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**Official Report  
of Debates  
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**Journal  
des débats  
(Hansard)**

**Monday 9 May 2005**

**Lundi 9 mai 2005**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 9 May 2005

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 9 mai 2005

*The House met at 1845.*

ORDERS OF THE DAY

TIME ALLOCATION

ATTRIBUTION DE TEMPS

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to 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, when Bill 118 is next called as a government order, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That there shall be no deferral of the vote allowed pursuant to standing order 28(h); and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to 10 minutes.

**The Acting Speaker (Mr. Michael Prue):** Mr. Duncan has moved government motion number 370.

**Hon. Mr. Duncan:** The McGuinty government has worked very hard to change the atmosphere around this place. We have tried to open up the Legislative Assembly to fuller debate and discussion. I remember eight years of having legislation rammed through with no consideration of the need for debate or public hearings. As a result, I do not take the use of time allocation lightly. So let me express my regret that we have been forced to time-allocate on a bill which will make Ontario one of the most accessible societies in the world.

This is legislation that is needed now. We need to make bold moves now to remove barriers to accessibility. Every Ontarian must have the opportunity to participate in society to their fullest potential, a goal that I am sure all members agree with. This is a bill which should rise above partisan games and theatrics, but it is exactly those games that have led us to this time allocation motion.

I received a copy of a letter from the member from Burlington, and I must say I am extremely troubled by his remarks. He indicates how willing he has been in supporting this legislation and explains why he will be

filibustering this bill. In the letter, the member for Burlington explains, "the PC caucus would support the bill, that we would ensure speedy passage by agreeing to only one day of debate (instead of the customary three days)."

The opposition member is doing us no favour. Third reading debate is the final approval of a bill. It comes after a full debate on the principle of the bill. It comes after dozens of hours of committee hearings. Third reading is the last chance for parties to express their final thoughts on the bill. That is why the majority of government bills receive less than three days of debate on third reading and why most never receive more than three hours. This is especially true for a bill that all parties support. I would be happy to send over to the member the time allocation motion he applied to his Bill 124, a bill which allowed for less time on public hearings, less time on clause-by-clause, and which allowed for only one day of third reading debate, not to mention a bill that was not supported by all members of this House or members of the disabilities community.

The member for Burlington states in his letter that he and his party have pushed for the bill to be debated after the budget is tabled, and he indicates that the Liberal budget will result in funding cuts to programs and services for the disabled community. I would be interested to know how the member could state this. I would very much hope the member is neither speculating about something he knows nothing about nor fearmongering for political gain. This government is pushing this bill forward, as we are committed to the disability community. We are fixing what that government, the Conservative government, didn't do. It was their leader who promised these changes 13 years ago, changes which their leader refused to deliver.

**1850**

Why would we stall this legislation any further? If there is a problem with the budget, deal with it when we debate the budget. The games must stop and we should pass the bill. We have been attempting to get agreement to one night of third reading debate for the past several weeks on a bill that all three parties agree to. We have attempted to ensure this debate so that the community, which needs considerable time to prepare and wants to be here for the vote, can be here. To suggest that it has to come after the budget is in our view false. The debate should proceed and be finished tonight and we should vote and pass this bill, which we have waited some 13 years for in Ontario, since the leaders of all three political parties made their commitment.

I am especially proud to participate in this debate and pay tribute to my colleague Dr. Marie Bountrogianni for her work on this bill. I think this is a signal event. I think this will make Ontario the lead jurisdiction probably in North America, if not the world, when it comes to accessibility, removing barriers, preventing new barriers from starting. It's a remarkable achievement that my colleague was able to bring together disparate numbers of groups to support this bill. I reviewed the transcripts from the hearings and saw all of the various communities that participated, and when I say communities, I mean representatives of the businesses community, representatives of government, representatives of the disabled community, all of whom have applauded this government's bill and all of whom support the bill.

The time to pass it is tonight. The budget on Wednesday, frankly, will have nothing to do with this. It is a spurious, spurious debate. This bill is about process into the future. The Conservatives have never supported an Ontarians with Disabilities Act. This is their last chance to try and prevent it. The member filibustered unnecessarily in committee, dragged out time unnecessarily over the objections of the supporters of this bill, who are apparently from all three caucuses. Tonight is the time to move on it. We want to get the bill passed; we want to get it passed tomorrow. It takes some time—my understanding is that there are quite a number of members of the disability community who want to be here, and it takes them several weeks to plan in order to arrange transportation and so on. So the time to move is now.

I am glad we had full public committee hearings, something the member for Burlington didn't provide on his bill. I am glad we had a full second reading debate, something the member for Burlington didn't provide in his bill. And I am proud to be part of a government that after so long is about to pass sweeping legislation that will make a difference in the lives not only of our disabled friends and relatives, but of all of us, because it will make all our lives better as we more fully integrate those people with disabilities into our society and treat them as equals. I am proud to support this bill and I look forward to having the chance tomorrow afternoon at approximately 3 o'clock—between 3 and 4 o'clock—to vote for the final passage of legislation that is long overdue and that for far too long has been stalled by the Conservative Party of Ontario.

**The Acting Speaker:** Further debate?

**Mr. Robert W. Runciman (Leeds–Grenville):** I appreciate the opportunity. I am opening for the Progressive Conservative caucus this evening not just as the MPP for Leeds–Grenville, but as the House leader for the official opposition.

I certainly appreciate this opportunity, given some of the comments made by the House leader for the government, to try and put on the record some of the realities behind what has happened here and some of the misconceptions with respect to the approach of our party, which have been, I believe, fed by members of the

government and staff who work for members of the government.

It is very disturbing. We hear the House leader talk about a new approach. I believe in most ways he is sincere about that. I work with him on a fairly regular basis and I believe he does want to see this place change and become more effective and efficient in the way it does business. But I think with respect to this particular issue, the straight goods have not been delivered to the people, who very clearly care about this issue. I think most Ontarians care about this, but we know there are many in the disabled community who clearly would wish to see this legislation come to fruition and be passed. There are a number of weaknesses that we have addressed and have attempted to address as the official opposition, but at the end of the day, I think all three parties in this place want the legislation to be successful.

I will touch on a number of things the House leader raised. As an example, he talked about the disability community needing sufficient time to be present for a vote on third reading of this legislation. That was one of the reasons, one of the rationales, he put forward this evening for bringing in time allocation; in effect, closing off debate on this legislation.

The reality is that our party, the Progressive Conservative Party, for at least the last month and even before that, was raising the issue with the government, with the House leader of the government, saying, "Look, we support the legislation and we want to see it go forward, but what we are asking for is one day, and perhaps we would only put up one speaker, and that would be our critic, Mr. Jackson, and we would pass the legislation." But we felt it was critically important to have the third reading occur after the budget was tabled, because there are a significant number of implications that require funding with respect to the content of the legislation.

The legislation itself, in many respects, may not at the end of the day have the impact that we all hope it would have if the monies don't flow to complement the content of the legislation. That's the reality. That is why our party has been very adamant about saying: "Look, the budget is coming down on Wednesday. Call third reading next week, next Monday"—five days later, less than a week later—"Call the legislation then. We will support it, and we will then know whether your actions will match up to the words contained in the legislation, Bill 118." I think that was a very reasonable and responsible request, and one that I think was incumbent upon the official opposition to make, looking at our role in this place.

But what do we get from the government? We get comments like, "We're forced to do this." The reality is, they were not forced to do this. I think we can only raise questions as to why. What is the motivation? Why would they not wait five days to bring this before the House? Why would they not wait five or six short days to give the people the opportunity to fill these galleries and see all three parties in this House support this very meaningful legislation? But no, the House leader talks about playing political games.

What is happening here tonight is a political game. The government simply does not want this legislation to be dealt with after the budget is tabled. I would ask the people in the gallery this evening, why is that? Ask yourselves that question. Why do they not want to wait five days to debate and pass this legislation after the budget is tabled? I think those are serious issues to consider and contemplate, and certainly ones that concerned us as the official opposition. I think we are playing the role we were put in this place to play.

The House leader talked about our critic, Mr. Jackson, the MPP for Burlington, who is our advocate for persons with disabilities. I think there has never been a stronger advocate in the province of Ontario or in this Legislature than the MPP for Burlington. To suggest that he was filibustering in committee, again, is—I'm not going to use unparliamentary language, but it certainly is an inappropriate use of the English language.

The reality is that the MPP from Burlington, our critic with respect to this, was putting forth a significant number of amendments, talking about weaknesses in the legislation, wanting to strengthen it on behalf of the disabled in Ontario. He put forth that case in a very articulate, forceful, aggressive way, which is his wont; that's the trademark of this member when he's advocating on behalf of the disabled of Ontario.

**1900**

The House leader suggested we were filibustering. The reality is that at House leaders we agreed, as the official opposition, to close off clause-by-clause debate. We could have extended that. We had the opportunity to extend that ad nauseam. I will tell you, our critic had a number of other concerns which he had not had the opportunity to put on the record, but because we wanted to see this legislation move forward in a timely way, we agreed to close off debate on clause-by-clause. That's the way we have attempted to co-operate in a very helpful way with respect to the concerns of the disabled community in Ontario and in the interest of getting this legislation to the floor of the assembly and getting it passed in a timely way.

Some of the things that have happened—the executive assistant to the House leader, Maria Papadopoulos, who is a very nice lady and who, if all goes well, is going to add another person to the population of Ontario in the near future—

**Mr. John Wilkinson (Perth–Middlesex):** A Liberal.

**Mr. Runciman:** That's possible; I think it's a strong possibility—she's a very nice person. She sent a letter to David Lepofsky indicating that the reason for the delay on this and the fact that they had to bring in time allocation, or closure, on the debate was the resistance of Mr. Jackson, the MPP for Burlington.

That is regrettable, at the very least. I hope the good folks in the gallery will appreciate the efforts of Mr. Jackson to make sure that every avenue was explored in terms of benefiting your community and that this legislation was the best possible legislation to come before this assembly for passage. Whenever he appears and

makes a case before our caucus, that's been the case he's put forward to us. To suggest that for some political reason he doesn't want this legislation to go forward, he doesn't want the disabilities act to pass, is truly offensive, I think, to members of the Progressive Conservative Party of Ontario, led by John Tory, who support this legislation. Beyond being offensive, I think it damages relationships in this House; it damages relationships in terms of the House leaders of the three parties. I think that most of us are committed to trying to make this place work in a more effective way. Initiatives such as this are truly unfortunate.

I'm going to give up the floor at this point, but I want to indicate that the Progressive Conservative caucus is fully supportive of Bill 118. We have not tried in any way, shape or form to hold up or delay this legislation in terms of passage. What we have tried to do, to the best of our ability as an official opposition, is protect the disabled of Ontario. We've done our best job. That's the case. Those are the true facts.

**The Acting Speaker:** Before calling for further debate, I notice in the members' gallery Mr. Gary Malkowski, who was the MPP for York East in the 35th Parliament. Welcome, Gary.

