



No. 89B

N° 89B

ISSN 1180-2987

Legislative Assembly
of Ontario

First Session, 38th Parliament

Assemblée législative
de l'Ontario

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 22 November 2004

Lundi 22 novembre 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 22 November 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 22 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 18, 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.*

The Acting Speaker (Mr Joseph N. Tascona): Further debate?

Mr Cameron Jackson (Burlington): I'm very pleased to begin debate this evening on this important legislation affecting hundreds of thousands of Ontarians who have disabilities of a very wide range.

I have a fairly strong working knowledge of the contents of this legislation, having drafted the first piece legislation in our province, Bill 125, back in 2001, after consulting with the disability community—I wouldn't say for an extended period of time, because my responsibilities were to meet with the disability community very quickly and develop and draft legislation within an eight-and-a-half-month window.

I'm pleased to say that that was achieved, working directly with the disability community, although I must confess that I didn't take much time at all to speak with the private sector, or even with municipalities for that matter, by virtue of their adamance at the time that they could neither afford nor cope with the costs associated with bringing full accessibility to our province. That's an issue that I think merits being returned to, because the cost of accessibility is something this new bill doesn't address and we need to provide some assurances to the disability community about how we are going to achieve the lofty goals contained in Bill 118.

The short answer, of course, is that if it wasn't going to cost anybody anything, we'd already be doing it. The fact that we're not doing it is not because there is a certain mean-spiritedness or closed-mindedness in this province, but that there are very real costs associated with making this great province of ours fully accessible.

For me, this is an important piece of legislation as well because, as I indicated when the minister tabled the legislation, having grown up in a family with a person with a disability, one gets to see first-hand the challenges they face on a daily basis in all aspects of their life, beginning with acceptance and access to basic programs as children, right through to finding employment, dignity and respect, accommodation and all the subsequent challenges that follow them through adulthood. For all of us in this House to participate in advancing the cause of disabled persons and to acknowledge, in effect, that those with disabilities are differently able and are trying to navigate through the province—through its buildings, its transportation systems and its infrastructure—that is sensitive to the way their abilities are somewhat different from other people's abilities, is essentially the best way to look at the rights of citizens.

1850

I've said on many occasions in this House and elsewhere that Ontario holds within its heart some of the finest legislation and some of the firsts with respect to responding to the needs of those less fortunate. We were the first jurisdiction in North America to create a Human Rights Code. We were the first jurisdiction in North America to publicly abolish slavery. We were the first jurisdiction to have a Human Rights Code developed for its citizens. We have many of these firsts. So it's appropriate that in 2001 we were the first province in Canada to bring in disability legislation. Today, we have an opportunity to take that legislation, move it forward and make it even more effective.

As I indicated, the challenge that was facing me at the outset, when I began work in this area, was that the private sector simply said, "Unless the government is going to pay for it, we're not prepared to respond." Frankly, I have letters and other indications from the Association of Municipalities of Ontario that, "Under no circumstances should you impose a model in this province unless you're prepared to give the money to the municipalities to make them compliant."

When I received that kind of warm welcome as a minister of the crown charged with the responsibility of bringing in the province's first act, it was extremely

disappointing. However, it taught me the first principle of working on these reforms: You must begin with the disability community. You must begin with a model that empowers them, because if we ever attempt to put the disabled community on the same footing as those in positions of authority, they will never be able to move the benchmarks, and negotiated outcomes have never worked anywhere on our continent. So I was always very mindful of the fact that some power that empowered the disability community would allow them to achieve more, in my opinion at the time, than putting them in a room with a round table and saying we should hope that collectively, with all the various special interests at the table, we would come to a mutual agreement, all the while no one ever discussing the issue of who would pay to make the changes that were required.

It occurred to me that the first level of government that didn't have the moral right to say no was, in fact, the government of Ontario, which I was representing at the table with the disability community.

One of the first dichotomies between the new government's Bill 118 and the existing law in the province, Bill 125, is that there are very rigid, prescriptive outcomes required 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. It was built on one basic principle: The government of Ontario was in no position to go lecturing the private sector, the extended public sector or the municipalities on how they should become more accessible when we as a government were not leading by example.

The previous legislation is almost as long as the current minister's bill; about 80% of Bill 125 is contained in Bill 118, the Liberal bill. There is concern that this notion of mandatory compliance and the fast-tracking of compliance by the provincial government is not in the legislation. That causes me some concern. I remember that much of the difficulty I had in developing the legislation was that I had to have some fealty to the notion of accountability, in terms of what it would cost. In fact, in the first year of Bill 125, the associated costs were about \$70 million. So I could at least look into the face of the disability community and say, "That is the commitment. It may not be enough money; clearly, it's not." But I was able, as the minister of the day, to say, "We are spending \$70 million toward a range of things that we're doing to ensure that the province of Ontario begins."

I'm going share with you one little example of why, in my view, this became so important. The day I was given the assignment, the first question I asked of my ministry—the same ministry that my colleague from Hamilton Mountain now has the privilege of serving—was, "How many people in our ministry have a disability?" In other words, I wanted to put a disability lens on the very ministry I had inherited. I didn't want to talk about what happened in the past. I wanted to talk about what we were going to do. There had been some historic-

al reference to the fact that our government had had a stutter start, with a couple of ministers and with legislation that was deemed unacceptable. I'm not here to dispute that; there is some truth to that. But it was given to me to try to move it forward and do better than the past efforts. So the first question I asked of my bureaucrats was, "I want to know how many people who work in our ministry have disabilities."

Now, the first concern I had was that there were very, very few of them. There are reasons for that, which I'm not going to defend. I said, "Well, how many additional bureaucrats have been assigned to work on this file?" They said, "Four." I said, "How many of those are disabled?" They said, "Well, none. You have to appreciate that we have a union contract and the civil service."

So we got somebody from agriculture, who was grading eggs a few weeks before, spirited into the accessibility secretariat—well, it wasn't a secretariat; it was a working unit within the ministry. I hadn't come up with the idea of creating a stand-alone secretariat.

I remember having my first battle with my bureaucrats over this issue. I was aware of a young man who had impeccable credentials, who was doing research work, had done work for the provincial government on a short-term contract, had done work at Mohawk College in Hamilton, in the minister's very own riding. He had jet-tisoned his application for his own disability pension because he believed he had the ability to find employment, and I wanted to support him in that regard.

So the first act I did as minister was to get the attention of my bureaucrats. I said, "If you cannot hire this individual to help us with this project, then we have lost from the beginning." If we lack the ability, even as a government—and this has nothing to do with Liberal, Tory or NDP. Just as a minister, if I can't insist that part of the working team who will meet with the disability community isn't themselves demonstrating they have the ability—and there are lots throughout the government. Are there enough? No.

But here I couldn't even get—so I put my foot down, and all hell broke loose. The Premier's office got involved, and I said, "I'm digging in my heels. You gave me the job to do, and I'm not proceeding unless the following five conditions are met," in terms of access to public meetings with the disability community, access to a group who would give advice, the ability to have these individuals come to Queen's Park and I would pay their expenses to come here as opposed to my running all over the province with brief meetings—and I did a fair bit of that. I travelled to about 12 different cities and met with about 200 individual disabled persons. But I really needed people to come to Queen's Park and speak to their government.

I remember a classic confrontation I had with my bureaucrats, when they said, "Well, have them submit their expenses." And here's the whole point: They just didn't get it. These people are marginalized, with very little income, unless they're self-employed and have been very successful at it—and to be sure, there were several

of those. But the average disabled person who needed to provide input to the government was marginalized.

I said, "Do you have any idea what it would cost to fly here from Thunder Bay?" and they said, "Yeah, about \$700." I said, "That's about what they earn in a whole month. How are they supposed to—"

"Well, can't they put it on their Visa?"

"No. These people don't have any credit."

I remember having a fight. On several occasions—and this is a matter of public record—I had to put their hotel expenses and their travel expenses and their airfare on my ministerial credit card. I did that because it was the only way I could get around the bureaucrats who kept saying, "That's not how it's done." I said, "Well, you'd better learn how to change it, because the disabilities community can never travel." They have to line up their transportation—that's a challenge in itself—they have to get modifications when they fly or take the train, they have to have people to receive them at the other end, and then they have to—and the accommodation was the least of their problems, just paying for it. I remember having that fight. I went ahead and spent the money anyway. I stayed within the budget. But how sad is it that we couldn't even get the bureaucrats to understand that you can't have these people coming in to consult and not pay their expenses in advance or cover them somehow? That was an ongoing battle I had. Frankly, some of that has changed, but I'm still hearing anecdotes.

1900

I wanted to start with this concept of empowerment. "Empowerment" is a word we throw around a whole lot. Empowerment, to me, is giving someone the upper hand, not an equal hand. That's equity, that's fairness, that's a fair shot at it, but it's not empowerment. What I was trying to achieve—and the reason I'm spending time on this is because herein lies the subtlety in the difference of the two legislations. It isn't basically the issue of a time frame, because a time frame was always available to every government. Saying, "In 10 years, we'll do this; in 20 years, we'll do that," isn't the magic of this legislation; it's the road that we take on the way to that. That road has been altered here, with good intention, via the minister. I'm not questioning her motive, but having worked in public policy and having developed models of empowerment in various pieces of legislation that I've constructed over the 20 years I've been here, this is a shift that I have some concerns about.

Like all debates on legislation, it's important for us to put that on the record. It may not change the direction of this legislation, it may not allow the government to embrace the amendments that I will be presenting, but it does put a marker on this journey over the next 20 years to determine whether or not we're achieving those goals in the five-year review and approval modules which are contained in the legislation and as suggested by the minister—five-year modules which were in the legislation that the previous government and I presented. I personally believe we should be more prescriptive in terms of outcomes.

However, I go back to the issue. You can't lecture the private sector to do something that you, the government of Ontario, are not prepared to do. It's something I wouldn't do as a parent, it's something I wouldn't do in legislation. It's just bad public policy.

The big issue in the previous legislation, and one that isn't clear in this new legislation, Bill 118, is the fact that the province of Ontario has to become fully accessible first. In other words, we would develop the standards as a government, guided by our commitment to the disability community, that this is how we would make Ontario more accessible in a whole range of things.

The simple things are getting a ramp into a building, making sure there are assists to individuals who are sightless or who have hearing difficulties to assist them with all manner of additional safety and accessibility features. These are not specific to the building code in Ontario but can be specific to a government that says, "We will provide our services to the citizens of Ontario." We would then have a costing of these initiatives and the time not only to bring in new programs but also to retrofit old buildings and old programs. In my view, that was the way in which we should lead by example.

What is of concern to me in this legislation is that we are now putting everybody on the same time frame, and we're putting everyone on the same mutual goal of achieving negotiated standards for accessibility. If I were a member of the disability community, I don't think I'd want to sit down and negotiate it. I think I'd want to be put in an empowered position to say, "Here's the standard which we need to apply"—non-negotiable; this is the standard. This has occurred in the lifetime of this Parliament. This has occurred before in the Legislature, as a government program. Many of you will recall Gary Malkowski, from the great riding of—

Mr Rosario Marchese (Trinity-Spadina): I think it was Don Valley.

Hon Monte Kwinter (Minister of Community Safety and Correctional Services): I think it was East York at the time.

Mr Jackson: Yes, East York, I believe; thank you. The Solicitor General was kind enough to share. I believe it was East York. Gary Malkowski, a wonderful man—

Mr Marchese: Why didn't you help us? York East.

Mr Jackson: OK, do you want to hear about Mr Malkowski, or are we going to argue about his riding?

Interjection.

Mr Jackson: OK. Now, Mr Malkowski brought a fresh, new perspective to this chamber. But as a pre-eminent member of the deaf community, he had come forward to say that he needed his services prepared and presented for him so that he had accessibility. He had a team of signers. The costs associated with that—and this was a rough figure that we knew at the time—was about an additional \$175,000 a year. He didn't take a penalty; none of his other budgets were subtracted, but in order for him to participate meaningfully in the House—and this precedent occurred many times in Canada but had just for the first time occurred here in our chamber with a

member of this House so that he could communicate with everyone.

