreement around making sure they had a lot of advance notice about the fact that we were going to be having second reading of this bill finish at a particular time. I think we all worked really hard to accommodate them, to make it accessible for them to come in and hear what it is we're doing, to come in and see what it is we're doing, to come in and experience what it is we're doing.

I'm certainly hoping that next week the government is arranging to have a fully accessible opportunity here in the House, that all of the various kinds of interpreters we're going to need are going to be here, so that the people who are coming, the advocates and the activists from the community, are able to hear, see, learn, understand and deal with what we're going to be bringing forward. Quite frankly, if we don't make that an accessible forum next week, then really, we're not doing a very good service to the people we're purporting to be affecting in positive ways with this bill.

So I look forward to seeing all of the interpreters here in the Legislature. I'm looking forward to making sure that every single person who comes to hear this, to see this, to understand this vote next week is going to be welcomed in ways that fit their needs here in this Legislature. I trust that's going to happen and I look forward to that next week.

The Acting Speaker: Are there any other members who wish to participate in the debate? Reply to the parliamentary assistant? No.

The minister has moved second reading of Bill 118. Is it the pleasure of the House that the motion carry? I've heard a no.

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

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it.

A recorded vote being required, it is deferred to December 2 in accordance with the agreement made earlier tonight.

Orders of the day?

Hon Mr Caplan: I move adjournment of the House.

The Acting Speaker: Is it agreed?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Adjournment of the House has been moved and carried. This House stands adjourned until 1:30 pm Monday.

The House adjourned at 2115.

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