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Monday 8 September 2008

**Journal
des débats
(Hansard)**

Lundi 8 septembre 2008

**Standing Committee on
Social Policy**

Services for Persons
with Developmental
Disabilities Act, 2008

**Comité permanent de
la politique sociale**

Loi de 2008 sur les services
aux personnes ayant
une déficience intellectuelle

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 8 September 2008

Lundi 8 septembre 2008

The committee met at 0902 in room 151.

**SERVICES FOR PERSONS
WITH DEVELOPMENTAL
DISABILITIES ACT, 2008**

**LOI DE 2008 SUR LES SERVICES
AUX PERSONNES AYANT
UNE DÉFICIENCE INTELLECTUELLE**

Consideration of Bill 77, An Act to provide services to persons with developmental disabilities, to repeal the Developmental Services Act and to amend certain other statutes / Projet de loi 77, Loi visant à prévoir des services pour les personnes ayant une déficience intellectuelle, à abroger la Loi sur les services aux personnes ayant une déficience intellectuelle et à modifier d'autres lois.

The Chair (Mr. Shafiq Qaadri): Ladies and gentlemen, colleagues, I'd like to call this meeting of the social policy committee to order. As you know, we're here for clause-by-clause hearings on Bill 77, An Act to provide services to persons with developmental disabilities, to repeal the Developmental Services Act and to amend certain other statutes. I'm informed by the powers that be that we have well in excess of 200 amendments, so I would invite efficiency from all parties concerned.

If there's any general business to be considered, I'd open the floor for consideration of that. Otherwise, we'll go to the motions.

Ms. Sylvia Jones: Chair, if we could just have a few minutes for overall comments. As you point out, there are 200 amendments, so if we could get an opportunity to do some general statements first.

The Chair (Mr. Shafiq Qaadri): Please.

Ms. Sylvia Jones: I guess what I'd like to do in starting is say that I'm a little disappointed that we haven't seen more substantive amendments from the government, when I review what our researcher, Ms. Campbell, prepared. She did an excellent overview of what we were hearing on the four days of hearings, and there were many consistent themes that came forward—themes about concern with more bureaucracy with the application centre and themes about a desire to have more input with the use of independent planners. I'm not seeing that transferred into the government motions that have come forward. I think that after 30 years, we owe

them more. We owe this sector more than just some minor tinkering to a bill that hasn't been substantively changed in 30 years.

When I read the briefs, this sector is clearly looking for more involvement, not further bureaucracy with the creation of the application centres. They're looking for more involvement through the use of individualized planning, not more bureaucracy through the creation of the application centres. I believe that once again you've set up the developmental disabilities sector as second-class citizens in Ontario as we move forward.

I guess I just want on the record that I'm disappointed we haven't done a better job of listening to those four days and responding to them.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Jones. The floor is open for any further comments or questions.

Mr. Paul Miller: Obviously, the NDP has some problems with this bill, and as we progress through the day, we'll enlighten the community with our concerns and our explanations of individual clauses that don't meet what we feel are the specs for a decent service for the community and the people involved.

Services and supports for people with developmental disabilities and their families should be delivered on a not-for-profit basis, and Bill 77 fails to ensure that services and supports will be provided by non-profit entities, agencies or recipients. This legislation is more focused on managing wait-lists and sidelining pockets of funding to entities that will rationalize services to manage costs than it is on enhancing and guaranteeing quality services and supports.

That's all I'd like to say at this point, Mr. Chair. We will have other comments as the day progresses, and I'll be filling in until noon for Mr. Prue, who is involved in another matter.

The Chair (Mr. Shafiq Qaadri): Indeed.

Mr. Paul Miller: I'm new to this committee and obviously I've been thrown into this at the last minute, so if there are any holdups, please bear with me.

The Chair (Mr. Shafiq Qaadri): Mr. Ramal.