**Ms. Andrea Horwath (Hamilton East):** It's my pleasure to rise today on third reading debate of this bill, although technically we're debating a different motion, to say how much my caucus, and I personally, support the intent of this bill. It's about time that we started to move in this direction as a province. The community I come from has been doing many things for the past several years to try to make sure that people with disabilities of all kinds are able to more fully engage and participate in community life, whether that be employment, political, social or any kind of thing that many of us take for granted. So we certainly support the thrust of this bill.

We did have some suggestions; we thought there were things that needed to be improved. Later on you'll be hearing from my critic, Rosario Marchese, in that vein, to talk about the things he presented in second reading debate and clause-by-clause, amendments that we thought would make it better, because that is really the goal, particularly with this bill: to make it better and to make it the kind of document that we can all be proud of right here and now and not just at some time in the future.

Nonetheless, I wanted to say that we are supportive, that we do have some issues and some concerns, but overall it's definitely going in the right direction. Nobody in this day and age, or any day and age, really, can argue the very principles of access, the very tenets of equity for people with disabilities or for any people who are part of a civil society. But I have to say that there are some things that I've noticed the bill lacks. We'll go through those in greater detail.

The bill does a lot of good things, but there are some things it doesn't do. It does open up opportunities that haven't existed—which is a shame—but there are some “buts,” if I can say that, about what this bill doesn't do. It does absolutely open up access to buildings, but the

problem is the length of time it takes to get to that place when the private sector is going to be required to have accessible buildings. Mr. Speaker, look around this building. There are still very many aspects, not only of the building but of the way we do business in this place, that are not accessible on an everyday basis. We don't have someone signing every day; we don't have some basic physical requirements for accessibility in this building. It's quite amazing that that's the case. That needs to be a priority. It is a basic reality that you lead by example, and we could be doing a much better job of that, Mr. Speaker, in this very chamber.

Yes, the bill does talk about a barrier-free province, but what about children whose disability is autism? Where is the accessibility and equality for them? The current government is defying a court order to provide IBI treatment for autistic children after age six. That is a disability that the government has an obligation—in fact has been told by the courts that they need to address, and they're not doing so. So yes, the bill is better than no bill at all, but there are some real problems with what is being done on a daily basis around here. Even today in question period we were talking about parents who are required to give up their children because they can't get the treatment their children need for their severe disabilities within their existing family unit; they have to give those children up. Who would force parents to give up their children so they can get the treatment they need to live a full life? That is what's happening in this province today. So there's another place—a practical reality today—where this government needs to move on really making an impact on children and families who are living with disabilities.

Here is a plan or a bill that implies a direct and dramatic improvement for 1.5 million Ontarians with disabilities, but on the other hand, the Minister of Children and Youth Services refuses to obey the law and enter into the special needs agreements that these families require under section 30 of the Child and Family Services Act. Yes, there are good intentions in the bill, and again, Mr. Marchese, my colleague from the riding of Trinity–Spadina, will go through some of the other things more specifically that he saw as amendments that were required in this bill. There are a lot of good intentions in this bill, and a lot of good work that has been done here, but we still have a system that claws back Ontario disability support payments for the poorest families in the province. It's a system that can be changed immediately by this government, and it's not. Just a couple of weeks ago, on April 25, some of the same people we see in the gallery today were here when the Minister of Education refused to continue the funding for the ASL/LSQ curriculum development program, just cut off the funding for curriculum development, in some way saying that our providers of ASL/LSQ services don't need to continue to get enriched development in their curriculum development efforts. That's simply another example of how the bill has the good talk but there are ways that we should be walking the walk, day in and day out in this province.

Opportunities are slipping through our fingers every day. Until we make a commitment to really look through that lens at every single piece of legislation, every single action or inaction that the government takes, we won't get where we want to be anytime soon, and that's for sure.

**1910**

So I have to say congratulations to the activists who are here today from the disability community. They've been pushing and they've been pushing hard, and for good reason. Governments have been moving way too slowly. This definitely is a great victory—no ifs, ands or buts. So, congratulations on that. Without the Ontarians with Disabilities Act Committee, we would not even be at this place right here; we wouldn't see the progress that we've seen with this bill.

Again, I support the bill, of course. Is it a panacea? Definitely not. Are there more things that need to be done, not only legislatively but day in and day out when it comes to opportunities to really make a difference? Yes; many.

I will stop my comments now because I know that our critic from Trinity–Spadina will be speaking to a greater extent to this bill.

**Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration):** This evening I'm speaking as the Minister of Citizenship and Immigration. The AODA falls under that ministry.

I want to begin by welcoming our guests in the galleries as well as in the other rooms in the Legislature—again, which points to the necessity of this bill. There is not an easy way to do ASL here, so we have members of the deaf community and the hard-of-hearing community in other parts of the building, as well as people in wheelchairs, visiting today and listening and watching on TV. I want to welcome all of you and I want to thank you.

I want to begin by acknowledging how significant this moment is and recognizing those who contributed in getting us to this point. First, thank you to all the members of the Legislature for supporting this bill at second reading. I would like to especially thank the members of the Legislature's standing committee on social policy for their hard work. Those members sat through six extensive days of public hearings and an additional five days of clause-by-clause debate—hearings in which they listened to Ontarians because they wanted to know their opinions on how to strengthen this bill. That is an achievement that should not go unrecognized.

I remember the days when I used to sit on committees as an opposition member, and I recall that we never had five days of clause-by-clause debate on any bill. In fact, when Bill 125, the ODA, went to clause-by-clause debate, only one day was set aside.

This time around, we wanted to do things differently. We wanted to ensure that Ontarians were heard. We wanted to ensure that we crafted a strong bill which allows persons with disabilities to live, work and play without facing barriers. The opinions that came out of the

public hearings shaped the amendments that were brought forward. The members on the committee put forward their views during the amendment process and worked collaboratively to make a significant piece of legislation even better.

Ten years ago, a group of 20 Ontarians with disabilities set out to make Ontario barrier-free. This bill is their bill, and passage of this bill will be their success. The Premier promised this legislation during the election. Empowerment for the disabled is his priority, as it was for his father, who was one of the first champions in this Legislature for those with disabilities.

When putting the original version of the bill together, I heard the views of more than 1,000 people who took part in seven regional meetings across the province. I heard the views of 246 stakeholder representatives, who gave lively insights at 14 round tables. I was gratified that our live Webcast for students with disabilities registered 2,000 hits.

This legislation is about empowerment and inclusion. It is about allowing all Ontarians to reach for their dreams. What made eminent sense during the crafting of the bill was to give Ontarians with disabilities access to the levers of power; give them the opportunity to shape the legislation affecting their own future.

I was delighted when we met with Ontarians with disabilities. Despite years of barriers, years of discrimination, they had a gung-ho, pragmatic, positive approach. They didn't ask for the sun and the moon; they asked for fairness; they asked for equality; they asked for the opportunity to contribute more fully to the building of Ontario. They asked to be partners in every aspect of life in Ontario, and they asked to be partners in making this legislation work.

I was very pleased with the approach and attitude of business leaders across Ontario. They didn't shout and protest about the bill. Time and again, when I sat down at the table with business people and Ontarians with disabilities, they just wanted to figure out the best ways to build a more inclusive society. Business people in Ontario understand that by building a province of diversity, inclusion and fairness, we are building a province where people want to live, a province where people want to invest, a province held in high esteem around the globe.

As the Premier said when we introduced the bill, "This is landmark legislation. It will improve access to workplaces and public spaces, employment, customer service, communication and transportation. This bill should make Ontario proud... Every Ontarian benefits when we tap into the potential of each Ontarian."

When I brought forward this bill in October, I made it clear that I was open to suggestions for improvement and the Premier was open to suggestions for improvement. Building a dynamic and inclusive Ontario meant ensuring a dynamic and inclusive process for crafting this legislation. If we were to help ensure the independence, participation and integration of Ontarians with disabilities, we needed to listen to their independent views on the legislation. We needed to ensure their ongoing par-

ticipation in strengthening the bill. We needed to integrate their practical ideas into the final version of the legislation.

The standing committee received a wide range of constructive ideas. There were presentations across the province that were both deeply moving and extremely helpful, messages of hope, stories of resilience, truly inspiring calls for action, presentations from the March of Dimes, the Schizophrenia Society, the Arthritis Society, independent living centres, the Retail Council of Canada, teachers, the Ontario Chamber of Commerce, municipalities, the CNIB, the Paraplegic Association, and a host of other associations, individuals and persons with disabilities. Thank you for your dedication, your determination and your thoughtful advice.

There are 41 amendments to this bill. They flow from the real-life experiences and recommendations made during the committee hearings.

There was near unanimity that the government needed to be made more accountable for the results achieved under the legislation. To that end, the amended bill requires me and my successors to prepare and make public an annual report on the effectiveness of the legislation. There will also be a comprehensive review of the act and regulations after four years, with further reviews every three years after that.

After hearing from Ontarians, the committee recommended that all regulations under the act be published in draft form first. That way, citizens, especially those with disabilities, can have a say in the final wording of the regulations. I think that is an excellent amendment. It builds on the spirit of partnership and inclusion we are all striving to achieve.

While others will comment on a number of the other amendments, there are two in particular that I would like to underscore.

First, the bill now recognizes the history of discrimination against persons with disabilities. That is very important for Ontarians with disabilities. It's very important for all of us. It is the compelling reminder of why we have to keep moving forward. It is the compelling reminder that we must strive daily to build an ever better world.

Secondly, the bill is amended so that it applies to this Legislative Assembly. It is up to this House, it is up to us, as legislators, to lead, and I know that everyone in this chamber wants to do that.

This comprehensive legislation will make Ontario a leader in accessibility for those with disabilities. This bill has a long-term vision. It has an action plan. It has clear rules. It has a precise process for developing standards that are both mandatory and fair. This bill has strong measures for enforcement.

The legislation broadens the definition of "disability" to include invisible as well as visible disabilities, the physical and the non-physical. The legislation recognizes the reality that in the real world, disabilities include learning disabilities, developmental disabilities, depression, and sensory and perceptual disabilities.

**1920**

The bill has a broad approach to the barriers faced by Ontarians with disabilities: visible and invisible barriers, physical and non-physical barriers. This bill will help us knock down those barriers—barriers like requiring someone with dyslexia to fill out a written job application on the spot, barriers like those faced by people with mental health issues, technological barriers, and that biggest barrier of all, the barrier of attitude—by recognizing that public education is key to the success of this legislation and key to the success of an inclusive Ontario.

We are continuing to knock down barriers for women, immigrants, visible minorities, gays and lesbians and aboriginal peoples. With the Accessibility for Ontarians with Disabilities Act, 2005, we will make a tremendous move forward in knocking down barriers for the 1.5 million Ontarians with disabilities, and we will continue to do so.