The second challenge he presented was that he had the right to be notified when bells were ringing, something which we live and die by. You can't come and vote unless you know there's a bell. Because he's deaf, he had a lighting system developed for all of the legislative chamber and for some of the buildings where ministries were, and that lighting system still operates to this day: If a bell is ringing, we also have these globe lights that flash. For those people who have visited the chamber and the bells have started ringing, now you know why that is. The cost of that was close to \$1 million. One building, \$1 million, for, arguably, the only disabled person we had in our chamber. Was there anything wrong with that? Absolutely not. But there was an example where we had a model where the member, who was disabled, was empowered, and the Speaker of the day agreed that those were legitimate expenses in order for him to do his job in this chamber for his constituents who duly elected him. I never quite forgot the important and powerful message that sent. That was that the government had to lead by example, as did the Speaker of the day, and our budgets were adjusted in order to accommodate that member.

So for us to engage in this discussion and this legislation without ever addressing the issue of cost, I think, would be somewhat irresponsible, because—

Interjection.

Mr Jackson: I'll get to that in a moment—I think an empowered model that is prescriptive by nature is, in fact, the way to go. You may not be able to do as much as you'd like over as short a period of time, but the government has to put its money where its mouth is and say that the services we provide as a government—and there's a long list of them—should be accessible and we will pay the cost.

I'm going to use a reference which may be offensive to some, but it is a valid point. That is that we should ask no less of the government to set a standard for accessibility for disabled persons, in a model not too dissimilar from the way in which we provided language rights in this province for francophones. Yes, it was controversial; yes, it was expensive, but it was right. It was right because it was improper for a unilingual francophone to be struggling in a hospital, unable to communicate with anyone in that hospital. This is fundamentally wrong and shouldn't occur in this province. Yet we're not applying that same principle to the empowerment of the disabled community, who need to communicate for their own medical health and well-being, for emergency services and for access to government programs. We seem, for some reason, not to apply that standard.

1910

With a little bit of history—I know my colleague Mr Marchese spoke at length on this bill and talked about employment equity, and he made some very important points and some significant insights into the mind of the governments, past and current, about our level of commitment. But if we look back at those days—and I

recognize a couple of ministers from the government in the House tonight who were around when the NDP, as part of the accord, insisted the government of the day of David Peterson, a minority government, bring in employment equity.

Employment equity treated five identified groups equally: the disability community was identified, aboriginals, francophones, and so on.

Interjection.

Mr Jackson: And women and multicultural. So we've used the policy framework many times in this province with empowerment and prescriptive outcomes as to what must change. In those days, for example, David Peterson didn't ask women, "Well, look, why don't you just go out and negotiate with your employers? We'll give you 20 years to reach a happy medium and then we'll create some group that will ultimately arbitrate between you, the person who wants this dignity, and the employer, who has the upper hand." That's the model, which, in my view, may not get this government to the point it wants to be when they say they would like Ontario to be fully accessible in 20 years. So I've made clear my concerns.

One of the other subtleties I picked up on is that, when the Liberals were in opposition and we were struggling to develop a disabilities act, they always held out the ADA as this shining example. Now, I'm not here tonight to talk about the problems associated with the ADA. What I think is interesting to note is that nowhere have I seen any Liberal or the minister or anybody else reference the ADA. One of the reasons would be that the ADA was very prescriptive. It said, "Within 10 years, all hotels, all transportation has to be accessible to the standards established by the government." That's a prescriptive model to get a regulated outcome.

This act doesn't, in any way, reflect the path or the road taken by legislators in the United States to get to that outcome. It is more of a negotiated outcome with a group of as many as 10 committees, I'm told by the minister's staff. Four of these committees will be asked to come together fairly soon. Those four are in specific areas, such as transportation, services, buildings and employment.

One cannot argue that those aren't four important committees to get started with. However, if you look at the current legislation, Bill 125, it already has some very specific language that is prescriptive for transportation systems in this province. It puts an onus on the government of the day to fund those programs. It says you cannot fund new transportation systems that aren't accessible. It puts those conditions on that. We don't need to negotiate that with the municipality; we merely have to say, "If you're going to get one cent on the dollar for gasoline, and we're going to pump another \$180 million into transit systems, they must be accessible." We don't need to sit down with Toronto's transit. We don't need to sit down with AMO to say, "You know, we could buy two buses that, because they're discounted because they don't buy them in the United States anymore, we could get a real bargain. Let's just get those kind of

buses.” We already have on the statutes their inability to do that.

The same with buildings. Today, government buildings today in the province of Ontario cannot be built, cannot be leased, cannot be renovated, cannot be re-leased—in other words, renew the rent—unless they follow provincial guidelines for accessibility. That was put in there specifically because I had visited a location which was inaccessible and I found out that they were about to renew the lease. I said, “Are you crazy?”

If you’ve got a couple of million dollars of taxpayers’ money that you are giving to a private sector landlord to provide accommodation for any number of government programs, if you say to that landlord, “We’re not renewing our rent here unless you fix the following four items,” they will fix them. Your rent may go up slightly, but they will fix them.

That’s in the legislation that currently operates in the province, and it’s why, on the day that second reading debate started, the minister was quite proud of the fact that since—there’s no mention of it in here and I’m somewhat disappointed, because you didn’t all of a sudden create these guidelines. These have been worked on for over two years. They have been a part of the legislation and the law of this province, that every single minister and every single ministry must report to the Chair of Management Board how much it’s going to cost them to modify their ministries to make them accessible to persons with disabilities. That’s in the legislation.

It’s not going to be in the new legislation. We are now going to be able to negotiate those outcomes.

Hon Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): No, you misunderstood.

Mr Jackson: No, that’s not what your bureaucrats—the minister says that’s not the way she envisages it; well, then we can have an amendment that will clarify that. But the fact is, they indicated they were not 100% sure—and I met with them a week and a half ago—that the current accessibility plans that have to be filed by every ministry will continue to be strictly enforced and upheld.

The proof in that pudding was, we have asked what the costs associated—and I’ll go back to my earlier point that this requires a major investment of dollars by the government of Ontario. I’ve asked the ministry to provide last year’s costing and this year’s costing of the year one and year two accessibility plans filed by each of the ministries.

One of the reasons I’m dwelling on this point is that I think it’s extremely important, because it’s the third principle about the disabled that I think we sometimes forget. They are taxpayers too. They have every right to expect from their government levels of service that may, for some citizens, be more costly—that’s a principle we’ve all had to deal with—but, because they are taxpayers, they too deserve access to some of these services. In effect, it means that the province can’t turn to one group of disabled persons and say, “You know what? We really can’t afford that.” Well, we can afford it, within

reason, but we can afford it. This is something the private sector can’t always say and that municipalities will argue, because they still argue that point, but the government of Ontario really can’t argue that point.

It’s important that we be vigilant within the 10-year time frame to make government services accessible not only in terms of the materials needed—whether it’s access through the Web or in Braille or any number of interpretive services, or whether buildings will be accessible or that we don’t start putting programs into buildings that are inaccessible—but that we modify some of our programs to ensure that access to post-secondary education is improved in this province, which has been a hurdle for far too many young people for such a long period of time.

I’m told by the ministry that they do not have the terms of reference for these new committees, and that’s understandable. But we would like to know how soon and I know the disability community would like to know how soon these guidelines will be ready. When we do go to public hearings with this legislation, this issue will come up, about what the guidelines and the terms of reference for these committees will be. Again, I go back to this notion of empowerment and whether or not you’re leading with empowerment versus negotiated outcomes.

1920

I was reluctant to put persons with disabilities at a table where there were more people from the private sector or from the municipal sector or even the province, frankly. That seems to be roughly describing the way in which these terms of reference and participation and eligibility will occur. But we are talking a tremendous number; there could be at least 10 of these committees.

Just to finish that point about the new barrier-free requirements for provincial government buildings, yes, Bill 125 is working and, yes, we have the requirements. I want to publicly thank the members of the access advisory committee, something that was developed for the first time in Canada in the previous legislation. Those individuals have been doing an extraordinary job. Clearly, the ministry, faced with the legislation, which is prescriptive—they must make their programs and buildings accessible, and we now have the guidelines which they must follow and apply. If that means that the rent in some of the buildings here in Toronto goes up or if the cost to renovate is a little more in London, Ontario, so be it, as that is no less or no more important than, a decade and a half ago, when people engaged in the controversy about making bilingual signage said it was going to bankrupt the province; it didn’t. We can look upon that as a program that allowed for the rights-based access with a prescriptive model.

I want to pay tribute at this point in my comments to the accessibility secretariat, something that is unique in Canada and exists today in this province, to the Accessibility Advisory Council of Ontario. Its first chairman, which is a matter of historical note perhaps more than anything, was Dave Shannon. Dave Shannon had distinguished himself as an individual, as a lawyer, who

was an extraordinary advocate for the disabled up in Thunder Bay. As an interesting footnote for members of the House, he was Lyn McLeod's riding president. I know some people were horrified when I said this was the person I wanted to appoint as the number one person to represent the disability community. I remember telling Premier Harris—he only asked me once, “Cam, is this the best person you could find?” I said, “Premier, this man is the best person I could find in the province.” Frankly, he was so good, the Liberal government—the federal Liberal government, to be accurate—stole him three months later and offered him a job in Ottawa to assist the federal government with what they promised would be some reforms in that area. But I take every occasion I can to thank him for his guidance and his contribution.

From there, the chair became Jeff Adams, who has been in this House on many occasions as a Paralympian and a world-class athlete and is just a tremendous, positive spokesperson for differently abled individuals. The current chair, the vice-chair I had appointed, is Barry McMahon out of Ottawa. He was a real inspiration as he struggled with post-polio syndrome. He had made some extraordinary insights in his fights with national transportation systems, a challenge I know the minister is aware of. Whether you travel by rail or by air, they are federally regulated, and I had a difficult time trying to make the changes in that area. I wish the minister well, and I'd like to help her in that regard, because clearly this is an area that really requires some federal awareness and leadership. Barry McMahon brought some tremendous insights to that.

I'll just put the rest of the names on the record because I think there's, all too frequently, almost a singular interest in only referring to a provincial civil servant by the name of David Lepofsky, who has brought passion and opinion to this file. We don't always agree on every issue. I know that as a lawyer he loves to negotiate and has found support and resonance for that sort of conflict resolution struggle that can occur when dealing with rights and entitlements. I'm not a fan of that. I think the government is capable of far better, that it can be prescriptive, as it has been in the United States and as it has been here in this province with previous legislation. But these are the kinds of individuals whom you don't see in the newspaper or read about but have tirelessly volunteered on the accessibility advisory council in our province.

Jeff Adams, as I mentioned, who was the chair—I'm reading the older list, because these were the founders. These were the people who really rolled up their sleeves and got to work in a prescriptive framework with provincial guidelines for government of Ontario services: Valerie Baker; André Bélanger; Barbara Fowke; Uzma Khan; and Dean La Bute from Windsor. I remember, as if it was yesterday, my meetings in Windsor with Joyce Zuk and Dean La Bute. What a life-altering kind of moment that becomes for those of us in public life when we get to see and experience things somewhat dif-

ferently. It was with the outstanding mayor of the city of Windsor, who has a huge commitment to accessibility. They were miles ahead of everyone. When I emerged from that day-long meeting I became convinced more than ever of the empowerment model and that municipalities can't say no to the disabled if we empower them. Municipalities can say no when they negotiate. In Windsor, we found a mayor, Mike—oh Lord, I should remember. He was just a wonderful gentleman and he was absolutely committed—

Mr Howard Hampton (Kenora-Rainy River): Hurst.

Mr Jackson: Yes; His Worship Michael Hurst.