Mr. Khalil Ramal: I think when we travelled the province of Ontario, we listened to many stakeholders—families, communities, organizations—and they had different opinions on many different things, and as a government our role is to take them into our consideration and also come with a reasonable approach to make sure

all the sectors are being looked after and being served. As we went through all the submissions from many different communities and organizations who deal with people with disabilities, I think we came to conclusions, and our conclusion is to serve the people with disabilities to the best of our ability. I believe our amendments to this bill reflect our intentions and our direction, and I hope when we go through the whole thing we'll explain our thoughts and direction in the next two days.

The Chair (Mr. Shafiq Qaadri): If there are no further comments on the floor, I'd now invite submission of the first motion, NDP motion 1.

Mr. Paul Miller: I move that the bill be amended by adding the following section:

“Purposes

“0.1 The purposes of this act are,

“(a) to recognize that the inclusion of all residents of Ontario, including persons with developmental disabilities, is the foundation of a strong Ontario;

“(b) to promote the delivery of services to persons with developmental disabilities so that the services are,

“(i) available at a consistent level across the province, and

“(ii) based on person centred planning to assist the person and his or her personal network to plan for a life in the community; and

“(c) to ensure that core mandated services are provided to persons with developmental disabilities.”

The explanation: Inclusion should be the right of citizenship for all Ontarians, and it is, in principle, embraced in our education system and should continue to be embraced for all residents once they become adults. This ideal is at the core of community living and thus must be recognized in this bill. Mandated core services ensure that those with a developmental disability access services based on need and a consistent level province-wide.

The Chair (Mr. Shafiq Qaadri): Are there any further questions or comments?

Mr. Khalil Ramal: I think we are going to put, as the government, a motion to reflect all the requests and concerns from many different stakeholders, communities and families to reflect our intent of the bill, which is that we believe in inclusion, and by changing the title of the bill in order to reflect the stature of the bill and send a clear message to the people. We believe 100% that people with disabilities will be included in our daily life and given the support they need in order to participate in daily life like everyone else.

Mr. Paul Miller: Could I ask the legislative counsel for further explanation of this and some clarification on that statement?

The Chair (Mr. Shafiq Qaadri): Yes. Please phrase your exact request, Mr. Miller.

Mr. Paul Miller: I'm asking legislative counsel for further explanation.

Mr. Michael Wood: Actually, I didn't hear all of the remarks of Mr. Ramal.

Mr. Khalil Ramal: I'll repeat what I said. Lately—many bills have a preamble, but in general the preamble

is already designated for a broader bill, and therefore I guess it's not necessary to have a preamble in this one here. That's why we believe strongly in changing the titles to include the inclusions and to describe our intent for the bill. That's what we're trying to do further when we debate different motions, because we are bringing a motion to reflect our views and our direction in this bill.

The Chair (Mr. Shafiq Qaadri): Mr. Wood, preamble, bill past second reading—enlighten us.

Mr. Michael Wood: There are two things to distinguish here: One is a preamble, and this motion does not add a preamble; the other is a purpose clause. The purpose clause is part of the bill and certainly therefore affects the interpretation of the bill. As I understand it, Mr. Ramal is saying that the amendments the government is proposing deal with the issues in the purpose clause. All I can say, from a neutral point of view, is that a purpose clause does affect the interpretation of a bill, and there is some danger that if something is in the purpose clause and is not in the content of the bill, the purpose clause could affect the content of the bill. Conversely, if all of the amendments are in the bill, then a purpose clause, in a way, becomes redundant.

0910

The Chair (Mr. Shafiq Qaadri): Thank you. If we're ready to consider NDP motion—yes, Mrs. Elliott.

Mrs. Christine Elliott: I'd like to make a comment. I find all this very confusing. We're concerned about the purpose clause being stated in this legislation as well, and that it's important to set the tone for the rest of the bill. To the point that our priority was to actually change the name and to add a purpose clause, we were told by legislative counsel that we could not change the name of the bill because the inclusion bit was not included in the bill. So I think it's absolutely necessary to include a purpose clause and to have the intention of inclusion reflected in the bill, if that is in fact what you intend to do. But legally, I understand, it can't be changed because there's no indication of social inclusion within the bill itself, as drafted.