This bill is vital because it covers both the public and, for the first time, the private sectors, more than 300,000 organizations in all. It is vital because it covers all persons and organizations that provide goods, services, facilities, accommodation or employment. The bill calls for standards and timelines for action in areas that affect people's everyday lives: transit, restaurants, hospitals, schools and retail stores. In the spirit which is giving birth to this legislation, standards will be developed sector by sector, with Ontarians with disabilities as full partners at the table.

This bill will benefit our province enormously: more participation in the workforce by people with disabilities; improved educational opportunities for thousands upon thousands of our children; a higher quality of life for more than a million citizens; and tapping the full potential of every Ontarian.

This bill is fundamental to reaching the full economic, social, cultural and human potential of our province. It is fundamental to embracing and celebrating our common humanity. When we talk about building the future of Ontario, it's not just bricks and mortar. It's the values we share together. It's the principles upon which we choose to act. It's the legacy of decency and generosity and respect for individual dignity that we want to pass on to our children. When this bill passes, Ontario will become the first Canadian jurisdiction to adopt a comprehensive approach to accessibility, covering all spheres of government and business, covering all disabilities and all major aspects of daily life.

As Lillian Morgenthau of Canada's Association for the Fifty-Plus said, "Accessibility for the disabled means independence. It opens up the doors of isolation."

As Sandra Johnston of the county of Simcoe accessibility advisory committee put it, "The proposed Bill 118 ... gives me enormous hope for the future of people with disabilities. If this new bill is passed, independence and freedom will not just be on the minds of those people with disabilities; it will be their reality."

As Dr. Doreen Winkler from the Institute of Doctors in Social Work said: "We commend all three political

parties for their unanimous vote in favour of the bill on second reading. We would encourage all parties to vote similarly at third reading so that the possibility exists this law could be passed unanimously."

What has come through to me most clearly during the past year and a half of consultation and debate on this legislation is the need to change our society's mindset about disabilities. That is certainly the message delivered over and over again to me by young Ontarians, by students with disabilities.

A few days ago, I attended a conference put on by the Hamilton Health Sciences Corp. about acquired brain injuries. It was a symposium on an issue that was extremely important to me long before I entered politics. I met with dedicated health care professionals, family members and people with acquired brain injuries. With all of the highly skilled neurologists, neurosurgeons, occupational therapists, researchers, teachers, nurses, behavioural scientists and school psychologists present, their message to me was the simple but profound message of the conference: inclusion.

Over and over, they made the point that beyond any medical care, the most significant factor for the successful recovery of someone with a brain injury is the need to feel included, the need to feel empowered, the need to exercise the maximum amount of independence. We need to instill in our children an acute awareness of disability issues. We need to make them champions of a truly barrier-free society.

I know that when this Legislative Assembly speaks with one voice on major issues, it sends a message. It sends a message that in Ontario, we are united in wanting to foster the most open, caring and forward-thinking place in the world.

I hope that all members of this House will vote in unison to make Bill 118 into the law of our province.

In saying that, I wish to acknowledge that the members for Burlington and Trinity-Spadina, despite their usual feisty attacks on me and the government, have helped tremendously to move this legislation forward. I'm grateful to them, as I am to the two parliamentary assistants who have worked intensely and intensively with me for the past 18 months on this bill, as I am to the members of my own caucus who have really pushed for this legislation for many years.

I come back, in this final debate, to remarks made by the Premier when we introduced this bill on October 12 of last year:

"I especially want to acknowledge the efforts of the many advocates for people with disabilities.

"Their passion and determination are a testament, I believe, to the desire of Ontarians with disabilities to have the opportunity to fully contribute to life in our province."

Let us move forward together. Let us, with help, give all Ontarians the opportunities to make the most of their lives.

I will now attempt to finish in American sign language.

Full accessibility benefits us all. It is the cornerstone of strong communities and a strong economy. This is a new era for accessibility.

It's harder than it seems.

**Mr. Garfield Dunlop (Simcoe North):** I'm only going to speak for a short period of time. I just want to support what our House leader had said earlier, and that is that although the government House leader, in his comments earlier, mentioned quite openly that he felt that our caucus was trying to delay this legislation, nothing could be further from the truth. What we are really trying to say to the people here and to the people at home is that we believe this final vote should have actually occurred after the budget is delivered on Wednesday of this week. We feel very strongly, as a caucus, that that's a concern. We would hate to think that we would stand here as three caucuses united in supporting this piece of legislation, only to come back here on Wednesday, Thursday or Friday and next week find out that there's no funding available in the 2005-06 provincial budget to actually implement what these folks here are looking for.

So I wanted to assure the folks at home and assure the folks who are in attendance here in the gallery this evening that we, as a caucus, fully support this piece of legislation, but we do want to make sure that there is funding available to start to implement the requirements of this legislation. We think that's very important. That's why we would like to have seen maybe five or six more days before this bill actually had a third reading vote. We didn't think that was too much to ask of the House leader.

With that, I appreciate the opportunity to say a few comments tonight.

**Mr. Rosario Marchese (Trinity-Spadina):** It's a pleasure to speak to this bill. I was in hearings for literally all of the time that we toured around the province with the bill.

I welcome those who are watching this parliamentary channel. It's 7:30, and we're on live, as usual. It's May 9. I know, because tomorrow is May 10.

New Democrats want to say that we have no problem supporting the bill, in spite of the fact that this government has rejected many of the amendments we made. We didn't, in our view, have to have a time allocation motion. We were quite prepared to support the bill without such a motion. One day of debate would do it for us, and we put that on the record. I am not sure that we would have accomplished any more than what we are about to say on this bill.

**1930**

For the record, I do want to talk about some of the suggestions and amendments we made as New Democrats that were, by and large, rejected in spite of the new democracy that reigns here in this assembly. I do say that the bill—and some people spoke to it, but just to give the context—“provides for the establishment of accessibility standards by regulation.” The accessibility standards will be mandatory and will apply to any “persons and organizations in both the public and private sectors”—some-

thing the previous bill by the Conservative government did not do. Employers who deal with the public will be required to meet these standards within a set timeline of 20 years, and I'll briefly speak to that shortly. “The bill requires the minister to establish a process for the development of accessibility standards” and to establish several standards development committees. So that's basically the framework. Others mentioned it, but I thought I would do the same before I speak to some of the issues.

First, I want to say that for a long time we've had a Charter of Rights and Freedoms and the Ontario Human Rights Code in this province, and both ban discrimination because of physical or mental disability in many aspects of life, yet in my opinion and in the opinion of many people with disabilities, they have not been able to successfully and effectively root out the old barriers that impede persons with disabilities and prevent the erection of new barriers. They have not been successful in spite of the laws contained in the Ontario Human Rights Code and the Charter of Rights and Freedoms.

While this bill is an attempt to remove the barriers, I fear that some of these barriers will continue down the line. Given past experience with the charter and the Ontario Human Rights Code, I am fearful that even with this bill there will be many in society who will continue to discriminate.

Discrimination has been the norm in this province, in this country and in the world when it comes to people with disabilities. We know that approximately 15% of people in this country have a disability of one form or another. That's why we wanted the purpose clause of this act to say that it should “achieve a barrier-free Ontario for persons with disabilities through the identification or removal of existing barriers and the prevention of new barriers that prevent persons with disabilities from fully participating in all aspects of life in Ontario.” That is the amendment we moved in the purpose clause, because the purpose clause originally contained in this bill said, “The purpose of this act is to benefit all Ontarians by,” and then it lists all the ways in which it would benefit all Ontarians. People with disabilities and New Democrats argued that this is not to benefit all Ontarians; this is to benefit people with disabilities who have been discriminated against for years and years, and we want to achieve a barrier-free society as it relates to the discrimination against people with disabilities. That's what the bill is all about.

To pretend that it was a bill to benefit all Ontarians was a sham. People with disabilities pointed that out in the hearings, and we pointed it out on a regular basis. In the end the government, in spite of the amendment we moved, moved its own little amendment to try to make it better, and they said, “Recognizing the history of discrimination against persons with disabilities in Ontario, the purpose of this act is to benefit all Ontarians.” They kept the same clause, the same language, except they wanted to add a little line that recognizes, at least, that

there has been a history of discrimination against people with disabilities.

I said in committee that it appears as if they're pasting two thoughts together, keeping the old language and incorporating something new to try to incorporate a New Democratic amendment that reflected many of the points of view presented in the committee. It just didn't seem to sit well together, as if, I argued, they were pasted together. That's what they did. It doesn't say, like most Liberals said when they were in opposition and speaking to Bill 125 introduced by then-Minister Jackson, arguing against the Conservative bill—which was, I must admit, very weak, and we said that—“There is discrimination against people with disabilities. It should remove barriers, and the purpose clause should say that.”

They got into government and they couldn't find the strength to just utter those words like “achieving a barrier-free society.” They just couldn't do it. But at least they found the strength through, I imagine, a great deal of consultation among themselves and presumably consultation with the minister that maybe they should include a line, “We recognize there is a history of discrimination against people with disabilities.” God bless. We accomplished a little bit; not bad. In a Liberal context, it's all you can hope for, really. But it wasn't bad. They recognize that there is a history of discrimination. OK. Dr. Bountrogianni and members of the committee listened, in part. OK. Not bad.

Moving on, the time frame is 20 years. Most of the deputations and delegations that came—I didn't count them, but more or less, give or take, 90% of the deputants—said 20 years is too long. Did the government members listen to that? No. In fact, they argued, “Please, this is a time frame, really. It's nothing more than that. We will accomplish what we will accomplish”—and maybe they will speak to that as well; who knows?—“so don't get caught up in the time frame. It's not a big deal.” Marchese said it was a big deal; 90% of the deputants said it was a big deal. But the Liberal caucus members in that committee said, “No, it's not a big deal.”

If it's about listening to what people are telling you, they didn't listen. They said that 20 years is too long. So Marchese moves a modest amendment: “Let's bring the time frame down to 15 years.” Hardly revolutionary, I would say—five years. The government members, obviously under the direction and possibly duress of who knows whom in the Premier's office, just couldn't agree to that. Five years. We've talking 15 long years to be able to deal with the components of this bill. But don't you fret, because the government says, “You don't gotta worry, because we'll pass it in due course and everybody will be happy.” I argued that 20 years was too long, that surely you can accomplish whatever it is you want to within 15 years—a whole long time. If in 15 years we can't get the business sector to buy into this, we've got a problem on our hands. The 20-year time frame is about saying to business, “Please don't fight us. We're working together on this. Get your act together. You've got a whole heap of time, 20 years, to be able to raise a couple

of dollars that it might take to make buildings accessible,” and so on and so forth.

The 20-year time frame is about making sure that business didn't come out swinging against this government, because that's what that's about. And it's about not doing anything for a whole long time. I argued that we—mostly men; I suspect that women are different than we are. If you give men a time frame of 15 years, they will take 15 years. If you give them a time frame of 20 years, they will take 20. That's the way men are. If the administration was run by women, they might do it earlier; it's possible. I don't know. I'm guessing, based on gender differences. I could be wrong. Men should speak to this—I don't know—and women should speak to this; I don't know. But if you give 20 years—I wager a whole lot on this—the bureaucracy will take 20 years. Governed by men or women, I wager it will take 20 years. It'll be dragged out. Nobody has to worry about the timeline, because nothing will happen.