AMO was saying, “No, we can't afford any of it,” and then I run into these mayors who said, “You know, Cam, it's not all that complicated. Here are ways in which we do it.” Of course, if you're a disabled person, Windsor's one of the best places in the province to be living, because it has made a commitment. They are documenting doctor's offices and codifying those which have to be modified. They were way ahead of all the other municipalities, and I want to credit Dean La Bute for his extraordinary work in that area.

Karen Liberman; Tracy MacCharles; Duncan Read—Duncan Read is well known to most people. He's the past president of the March of Dimes. He is a learned bencher now. Duncan was a huge asset to the drafting of the legislation. It was almost a prerequisite that he serve on the original access advisory committee because of his extraordinary strengths and the perspective of the March of Dimes.

These are the individuals who are part of the history of this province in terms of their commitment to developing an Ontarians with Disabilities Act that was far more prescriptive and kept more of the control in the hands of the actual access advisory committees.

Again, I want to publicly state how much I appreciate that the minister has retained about 80% of the model and the framework and the foundation upon which decisions were being made by the disabled community. If there's any criticism, it's that their composition is now being somewhat watered down in the name of the ability to come in and negotiate outcomes with the private sector and these committees. In my view, the second level of government which doesn't have the right to say, “We can't afford it,” is a municipal government, and they too should be prescriptive in terms of the reforms they create. They have to, in fact, respond to the needs of the disabled community. It's why, in the legislation, we insisted that if you're building a brand new building or substantively retrofitting one, the access advisory committee has to have a sign-off authority to ensure that their access standards are met.

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I remember one that got through before our legislation was in effect, and it was our own hospital, Joseph Brant Memorial Hospital, and here we had legislation that said that all public buildings with public provincial funding had to be compliant with accessibility guidelines. So,

faithfully, a member of our access committee went down to Joseph Brant hospital, which had just spent millions of dollars renovating its front hall and its entrance and part of its emergency, and it wasn't to code for an accessible washroom. The administration came up with the brilliant idea that they would just take the accessibility sign down and move it down the hall where they thought they had one in the old wing. That was their solution, and I was horrified by that, but the problem was that city hall didn't have any authority to look at the hospital renovation. There was some weaknesses in that, but in fact those were guidelines that should have been upheld by the Ministry of Health to say, "You're getting \$55 million or \$56 million, whatever you're getting, to renovate and construct a new wing; it has to be done to the full accessibility standards. That's the law."

So I want to say to the minister that there's nothing preventing you from continuing that prescriptive component of it. You don't necessarily need to bring in a bunch of people to negotiate that with the hospital sector. I think you can say, "That's it." We did it with bilingual signage; we certainly can do it with Braille elevators, or whatever those features are.

I would be hopeful and, if not, be willing to bring in some recommended amendments for the government's consideration, either soon or during the public hearings component.

This notion of "one size fits all": I would hope we'd think outside of that very rigid look at how we would create full accessibility within 20 years. I think it's going to be a lot easier to make the municipal transit system—the city of Hamilton can be fully accessible far faster than you're ever going to get the GO Transit system fully accessible; therefore, they shouldn't be on a 20-year framework. One should be on a 10-year and the other on a 20, perhaps. But I think that's where the leadership needs to come from the government in order to achieve those benchmarks.

The fact that we have accessibility committees in all of our major communities, or we have the requirement for municipalities to consult with persons with accessibility challenges, is an element that must stay in the legislation, and I commend the minister for understanding the importance of that foundation of capacity in the system to guide government at all levels to make reforms.

I would ask the minister that she consider sharing with this House, and during committee hearings, the levels of commitment in financial terms that each of the ministries has committed to in their accessibility plans. As I say, my first-year costing was around \$70 million for the first year of that legislation. They are now posting their second-year plans as of September 30 for each of the ministries—including the Legislative Assembly, I might add—and the plans should specifically say what things are going to be corrected and by what time frame. They should be costed. I did ask the ministry staff if they had an MB20—which, for those who are watching, is basically an application to Management Board for

funding—and the staff was uncertain if there was a draft MBO being prepared at this time to look for additional funding.

I'm hoping, as well, that the minister will comment on what she thinks the multi-year costs are. It will be hard to convince me and many of my colleagues who have served in the Privy Council that you were not able to bring forward this legislation for approval by both Management Board and cabinet without a costing of it. Any elements of that that you would be willing to share with the disability community and the public would be appreciated and would be somewhat insightful as to the true level of commitment.

I have some concern with legislation which continues to support the notion that there is still the opportunity to file appeals of any decisions that are made and file charges with the Human Rights Commission. Under no circumstances would we ever support anything that denied that to someone in our province. On the other hand, you can look at that as saying, "How good can the legislation be if it still envisages a significant amount of activity with the Human Rights Commission?"

We know your bureaucrats have indicated that entrenched in this new legislation is the notion that there will be a defining of undue hardship for exemption in a whole series of cases. I've put on the record that I don't think the government can argue undue hardship if it has a 10-year plan and a plan in which to phase in the changes and the costs associated with its buildings. The principle of needing time is as important as having the budget to do it. This is not, for example, like the issues being raised by my colleague in the NDP about autism services when we know the price tag for that is about \$1 billion. We were somewhat aware of that, which is why we didn't promise it to people.

Mr Hampton: That's where the federal surplus comes in.

Mr Jackson: There will be an opportunity to comment on that, I'm sure.

I just want to make it clear that it's important that even before this legislation finishes second reading, we're talking about exemptions and an undue burden on businesses to be compliant. I am reminded of my colleague Mr Marchese's eloquent and passionate discussion about employment equity. We still don't have employment equity. I'm not here to discuss my party's past with it. He put on the record that the NDP was very committed to that. For them, that is a really important measure of whether the disabled community is going to be able to get full access to employment and not be discriminated against. That is one mechanism. That's a prescriptive way in which governments can address that challenge. There is none of that in this legislation, in terms of achieving certain goals or benchmarks for persons with disabilities in our province.

I find there's a very large element of bureaucracy. Having been a member of the privy council for eight-plus years, if you start giving bureaucrats bigger budgets, boy, do they know how to spend them and, boy, will they keep

you busy and, boy, will they generate paper and, boy, will they have activity. And they'll tell you that what we gave them last year ain't nearly enough to achieve the goals you said we'd have done a year ago. It's a real challenge for us. Regardless of who is the government of the day, it's always been a challenge.

I'm very nervous that we could have upwards of 10 advisory councils setting standards. They're negotiated, and then there's an appeal mechanism. I'm getting a little nervous that this is a tremendous amount of bureaucracy. In any of the work I did, whether it was the victims' office or the Alzheimer's strategy or the elderly, I always tried to limit the amount of bureaucracy. In those circumstances you need accountability and oversight, and that's fine. But if you just hand over the money to the bureaucrats to manage, you're going to run into some difficulty. We have outstanding bureaucrats, but sometimes they do such a good job and are so thorough that they tend to consume time and money at a rate that makes some of us rather impatient for outcomes, and I'm sure the disability community does not want to have that experience.

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I have put on the record the concern that nowhere has the government made any indication of what costs may or may not be associated with this legislation. It's a standard that I was held to under Bill 125, one I was able to respond to. It was a multi-year commitment. So I would like to see this government at least come up with a number, and if they have no money they're investing, at least say that.

I want to be careful, for the record here, that we don't get caught in this whole notion—I know that some of the previous government speakers have talked about this government already starting to invest under their new act, and they refer to the new funds for developmentally disabled persons and accommodation. We need to be a little clear here that this is a commitment that's been going on in this province for 30 years, that there's been some lagging behind in this area and that the previous government made a significant \$650-million commitment.

The new government is honouring part of the multi-year plan. Yes, the government of the day could have cancelled the program. I don't think they intended to, nor would they want to, but it doesn't stop them from suggesting that this is their commitment. This is not an investment in the Ontarians with Disabilities Act. Those are programs that all governments in the past have honoured and upheld, and have worked with that group of disabled persons. But one could reasonably argue that we're already spending billions of dollars on the disabled in health care, education, employment and supports to employment, and assistive devices and supports.

That's not the issue here. The issue is those things they currently do not have as a privilege, a right or a service in the province, and moving forward for reform. That's the issue here. I'm going to raise it today because I'm disappointed that the government chose to approach

it this way. My colleague Mr Prue from the NDP has raised on several occasions an issue which I raised about the government cancelling the retail sales tax rebate for vehicles to transport persons with physical disabilities. This was a really clever move on the part of the government. What they did was add \$10 million to the home and vehicle modification program—absolutely laudable. There's no question; no one in this building is going to argue that that wasn't a smart move. What we objected to was that they cancelled the rebate program and that's where they found the \$10 million.

So we have to be careful that we don't start moving the money around on the disability community. It's important that we say to them that we understand we're going to need to advance their agenda on all fronts. I tell you, there are some very upset families out there. In Mr Prue's case, two months later the family was still looking at the Minister of Finance's Web site, where they were bragging, "You can get the tax rebate." He went out and made a purchase, and now he's told, "Sorry, we made an announcement, and you should know that."

He relied, as a consumer—and frankly, I think the government broke its own law with respect to consumer protection. If that was a private sector company, this government would have forced them to pay every single person in the province sales tax up until the day they removed it from the Web site, because that would have been false advertising. It was an inducement to purchase. The Web site misled the public because somebody in the bureaucracy just neglected to think it was important to check on it.

So I support my colleague Mr Prue in his anxiety with this, and I support him because he's raising this not only on my behalf and my constituents' behalf, but on behalf of citizens across the province who went out to buy, who are required to transport their loved ones for a whole range of services, and can only do so, because in 80% of the communities in this province there aren't disability transit systems that work out perfectly with your family plans or with your doctor's appointments and a whole host of other challenges the disabled have when it comes to accessibility and mobility. So having a family member transport you and having their car modified was important.

To take \$10 million away from one and then say, "Look at us. Aren't we great? We've increased it by \$10 million"—for many in the disability community they were extremely disappointed. I just want to put on the record that it's that kind of activity which cynically doesn't work for our citizens, and we, in opposition, will try to be vigilant to uncover it where it exists.

I think it is important that disabled people have a strengthened Ontarians with Disabilities Act. There's no question. I think for their own dignity, their security, their future and their hope, they need a government that will move forward and be a little more prescriptive in terms of outcomes and not leave a 20-year window to negotiate certain guidelines they hope to achieve that will be negotiated with the private sector. The fact is, if we

are prepared to make the commitment as a government, it should start with the government of the day and it should be imposing much stricter restrictions on itself than waiting 20 years.

The Acting Speaker: Questions and comments?

Mr Marchese: I want to congratulate the member from Burlington for his sincerity on the issue and the work he has done with people with disabilities over the years. It is probably very true that he did a lot more than his caucus ever did or ever wanted to. I have no doubt about that. I wanted to say on the record that I don't doubt his sincerity or the work he has done around this.

But I want him to comment on something. Last week when I debated this issue, a number of Liberals stood up and said, "This is a very historic moment," and they wanted to celebrate the bill because it was such a historical piece that everybody ought to be celebrating. I didn't think it was much of a piece to celebrate, Minister. Not to offend you, but only to deal with your bill.

I said, when we introduced employment equity, that that was bold. That was an ambitious plan that dealt with issues of discrimination against people with disabilities, people of colour, aboriginal people and women. We had Liberals and Tories attacking us. We had communities out there attacking us. We had the business community attacking us. That was historic and bold.

Interjection: That must have felt good.

Mr Marchese: It didn't feel good to be attacked by a whole lot of people, because when you are dealing with issues of equity, it usually hurts you to put it out there on the record and to be bold.

But to put this document out and say, "We will achieve the objectives of this bill in 20 years," is hardly an ambitious plan. Madame Crabtree, I believe was her name, said, "I'm going to be dead in 20 years. This is not going to help me."

It can hardly be historical to say, "We will achieve this, and we will achieve it in 20 years," when you may not be here. The minister may not be here. God willing, you will be.