The Chair (Mr. Shafiq Qaadri): Thank you, Mrs. Elliott. If there are no further comments, questions or queries, then we'll proceed to the consideration of NDP motion 1. Those in favour of NDP motion 1, if any? Those opposed? I declare NDP motion 1 lost.

We'll now proceed to PC motion 1. I invite Mrs. Elliott to present.

Mrs. Christine Elliott: I move that the act be amended by adding the following section:

“Purposes

“0.1 The purposes of this act are,

“(a) to recognize that persons with developmental disabilities are equal and valued citizens of the province of Ontario and have the right to make decisions about their lives; and

“(b) to promote the delivery of services and supports to persons with developmental disabilities based on the principles that,

“(i) persons with developmental disabilities have the rights of citizenship, including access to justice, health care, education and transportation,

“(ii) many persons with developmental disabilities experience barriers that prevent them from enjoying their rights of citizenship and hinder their full participation in the social and economic life of the province on an equal basis with others,

“(iii) services should enhance opportunities of persons with developmental disabilities to enjoy the rights of citizenship and participate fully in the social and economic life of the province on an equal basis with others, and

“(iv) supports should assist persons with developmental disabilities to strengthen relationships and facilitate community supports, but should not replace them.”

We put forward this amendment because there were nine separate organizations that we heard from in the course of the hearings that stressed to us how important it was to have a purpose clause stated in this legislation, that it sets the tone and sets out exactly what they're hoping this legislation is going to achieve, which is more than just the coordination of service agencies; it's to allow full social inclusion of everyone with special needs in our communities. And this act, as drafted, doesn't do that.

Our hope is that, starting with this statement of a purpose clause, the amendments that we're proposing on behalf of the many groups that spoke to us will reflect that inclusion piece, which is vital to the transformation that the sector is hoping to have achieved with this bill.

The Chair (Mr. Shafiq Qaadri): Any questions, comments?

Mr. Khalil Ramal: As I mentioned earlier, when we responded to the NDP motion, the same response would be that, in the past, no bill had a preamble because, normally and typically, all the preambles were designed and designated for a broader bill, like a Charter of Rights. But lately, many people are trying to introduce a preamble for every bill. But we think that clearly, in this position in this bill, amending the short title would provide and reinforce the government's commitment toward schools and would be enough in order to clarify our intent and our direction.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Ramal. Are there any further comments? Seeing none, we'll proceed now to the consideration of PC motion 1A. Those in favour? Those opposed? Defeated.

We'll now proceed to NDP motion 2.

Mr. Paul Miller: I move that the definition of “application centre” in section 1 of the bill be struck out and the following substituted:

““application centre” means a central intake service described in section 8;”

The Chair (Mr. Shafiq Qaadri): Are there any comments, questions? We'll proceed directly to the consideration, then. Those in favour of NDP motion 2?

Mr. Paul Miller: No explanation on that?

The Chair (Mr. Shafiq Qaadri): You're welcome to, please, Mr. Miller.

Mr. Paul Miller: An application centre, as currently described in the bill, is an added level of bureaucracy that diverts resources away from service agencies that provide direct services. There is no stipulation that the application centres or entities be not-for-profit. The NDP amendment defines “application centre” in a way that describes it as a function of the service agencies in a geographic area as intake, assessment and person-centred development mechanisms. It is described further in subsequent amendments in the NDP motion to section 8.

The Chair (Mr. Shafiq Qaadri): Ms. Jones.

Ms. Sylvia Jones: Again, going back to the very well prepared research paper done by Ms. Campbell, we come back to what we heard on those four days of public hearings and what we read in the presentations that came forward: the concerns about the application centres. The minister has already gone on record to say that there will be no additional funding to operate the application centres, so obviously people in the sector have made the proper assumption that it's going to pull money, pull funding, away from existing services that are already clearly underutilized, underfunded, at this point. We had almost without exception, brief after brief, presentation after presentation saying the application centres are not needed to improve services and in fact will become another impediment, another bureaucracy. So obviously I'm pleased to support it. This, to me, is central to what Bill 77 should be, and we have to remove that application centre and that bureaucracy that's going to come with it.