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**Hon. Mrs. Bountrogianni:** Oh, come on.

**Mr. Marchese:** The minister says “Oh, come on.” She's saying, “Look, I'm going to be here for the next 20 years, and as long as I'm in government, I'm going to make sure it happens.” Well, Dr. Bountrogianni, the minister, may not be here for 20 years. We may have a different government. The bill will be here, but, Minister—

*Interjection.*

**Mr. Marchese:** I might. Remember, Doctor, we introduced employment equity legislation that would benefit people who had traditionally been discriminated against, including women—you're included—people with disabilities, people of colour and aboriginal people. It took the Tories no time to—

**Hon. Mrs. Bountrogianni:** They're not going to get back in.

**Mr. Marchese:** But you don't know that. You do not know this. The Tories could get back into power; you don't know. If God exists, it might not happen; you're right. But we don't know.

So we say, if you've got 20 years, not too much is going to happen. If Dr. Bountrogianni, the minister, is not here, who knows who's going to be in that ministry? The bill might be there, but it may be in this form or some other form, or it may be gone. You don't know. So I said, “Let's shrink this time frame by a measly five years.” If you can't accomplish what you want in 15, we have a big problem. If the minister thinks she's going to accomplish a lot, why couldn't we do it in 15? Why 20?

**Hon. Mrs. Bountrogianni:** We'll accomplish a lot in 15.

**Mr. Marchese:** Ay yi yi. You see the new democracy? The new democracy, the Liberal kind of democracy, says, “We're going to work together; we're going to work differently.” Then you propose something and they say, “No, no, no.” So what does this new democracy mean? If you suggest and argue and make your points and the Liberal caucus says, “No, no, no,” what kind of new democracy do we have here?

They defeated that as well. We're just putting this on the record so that those who watch the parliamentary channel will know.

**Hon. Jim Watson (Minister of Consumer and Business Services):** Who watches the parliamentary channel?

**Mr. Marchese:** Who? Your buddies, I'm sure.

**Hon. Mr. Watson:** And my mother.

**Mr. Marchese:** Your mother probably watches you too, for sure. A whole lot of people watch this parliamentary channel. I know, because when I travel they seem to recognize me here and there from time to time. That's why we need this channel. Otherwise, how would people know who we are and what we say in this place?

The third point: consultations. "At the direction of the minister, the council shall hold public consultations." Marchese argued in committee that the Accessibility Standards Advisory Council should be able to hold hearings on whatever issue they deem to be important. The Liberal members of that committee said, "No, we can't do that. We've wasted so much time and people have been so discriminated against for so long, we can't have more hearings and more consultations." "Oh?" I said. "Well, how's that?" If you've got a 20-year time frame, how could one consultation, two consultations, or three, four or five, slow down this bill?

**Mr. John Yakubski (Renfrew–Nipissing–Pembroke):** It could hold it up.

**Mr. Marchese:** Huh? How could it hold it up? We've got 20 years. If the accessibility standards committee decided to hold maybe one meeting, maybe two, maybe three, surely it wouldn't hold up this bill much, would it, Minister? I could be wrong. I'm just putting out the argument.

I was puzzled, in consternation, from time to time, listening to the arguments of the Liberal committee members, of course under the direction of someone—I can't say the minister. But you see how that works: "At the direction of." Committee members do whatever "at the direction of."

My worry was that if the accessibility standards council wants to meet, they should be able to do so and have to not wait for the minister to say, "OK, you can hold a meeting. Maybe next year you can hold a meeting on this issue or that issue." You understand. You've got to wait for the minister to tell you whether you can do something: whether you can meet, whether you can discuss this or that. Does that sound like the new Liberal democracy that you like, that you support? I don't know. I was puzzled by this new democracy in Ontario, because it seems odd that you've got to wait for the minister to then do something.

There is still time for the Liberals to stand up and defend that argument to the citizens watching, to the people with disabilities. Mind you, people with disabilities have heard it already, because they follow this very carefully, so they know. But for the public watching, I want the Liberal members who were in that committee to make the arguments refuting what I'm saying or just to explain why some of these amendments didn't get passed.

"At the direction of the minister, the council"—the Accessibility Standards Advisory Council—"shall advise the minister on," and then there's a whole heap of things they can advise on. But it's at her direction. Now, she's a good person; that's not the problemo here. She's right: I'm tough, from time to time, on some people here in this place. She's not the problem; I have no problems with this minister. But she may not be in that ministry. You might have another minister and you might have another government.

But that's not the point. In the new democracy in this place, the Accessibility Standards Advisory Council shall advise the minister on matters that the minister directs them to advise her on. That's not the way it should work. It sounds like dumb politics to me. I could be mistaken, but I raise it just so people understand. The standards advisory council should be able to be somewhat independent, a little independent, not have to run to the minister and ask for permission to do such and such. I think they should be given some independence. Correct me at some point, Minister, if I'm wrong, or maybe your parliamentary assistant or others. If they have no independence and they are purely at the mercy of the minister and his or her direction, it is a problemo, as I see it.

We talked as well about appointing inspectors, because we believe this bill is weak on enforcement. In the old bill, before the amendments, there was language that spoke to the idea that inspectors "may" be appointed. Deputants, Marchese and the Tories as well said that you've got to appoint inspectors; you have to say in the language, "They shall be appointed." If you don't say that and leave it to the direction of the minister, where the minister "may" appoint or hire an inspector, it may or may not happen. You understand the language. That's the way it works. If it's not "shall" but "may," it probably won't happen. Given the fiscal situation the government is faced with, they might say, "My goodness, we've got so many inspectors from the city and other provincial areas, we'll just use them, whether or not they have the expertise. There are so many inspectors. Don't you worry." That is what they tried to say earlier on in committee: "There are other inspectors, and we can just ship them off from other responsibilities to do this as well." This takes some expertise. This is a big job.

So in committee, the government members, I'm assuming at the direction of the minister or someone else, introduced language that said they shall hire "one or more inspectors." Listen to this, because you'll grasp the substance: one or more. If you hire one, you are within the spirit of the amendment. Correct? Yes. Cam Jackson and I argued that if they hire just one inspector, that will do to satisfy the amendment that the Liberals introduced.

**Mrs. Carol Mitchell (Huron–Bruce):** You and Cam agreed?

**Mr. Marchese:** Cam and I agreed on this. It's a beautiful thing. I tell you, having the Conservatives in opposition is beautiful, because we agree with each other so often in so many areas, it feels like we've got a brotherhood from time to time. It's really neat. We had

the same experience with the Liberals when they were in opposition.

**Mrs. Mitchell:** Well, that's good. You had something good.

**Mr. Marchese:** It's true. In opposition, so many beautiful things happen. Cam was even more radical on some issues than I was. It flabbergasted me. I was happy, of course. I thought, "I wonder whether Cam got any agreement from his caucus to speak on their behalf." At least he did, and you presume that the caucus was on board. We had a great team, and we beat up the Liberals on a regular basis—for good reasons, obviously, as I am outlining.

#### 1950

On the issue of inspectors, the point is that you can't have enforcement if you don't have inspectors, and you can't have enforcement if you only have one inspector. Through you, Speaker, one inspector won't do. But that's language they passed. That's the Liberal way, you see. When you can't get what you want, not to do anything, then you do something to appear to be doing something. That's just the way they are. God bless them. People like them. When they tell you they're going to do something and then they don't, people still love that. People love to hear balderdash, to hear—what's the word? Clerk, help me with words I can use that are not inappropriate. Throw me a word or two.

**Mr. Dunlop:** Liars.

**Mr. Marchese:** You see, you can't say that. Clerk, you know what I mean. The Liberals made so many promises before the election, and people loved to hear the manipulation of things, the dissembling of things—don't get up, Clerk—the manufacturing of things. People loved to hear that you can increase services and not increase taxes and still balance the budget. People want to believe that, and many people did. That's why they vote for Liberals. Then they get into power, and when we ask questions about the promises, they say, "Well, let me tell you what we did." They always say, "Let me tell you what we did." Then they say, "We've done more than any other government before in the history of this assembly." The Tories used to say that too. Every Tory who used to be there—and Dr. Bountrogianni, the minister, knows this, because she was over here. They used to say, "We've done more than any other government in the history of this place." Now Liberals get there and they say the same thing: "We're doing so much more." We say, "But what about your promises?" and they don't speak about that because it's embarrassing.

But people want to hear promises, even though they know they can't be kept. Before the election, I used to say to people, "Look, the Liberals are"—I can't say it, right? It's almost coming out; it starts with an "I." People love to hear it, and they want to believe it. People are always hopeful, thinking, "Maybe they can do it." But how can they do it? I usually say, "It's 17th-century alchemy," when you turn a metal into gold. It didn't exist then and it doesn't exist now. It can't be done. But people

are so gullible. God bless them. If the Lord is there, God bless them.

**Mr. Yakabuski:** Oh, he's there. You can count on that.

**Mr. Marchese:** I don't know. There's so much discrimination in the world; I don't know.

We got to the appointment of inspectors. They'll hire one and the job is done and that's it. That's the way it's going to be. Then I said, "OK. Why not appoint an accessibility commissioner to monitor"—

**Ms. Horwath:** That's a good idea.

**Mr. Marchese:** Well, they did it with some other bill that we debated the other day. There's a registrar on the reefer madness, the marijuana madness, bill that we debated about two weeks ago. They're going to hire a registrar to monitor what's going on in that field of the reefer madness problem. I said, "If you can do that"—I know. You're wincing in terms of, "What is he talking about?" It's a bill that Monte Kwinter moved the other day. I said, "Look, if you can hire a registrar to deal with issues around grow-ops, grow houses, the marijuana houses, why couldn't you have hired an accessibility commissioner for this bill?" We have an Environmental Commissioner. Why couldn't we have an accessibility commissioner to monitor what the government is doing vis-à-vis Bill 118? With the capable, discerning, intelligent members that we have on the committee, we just didn't get far, with all due respect. But I thought it was a good motion. That was one of the few amendments that, yes, involved some money, but it didn't have to involve a whole lot of money. We were contemplating that it would be one person with some staff, minimal, because you don't have to have a whole bureaucracy. You don't.

**Mr. Yakabuski:** Who blocked it, Rosie?

**Mr. Marchese:** The Liberals.

**Mr. Yakabuski:** The Liberals?

**Mr. Marchese:** Yes. Cam Jackson and I were on the same team. All the Liberal members said, "No, we can't do that."

**Ms. Horwath:** You're kind of demanding.

**Mr. Marchese:** I don't know. I thought it would be good to monitor a field where people with disabilities have been traditionally discriminated against. Wouldn't you want someone to keep an eye on it to make sure of what this bill is doing and what people are doing with respect to it, to make sure that they are abiding by the spirit of the law, that you would hire someone to monitor this bill, and that that would be a good thing? All the Liberals on that committee said no, at the direction, I'm assuming, of someone, and it doesn't have to be the minister in this case. I generally say that it's in the Premier's office. Whenever there is a blockage, it's in the Premier's office. It's not the poor ministers who have to usher in the bill and keep an eye on it; it's the Premier's office. They generally say, "No, we can't afford that. Just go to committee and defend why we can't do it. We can't afford it, but don't say that. Don't go to committee saying that we can't afford it, don't you do that, because

if you do that, then people would say, 'Come on, it's not an issue of money here.'