I ask you, member for Burlington, do you think this is historical?

Hon Mrs Bountrogianni: I'd like to respond to the member for Burlington—

Applause.

Hon Mrs Bountrogianni: Thank you—but before, to Mr Marchese, Madame Crabtree wrote something totally different the next day in the same newspaper.

To respond to the member for Burlington: First of all, I want to make it clear to the people of Ontario that the present ODA will be in place until the new standards are developed, in five years or less. The present ODA did not have any timelines; we do have timelines.

We listened across the province to all groups and we acted. We then went back to all the stakeholder groups, including the disabled community, to vet the plan, and they endorsed it.

We are leading by example. I know the member for Burlington had an important occasion last Thursday, but

last week I did announce that we will be implementing new barrier-free designs that exceed the present building code at all government buildings.

As well, with respect to not being prescriptive enough, what people in the United States told us, ADA and mental health advocates especially, was, "Don't be too prescriptive. Consult and develop standards. Otherwise you will become the litigious society that we are." In fact, in the United States—and you can check this with the American Psychological Association—not one law case, not one human rights tribunal was won by a mental health situation. We did listen to people—actually, the ADA, Britain and Australia—who are leaders. We learned from their example.

1950

With respect to our timelines, Australia has 30 years for one aspect: transportation. We have 20 years for all of it. Britain has no timelines, and the United States had 25 years, but they started 15 years ago. If we had started a decade ago, we would have been halfway there.

We must work with the disabled community to develop these standards and not be prescriptive. That is what they told us. I agree with the member from Burlington, the Accessibility Advisory Council is invaluable, and we will not only include them but give them even more responsibilities.

With respect to the transportation timelines, the transportation stakeholders told us that 10 years is a reasonable timeline, because they replace their fleets every 10 years or less.

With respect to cost, over 20 years, this is less than 1% of capital costs and less than 0.01% of retail sales to make Ontario fully accessible to everyone, regardless of ability or disability.

Mr John O'Toole (Durham): I just want to respond to the work that has been done by the member from Burlington, because I did sit as a member of the committee during the hearings on Bill 125. I know the concessions and compromises that were made by the minister, who had a far further ambition for the bill to increase accessibility for the people of Ontario with those needs.

If I look at the bill here, and I don't want to be cynical, but it has been mentioned, just today, by the Minister of Finance in his update on the budget, that they cancelled the accessibility tax credit. It is a shame that it happened in the same week. I was surprised, actually. It was brought up by Mr Prue, and I have to repeat it, because what signal does it send when we are in the midst of debating Bill 118, the bill to deal with the act respecting the development and implementation of enforcement standards? You look at this—and I remember the outrage during other legislation when we were government—it says here that the Lieutenant Governor in Council "may" establish regulations with respect to accessibility standards, and this "may" make regulations. That's the nature of every piece of legislation where the order in council empowers the minister to make regulations.

I like the part about public participation, because I think of constituents of mine who are persons with special needs but are talented persons. They need accessibility. I've supported Sean Madsen, who is an advocate of the first order, a very intelligent gentleman who has a visual problem. I would encourage the minister to consider him. He's a very eloquent, very competent individual who has a sight problem. He has been an advocate for some time.

When I look at "Participation of council members," it's rather soft here. It says that the minister "may invite" participation.

The Acting Speaker: Thank you. The Chair recognizes the leader of the third party.

Mr Hampton: I want to commend the member for Burlington for his insights. I think all of us recognize that both as minister and before he became minister he spent a great deal of time working on these issues. I think those of us who were in opposition when he was minister and introduced the Ontario Disabilities Act that we have now all recognized at the time that he was probably taking on many members of his own caucus, if not members of his own cabinet, and that what he did achieve was often in spite of some very powerful colleagues in his own government. So we want to commend him for the work that he has done and commend him for his insights and acknowledge his insights.

I too have a specific question for him. My question is more of a general nature, and that is: Does he believe that this legislation has enough, if I may use the expression, muscle in it? It seems to me that a lot of what's here is left up to the discretion of the minister. The minister may do this, may do that, may some day do this, may some day do that. If I may, this sounds like a repetition of McGuinty government promises: "We promise, we promise, we promise." Now they're saying, "We promise that some time in the future we'll promise. We promise that some time in the future we may do something." I want to ask the member for Burlington if, from expertise and his knowledge, this bill really has enough muscle to it.

The Acting Speaker: Response, the member from Burlington.

Mr Jackson: I want to thank the members for Trinity-Spadina, Hamilton Mountain, Durham and Kenora-Rainy River.

In the brief time I have to wrap up, I just want to remind members of this House that, in 1995, all three leaders vying for voters in this province were asked if they would bring in an Ontarians with Disabilities Act. The NDP said they would. The Conservatives, with Mike Harris's signature attached, said he would and he was held to that. At the time, Lyn McLeod did not sign that. That's a matter of historical record.

Over the eight years that we were the government, yes, I think a considerable amount of progress was made in our commitment to persons with disabilities, whether it was expansion of mental health programs, advancing issues related to persons with developmental disabilities or

the work we did in expanding autism support services in our province.

My colleague from Kenora-Rainy River asks if I think there are enough teeth in this. I've put on the record what my concerns are. In an empowerment model you have to allow the disability community to set the guidelines and standards. They will negotiate directly with government. As soon as you put the persons who have to pay at the table, you will not achieve those goals. That's been the model around the world.

The minister used the mental health problems—I'm not going to argue with her—that occurred in the United States. Yes, that's been litigious. We're not getting lawsuits from doctors who now have to make their doctors' offices accessible. I don't think we should negotiate with the doctors. I think we should say, "In the next five years your disabled patients should be able to get into your office or else you move, one or the other." That's the model we were moving toward. What I took to cabinet was 10 years for the province to become fully accessible and all municipalities had 10 years.

The Acting Speaker: Further debate?

Mr Hampton: I'm pleased to take part in this debate. Let me say at the outset what will come as no shock to anyone: New Democrats intend to support this bill, but we think it has a number of major shortcomings. I want to deal with some of those shortcomings because, as we know, there is a process around here. There's a process of first reading, second reading, then to committee and the possibility of amendments, and it is actually possible to improve on what is, at first blush, inadequate.

Let me say that one of the first problems that we see is that 20 years is a long time to wait. Saying to someone, "Well, within 20 years this may be a better situation; within 20 years, we may make progress on these fronts," is an awfully long time to wait in the modern world. At a time when information can move around the globe at the snap of a finger, at a time when countries can go out of existence and new countries can come into existence in the span of two, three or four years, saying to the disabled community that in 20 years they may see progress as a result of this bill is an awfully long time to wait—too long, in our view.

I repeat the comments of my colleague from Trinity-Spadina, who referred to Linda Crabtree, co-chair of the mayor's advisory committee on accessibility for the city of St Catharines, where she said, "In 20 years, I will be gone. We need action now."

Hon Mrs Bountrogianni: The next day she said, "It warms the cockles of my heart."

Mr Hampton: "In 20 years," she said, "I will be gone. We need action now."

2000

A lot of the things the government claims are in the act aren't actually there. For example, standards that deal with very practical things—the width of aisles in buildings, staff training in serving customers with disabilities, large-print menus or adaptive technologies in the workplaces—aren't laid out in the act. The act just says that a

committee will meet to establish these standards. Well, a committee may meet several times. It may discuss the issue several times. It may be a long, long time before you actually see standards.

Efficient enforcement tools that ensure compliance aren't laid out in the act. It just gives the minister the authority to set fines. That, in itself, is not effective enforcement.

Nothing in this act compels meaningful consultation with the disabled on developing standards. The act empowers the minister to establish committees involving persons with disabilities or their representatives, but there is no review to ensure the minister doesn't slack off on this or that the minister doesn't stack these committees with partisans.

The minister also "shall fix terms of reference for each standards development committee," meaning the minister can control the committee from that perspective too, which is to say that what the bill does is give the minister a lot of authority to possibly do this, possibly do that, but it does not say the minister "shall" do this. That's what law is. Law sets down requirements that are above whatever the whim of the day is or however the exercise of discretion may happen. This bill doesn't do that. I think those are real problems. I think they're serious problems.

I want to compare the bill with the 11 principles of the ODA committee. I think we all need to look at that, because the 1998 resolution, which was unanimously adopted by the Legislature, is what any bill should be judged against.

In terms of immediate action upon proclamation, it's worth noting that the sections of the bill that repeal the old Ontarians with Disabilities Act come into force immediately after royal assent, but the rest of the bill that would actually establish the standards is left to be proclaimed at the whim of cabinet. In other words, the move forward, the standards and all those things that will put in place the standards, continues to rest with the whim of cabinet. As I pointed out, law doesn't rest with the whim of cabinet. Law says, "Thou shalt do this. Thou shalt do that," and then it sets out penalties and enforcement mechanisms. This basically says that, at some future date, the cabinet may or may not proclaim these important measures in place.

I want to again go back to the Ontarians with disabilities resolution. It said, "The Ontarians with Disabilities Act's requirements should supersede all other legislation, regulations or policies which either conflict with it, or which provide lesser protections and entitlements to persons with disabilities." Section 3 of the bill states that this is not the case for this bill.

The resolution we dealt with in 1998 says, "The Ontarians with Disabilities Act should require government entities, public premises, companies and organizations to be made fully accessible to all persons with disabilities through the removal of existing barriers and the prevention of the creation of new barriers, within strict time frames to be prescribed in the legislation or

regulations." Well, the bill does promise time frames to be established by regulation. We don't know what those regulations will be, whether they will be truly strict or not, or real guarantees about what they will be at all.

The resolution passed in 1998 said, "The Ontarians with Disabilities Act should require the providers of goods, services and facilities to the public to ensure that their goods, services and facilities are fully usable by persons with disabilities and that they are designed to reasonably accommodate the needs of persons with disabilities. Included among services, goods and facilities, among other things, are all aspects of education, including primary, secondary and post-secondary education, as well as providers of transportation and communication facilities, to the extent that Ontario can regulate these, and public sector providers of information to the public, eg, governments. Providers of these goods, services and facilities should be required to devise and implement detailed plans to remove existing barriers within legislated timetables."

It's true that this government has put out ministry-by-ministry accessibility plans in anticipation of this bill, but a quick look at them shows that they are far from being detailed plans to remove existing barriers within legislated timetables. For example, the Ministry of Training, Colleges and Universities says in its 2003-04 commitment to "review its youth marketing initiative for the recruitment of young people into the Ontario public service, to identify any barriers" has been deferred. I know what "deferred" means: put off.

Let me give you another example. The resolution says, "The Ontarians with Disabilities Act should require public and private sector employers to take proactive steps to achieve barrier-free workplaces within prescribed time limits. Among other things, employers should be required to identify existing barriers which impede persons with disabilities, and then to devise and implement plans for the removal of these barriers, and for the prevention of new barriers in the workplace."

This act may do this, but it may not. It depends upon the regulations, once again. I would think that this is one of those important places where the government should really show its determination, where the government should really say, "This is what we're up to. This is the position we're going to take. Here's our bold statement." What does it say? "These will be determined in regulations, to be determined at some future date."

The resolution that was unanimously approved in this House said, "The Ontarians with Disabilities Act should provide for a prompt and effective process for enforcement. It should not simply incorporate the existing procedures for filing discrimination complaints with the Ontario Human Rights Commission, as these are too slow and cumbersome, and yield inadequate remedies." What does the bill do? It says that it will provide for inspectors hired by the ministry to enforce the law, but I note that almost every ministry of the government is facing a 12% budget cut.

So I'm left to ask, given what we see happening in the Ministry of Labour—not enough inspectors or enforcement officers—the Ministry of the Environment—not enough inspectors, not enough enforcement officers—the Ministry of Health having real difficulty in terms of long-term care, when are we going to see these inspectors? Are we going to see these inspectors? Again, that's left for some future determination.