The Chair (Mr. Shafiq Qaadri): Mr. Ramal.

Mr. Khalil Ramal: I want to respond first to Mr. Miller, when he mentioned the application centres and also that the service provider should be a non-profit one. Our intent in this bill is to create flexibility and choice for families, whether they choose a community centre or community organizations, and we don't intend to interfere with their choice.

The second one is for Ms. Jones, when she mentioned the application centres. Definitely, we listened to the concerns from many different stakeholders who came before the committee and presented to us, and they told us about the application centres. That's why our government proposed an amendment to application centres of which our focus and aim is to eliminate the concept of application centres by introducing two different entities. So we'll be speaking about this one when we propose our amendment.

The Chair (Mr. Shafiq Qaadri): We will proceed now to consideration of NDP motion 2. Those in favour? Those opposed? I declare the NDP motion defeated.

We'll now proceed to consideration of PC motion 2A.

Ms. Sylvia Jones: I move that the definition of “application centre” in section 1 of the bill be struck out and the following substituted:

““application centre” means an application centre referred to in section 8;”

I won't repeat what I said in the previous amendment, but it all stands.

Mr. Khalil Ramal: I also want to repeat that we're proposing something to eliminate the concept of application centres, as mentioned when we went in the committee, and by two different entities we'll reflect our views and our directions in the future.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 2A? Those opposed? Defeated.

Government motion 3.

Mr. Khalil Ramal: I move that the definition of "application centre" in section 1 of the bill be struck out.

The purpose of the motion is to amend the bill to outline an application process where application entities and funding entities perform the functions that were formerly centralized in application centres. That's what we meant, to eliminate the concept of application centres, as we spoke about it in the beginning when we introduced the bill. Now we're coming up with two entities: one to process information through a community or a stakeholder in different geographic jurisdictions; and also we have a different one to provide funding. So we came up with two proposed changes in order to reflect the concern being voiced by many stakeholders who came and spoke to us at the committee. We made two separate entities, just to make sure that there's no conflict of interest by the people who assess the people and also the people who give them funding. So I think we are in line with the people who came and advised us and the native organizations who spoke in those terms.

0920

The Chair (Mr. Shafiq Qaadri): Any comments?

Mr. Paul Miller: I beg to differ with the explanation. Obviously, we disagree with the application centre as described in this bill. We believe that the function of that situation should improve the overall delivery of services to the people of Ontario, not impede it.

Mr. Khalil Ramal: We listened to many different stakeholders when they spoke to the committee and they told us about many different areas. Their process, their performance—it's working, and people have been satisfied with them. Therefore, our government listened to them. We are going to depend on those people who are full of experience, who experienced in the past their ability to serve the community very well. So therefore, the first entities for the application process will consult and depend on that expertise in order to assess the people with disabilities in order to make them eligible for funding. We want to make different bodies in order to not create a conflict of interest.

Mr. Paul Miller: Once again, we disagree with that concept. We believe that families, when they choose the type of service that they need, sometimes have to be guided through that process because they're not aware of all the pitfalls that may occur, so we need the application centre and people to guide them through that process. Through the initial process—we don't believe that's enough.

Mrs. Christine Elliott: I'll be brief. We certainly do agree with the concept of eliminating the application centre; unfortunately, we don't agree with what's pro-

posed to substitute it with. We'll get to that when we deal with the more substantive amendments on that section.

Mr. Khalil Ramal: There are people from many different areas—this is in response to Mr. Miller—who are dependent on community organizations, community living or others, to assess their loved ones. We listened throughout our consultations across the province of Ontario. Many people came and spoke to us and they told us about different models that are already working across Ontario. We listened to the people when they talked about application centres, that they would create a different bureaucracy. But in order to also eliminate the conflict of interest—when you are a person who assesses and a person who funds, we found that that's a conflict of interest. So we created two entities, one entity to assess people and another one to provide funding. We thought that this was the best approach to serve people with disabilities.