**Ms. Horwath:** If you tell the truth, then they wouldn't recognize—

**Mr. Marchese:** If you tell the truth, then it would be a problemo, and Liberals are very careful in that regard.

On the issue of accessibility and someone monitoring what we're doing with this bill, all the government members said no to it. I put this for the record, because, in my view, all of the things that I'm talking about would make the bill a little better—maybe not much, but a little.

We talked about education. We moved an amendment that speaks to issues of education, because the minister is big on this, with all due respect, Doctor. I don't mean to put you on the spot, but the minister said that at one of the debates in this place: "The next principle: public education"—

**Hon. Mrs. Bountrogianni:** That's it? You just kind of gloss over that one.

**Mr. Marchese:** Well, no; it's important: "This area is my passion"—and I believe that—"I will use every tool available to help shape a change in attitude, a change in values. Over and over again, people with disabilities have told me that the biggest barrier of all is one of attitude"—I agree—"On this score, I look forward to working closely with every MPP to help foster a true culture of inclusion for people with disabilities."

I agree with that. It was in that spirit that I moved an amendment that basically said, "conducting educational programs and promoting public awareness on the accessibility standards and on the work and progress of the standards development committees." That was my amendment, including another clause, which was, "establishing and overseeing a process to develop and implement all accessibility standards necessary to achieving the purposes of this act."

It was in the spirit of the quote that I read from the minister that I moved an amendment. Why? Because most of the people that came to that committee spoke about the need for public education, the need to educate in order to change the culture of discrimination. If we cannot educate properly and do it in the scheme of an educational system, and do it in a way that was contained in the bill so that it wouldn't be left at the discretion and/or at the direction of the minister and/or the government, if it were so contained, there would be a duty on government to in fact educate. They didn't do it.

We all recognize that education is key to maintaining the spirit of the bill and defending the spirit of what's contained in the bill, that if you want to break down barriers, if you do not educate, it will not happen, and the progress will be slow. I took it on the basis of what the minister said about education being important to her, and I have no doubt that it's important to her. If it was important to the Liberal members on that committee, you would never know it from their attitude, because it was rejected out of hand. There was no discussion about the merits of the amendment, no discussion about, "Oh, yes, how good it would be, but"—for who knows what—"we

can't do it." I was left there wondering, "If the government has an interest in educating, I just don't see it." You translate the spirit of what you want by putting the language into the bill to make it happen. If it's not there, it doesn't happen. I have been here for 15 years, and I know that if it is not contained in the bill, it doesn't happen, because governments move on to do what they've got to do. Ministers move from bill to bill. They don't necessarily have the time to dwell on the same bill over and over again. They move on. Governments move on and they forget about that particular bill.

It doesn't mean some civil servants forget. It doesn't mean some members of provincial Parliament forget. It doesn't even mean the minister forgets. It doesn't mean that at all. It means that we get busy in this place, and we forget education as part of what is vital about any bill if we want people to understand what we are doing, to understand what is contained in the bill, to understand their responsibilities and obligations. If you don't do that, it will take more than 20 years for people to catch on to what we're talking about—more than that. It won't take any less than 20, I can guarantee that, but it will take at least 20 and then some, and beyond and beyond.

That was defeated.

## 2000

We talked about unions. We talked about the need to have unions as part of this bill. We said that unions represent about 30% to 35% of the population. They have an important role to play. They came in front of the committee and said, and I quote someone from the Ontario Federation of Labour who said:

"We are urging the government to compel us and employers to begin this process immediately by implementing a parallel process to the Pay Equity Act, 1987, passed by the David Peterson government. This is one key to the success of the legislation. Our amendments would require every union and employer to bargain accessibility plans. These plans would identify barriers in the workplace that deny access to persons with disabilities. The plans would set out measures to remove these barriers on a timely basis. In workplaces where there is no union, the employer would do, and post, the plan."

He goes on to say more things about this particular issue. I supported this. This is one of the areas where Cam Jackson and I disagreed. That's OK, because we agreed on 90% to 95% of all the amendments we made.

This is one area that the Liberals had no interest in supporting either; nary a comment on this particular issue. We thought, given that unions play an important role, that 35% are unionized, that's a place to look to in terms of making this bill happen in the workplace. There was no support from the government. It was rejected out of hand. These were the amendments we moved. We feel the amendments would have made this bill much better. We feel it reflected the changes and amendments, by and large, moved by the Ontarians with Disabilities Act Committee and others who are here, ARCH and others. It was in keeping with the spirit of what they would have liked to have seen in this bill. Most of these were rejected. Yes,

Liberals introduced a few amendments that made it a little better, but we wanted to put them on the record so that the public watching this and people with disabilities watching this know that we did try to make this a stronger bill.

In spite of the fact that the government rejected most of these amendments, we stand here tonight to say we will support this bill. We have no desire to delay, to impede or to block it in any way. As far as we concerned, we have had our say for the evening and we want this bill to go through in a way that meets the wishes of the Ontarians with Disabilities Act Committee and others.

**Mr. Khalil Ramal (London–Fanshawe):** It's an honour to speak on Bill 118, the proposed Accessibility for Ontarians with Disabilities Act, 2005. It's also an honour to serve as parliamentary assistant to the Minister of Citizenship and Immigration. I share Dr. Bountrogianni's passion and determination to build an accessible Ontario, an inclusive society where everyone contributes and everyone benefits.

As the honourable members will recall, Dr. Bountrogianni introduced this proposed legislation on October 12. The bill she tabled was the product of extensive, province-wide, fully accessible consultation over three months in early 2004. The House approved Bill 118 in principle with a vote of 72-0 on second reading on December 2.

In considering Bill 118, the standing committee on social policy held six days of accessible public hearings in five cities around Ontario from January 31 to February 8 of this year. At the outset, Dr. Bountrogianni said she was open to workable suggestions for improving the bill to reach the goal we all share: the best possible legislation to achieve accessibility for people with disabilities in Ontario. In all, the committee heard more than 160 presentations and received about 500 written submissions.

After concluding the hearings, the committee moved on to clause-by-clause examination of the bill. I have the privilege of serving as Vice-Chair of the committee. I can tell you that during this debate, the three parties were all working to make a good bill even better. The government listened to input provided during the public hearings. In response, we brought forward 39 amendments. The opposition parties also proposed numerous amendments. All parties were basically in agreement with constructive suggestions from stakeholders to strengthen the bill in several key areas. Many of the amendments brought forward by the opposition parties were similar to ones tabled by the government. We accepted three opposition amendments in full. The result of the committee's work is that the amended bill now before the House is a better bill because of the public hearings and the clause-by-clause process. It's a bill every member of this House can be proud to support.

Les intervenants nous ont expliqué clairement que le gouvernement devrait être tenu responsable des résultats aux termes de cette loi. Two amendments deal with this issue. The first would require the minister to prepare an annual report on the implementation and effectiveness of

the act. The second would require a comprehensive review of the effectiveness of the act and regulations after four years, with further reviews every three years. These reviews would involve public consultations. The annual reports and the comprehensive reviews would provide timely public reporting on the measurable result achieved under the legislation.

Another key amendment, again in response to stakeholder input, would see the act apply to the Legislative Assembly.

Yet another amendment provides that the entire act, if passed, would come into effect immediately upon royal assent instead of on proclamation, which would leave it to the government's discretion.

D'autres changements ont été conçus pour mieux expliquer les clauses du projet de loi. For example, an amendment would clarify that the minister may invite persons, other than people with disabilities, representative of sectors and ministries to serve on standards development committees. Likewise, an amendment would allow the minister to pay an allowance and reimbursement to standards development committee members as set out in the committee's terms of reference.

A series of changes would make it more certain that the implementation step would in fact be taken. For example, within a reasonable time after the first accessibility standard is established, an amendment would make it mandatory to appoint one or more inspectors and to designate one or more tribunals to hear appeals.

This proposed legislation has teeth, with strong compliance and enforcement provisions. Amendments would fine-tune some of the enforcement provisions. For example, mediation of disputes would be allowed only where the parties consent and the tribunal considers mediation in the public interest. Adding the phrase "in the public interest" is designed to make sure that mediation in fact furthers the long-term goal of accessibility.

## 2010

While we as legislators have been debating this proposed legislation, it certainly belongs to the people of Ontario. The persistence of the disability community over more than a decade has brought accessibility to the top of the public agenda, and the determination of disability stakeholders to get the best legislation possible has very much shaped the bill now before us. As well, many in the business community and the broader public sector have had the foresight to support this proposed legislation. They recognize the economic and social contributions, both actual and potential, of people with disabilities.

Tous les Ontariens croient que chaque Ontarien doit avoir l'opportunité de travailler, apprendre, avoir plaisir et ainsi participer à la société au maximum de sa capacité. Cette loi proposée, que nous avons développée ensemble, va nous mettre fermement sur la route vers une société accessible.

This bill passed second reading unanimously. It was reported back from committee unanimously. It's my hope that it will receive third reading unanimously and send

people with disabilities the message that this province is truly their own.

**Mr. Cameron Jackson (Burlington):** I'm very pleased to be able to stand in the House this evening and comment on Bill 118. It has been my privilege to participate in numerous debates on this subject, and tonight is no exception.

I appreciate the comments of my colleague the member from Leeds–Grenville, who put on the record the circumstances that we find ourselves in this evening: that we are calling a time allocation motion on a bill that we've not had any debate on, let alone closure of the debate on it.

I'm at a loss to understand why the Liberal House leader, the member from Windsor, takes such great delight in attacking me personally and, on occasion, members of my family. However, I wish to set that aside.

My support personally and that of my caucus are all a matter of public record. That began very clearly on the day the minister tabled this legislation, at which point I indicated that we would be supporting any legislation and any efforts that moved the yardsticks forward on behalf of the agenda for persons with disability in our province. I have been true to that word. During second reading debate in this Legislature I reiterated that same fact, and also reinforced it as one of the few people who participated for every single day and every single hour of not only the public hearings across the province but also the clause-by-clause debate and the presentations from all three caucuses to make this a better bill.

However, I stand by the concerns being expressed. It was abundantly clear to the House leader for the Liberal Party that we were going to support this bill. We indicated that very clearly. That was one of the conditions in the negotiations between the House leaders. This is all a matter of record. We had indicated that we were hopeful that the final debate and vote would occur after the budget so we could measure the degree to which there's going to be a financial commitment to move those yardsticks forward for persons with disability in our province.