The resolution that was passed unanimously in this House said, "The Ontarians with Disabilities Act should require the provincial and municipal governments to make it a strict condition of funding any program, or of purchasing any services, goods or facilities, that they be designed to be fully accessible to and usable by persons with disabilities. Any grant or contract which does not so provide is void and unenforceable by the grant recipient or contractor with the government in question." Does the bill provide for this? No, it doesn't provide for that at all.

So these are some key tests set out in the resolution that was unanimously passed by this Legislature in 1998. On all of these examples I have cited here, this bill, this proposed legislation, either doesn't mention or says, "Well, this may be determined some time in the future." Where it does profess to make a definitive statement, in many cases the definitive statement is a half measure; it falls short.

2010

I guess I'm left to ask the question: Why support this bill? Why support this legislation? Why would disability activists in Ontario support this legislation? I think the only answer that can be offered up is this: It is better than the existing legislation. It doesn't meet the standard that was set by the resolution that was passed unanimously in this Legislature in 1998; it doesn't come anywhere near that. Much of what is in this bill is in fact really a promise to do something at a later date, a promise to do something in 2010, a promise to maybe do something by 2015, a promise to perhaps do something in 2020, a promise to perhaps have some of these half measures in place by 2025.

This is not good enough, but I agree that it is better than the existing legislation. It is a step further, a step more than the existing legislation.

Mr Marchese: But is it historic?

Mr Hampton: Is it historic? Is it earth-shaking? Is it a monument? No, it's not, not by any measure. It is incrementalism. It is a baby step forward, perhaps to be followed by other baby steps, or perhaps not to be followed; perhaps to be followed by dithering; perhaps to be followed by delay, by inaction. We'll see that in the next short while. But to say this is a bold step, as the government wants to say, to say that it is historic, that it is earth-shaking, that it is an incredible accomplishment—it is none of those. It is timid, it is mild, it is cautious, it is laden with promises to take future action, but it is not earth-shattering, not earth-shaking, not in any way historic or monumental.

Let me just say in the time remaining that I would be careful about taking promises from this government as

meaning anything concrete. If this government already has a chronic problem—some would say an acute problem—it is its incapacity to live up to its promises, its inability or unwillingness to deliver what it promised to the people in an election and promised again following an election. Yes, the legislation is laden with promises of future action, promises of future process, promises of future enforcement or future compliance, and it is laden with promises that might lead one to believe in future results. But this is coming from a government that already has a dismal record on all those fronts, that even when it does do something isn't clear what it's done.

If I may use an example, the Premier promised, "I will not raise your taxes," and then, when they bring down their budget, they say, "Well, we're not raising taxes. This is a premium, not a tax." The Minister of Finance, when challenged directly, said, "No, no, we thought about raising taxes, but we decided not to raise taxes. This is a health premium." But we saw just a few weeks ago in this Legislature that the Minister of Finance and the Premier are now saying, "No, no, it's not a premium; it's a tax." Of course, we know what this is all about. Several trade unions read their collective agreements and discovered that if there is a health premium, it shall be payable by the employer. So suddenly what was announced as a premium on budget day has become a tax, although on budget day they said it wasn't a tax, and before budget day they said there wouldn't be a tax.

Again, many people have worked hard at this. Many people have sat through endless committees, hearings and processes already. I want to say to all those people who have invested a lot of themselves, their time and energy, be aware that this is a government that has encountered real difficulty, real unwillingness to fulfill their promises. I hope that does not befall this legislation. I hope that the promise to do something five years from now doesn't fall off the table. I hope that the promises to establish something by 10 years from now is not forgotten to some other process. I hope that the promise to achieve certain levels or standards 15 years from now does not fade with the passing of time. But the record of this government so far indicates that that's exactly what happens, that is exactly the result that we've seen so far from this government.

Let me just say in the time remaining that having been in the Legislature for 17 years, I know that a great number of individuals have worked very, very hard on these issues for some time. Many of them took part in the work that the NDP government did in terms of employment equity, which was designed to deal with a number of these issues. Many members of the disability community worked with two Conservative ministers on ODA legislation. People went through not just one process but went through repeated processes in the first go-round and then in the second go-round, and many of those people have come back to work now in terms of this legislation. I simply want to commend those people who have worked so hard and are so committed and passionate on this issue. I hope you are not disappointed.

The Acting Speaker: Questions and comments?

Mr Richard Patten (Ottawa Centre): I have three points to make with regard to the member from Kenora-Rainy River. Number one, a few members referred to Linda Crabtree and a statement she made. I just want to read two little quotes from the article. In part, she said: "I found her introduction of the bill life-affirming when she said, 'Making Ontario truly accessible for the 1.5 million Ontarians with disabilities is a matter of vital importance.'" She goes on to say, "She warmed the cockles of my little advocate's heart," when she proposed this legislation. I just want to put that on the record.

The other thing is, there was an attempt by the opposition to make light of the term "historic." I might refer the member for Kenora-Rainy River to the news release that was put out. It says Ontario Legislature to kick off "historic second reading debate" of proposed new disability accessibility law. Whose news release was it? This was a news release by David Lepofsky who, as you know, is the spokesperson for the ODA committee. So I refer to you that particular piece of legislation.

I believe that the member for Kenora-Rainy River spent perhaps a little bit too much time at the AG's office, sort of becoming very litigious himself and wanting everything to be prescriptive when in fact the very group that he referred to said: "This means that the government should co-operatively work with organizations toward achieving compliance where possible. It should resort to compulsory enforcement only when this has not succeeded." That is from the ODA Committee. I suggest to you that you should have some faith in a process of working with the people who will be affected and benefit from this piece of legislation.

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The Acting Speaker: The Chair recognizes the member from Cambridge.

Mr Gerry Martiniuk (Cambridge): When you stood up, you sort of confused me.

In any event, I was appreciative to hear the words of the leader of the third party in regard to Bill 118. This is the second day of third reading, as I understand it, in regard to this bill, 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.

I think the leader of the third party properly pointed out the great weakness of this bill, even though the title seems to be most encouraging. And the great weakness is the length of time of implementation, which under the bill is basically close to 20 years, subject of course to amendments and further delays in the future.

Well, I believe that is not good enough. Here we are in the 21st century and we're passing a law that, rather than bringing immediate benefits to those with disabilities—access that each of us in this House treats as a normal part of our rights and our accessibility—instead we are asking individuals for a 20-year delay before they can

have the same rights we have. I do not think that is a good idea. I think it is fatal to the veracity of this bill.

Mr Marchese: I congratulate the leader of our party, the member from Kenora-Rainy River, for his comments. He did a great job of discrediting this 20-year implementation plan, simply demystified this Liberal, snail-like process of a 20-year development plan for what it is: certainly not historic and certainly unambitious in terms of what they are trying to do.

I am looking for a comment from our leader with respect to the issue of enforcement, because all of you know that we have had tremendous problems in our constituency offices having to deal with the issue of birth certificates and how long it takes to get a birth certificate. In spite of the fact that the minister of consumer relations says that we fixed the problem, people still have to wait six or eight months to a year to get a birth certificate. And you know why that is happening? It's because this government has a commitment, other than education and health which they claim they fixed or are fixing, that in every other ministry they have to sustain cuts anywhere from 10% to 15% to 20%. Yet the minister says, "We will find money for enforcement to deal with violations having to do with the issues that are contained in Bill 118."

I am skeptical, member from Kenora-Rainy River, that they are going to find money to hire inspectors to enforce Bill 118. So I wanted you to comment on your perceptions, with your discerning ability, to tell us whether you think—with all due respect to the minister—McGuinty is going to find the money to deal with the issues of enforcement.

Hon Mr Kwinter: I'd like to comment on Bill 118, and the member from Kenora-Rainy River. I had—I wouldn't say the good fortune—I guess it's mixed fortune of having to live as a disabled person for probably six to seven months. I had an opportunity to have to walk with two canes; every time I stepped up these stairs it was an effort; every time I stepped down these stairs it was an effort. For those who are watching, I had a hip replacement. While I was in the hospital I was confined to a wheelchair, then to a walker and then to canes. Everywhere I went, I had to confront what was happening as a result of a disability. The good fortune that I had was that I hoped—and it turned out to be true—that I would leave that behind me. But I really have a new appreciation for what a disabled person goes through.

I have been listening with great interest for the last couple of days when this particular bill has been debated, and there is a lot of time being spent on this 20 years, as if nothing is going to happen until this 20th year, and then on the 20th year, everything is going to happen. That isn't the way it works. It's going to take 20 years in some cases to be able to practicably do some of these things. You don't go and rip down a building tomorrow and then replace it the next day, and it's suddenly barrier-free.

I think it's important to understand that this Bill 118 is in many ways historic, because it sets out these timelines

and it sets out what we have to do. Again, as someone who had a disability for some time, I could see what buildings have been modified so they are barrier-free, and I commend those people who did it. But what it does is allow people to understand that there is a timetable, and that is important. I commend the minister for bringing this bill forward.

The Acting Speaker: In response, the Chair recognizes the leader of the third party.

Mr Hampton: I want to thank all members for their comments, and I just want to respond on a couple.

The member for Ottawa Centre read into the record some of the comments in some of the activist organization press releases. Let me say, they are doing everything they can to promote this legislation. I understand that, and I understand why they're doing that. Because it is incrementally better than the legislation that was there beforehand, and having been, shall we say, disappointed on so many other occasions, they will greet with cheers any incremental improvement. I'm not surprised at some of those comments; I'm not surprised at all. They're very hopeful that this is going to lead somewhere. I'm hopeful it's going to lead somewhere.

My comments simply state that if you look at the legislation, there isn't a lot there in terms of setting out dates and timelines; the legislation is mostly process. Your government, so far, doesn't have a very good record on any of those things. You have broken more commitments and promises in the 13 months that you've been here than you have in fact fulfilled. Many of the so-called promises that you've fulfilled are literally the throw-away promises. That's the reality.

My colleague mentions the issue of enforcement. This is an important question. If you reflect upon, for example, the presidency of Ronald Reagan in the United States, Reagan actually passed some of the strong environmental legislation in the United States, but his government never acted to do anything in terms of implementation or enforcement. They ignored those issues altogether. That's an important question to deal with here: What will the implementation be, when will it happen, and what will be the enforcement?

The Acting Speaker: Further debate?

Mr Phil McNeely (Ottawa-Orléans): It seems that the leader for the third party can't take yes for an answer.

I'm pleased to rise tonight to speak in support of Bill 118, the proposed Accessibility for Ontarians with Disabilities Act. About 1.5 million Ontarians have some form of visible or invisible disability: 13% of the population. Our premier has often said that Ontario is stronger when we capitalize on the unique skills and strengths of all its citizens. If 13% of our population has a hard time accessing public and private sector facilities, businesses, services and information, that means we're missing out on a lot of skills and strengths. When it comes to the economy, Ontario is also missing out by not being fully accessible. Ontarians with disabilities have an estimated \$25 billion in annual consumer spending

power. Their full participation in our economy will help Ontario grow.

2030

When the Tories campaigned for election in 1995, they made a commitment to enact strong disability legislation within their first term. What Ontario got, however, was not what the Tories promised. First of all, they didn't pass the Ontarians with Disabilities Act until well into their second term, after relentless pressure from stakeholder groups. During the delay, the government spent billions of dollars on new capital projects without worrying about whether or not those projects would present barriers to people with disabilities. When the legislation was passed, it did not touch the private sector. It did not contain timelines for accessibility accomplishments and lacked crucial enforcement mechanisms to ensure compliance.

As the election approached last year, Premier McGuinty, then the Leader of the Opposition, wrote to the Ontarians with Disabilities Act Committee as follows: "We believe that the Harris-Eves government's Ontarians with Disabilities Act does not even begin to adequately address the needs and the rights of countless Ontarians. We will introduce a strong and effective act."