Mr. Paul Miller: Maybe you could explain to me why that is eliminating more bureaucracy, having one funding group and another one to deal with the application. Is that not going to require more people? Maybe you can explain that situation to me.

Mr. Khalil Ramal: An "entity," which means an organization or people who work in the community for many years who have the expertise—they can provide assessments, which is already done by those people at the present time. I don't think we've added any bureaucracy, but we're dependent on them. As we went across the province and listened to people, they were against an application centre like what was talked about in the bill. So we went back to the people. We listened to them and the special organizations in the communities who have been doing it for a long time.

Mr. Paul Miller: I'm a little confused, because you have also created LHINs. What role are the LHINs going to play in this situation?

Mr. Khalil Ramal: This has nothing to do with the LHINs.

Mr. Paul Miller: It does, because it's another level of bureaucracy.

Mr. Khalil Ramal: Mr. Miller, we're talking about entities that assess people that already exist. We're not adding anything.

Mr. Paul Miller: My question to you is, what will the role of the LHINs be? In my area, they'll be overseeing 267 different agencies. Are they going to fall under that umbrella?

Mr. Khalil Ramal: Mr. Miller, we're talking about Bill 77—

Mr. Paul Miller: I'm talking about LHINs.

Mr. Khalil Ramal: —in the Ministry of Community and Social Services. The other ones belong to the Ministry of Health. If you have any questions about that, I would go to the Minister of Health and ask him.

Mr. Paul Miller: Thank you. I guess I'll have to live with that explanation.

The Chair (Mr. Shafiq Qaadri): Are there any further questions, comments, queries, debates? If not, we'll now move to consideration of government motion 3.

Those in favour? Those opposed? I declare government motion 3 carried.

Government motion 4.

Mr. Khalil Ramal: I move that section 1 of the bill be amended by adding the following definitions:

“application entity” means an entity designated by the minister under subsection 8(1) with respect to an application under part V for services and supports or for funding, or both, under this act;...

“funding entity” means an entity designated by the minister under subsection 8(3) with respect to prioritizing the provision of services and supports and funding under this act;

We try in this motion to clarify what our “entity” means in terms of technicalities.

The Chair (Mr. Shafiq Qaadri): Thank you. Comments? Questions? Explanations?

Mrs. Christine Elliott: This is a critical piece of this legislation and it’s very vague to me. It’s not clear to me who exactly is going to be the application entity. It looks like it can be some kind of a non-profit corporation cobbled together with a bunch of service agencies. Then the funding entity—I guess it’s going to be left to the regulations to figure out who that’s going to be, who are going to do the service plans. So (a) you haven’t eliminated the conflict issue that so many organizations spoke about, and (b) whom are we really talking about here? This is very confusing, and I think it’s really not going to reach the purpose intended by the many, many people who spoke to us, who spoke very clearly about what they saw the structure to be. I have significant concerns with this section.

The Chair (Mr. Shafiq Qaadri): Mr. Miller.

Mr. Paul Miller: We are dealing with government motion number 4, correct?

Mr. Khalil Ramal: Yes.

Mr. Paul Miller: We oppose this motion because there’s no guarantee in this bill that these entities will be not-for-profit. The NDP does not support the government amendment setting up funding entities, because the bill is amended by the government and excludes community-based agencies from functioning as funding entities and does not stipulate funding entities to be non-profit.

The NDP also does not support the purpose of funding entities, which will prioritize funding rather than provide funding based on the needs of the individuals and their families. We believe that services and supports need to be provided consistently across the province through a not-for-profit, person-centered approach.

This also fragments a large sector of our economy.