The concerns being expressed about this point are well founded, and they're well founded on the first and most important principle: that this government has increasingly been tabling legislation without any costing whatsoever, without any public declaration about the costing. Yet we know it was a standard—I know personally that when I tabled Bill 125, the original ODA, it had to be costed or it could not appear before cabinet. It could not appear before cabinet until it had gone to Management Board for approval, because it involved money.

The only reason that a bill can go forward without a costing is because there are no real apparent costs on the face of it. If that is the case, we have a serious problem. We have a serious problem because we are jettisoning elements of the old bill. ODAC, the Ontarians with Disabilities Act Committee, and its head, David Lepofsky, have indicated that they want to ensure that elements of the old bill remain in this bill in order that the combination of the two strengthen the overall objectives for

disabled persons and that they get all the benefits of both pieces of legislation. That's a reasonable request and shouldn't put a challenge before this government.

But in the time I have this evening, I want to put on the record the issues about what is being removed by this government: concessions that the disability community have earned and have won that are now entrenched in legislation and that they're about to lose.

Before I go into a lot of detail, I first want to, as I have on three or four occasions, commend the minister for her undertaking in this regard; for the consultation process, for the thorough debate, for public hearings, and the time allocated for clause-by-clause. I believe the minister to be sincere, but I also believe the minister is in a government right now that is having a considerable amount of difficulty freeing up the resources that are the essential measurement—to put it in the common vernacular, it's putting our money where our legislative mouth is to give effect to this legislation. That is a legitimate concern for everyone. It's a simple question: How are we going to pay for this? I wish to address that during the course of my comments.

The distinctions between the two pieces of legislation are very dramatic.

At the outset, I want to put on the record some of the fine qualities contained in this legislation. It, at the outset, involves the private sector for the first time, and on that point we all agree. It raises the amount of penalties for non-compliance. As you know, my legislation called for \$50,000 fines; the minister chose not to proclaim that, which is another issue that I'll get into later. But the fines now are at a \$100,000 threshold for corporations and \$50,000 for individuals.

This bill, however, introduces exemptions, a significant number of them, and multiple appeal mechanisms. OK, there has to be a degree of flexibility, but I had never envisioned a situation where a minister had an unfettered right to create whole classes of people who would get exemptions. Perhaps she's getting different advice from the same set of bureaucrats who gave me advice, but this was an area that the old bill did not wish to get into, and I was pleased about that.

Another good thing about this bill is that it sets out a 20-year time frame. I'm not going to argue on this point. My colleague from Trinity–Spadina has some strong views on this. My point is somewhat different. To get to the point immediately, if David Lepofsky says 20 years is incidental to the issue here, that it's primarily how the process is established that will measure our success—“not to get fixated” were his exact words on the 20 years—I accept that as well.

## 2020

Where I have difficulty is that within the context of 20 years, we're going to have one-size-fits-all. This is a fundamental difference that I felt strongly about when drafting Bill 125. I believe the government has a primary responsibility to show leadership in this area. The public who feel discriminated against will on occasion undertake a lawsuit against an individual company or a person

because they are being discriminated against. But when entire governments fail to respond to these issues, that is a reflection on how poorly we are accommodating our most vulnerable citizens. I fundamentally believe that the government has a responsibility to get its own house in order before it dictates, taxes, lectures or litigates people into compliance.

Perhaps I was affected by my experience with my first leader, Frank Miller, who brought in employment equity, an issue for the disability community. He indicated that that should be considered for the government first and then move to the private sector, so that the government would absorb the costs of understanding how to deal with new legislation that breaks new ground, that tears down old barriers and creates expectations that are both fair and reasonable but costly. So Bill 125, which will, upon third reading of this, cease to exist in this province, contained some very strong language and some very clear legal requirements for the government of Ontario to uphold in defence of the needs of disabled persons in our province, and those will evaporate with the passing of Bill 118.

I believe that one of the differences is that in Bill 118, this legislation now becomes negotiated. More frequently than not, we will be negotiating at a table. We're told that as many as 26 different accessibility standards committees could be developed over the next few years and that the private sector, business, organizations, classes of individuals and, yes, the disability community will be able to sit down and discuss and negotiate—in effect, arm-wrestle—these rights. Why? Because, as my friend from Trinity-Spadina so eloquently put it, this bill isn't about guarantees and protection for the disability community; this is a bill for everybody, and it's just as important, in the wording of this legislation, that we accommodate the needs of the disabled community as it is to ensure that we accommodate the private sector in its ability to pay. That's clear in the language of this legislation, and that is something that I don't think was originally intended.

The old legislation obligates the government of Ontario in an absolute fashion, and this legislation removes that. It removes it not only ministry by ministry but removes responsibility from the government of Ontario to deal with a whole host of issues, from tabling accessibility plans—which, in my view, are powerful instruments because they expose to the public what the government is or is not doing on its journey to becoming a fully accessible and barrier-free province.

Not only that, but there were special provisions built into Bill 125 that guarantee—I'll quote directly from Bill 125, because this is one of the 57 amendments that the member for Trinity-Spadina and I tabled. Under "Government employees" in the current legislation, it says, "The government of Ontario shall accommodate the accessibility needs of its employees in accordance with the Human Rights Code to the extent that the needs relate to their employment." You have no idea the amount of grief I went through to get that into this legislation. Why? Because it obligates the government to a higher standard

when treating with its employees who are disabled in order to accommodate them.

So there's concern when we table that specific recommendation and amendment and it's defeated by the Liberal government members. If that isn't a clear signal of some of the concerns we have, I don't know where there is a clearer signal. Ontario Human Rights Commissioner Keith Norton has published two landmark reports in the last two and a half years, and those reports clearly set out that when it comes to the building code, we have a duty to accommodate to a level higher than the building code. He has set that out in a well-researched, well-consulted document which has the commissioner's approval to being compliant with a level of accommodation that removes discrimination for citizens in our province. Again, one of the 57 amendments we tabled was that we would embrace that standard, yet that was defeated by the Liberal government.

I have concerns that the old legislation gives authority to the accessibility standards committee, as it exists today in this province, to create codes, regulations, standards, penalties, all of the things that the disability community has asked for—that those levers and decisions be vested with individuals who themselves are disabled. That is contained in the current ODA in this province. The subtle but significant difference with Bill 118 from the Liberals is that that responsibility now rests solely with the bureaucrats in the Accessibility Directorate of Ontario, and then, and only then, on the direction of the minister. So the ability to generate penalties, standards, codes, and regulations which could emanate from the disability community is no longer going to be available to them.

That's not to say that accessibility standards committees will not have individuals from the disability community working on those standards. But imagine what their life is going to be like, discussing issues at one of the 26 tables. First of all, there will be the fact that the private sector will be sitting there telling them what they can't afford. They'll have a minister just outside the door saying, "Well, you know, I can give this class an entire exemption if we find it to be a little too difficult financially." And you've got two tribunal processes that will be set up immediately that will allow the decisions to be appealed if, for whatever reason, they don't feel that they can accommodate the disabled community and they feel that those requirements are too stringent, too difficult. In most cases, the argument is always financial. So I'm concerned when I look at how the original elements of the first legislation, which was a pure empowerment model, have shifted now to a negotiated outcome for establishing a variety of standards.

The second fundamental difference is that all of these standards had to be approved by the Ontario accessibility council and the final determination was vested with the Accessibility Advisory Council of Ontario, made up of a majority of disabled persons. That no longer exists in this legislation. It rests with the minister, getting advice from an accessibility council that can comment on the standards to which they're not a participant.

The old legislation talked about empowering the accessibility advisory councils to implement the act, something for which this legislation doesn't give them authority, to prepare regulations—again, Bill 118 doesn't do that. It allows them to be an independent voice to advise the government on access to services, on access to employment opportunities by economic sector. Again, these were amendments after amendments from the old bill that we asked be placed in this legislation.

The ODA committee and their large volume of recommendations—I'm not going to take tonight to read through them all. They're well known to people across Ontario who have been concerned about this legislation. They recommended that those elements be retained, yet 57 amendments tabled by my friend from Trinity–Spadina and myself were not accepted.

The list goes on. The Accessibility Directorate of Ontario, which is a group of bureaucrats, is required under the legislation, on page 14, to “consult ... with the Accessibility Advisory Council of Ontario, persons with disabilities and those other persons and organizations that the Minister directs to develop codes, codes of conduct, formulae, standards, guidelines, protocols and procedures related to the subject matter of this act.” That, as well, has been removed in this legislation.

**2030**

Perhaps one of the sections that concerned me the most is that the penalties section will not take effect in this province for many, many years. The original legislation called for the government to proclaim that early. I'm saddened to say that the current minister, Minister Bountrogianni, has chosen not to proclaim the penalties section. When you don't proclaim a penalties section, people's conduct is very, very predictable. As you know, under the old legislation, every municipality in the province must file an accessibility plan, something they are no longer required to do under Bill 118. But the failure of this government to proclaim the section—it's the only section of the bill they didn't proclaim, incidentally; the entire Bill 125 has been proclaimed except for the penalty. I know why we didn't proclaim it, day one. It was because it would be unfair to go in and charge the Ministry of Health, for example, for not filing an access plan, or to charge the city of Hamilton for not filing a plan, because they hadn't had time to create their plan. So we said, “We'll give you one full year. You go and do your plan and then, if you don't file a plan, it's an automatic \$50,000 fine.” Also, we empowered the access council to establish all the regulations and guidelines that would govern the conduct of those accessibility advisory councils in communities all across Ontario.

In the first year that the ODA was fully implemented, between 86% and 90% of all municipalities that were required to, filed their access plans. Within the first six months of the new Liberal government, because there was no penalties clause imposed, I'm told reliably from members of the access council, fewer than 34% of municipalities have filed their access plans. Now, it is a bit of a futile exercise, because Bill 118, which will

become law fairly soon when it's proclaimed, doesn't require municipalities to file annual accessibility plans, to make them available to their communities. They get to wait now until the minister says, “You know what, municipalities? You can bide your time. At some point we'll get around to having an accessibility standards committee dealing with municipal services. It might be 10 years from now, five years from now.” We do know that it's not on the list of the first three that the minister has indicated publicly, which might be her first three choices. So we may not get around to imposing regulatory change on municipalities for 10 or 12 years. So the access plans were the key that the disability community asked for. They're gone. But worse than that is the fact that the accessibility plans for all government agencies in the province have been jettisoned and removed from this legislation.

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** That's not true, is it, really?

**Mr. Jackson:** It's absolutely true.

If you look at the government of Ontario Web site, every single ministry of the government is required to file an accessibility plan, to be held accountable not only to the employees who work on a daily basis in this province as public servants, but also to the people of Ontario who receive those services.