After our government was elected, in the throne speech of November 20, 2003, we pledged to work with Ontarians with disabilities on meaningful legislation that would allow them to participate fully in building a stronger province.

This is exactly what our government has done, and we haven't wasted much time. As promised, this legislation was delivered within a year of our taking office. In early October, my riding of Ottawa-Orléans had the honour of hosting Minister Bountrogianni at a luncheon to commemorate the announcement of this groundbreaking piece of legislation. It was an interesting opportunity for me and other local politicians to meet and speak to some of the people who will benefit from increased accessibility.

One person I had the opportunity to speak with was Charles Matthews, a well-known accessibility advocate and the president of the group called Disabled and Proud in Ottawa. I know Mr Matthews from my days on Ottawa city council, especially at transportation committee. We might have had 10 items on the agenda at transportation committee; Charles Matthews might speak to seven or eight of them, because he was bringing to us, the councillors sitting around that table, the needs of the people with disabilities, and he did a great job. His commitment to the cause increased accessibility. I would like to take this time to publicly commend him for his service to his city and to the disability community.

Mr Matthews says that the previous Tory legislation and the proposed Accessibility for Ontarians with Disabilities Act are like night and day in terms of the real impact on disabled individuals in our province. Mr Matthews cites the city of Ottawa's O-Train project as one initiative that could be positively affected by the new bill. He says, "This act will automatically set up the

guidelines so we will never have to plead to make anything accessible again. It will have to be done.”

A former resident of my riding who has also been active in the fight for increased accessibility is Giles Warren, who I was honoured to have present at my swearing in as an MPP last year. While driving late one night between Montreal and Quebec City, Mr Warren had to stop to refill his gas tank. He stopped at a self-serve gas station that was not accessible to the disabled. The staff at the station, citing company policy, refused to come out and serve him. Instead, he had to risk running out of gas and find another service station where he could get help. Mr Warren says that that incident marked the beginning of his crusade for greater accessibility for Ontario, a crusade that has included lobbying gas companies to ensure that disabled drivers are not discriminated against at gas stations and participating on accessibility committees for city school boards in Ottawa and Hamilton.

Under the AODA, the concerns of Ontarians with disabilities, like Mr Matthews, Mr Warren and the people they represent, won't be dealt with ad hoc and after the fact; they will be taken into consideration at every phase of the planning process.

Now, what is it supposed to do and how did we determine that? In the first three months of 2004, Minister Bountrogianni and her former PA, Dr Kuldip Kular, held round table meetings and regional public meetings with 246 stakeholders and more than 1,000 participants, respectively. These meetings were fully accessible, so that people with all kinds of disabilities could participate. The overwhelming message from stakeholders and individuals with disabilities is that all Ontarians must have the opportunity to do the things most of us take for granted—ride a bus, go shopping, access education, obtain health care, get a job—without being prevented from doing so by barriers.

The ultimate goal, according to the ODA committee, should be to create a “barrier-free society.” That doesn't just mean putting ramps at building entranceways. We have to end barriers that are technological, bureaucratic, informational and attitudinal, as well as physical. For example, that could mean making sure menus at restaurants and cafés are available in alternate formats like Braille and large print, so that Ontarians with visual impairment can read them. That could also mean putting training programs in place so that retail and service industry staff have the information and tools needed to properly serve individuals with disabilities.

The minister also found a broad consensus that the bill should require clear and mandatory standards leading to measurable outcomes. These standards will set out the measures, policies, practices and other actions that must be taken to prevent and remove barriers.

Under the proposed legislation, the government would establish standards development councils in each industry or sector. Committees would be reflective of the different stakeholders in each sector. Large and small businesses, as well as representatives from the disability

community, would participate on these committees. Each committee would determine the long-term accessibility objectives for that sector and the time frames for achieving them.

If the legislation passes, which we expect it will, we will put these committees in place immediately, with the hope of developing the first new standards by the fall of 2005. The goal is that real results would be achieved every five years or less as we move toward an Ontario that will be fully accessible in 20 years' time. It's just too bad we hadn't started 20 years ago.

The minister also found that stakeholders agreed that any new accessibility legislation would have to have teeth. Over 300,000 public and private organizations could be potentially covered by this bill. We need ways to ensure that these organizations are committing, really committing, to accessibility. The bill provides for enforcement mechanisms that are going to be cost-effective and effective in achieving results. Organizations covered by standards would have to file accessibility reports to confirm their compliance with standards. We would use information technology to ensure these reports are easy to file. The reports would also be made public, to increase accountability. These reports would be followed up with spot inspections and audits to confirm that standards are being met. If they aren't met, the government would have the power to order corrective action. The new bill would establish tough penalties for failing to obey an order or for filing false reports.

Under Bill 118, there will be an incentive program for various kinds of organizations that exceed the mandatory standards. This bill will reward the leaders in Ontario as we move toward full accessibility.

When we enact this legislation, it will make Ontario a leader in the country and the world in terms of accessibility for disabled citizens. It will improve the lives of Charles Matthews and Giles Warren and the people they represent, levelling the playing field so that they can participate fully in all the opportunities our province has to offer. It will make Ontario stronger by capitalizing on everyone's strengths and contributions to our communities. I, for one, strongly urge my colleagues on both sides of the House to support this important bill.

The Acting Speaker: Time for questions and comments. The Chair recognizes the member from Halton.

Mr Ted Chudleigh (Halton): This is, of course, a very important bill in Ontario's history for disabled people, but as the members on this side of the House have pointed out, the bill is lacking in certain areas.

One of the areas in which it lacks that concerns me greatly is the lack of financial contributions, or the need to finance some of the costs being put forward. Whether that comes forward or not in the future, we don't know. The devil will be in the details, I'm sure. But the fact is that those kinds of expenditures can only be financed by the private sector at certain periods of time, can only be financed if the Ontario economy is strong enough to allow those expenditures to take place.

It would be my hope that the government, through regulations on this bill, would put forward regulations that would allow for the treasury of this province to finance the costs of access for disabled people to all public buildings as well. That will be a cost that should not be borne on the backs of the municipalities of this province as they struggle with their own bills and their own finances. The strength of the province will determine what kinds of financial contributions the province can make toward the construction of these access areas. That will depend on how strong this government's financial program is, and to date we have great concern about the strength of that program.

2040

Mr Marchese: I know the member only has two minutes to respond to all the things we have to say, and I wish he had more time. I thought he was going to take the whole 20 minutes, and I didn't quite know why he was rushing through it. But, please, member from Ottawa-Orléans, comment on what I am about to say. I'm reading from the bill, the explanatory note. It says:

"Part III of the bill provides for the establishment of accessibility standards by regulation. The accessibility standards apply to persons and organizations in both the public and private sectors...."

"Each accessibility standard will identify the class of persons or organizations to which it applies. The standard will require those persons and organizations to implement measures, policies or practices or do such things as are specified in the standard in order to identify and remove," blah, blah, blah, and it goes on.

"The bill requires the minister to establish a process for the development of accessibility standards which shall include the establishment of several standards development committees...." I hope some of you are getting the sense of what I'm about to say.

It goes on: "Accessibility reports are required to be filed by the persons and organizations to which an accessibility standard applies with a director for his or her review...."

Speaker, I suspect you get my drift. What I'm reading speaks to standards, needing to talk about standards, whatever those standards will be. My criticism has to do with the fact that no wonder it's going to take 20 years. It's talking about developing standards, meeting with groups to talk about standards, and on and on, for 20 years. When does the bill get to implementation so that people who have disabilities can actually enjoy the fruits of this bill? When?

M. Shafiq Qadri (Etobicoke-Nord): Monsieur le Président, « La présente loi a pour objet de favoriser l'intérêt de tous les Ontariens et Ontariennes en prévoyant:

« a) d'une part, l'élaboration, la mise en œuvre et l'application de normes d'accessibilité en vue de réaliser l'accessibilité pour les personnes handicapées de l'Ontario en ce qui concerne les biens, les services, les installations, l'occupation d'un logement, l'emploi, les

bâtiments, les constructions et les locaux au plus tard le 1^{er} janvier 2005. »

The Accessibility for Ontarians with Disabilities Act, 2004: We often speak in this chamber about enabling legislation, legislation which allows other pieces of legislation to come forth. I view this piece of legislation as enabling legislation for Ontarians, empowering Ontarians with disabilities of a visible as well as an invisible nature, which, you'll appreciate, means both physical and intellectual handicaps. This is an effort to move Ontario to be a more just society. I consider this an exercise in applied humanity, and a progressive government should be proud of such an initiative.

I commend as well the Tory MPP for Burlington, who referred to his own government, somewhat remorsefully I must say, as having a stutter start on this particular file. But we in the government are moving forward to help people with learning disabilities, wheelchair access, accessible buses, ramps, voice commands, well-located button panels, mental health service funding and a long and proud list. That's why I'm proud to support this particular bill, Bill 118.

The Acting Speaker: The Chair recognizes the member from Owen Sound.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Thank you, Mr Speaker. We have to correct that, though. It's Bruce-Grey-Owen Sound. We must get it all in there.

I'm pleased, in the few minutes I have here, to talk about the disability bill. I want to mention that I hope the minister, who is here tonight listening, listens to Cam Jackson because Cam Jackson, the member from Burlington, has been working on this for years. You couldn't find somebody more dedicated to the seniors and the disabled. He works hard on this all the time. That's what he talks about all the time at caucus meetings.

He mentioned that the government has to show by leadership, and leadership is something that we need. Twenty years is a long time. They're talking about that. I know there are a lot of complications and different things that have to happen, but we have to show a lead in this and make sure we don't download onto municipalities. That's something that happens to all governments at Queen's Park. I'm not going to blame just the Liberals for this, but all governments seem to download onto municipalities.

You have to make sure that the money is there. This is why I'm saying that you've got to listen to the opposition on this bill. If you do, then I think we can come up with a bill that we can all support, because it is a bill that is needed. It's been needed for a long time.

As Cam mentioned, we did try. One of the other members mentioned a stutter step. I don't know why they'd call it that, but we had one, and it just wasn't good enough. I'm pleased that this government today has come forward with this. There are some complications, as we've mentioned. As long as they listen to the opposition—

Interjection: There's no money.

Mr Murdoch: Well, there's money. There are all kinds of things, John. As long as the government listens

to all parties involved and does it in a non-partisan way, maybe we could bring to this House a non-partisan bill. That's what we need.

The Acting Speaker: In response, the Chair recognizes the member from Ottawa-Orléans.

Mr McNeely: I wish to thank the members from Halton, Trinity-Spadina, Etobicoke and Bruce-Grey-Owen Sound for their comments. The member for Burlington was praised for the work he did and, considering the people he was working with to bring the legislation forward, I think he should be commended as well. The member for Trinity-Spadina is not here, but they should be welcoming this legislation and they should be supporting this legislation.

We have a minister and a caucus on this side who wish to see this move forward, and it will move forward. It will be good legislation. We will see our accomplishments in five years, in 10 years, in 15 years and in 20 years. We will do what we have to do. We will take Ontario to where we want for the people with disabilities.

I worked with an engineer from R.B. Anderson, Al Peart. He's a neighbour of mine in Orléans. Al had a daughter who was disabled, and one of the things he did was go out and measure projects after they were completed by the roads department, and look at the sidewalks, look at the mailboxes, look at so many issues that were important to disabled people. Even after several years of trying, the city of Ottawa transportation people would still come up with construction that wasn't meeting the standards they should. They weren't safe enough for the disabled.

So I think we all have to work at this. We all have to make a commitment. It's a long-term commitment that will allow private enterprise to adjust. I really look forward to getting on with the legislation, getting on with the implementation and seeing Ontario get to where it should be, treating people with disabilities with the respect they need so they can be full partners in this great province of ours.

The Acting Speaker: The Chair recognizes the member from Halton.

Mr Chudleigh: I thank the member for St Catharines, who is lending his support to my speaking this evening. I appreciate it. The member for St Catharines is a great orator and I feel humbled that he's here to listen to me.