Mr. Khalil Ramal: First: Mrs. Elliott, we went in a committee across the province and listened to the people talking about the process that assesses people to be eligible for funding. We on this side of the table believe that the entity could be a service provider that has expertise in this field. Also we believe strongly that, when we set up the regulation rules for this bill, we would be setting the qualifications and also the standards that should be required in order to be able to assess people’s disabilities.

Ms. Sylvia Jones: The way that interpretation comes back to me is, I would have concerns that if your funding entity ends up being a service provider, the individual seeking the services is not going to have the full breadth and range available to him. We come back to, “Well, this is the slot available and you came in on Monday, so here you go.” It’s taking away the ability for the individual to have that individualized planning and unbiased view of what’s best for them, what’s their life plan, where do they envision themselves. That comes down to, as you explained, how you see service entities being service providers. There’s the problem: You can’t do both.

Mr. Khalil Ramal: We separate into two entities: one to assess and one to fund. That’s why we want to eliminate the conflict of interest in this regard. The service providers who have been doing this assessment for many different years we believe strongly have the expertise to continue to assess the person with the disability and give us the result, if they’re eligibility or ineligibility. That’s why we separate between the two entities, in order to create some kind of clarity and transparency with our approach.

0930

Mrs. Christine Elliott: But there is another conflict there that has not been addressed besides just the funding conflict. The conflict is between the services that just strictly a service agency provider can provide and the whole other part of the inclusion into the community that a planner developing a life plan for the person can provide. So you may have a situation where the service provider will say that there is only X service available, but the person wants much more than that, something the service provider can’t provide and may not even know about and may be in conflict with another agency organization that can plan that. So that’s what we see as still a significant conflict that hasn’t been addressed here.

Mr. Khalil Ramal: I don’t see where you see the conflict of interest in this regard, since we are separating between the funders and the assessors. As you know, the people have been doing it for many years, and I think full confidence in the community organizations already exists in our communities across the province of Ontario in order to assess people with disabilities, and they’ve been able to do so for many years. I don’t see why we can’t continue with the same parameters and directions. They came before our committee many different times and told us about many different experiences and different projects done, whether in Toronto or in other places in the province of Ontario. They’ve been successful in dealing with the assessment of people with disabilities, so why not continue in the same direction?

Mr. Yasir Naqvi: One of the examples that struck me a lot when we were travelling with the committee was in Lambton county. I remember them coming in and talking about the system they have created within the county, which is a very integrated system in terms of working with persons with developmental disabilities and families. They were concerned that this so-called application centre would take away from the kind of approach they

have built at the local level. My understanding is that by creating an application entity, a system like that of Lambton county could potentially become the application processing mechanism within that level and leverage the great expertise they have created. So in a sense, I think we are quite effectively responding to what we heard from the stakeholders and taking away that bureaucracy, the application centre, and delegating at the local level so that things can be done more effectively, in the end, by the system which has been created, as opposed to somebody else looking from above. I think those are the kinds of concerns we discussed during the committee and in other places as well.

Mrs. Christine Elliott: Certainly we did hear that, and I think there are many wonderful community organizations working together to provide the best possible services for their clients. The concern, though, I believe, is that it's much bigger than that. It's not just a question of looking at, do you have a space in your group home? Those are core services that those agencies provide, and I know they do a great job with very limited resources. But I think what was also stressed was the need for the independent planner to consider all of the other aspects of the person's life beyond that. I think there's a great need for those community agencies to continue to work together to provide those services, but there needs to be another entity above that that's looking and trying to facilitate that social inclusion piece into society that the agencies may not be able to do.

To me, to have the funding entity being the one that then goes and develops the plan without communication with the person, necessarily, seems rather disjointed. How will they know (a) what's there locally to build on, and (b) what the person really wants? To have the plan being developed by the funder doesn't really make sense to me. I think you really need that independent facilitation piece for this whole transformation to work.

Mr. Khalil Ramal: We talk about the funders and also the assessors, so we differentiate between them.

Mrs. Christine Elliott: But the funding entity is the one, according to the bill, as I understand it, that develops the plan. That's what it says.