I did a review of the access plans for the first year of the Liberal government and I have stated in this Legislature on a couple of occasions my dismay when I saw—and, frankly, you've got to give the minister credit for being honest. He had taken \$75,000 out of his previous year's access plan because he needed it for other programs, and he was delaying his schedule of refurbishing and retrofitting courthouses in the province so they could be more accessible to victims and their families who were simply seeking justice in Ontario courts. It's a stroke of genius on the part of the government to eliminate every single reference to a responsibility of the government of Ontario. In fact, the entire section that I put in Bill 125 has been removed, in spite of the fact that my colleague from Trinity–Spadina supported that it be put back in. I don't think that's progress.

To be fair, I think it's more than appropriate that the private sector is embraced by this legislation. I think it's wonderful that we've got a 20-year time frame, and God only knows, if we can do it sooner, all the better. But removing the responsibility of the government of Ontario to establish standards in accordance with the Human Rights Code, to establish standards to ensure that we accommodate each and every civil servant and public servant in this province, in this workplace here at Queen's Park and in services across Ontario—an amendment the Liberal members voted against.

It's not just municipalities and the government that get a by in this legislation. Hospitals have been removed. Hospitals no longer have to file an accessibility plan. If the truth be known, hospitals were doing a very poor job in this area. They historically consider themselves to be at arm's length from everything. In particular, it's dis-

heartening to see that some hospitals are doing a wonderful job, but many hospitals are struggling with their budgets. That's not an editorial comment; I'm simply saying that with the immense amount of capital construction going on in Ontario, you would have thought they would be establishing their new buildings to the higher standard that was set out in Bill 125 and which has now been removed. It's no longer required that, automatically, new leases, new government buildings and retrofitting of old government buildings must be done to the higher standard. That has been removed from this legislation; the current legislation is silent.

I have a long list of clauses and amendments that were sought by the minister in the open consultation process and that were asked for when we went to public hearings. They are reinforced by a substantive report prepared by the ODA Committee and its leadership, David Lepofsky and Patti Bregman. I want to go through a couple of these. These are amendments that were tabled that were defeated by the government.

The first one was referred to by my colleague from Trinity-Spadina, and that was on the simple principle that we should be creating a barrier-free Ontario for persons with disabilities. I'm at a loss to understand why this phrase is so threatening to the Liberal government.

**Mr. Marchese:** It was their motion in opposition.

**Mr. Jackson:** It was their motion in opposition, as my colleague says. It was in every single resolution by every single municipality in the province. I'm looking at five, six or seven members who, prior to the last provincial election, served on a municipal council and set their own hand and oath that they were going to move toward a barrier-free Ontario. Yet now, in the transition from municipal government to provincial government, all of a sudden this is a part of our lexicon that has been forbidden to be uttered in this legislation.

**2040**

I fundamentally believe that this legislation should be about the disabled community and the rights they require, as much as I think we should have brought in a crime victims' bill for everyone in the province. I wouldn't have watered that bill down. I've brought seven or eight bills here, and they've always been dedicated to the very people they purport to help.

But the government was insistent that this is legislation for the entire province. They weren't talking about geography; they were talking about the fact that somehow this will accommodate everybody. This gets back to the fundamental point I'm worried about. The ability for the private sector to pay is, in and of itself, an accessibility issue—for them. But because this bill is for everybody, they need to be accommodated, and the minister has accommodated them very well. There are two different appeal mechanisms. There is an entire *carte blanche* approach: Unvetted, unsupervised, just with a stroke of a pen, any minister can say, "That group is exempt." I'll give you the one that bothers me the most. I want to be upfront about this, because, having spent three or four years of my life working on legislation like this,

you come away with very clear ideas of where the largest impediments are. I'll tell you the number one.

The minister indicated that she wants to deal with public transportation. I have seen financial reports about the cost of making our GO Transit system in this province fully accessible. We are talking, not hundreds of million dollars, but over a billion dollars. I am quite convinced that one of the first exemptions we're going to have to consider will be GO Transit. I hope I'm wrong, but I know I got a tremendous amount of grief and heartache from the Ministry of Transportation when I brought in Bill 125. They said, "Minister, you will obligate us within the first 10 years to make GO Transit accessible." I said, "What is your point?"

Either we are committed to this or we're not. I don't think government should have the authority to take itself off the hook but then obligate other people, simply because they pay taxes and we spend them. We will on the one hand give them two cents on every dollar for gasoline and say, "Get out there and help your public transit." Are they then going to turn around within a couple of months and say, "You know what? You have to make your transit systems fully accessible. All that money, plus more, is going to have to go to accessibility." I hope that's the case, but is that what's going to happen? We don't know. We have no guarantees that that's going to happen.

There are sections where we called for amendments that dealt with no public reporting, and again it was an NDP motion defeated. No open public meetings: ODAC requested an amendment, but again it was defeated by the Liberals.

We asked for early government regulations. I am told that the accessibility advisory committee had been working for six months on standards, and there are standards all over the place. Let's be honest about this. There are standards in municipalities, the Canadian Standards Association, building code upgrades: They're all over the place. One of the problems I had was that there are so bloody many of them. So pulling all this together, you needed to have someone with the responsibility to make that decision, and that was the access advisory council. They were ready to have those regulations done, I'm told, and I don't see any reason they would have lied to me. But all that work was stopped. In fairness, the Liberals won the last election. The minister has the right to say, "I want to turn your attention away from the work you're doing on the ODA," which she has done for the last 20 months, "and we're going to work on this Bill 118."

By the end of this year, we would have been starting the five-year review, under the ODA, holding government accountable, which brings me to another point. Under the old legislation, every five years the members of this House, regardless of which side of the House you were on or whether it was a majority or a minority government, would have cause to have the legislation brought back for debate and review on the floor of this Legislature. That doesn't exist. It won't happen for 20 years. The minister specifically has exclusive right to

determine which sections of which legislation will be reviewed. Again, that's something that I believe the disability community was looking for and wanting because, quite frankly, they've seen governments come and go and they have not seen the kind of forward progress they had hoped for.

David Lepofsky and the committee talked extensively about an accessibility standards adviser and developing an independent audit. Efforts in this area—we tabled the recommendations and they were defeated. So any degree of independence to audit the activity have been voted against by government members.

I have to move quickly here. There are no mandatory guidelines for purchasing municipal goods and services. That's another one in the legislation. Again, the current legislation obligates municipalities. This has been specifically removed, and the amendment that we tabled was defeated.

An accessibility plan for employees: My colleague from Trinity–Spadina spoke eloquently to that.

There is no requirement for public transportation organizations—the list keeps getting longer. Colleges and universities are no longer required to file accessibility plans in Ontario. Public transportation organizations of all stripes and sizes had to require—incidentally, what is interesting about this is that this did include the private sector. So when people said, “Cam, your bill never included the private sector,” it did when it came to transit.

Perhaps one of the larger concerns we had was that we even tried making our provincial and municipal elections fully accessible. This was of concern to me. I put it in the original legislation. The bureaucrats went crazy on me again. They didn't want to do anything that would interfere with the Elections Act. I said, “All right, then, at least for the next provincial election, require the Chief Election Officer to perform certain review functions and come back to the Legislature with recommendations.” It's right in the legislation. And when we asked an order paper question, they said, “No, he didn't do it. It wasn't done.” How is it then that we had a law that obligated a piece of legislation, and an officer who reports independently to this House did not do the report? So I put stronger legislation in, supporting my colleague from the NDP, and the government defeated it. They believe that every disabled person in the province is going to vote for them in the next election. Fair ball. So why not make it easier for them? But even the Liberals voted against making Ontario provincial and municipal elections barrier-free. I know, because I had a report that told me how much it would cost. That's not the issue. Why is it that we don't want to give them that?

I want to close on an issue which I consider to be of the greatest importance of all, and that is the separation of the standards of the Human Rights Code and this legislation. We worked very hard to make that a reality, and I am deeply disappointed and disturbed that that standard will not be used; it will be negotiated. As far as I'm concerned, matters that appear before the Human Rights Commission should not be negotiable. Much has been

said about the funding for this department, and I know that while I was Minister of Citizenship, I increased their funding and strengthened their mandate. It was very controversial, but I fundamentally believe in the good work of that office and I trust implicitly the leadership, both of the board and its chief commissioner.

I'm very pleased to be able to say that this legislation will move forward and I'm pleased to be able to support it. I deeply regret that it doesn't go as far as it had the potential to go, and I am quite confident that we will be back, at some time in the future, trying to fix this bill again.

**2050**

**Mr. Ernie Parsons (Prince Edward–Hastings):** I'm extremely pleased to speak to this bill. This has been an awfully long time coming. From a historical perspective, it was in 1995 that the Premier at that time, Premier Harris, committed to pass a bill within his first term. That didn't happen. Then it was re-promised in 1999, and a bill was passed that, quite frankly, didn't do anything. I'll get into some more details on that. If time is of the essence for individuals who have a disability, they should have had a bill 10 years ago. That's when it was first promised. I had the privilege—and it was an absolute privilege—to be a critic for persons with disabilities during that time. Bill 125 was introduced, and in a very hurried manner consultations were held across Ontario. I say “very hurried”—I believe they were held over a period of three days.

**Mr. Jeff Leal (Peterborough):** Three days?

**Mr. Parsons:** Three or four days; no more than four, but it was held in one week.

We had a significant number of people who came out under some difficulties, because they had to make arrangements for transportation or for an interpreter or translator. One of the questions that I asked virtually every group that presented—and it's unfortunate that the member from Burlington, as minister, wasn't able to attend any of those consultations—was “Does this bill make your life better?” I believe, with virtually no exceptions—I think there was one person who said, “Yes. I think this bill does.” The others said, “No, this bill will not make it better.” So the community of people with disabilities very clearly did not support the first bill, not because of where it came from but because it was not a bill that would improve their lives and remove barriers for them.

In contrast to that, I had the opportunity to participate in many of the hearings on Bill 118, and the groups came applauding the bill. Certainly there were some concerns. That's why we held consultations, to hear what the citizens of Ontario thought, but the vast majority indicated that they thought this bill was a tremendous improvement. I believe it was an improvement because consultations were held with them prior to the bill being drafted.

There are so many people who can claim credit for this bill, but I have to acknowledge David Lepofsky, who has been like a pit bull on this issue, absolutely com-

mitted to making things better. After third reading of this bill, I'm not sure what Mr. Lepofsky will do with his time, because I think he's been devoting about 27 hours a day to it, each and every day.

The community very clearly said to us that this was a bill they could support. I regret that the official opposition believes it needs to wait until the budget. Why I say I regret that is, first of all, the Americans, many years before us, passed an Americans with Disabilities Act, and they passed it during a significant recession in their economy, but they said it was necessary at that time.

I'm always intrigued when someone says to me, "This bill will mean that a restaurant will have to incur the expense of making their washroom accessible." I don't understand that, because if I owned a restaurant, it would be a given that I would have a washroom available for my customers.

**Mr. Wilkinson:** All of them.

**Mr. Parsons:** All of them; each and every one of them. The right to a washroom is a right. It's not a luxury, it's not an option; these are basic, fundamental rights.