I would like to say at the outset that this is a good bill. It's one that I look forward to supporting. I think most of the members of this House will find some support for it. Of course, every piece of legislation that comes to this House has—excuse me. Were you—

Interjection.

Mr Chudleigh: Oh, I'm sorry, I thought the Speaker was speaking to me.

The Acting Speaker: No, I'm just adjusting the time. I want to make sure we hear you for the full period.

2050

Mr O'Toole: Can he split his time?

Mr Chudleigh: Yes, I may be splitting my time, Mr Speaker.

Mr Marchese: Splitting your time? Don't split your time; don't give anything away.

Mr Chudleigh: I'm getting all kinds of advice here. I'm glad we're in prime time. I suspect our ratings are a little low right now on the TV, but I am sure there is a large contingency of Ontarians who are very interested in this bill and are listening to it.

I would say that no matter what bill is presented in this House from time to time, there are always varying viewpoints. With 103 members in this House, and three parties, there are certainly three different viewpoints for sure. In most legislation that carries interest to all 103 members, there will be 103 different viewpoints. We all express those viewpoints in different ways. The government will express their viewpoints in caucus, I'm sure, strongly and forcefully. Even if that viewpoint isn't carried through into the House, it is expressed in caucus.

It's been disappointing in this session of the Legislature that the government has not taken its time in speaking out on issues in the House. By and large, the last session, the government had 20 minutes to speak, and they filled a little over 10 minutes of that. Throughout this session, there have been very few points in time when the government has spoken the full amount of time. I know as new members just completing their first year, many of the members on the opposite side of the House look forward to standing up and debating the issues in front of the Legislature, and yet they are not fulfilling their time. It's a strange tactic.

I can remember as a new member it was exciting to stand in this hallowed hall, a gorgeous hall, with the wood carvings and the tradition that takes place in this building, something that conjures up respect just walking in the doors. There's a tremendous amount of awe inspired, especially in that first year. It's a wonderful thing when you stand up for your maiden speech and talk for the first time in this House, and it's infectious. You want to continue to do that as often as possible in the future.

If I express some concerns about this bill, I do it from that point of view, that the act itself is a good one and I hope it will go forward. There is no act that ever comes before the House that can't be improved, and from time to time, as bills are reviewed, as bills are opened up, every five years, every 10 years and additions are made, amendments are made, those bills get improved. There is nothing that can't be improved, and this bill is no exception to that.

It's interesting that the purpose of this act is to develop, implement and enforce accessibility standards "in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, occupancy accommodation, employment, buildings, structures and premises on or before January 1, 2025."

The bill requires the minister to establish a process for the development of accessibility standards, which includes the establishment of several standards development committees. Basically, this bill is going to allow the government to create a number of committees that are going to look at setting standards for accessibility in

Ontario. It's a promise; a promise made, of course, is a debt unpaid. I'm sure this government will—well, there's a good chance this government will fulfill that promise, and they will be setting up these committees. Of course, committees cost money. The government will have to expend a fair amount of money setting up committees. These committees will be set up all across Ontario; there will be a large number of committees, I would expect. They will attract people who are going to talk about various aspects of these committees for some time. There will be a lot of money that is involved with the creation of these committees and the per diems that will be involved with them, and since all of the regulations are not going to be enacted for up to 25 years, these committees will operate for a long period of time.

It disturbs me that there is nothing in this legislation that talks about the financing, about who is going to pay for the accessibility to private buildings or commercial buildings or industrial areas or public buildings that are owned by municipalities. There is nothing in the bill that says who is going to pay for that. In fact, there is going to be far more money spent on committees and per diems than on the actual construction of these facilities. And that is disappointing, because these committees are going to go on for 20, 25 years.

Hon Mrs Bountrogianni: I wish. I wish it was that cheap.

Mr Chudleigh: The minister says, "No, no, that is not right," and I have no doubt the minister believes that. She is an honest person, and an honourable person, as we all are in this House, the minister being particularly honourable. I know she believes that, but when you look at the activities outlined in this bill, I don't see how you can avoid spending huge amounts of money over 25 years on committees and then leave finance out of the bill entirely, so that if you have three steps in front of your store, you are going to have a build a ramp and make everything in your store accessible to people with disabilities.

That's all well and good. A strong, rich province like Ontario should have that regulation. But I am not sure that the independent retailer should be paying for it. I think if society wants something to happen, society should pay for it through its government. That's one of the things that disturbs me about this bill. Municipalities, for instance, might have to pay for their own accessibility. That is kind of like a download. As the member for Bruce-Grey-Owen Sound talked about, all governments download. Certainly our government got a lot of criticism for downloading.

There was an announcement the other day of 1,000 new police officers for Ontario—I see the Solicitor General sitting on the other side of the House—but there was not an accompanying announcement of funds to pay for it or to help pay for it. That would be a type of downloading on to the municipal police forces. That, I'm sure, was disappointing to the municipalities in Ontario.

One of the concerns that we have on this bill is the 20-year phase-in period with standards each and every five

years. As we know in Ontario, there are probably going to be five different governments in place. They may be of the same party, they may be of different parties, but they will all have a kick at the cat, as it were, as these regulations are phased in. So the consistency of that phase-in is a weakness in this bill.

If the bill were stronger in the time frame of how that phase-in process is going to work, it would give less flexibility to future governments to tinker with it, and that would be a good thing. Allowing the flexibility for future governments to tinker would also slow down the process of phasing in these regulations. Even though it is a long way out, I don't find the timeline as difficult to deal with as I do the lack of specifics in the bill to ensure that timeline is not only met, but not changed or tinkered with too much, because all that tinkering will slow it down. The fact there is no money to go with it is also a huge concern.

The bill talks about the accessibility standards "that will identify the class of persons or organizations to which it applies. The standard will require those persons and organizations to implement measures, policies or practices or do such things as are specified in the standard in order to identify and remove, and prevent the erection of barriers for persons with disabilities with respect to goods, services, facilities, employment, accommodation, buildings, structures or premises."

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These are the kinds of things these committees are going to look at. If you can read that government doublespeak, as it were, all the things that the committees are going to look at, you can imagine how a committee is going to deal with all of those things. It's going to take a long time. It's going to be bogged down, and all of those people on those committees are going to have different viewpoints on how best to deal with those areas.

The bill will also require "the minister to establish a process for the development of accessibility standards, which shall include the establishment of several standards development committees." Well, here are some more committees that are going to cost money—money that isn't going to be available for the construction of a barrier-free society, but money nonetheless that is going to flow into the process.

"Accessibility reports are required to be filed by persons or organizations to which an accessibility standard applies with a director for his or her review." Again, there are going to be people in charge of doing this and that, there's going to be a lot of paperwork shuffled around, but there's not going to be any money for making a barrier-free Ontario for disabled people. That's too bad.

There's also part VII of the bill, which I found interesting. It "requires municipalities of at least 10,000 inhabitants to establish or continue an accessibility advisory committee in accordance with section 29." I didn't understand why that population level of 10,000 was established. I'm sure there are disabled people in every community of every size in Ontario, and I should think that each and every one of those communities should be

available for it. Will this bill only apply to communities of 10,000 inhabitants or more, or is it something that is going to apply to each and every Ontarian across the province of Ontario, as it should? That's an important question that perhaps should be answered by the government.

There are a number of people who have given quotes as to their approach to this bill. One of them is Patricia Copeland from Barrie. She says: "The current provincial government has not defined who will pay the cost of retrofitting public facilities. There is no set criteria needed for private sector incentive programs to help private property owners retrofit existing properties.

"In fact, there is no financial plan for this 20-year, phased-in policy proposal currently before our provincial elected representatives for debate. Using tax money to ensure that all citizens have full access to public and private properties is money well spent, but municipal governments are seeing local tax increases climb every year because of provincial downloading."

I agree with Ms Copeland that there is no money in this bill to create this barrier-free access, and that's too bad.

She goes on to say: "In fact, I find it amazing how often government tries to play the game of 'everything that is old is new again' with policy-making. The Liberals are using tested product marketing techniques to sell us all on their version of Bill 125. 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." Perhaps that's what this bill is too: It's just Coke.

Interjection.

Mr Chudleigh: Yes. I too hope there's not; I hope that there's genuine progress on this so that the handicapped in this province can move forward.

One of the things that will make this bill successful as it moves forward, is if the economy of this province continues to be strong. Third World countries don't have the luxury of debating these kinds of regulations, and if they do, they certainly don't have the luxury of enforcing them, as Ontario does, as a strong economy. As we move forward with a strong Ontario economy, that will allow us the luxury of affording to do some of these things that any just society in this world should do for its citizens, particularly its most vulnerable citizens.

Building that strong economy is so important in today's world, especially now that our Canadian dollar is escalating. It's coming close to its more traditional level of 85 cents. There are suggestions that the Canadian dollar may be at par in a year and a half or two years, especially as the Americans continue to try to devalue their dollar. There are economists who suggest that the American dollar has to devalue by about 20% in order to maintain the American economy. Even though they are in tremendous deficit, their deficit and debt, of course, are still rather modest compared to their GDP. But if the Canadian dollar continues to escalate, it is essential that we position our economy and our business environment

to withstand that kind of increase with our major trading partner. I think something in the order of 30% to 35% of our gross domestic product is due to exports to the United States, and even a small decline in those exports creates a huge problem in our economy.

As we move forward in the next year or two or three, we're going to find, with a rising Canadian dollar, more and more pressure being put on our export sales. That could put our economy into a very difficult situation, perhaps even more in Ontario than in the rest of Canada, because our auto industry is very dependent on what happens in our export markets. That can be a very important thing.

I would suggest to you that if our economy tends to weaken, which I believe it will, especially with some of the policies we've seen being put in place that are not business friendly, unfortunately, bills like this, which don't have any money attached to them, will not be able to find that money as our budget process tightens in the years to come. That's why I would like to see something, certainly in regulation if not in the bill itself, that commits the government financially to ensure that these things happen.

There was an interesting article in the Toronto Star on October 13, 2004, by Richard Brennan, who talked about how "Tougher standards will ensure Ontario will be barrier-free for disabled persons in 20 years, Premier Dalton McGuinty said yesterday before legislation on accessibility was introduced at Queen's Park....

"The new standards forcing construction of such things as wheelchair ramps will be phased in after consultations with businesses and the disabled."

That may take some time. The economic decline of Ontario may be already happening by the time that happens.

The minister who introduced the legislation has said there will be tough penalties and fines. I mentioned that there is no mention of finances in the bill. Perhaps I was not correct in that, because there is mention of finances. There are \$50,000 fines for individuals and \$100,000 fines for corporations. Maybe some of that money should be redirected to help people construct those ramps and other accessibilities—elevators and such. It's an important part of the act, and one that I would certainly like to see.

I think it is a very important piece of legislation. A lot of work was done by the member from Burlington in the past, and he certainly deserves a lot of credit for this, as does the minister for bringing forward an excellent piece of legislation. With a few adjustments, I think this could be an even better piece of legislation.

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The Acting Speaker: The Chair recognizes the member from Trinity-Spadina.

Mr Marchese: I just want to say to the people watching that it's 9:08. I didn't say before, "Welcome to this political channel," and I wanted to tell you now. We're still on live. We've got another 20 minutes, so don't go away.

I want to say, so as not to be misunderstood, that New Democrats will support this bill. But I do want to qualify, so people understand, that it's not because Bill 118 is a radical or revolutionary bill but because it is an evolutionary step in the right direction, so it's really hard to oppose it. It really is hard. Listening to what the member for Halton said is very revealing, because if he can support it and Conservatives support it, with some mild criticism of it, this is really taking baby steps.