This bill isn't a bill that says we're going to give one group of Ontarians more rights and privileges than another group. Quite the opposite: This bill says we're going to level the playing field because everyone in Ontario is entitled to the same rights and privileges, and that's what this bill does. If it costs money to make a washroom accessible, it costs money. That's part of the deal, folks, because it's an entitlement that should have been in place years and years ago.

In my conversation with industry, they've indicated to me that they support the bill, and the part they like is that it levels the playing field for them. They know all their competitors will incur the same expenses and they will all be in exactly the same position from an economic viewpoint. Interestingly, 10 years after the Americans with Disabilities Act was passed, they did a survey of businesses and industry, and 75% of the businesses said they spent less than \$500 to conform to the Americans with Disabilities Act—not significant money.

I would suggest this bill should not have had to go to time allocation, because it is a bill that is a human rights issue.

I like the way it operates, and I'm a little bit intrigued by some of the comments made earlier. We're hearing that 20 years is too long. Quite frankly, it's not that we're going to start implementing the bill in 20 years. That's a completion date. It's the last possible date. At the same time, we're hearing it will cost too much money. So this bill, to me, is a wonderful compromise that recognizes that it is much easier to remove some barriers than others. It will take some time to do, it will take some time from the viewpoint of finances, but it will also take some time because this bill provides for significant input from individuals with disabilities to give us advice.

I have shared the story where I spent a day in a wheelchair. I learned things that I never imagined before. I never expected the ramps, which look really easy to get

up, to be as extremely difficult as they are and how problems are presented when you get into a restaurant and the tables may be accessible but they're too high for a chair.

What I particularly like about this bill is the groups in the definition of disabilities. It is so tempting to focus on mobility issues, and this is not to downplay them in any sense. This bill applies to virtually every challenge that could face an individual: it deals with physical disability, it deals with mental impairment, learning disability and mental disorder. We have many individuals who suffer from invisible disabilities in this province. This bill incorporates rights and privileges for each and every one of them, and I'm very proud of that.

This bill is profoundly different from Bill 125 in that this bill applies to every aspect of a citizen's life. The longer we get away from the passing of Bill 125, the better the bill sounds. Bill 125 was a hollow bill. It was applied to municipalities, with no enforcement and so much of it was advice. Sure, it was reviewed every five years or whatever, but it didn't change life for anyone. For individuals who have a disability in Ontario, as much as it may be important to get into a municipal office building, it is more important to have accommodation and have access to stores and doctors' offices and hospitals and every aspect. Every place that those of us without a disability have a right to enter and every challenge facing any of us has to be levelled to provide the same opportunities for other citizens. This bill does that. This bill deals with individuals the previous bill absolutely ignored.

This bill incorporates timelines for the minister to respond. This bill incorporates standards and enforcement. But the tone of the bill isn't, "Do this or else." The bill provides a process that allows for advice to be given, for information to be given to groups that don't conform. For many groups that don't conform now, I believe they don't conform because they're not truly aware of what they could do to improve access for their fellow citizens. This bill does that.

When this legislature—and I was sitting on that side—passed Bill 125, it struck me that that bill probably exemplifies why the vast majority of the members are here in this chamber, no matter what side they're on. They're here to make life better for citizens of Ontario and for our communities. I left this chamber after the government at that time forced through Bill 125, and I was ashamed because I felt the public was being misled by the government at that time which announced the Ontarians with Disabilities Act, "Now you have rights and now you're in the driver's seat," when in fact it applied to very few points.

If this bill passes, I am going to leave this chamber tomorrow proud of what this party has done and what this minister has done. This is a bill that will truly improve lives for literally thousands and thousands of people. That's why we're here. This bill was put together with great sensitivity and advice, and I believe it will profoundly help so very many people. I'm proud of this government and I'm proud of this bill, and I believe the

citizens of Ontario will recognize that this is a bill that does something that improves lives.

2100

**Ms. Kathleen O. Wynne (Don Valley West):** It gives me great pleasure to speak to this bill. I'm one of the new members to the Legislature who had the opportunity to serve on the committee that held the hearings. I wasn't in the Legislature when Bill 125 came to pass, but I was in Ontario and I do remember that there was a pretty public hue and cry from the disability community that Bill 125 didn't cut it; it wasn't adequate. I think it's very telling that in the submission to the committee by the Ontarians with Disabilities Act Committee, they basically said, in laying out the changes they'd like to see in the bill, "It should not be inferred from the number of our proposed amendments that this isn't a good bill," speaking of Bill 118. That's the starting point, where we began.

I want to congratulate the minister for having created this bill, having put together this bill that was seen as a good starting point, before it was amended, by the disability community. Then I want to remind my colleagues opposite that we accepted 41 amendments, three of which were opposition amendments. So this bill was changed as a result of the hearings around the province.

As a new member to the process, I just have a couple of comments that I want to make about some of the issues that were raised by the opposition members, especially some of the issues raised around the timing of this bill. It seems to me that we want to get this bill in place as quickly as possible. We want to get the standards development committees set. We want to get the standards in place. That's the goal, certainly of the minister, as I understood it: to get the bill in place as soon as possible.

To hear the opposition members speak, it was as though it wasn't our goal to move quickly. I remember sitting through a number of hours of debate about the number of days of hearings that we would have. On the government side, we were very committed to having as many days as we could arrange. Mr. Jackson was not in favour of more days. He wanted fewer days. Mr. Jackson extended the clause-by-clause to five days of debate, which, to my mind, was not necessary; the points were made and remade. So it seemed to me, again, as a new member who is new to these procedures, that there was not a particular willingness on the part of the opposition to move ahead, to be expeditious, to get the bill going and to get the standards development committees in place. To me, that was disheartening. It was disheartening that we couldn't move ahead more quickly.

As far as the issue about the budget, I want to follow up on what my colleague Mr. Parsons said. The passage of this bill should not be dependent on a budget. What we're talking about here is changing a culture. We're talking about changing a culture of understanding of what accessibility is. We don't have a choice about that. I believe that we have to move forward on this so that everyone in Ontario can have access to the services they need. To my mind, this is not an issue about a particular

budget or not. This is a bill that needs to be put in place so that we can change the culture of this province.

I want to acknowledge a couple of people in my own riding, individual advocates like Audrey King and Sharon Dever, and my own niece Amy Honeyman, for whom this bill particularly needs to be in place. But the issue about it being in place for all Ontarians is this: Ontario will be a stronger place and we will be a stronger citizenry if we remove barriers for people with disabilities. To my mind, that's why this bill is about everyone in Ontario, because we will, as a province, be a better place. I think that is exactly why this bill is targeted at all Ontarians, not to mention the fact that we will all at some point have a disability of one kind or another as we age. But I think the issue is that the province will be stronger if we remove barriers.

The member for Trinity-Spadina talked about this bill being an attempt to remove barriers, and his fear is that the barriers will still remain. My response would be that that's not a reason not to have a vision of a barrier-free Ontario, that's not a reason not to put standards in place so that we can move toward getting those barriers removed. That's what this bill is about.

The other fundamental for me is that this bill is about putting standards in place, enforcing them, inspecting so that the standards are being met. It's not about filing plans. The member for Burlington has gone on at some length about how the plans he thinks should be filed may not be filed in the future. The point is that for years now the plans have been filed and nothing has changed for the people who need those barriers to be removed. So if we don't have standards in place in this province, standards against which everyone's behaviour—every facility, every institution—can be measured and inspectors can say that the standard is being met or it's not being met—it's not the filing of a plan; it's the meeting of a standard that's required, and that's what this legislation is about. That's why this legislation has teeth, and that's why everybody who came before us in the hearings said, "This is a good bill. It's a good start."

There was always a positive comment. This was not a process where in the hearings we heard that we were on the wrong track. We heard that we were on the right track. Yes, there were people who would like it to move more quickly, would like the standards to be in place more quickly. But the reality is that, as my colleague Mr. Parsons said, there is a balance between the cost of changing behaviours and changing facilities, and the need to move quickly. Again, this is a piece of balanced legislation that is going to allow us as a province to move toward that vision of a barrier-free Ontario.

There were a number of issues raised by the previous speakers; for example, the issue of exemptions. We put an amendment in place that will clarify the reasons for any exemptions being made. That, again, was something that we heard from people: It should be clear what the exemptions are and why those exemptions are being made.

We also amended the bill to require the hiring of inspectors. That was something we heard over and over

again. We amended the bill to ensure that the terms of reference for the standards development committees will be public and that there will be minutes taken at the meetings so that the process will be increasingly transparent.

We went out to the province. We had a bill that was good to start out with, by the telling of the people for whom it will be the most important. We amended that bill with 41 amendments, and I think we've now got a vision of where we need to go, we've got a blueprint to move forward on. Those standards development committees are going to be very, very—it's going to be a very difficult process. It is not easy to change the attitudes and change the understanding of what accessibility means in the province and to remove those barriers. It's a complex process. So those standards development committees in each of the sectors need to get up and running. The minister has indicated that certain ones that are ready to go will be in place sooner than others, and then the changes will begin to be made within the five years. For the members from Burlington and Trinity–Spadina to suggest that will be a 20-year process is misconstruing what's actually said in the bill. Within five years of standards being in place, those changes have to be made.

I am very happy to support this bill. I think this bill will ensure that Ontario will be a stronger place for all of our citizens, and I'm looking forward to a quick passage and—no thanks to the members of the opposition—we're going to get this bill through so we can get started on developing standards.

**The Acting Speaker:** I think the time has been exhausted.

Mr. Duncan has moved government motion 370, related to time allocation.

Shall the motion pass? I heard some noes.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. There will be a 10-minute bell.

*The division bells rang from 2110 to 2120.*

**The Acting Speaker:** All those in favour will please stand and be recognized by the Clerk.

#### Ayes

Berardinetti, Lorenzo	Mauro, Bill	Racco, Mario G.
Bountrogianni, Marie	McNeely, Phil	Ramal, Khalil
Cansfield, Donna H.	Meilleur, Madeleine	Rinaldi, Lou
Craitor, Kim	Miller, Norm	Ruprecht, Tony
Crozier, Bruce	Milloy, John	Sandals, Liz
Di Cocco, Caroline	Mitchell, Carol	Smith, Monique
Duncan, Dwight	Murdoch, Bill	Watson, Jim
Dunlop, Garfield	Oraziotti, David	Wilkinson, John
Lalonde, Jean-Marc	Ouellette, Jerry J.	Wong, Tony C.
Leal, Jeff	Parsons, Ernie	Wynne, Kathleen O.
Levac, Dave	Patten, Richard	
Matthews, Deborah	Qaadri, Shafiq	

**The Acting Speaker:** All those opposed will please stand and be recognized by the Clerk.

**The Deputy Clerk (Ms. Deborah Deller):** The ayes are 34; the nays are 0.

**The Acting Speaker:** I declare the motion carried.

It now being close enough to 9:30, this House stands adjourned until tomorrow at 1:30.

*The House adjourned at 2122.*

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Mario G. Racco, Khalil Ramal, Kathleen O.Wynne  
Clerk / Greffière: Anne Stokes

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