Remember, the Conservative Party is the voice of business, the instrument of business. We haven't heard one Conservative member say, "This bill is really a worrisome one for business. They really don't like it. They've got problems with it." They haven't said that, which is a further indication that the bill is harmless. In fact, the member from Halton said it doesn't go far enough, which is what New Democrats are saying. Imagine Tories saying the bill doesn't go far enough. If even they can say that, this bill, indeed, is hardly revolutionary, hardly bold, hardly ambitious, but a very modest step in that direction. So how could you oppose it, I suppose.

Mr Khalil Ramal (London-Fanshawe): I'm honoured and glad, as we go toward closing this session, that the opposition is moving slowly toward supporting—fully—our bill.

Mr Marchese: Because it's a bold bill.

Mr Ramal: It's a bold bill. But still, I'm upset about the position of the leader of the third party and the member from Trinity-Spadina not considering this bill an historic step toward eliminating the problems facing people with disabilities in this province.

Mr Marchese: You're sad that we don't consider it historic.

Mr Ramal: I'm sad. Before we finish tonight, you should stand in your place, if you get a chance, and apologize to the ODA committee for your position.

Mr Marchese: I'm going to do my best.

Mr Ramal: I hope so.

Anyway, to go back, I was listening carefully to the member from Burlington, who was a minister of the crown at the time and introduced the ODA Act, 2001. I agree with him: It was a good step back then, and it was courageous.

Mr Marchese: Courageous?

Mr Ramal: Well, back then, because that minister worked hard on it. He worked against the direction of his government, which didn't believe in disabled people as they exist in this province. That's why I consider it an historic step back then.

But that bill had no teeth. That's why our minister and her team worked hard to bring in the AODA Act, 2004, to put teeth in it, to put in regulations and rules to implement it and a mechanism to enforce it.

Laughter.

Mr Ramal: I guess the third party is not taking this issue seriously in this place, as we are working hard to work with the disabled community, the disabled people

in this province, to implement and propose a strong bill. Hopefully, they'll believe in it and support us.

Mr Tim Hudak (Erie-Lincoln): I'm pleased to comment on my colleague the member for Halton's remarks on Bill 118. I enjoyed the one-hour presentation as well by my colleague the member from Burlington, who certainly has done a great deal of research over many years on this particular file.

I'm very pleased that the minister is here listening to debate this evening. I wish the same could be said for the Minister of Municipal Affairs in this afternoon's session, when I was responding to Bill 26. But unfortunately, I did not have the same courtesy the minister is giving us tonight, which we appreciate. The same courtesy was not given by the Minister of Municipal Affairs this afternoon, which is regrettable. The same courtesy was not given by the Minister of Municipal Affairs this afternoon, which is regrettable.

I also remember, when I was responding to first reading of Bill 135, the minister walked out of the House during my remarks. Maybe he's not interested in what opposition members have to say about the legislation. But I do know the minister representing the Hamilton area is here this evening, which we greatly appreciate.

I always enjoy the member for Halton, who speaks with great experience both from the business and the community involvement side. You could hear that in his remarks. He waxed somewhat nostalgic about our time back in 1995, when we had a chance to speak for the first time in the House.

I do find it passing strange that a lot of my colleagues who have been elected for the first time, who seem like very nice folks, rarely, if ever, use up the time they've been allotted, while we on this side find ourselves constrained. We have more to add to these bills and more suggestions. It's very rare that you find a Dalton McGuinty Liberal who's willing to take the total time that he or she is allowed. Maybe we'll have some sort of incentive program or maybe some sort of group approach, where we'll encourage them. When they hit that 10-minute mark—

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): Quality over quantity.

Mr Hudak: Well, I don't know about the quality either, but I'll get to that in another two-minute hit.

Maybe we'll have some sort of program or reward system when they fully reach their 20 minutes.

Mr Jeff Leal (Peterborough): It's a delight for me to take the opportunity to talk about Bill 118. We have a long history in the city of Peterborough of supporting people with disabilities. I see my friend from Burlington is here. I think he would remember meeting with councillor Lois Hart Maxwell when he was doing a tour of Peterborough.

I'll give you some history. Lois and I were elected in the same election in 1985, and she became a member of Peterborough city council representing the Northcrest ward. I know Lois likes to watch the proceedings of the

Legislature, so she may be tuned in this evening at precisely 9:15.

But to give a bit of history about Lois Hart Maxwell, she was an individual who had suffered from polio and had a disability as a result of polio. She became very interested in wanting to bring about changes for the disabled community in the city of Peterborough, so much so that she stood as a candidate in the 1985 municipal election in Peterborough, and she got elected. One of the first things Lois Hart Maxwell set about doing at council after 1985, along with Mayor Sylvia Sutherland, who is still the mayor—she showed dynamic leadership during the flood of July 15, 2004—and the rest of council at that time, was to set up one of the first councils for disabled people in the city of Peterborough.

One of the reasons that was so significant was we actually allocated a budget for the council for disabled people in Peterborough. Through that process, they went through the community and identified public buildings within the city that were not accessible at that time for many citizens in our community. So through Lois's activity and setting aside dedicated money for the disabled—

The Acting Speaker: Thank you. Response?

Mr Chudleigh: I'd like to thank the members from Trinity-Spadina, Peterborough, Erie-Lincoln, and Etobicoke North for their kind comments—

Interjection.

Mr Chudleigh: And the member from Kitchener, too?

Mr Martiniuk: London.

Mr Chudleigh: London. I would like to thank all the members who made kind comments about my—

Interjection: Mazzilli's riding.

Mr Chudleigh: Yes. I don't know if the government knows this, but we always refer to you as the Conservative member whom you defeated. That's your nickname, in case you didn't know. But I would like to—

Hon Mrs Bountrogianni: Trevor Pettit.

Mr Chudleigh: Trevor Pettit, yes. No, we don't refer to you as Trevor. The minister is not referred to as Trevor.

But thank you very much for your comments, and I appreciate the time this bill has had in this Legislature. It's interesting that there's an awful lot of support in this Legislature for this piece of legislation. It could become a bill that is truly a bill of this House if, after second reading, it goes into committee and it has hearings—I'm sure we'll have hearings around Ontario; I believe they're slated—and then we will have the amendments that come before the committee and the final reading. I'm sure there's an opportunity in there to make this truly a non-partisan bill if the government will listen to a few amendments that I think perhaps could make this bill an even stronger piece of legislation.

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With that thought, I look forward to the hearings. I look forward to the participation of the disabled communities and the communities that will be affected by this legislation, as we move forward with this bill.

The Acting Speaker: Further debate? The Chair recognize the member from—let's see here.

Mr Brownell: Stormont-Dundas-Charlottenburgh.

The Acting Speaker: Yes, Stormont-Dundas-Charlottenburgh. Sorry about that.

Mr Brownell: Yes, eastern Ontario. It is a delight tonight to have the opportunity to stand in the House to speak on the second reading of Bill 118. I was not here the other day when Dr Bountrogianni and the member from London-Fanshawe, the parliamentary assistant, got up to speak. But they did a wonderful job here in the House to set the stage for what this bill is all about. I did have the opportunity of watching it on television. I have constituents who watched it on television. My mother, who is disabled, has had a hip and a knee replaced, walks with a cane and struggles to get up the steps, struggles to get around. I know that she watched, and I know that she appreciated the words from these two people.

I know that she would be very proud of me standing here tonight, speaking in support of this bill, saying it is important for Ontario.

Mr Leal: She's a great lady, Mrs Brownell.

Mr Brownell: You bet you. Having raised 12 kids, of course.

Interjection.

Mr Brownell: Right. I also speak here tonight of a few other situations that I have seen. I did see the Minister of Community Safety and Correctional Services in his struggle here in the House. This is what it's all about. He walked those steps, and understood where the disabled were in this province.

I look at the letter that I received not long ago from Nancy in my riding. I hope Nancy is watching tonight. I know my mother is watching, so mother can bring back word to Nancy. Nancy wrote to me not long ago about a new doughnut shop built in my city. I think we probably have more doughnut shops than any other city in Ontario and Canada. Anyway, Nancy wrote to me about a brand new doughnut shop built in the city of Cornwall. She said, in her letter to me, "This is a brand new facility. Why are there not the capabilities built into the structure for those who are disabled in this day and age?" She's absolutely right. In this day and age, today, we should have all those accessibility issues built into the construction. That is in some of the notes I prepared as I had hoped to get a chance to get up here and speak about what Nancy wrote about. Those are the things we have to tackle within the next few years.

I heard a comment in here tonight that it's going to take many years. This is going to unfold in such a way that we will see Ontario totally barrier-free for those who are disabled. I look forward to the day when Nancy and all those others who struggle with their disabilities—and I want to speak for Nancy also, because I remember when I was a young fellow trying to earn some money, I babysat at her house. I babysat Nancy and her brother, who was disabled. I remember the struggles that Brian had in life as his parents tried to overcome the barriers that were there. I know they would be very proud tonight

that I'm taking a few minutes of time here to say that, in my constituency, I have listened. I have understood that it's the same across the province. We've all received these messages. I'm sure that in Peterborough you've received these messages; I'm sure that in Hamilton you've received these messages—

Mr Lorenzo Berardinetti (Scarborough Southwest): Scarborough.

Mr Brownell: —in Scarborough you've received messages that there are these barriers that have to be overcome for the disabled.

I do know that we have a strong tradition in Ontario of fairness for all, and fairness for the disabled is high on our list because they have been struggling for so long to have what the abled have here in our province, and that is accessibility to our restaurants, accessibility to our museum sites. I look at museum sites: I gave up a presidency of 11 years with the Lost Villages Historical Society, where we developed a museum. I think they have about 11 historic buildings at that site. Those dedicated volunteers are working now to make all those historic structures barrier-free, so that everyone can come to the Lost Villages Historical Society museum site and travel into all the buildings and enjoy the history and heritage. I had to bring that up because I'm totally committed to history and heritage in the riding, too.

But those sites have been hidden from opportunity for those who are disabled. It's time to unlock and open up and allow for every Ontarian to have those rights. I think that just follows on the human rights that we have been championing in Canada for so long. Certainly, with our Ontario Human Rights Commission and our codes and whatnot, we really value the disabled. I think with this legislation—and it's wonderful to hear in the House that, although the opposition members have said there are perhaps some flaws, they're going to support it. But it's wonderful that they will stand in the House and commit. Because we have to. It's time long passed for those elected to Parliament and those who stand in this House to say, "Yes, we're in it for all Ontarians."

We've learned a lot from other jurisdictions. We've learned from the States, from the United Kingdom, from

Australia. But do you want to know what? We are building on what we've had here in the past. We can go to these countries and learn, but we've already had acts in the past. We want to build on them; we want to make them stronger. I think this is exactly what the minister has introduced here in the House with Bill 118: giving more opportunity, more value to what this is all about in Ontario, to all Ontarians.

My good friend from Ottawa-Orléans talked about Charles Matthews being a champion for the rights of the disabled in Ottawa. Just about a month and a half ago, I had dialogues on my BlackBerry with Charles Matthews. I had never met him before, but I had somebody in my riding who really needed some help, and he championed and has continued to help out this individual. It was just a few weeks ago that I made a special trip back to Ottawa to city hall, where I met Charles Matthews. The information I learned from Charles Matthews—unbelievable. He indicated at that time the barriers that were there.

I went back to Ottawa when the member from Ottawa-Orléans hosted Dr Bountrogianni in his riding not long ago. It was wonderful to have the expertise, the knowledge and the words that were expressed by Dr Bountrogianni that day at that meeting. It was wonderful, and I know how much it meant to people like Charles Matthews and those others who were there in chairs and those others who continue to champion that cause. This is going to mean a whole lot to those individuals. I just had to mention Mr Matthews. I know that my good friend from Ottawa-Orléans has had a long association with him through his work at city hall in Ottawa. He is doing remarkable work, as are other members from my riding, for the disabled.

I'm delighted to have had this opportunity. I think it's just about that time. Thank you very much.

The Acting Speaker: That's a very astute observation. It being almost 9:30 pm, this House stands adjourned until 1:30 pm tomorrow.

The House adjourned at 2130.

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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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