Mr. Paul Miller: I think the government is sending mixed messages here. In the original Bill 77, the government had identified an application centre as having a dual purpose, as both intake and funding prioritization service. The government has now made an amendment that divides the application centre into two separate roles. The application entity is largely an intake entity, while the funding entity will prioritize which services and supports will be funded for an individual with a developmental disability.

I don't understand how the member can keep saying that they're going to have less bureaucracy, when you've taken your original concept and now divided it into two different groups, which are going to require professionals in those two areas to be hired, because instead of one person dealing with it up front, you're going to have to have two different people with expertise dealing with the

same patient. Bigger is not better, in my opinion. The more people involved, the more complicated it becomes, and I think service goes down, not up. So obviously, I can't support this part of the amendment to this bill.

Mr. Chair, is it possible to get a 10-minute recess? I have some additional information that has come in.

The Chair (Mr. Shafiq Qadri): Yes, if it's the will of the committee, we can recess for 10 minutes. Shall we consider this motion before we go?

Mr. Paul Miller: Yes, thank you, Mr. Chair.

The Chair (Mr. Shafiq Qadri): We'll now proceed to government motion 4. Those in favour, if any? Those opposed? I declare government motion 4 carried.

We'll now have, as requested, if it's agreeable to the committee, a 10-minute—exactly 10-minute—recess. It's 9:35 by my watch.

The committee recessed from 0935 to 0945.

The Chair (Mr. Shafiq Qadri): I think we have quorum for which to resume our deliberations. I now invite the presentation of government motion 5.

Mr. Khalil Ramal: I move that the definition of "direct funding" in section 1 of the bill be amended by striking out "application centre" and substituting "application entity."

We described earlier the division, or segregation, between the application entity and also the funding entity.

The Chair (Mr. Shafiq Qadri): Any comments?

Ms. Sylvia Jones: It just comes back to what we were listening to. What we heard were families' and individuals' desire to have that option, and by not leaving in the direct funding designation, you're actually making them more nervous, because now we've got this application entity. I'm not sure we're moving ahead in terms of making the sector any more comfortable with what Bill 77 is going to turn into.

Mr. Paul Miller: I obviously would not support this situation, because it sure is making it more complicated. And with all due respect to the opposition party, I don't want third party planners. That's creating more bureaucracy and that's the last thing we need at this particular time.

The Chair (Mr. Shafiq Qadri): Any comment? If not, we'll proceed to government motion 5. Those in favour? Those opposed? Motion 5 carried.

Government motion 6.

Mr. Khalil Ramal: I move that the definition of "service" in section 1 of the bill be struck out.

If we go back to section 4 of the bill, we can see why we came forward with these changes in order to clarify our intentions, also talking about the support and staff services so all would be clarified—and further motions are being proposed by the government to strengthen our intent and our action to improve the lives of people with disabilities.

Mr. Paul Miller: We will be voting in favour to show our non-particism, what's better for the people of Ontario. We're voting in favour with the government on this one.

The Chair (Mr. Shafiq Qaadri): Your non-partisanship?

Mr. Paul Miller: Yes. Thank you; that's two words today.

The Chair (Mr. Shafiq Qaadri): Fine. We certainly welcome that.

We'll now consider government motion 6, if there are no further comments. Those in favour? Those opposed? I declare government motion 6 to have been carried.

Government motion 7.

Mr. Khalil Ramal: I move that the definition of "service agency" in section 1 of the bill be struck out and the following substituted:

"service agency" means a corporation or other prescribed entity that provides services and supports to, or for the benefit of, persons with developmental disabilities and that has entered into a funding agreement with the minister under section 10 with respect to those services and supports; ('organisme de service')

These are some clarifications describing our intent and our definitions of the service agencies.

Mr. Paul Miller: Will this be a not-for-profit situation? Is the answer "no" to that?

Mr. Khalil Ramal: Our aim from day one to create a choice for families has been told over and over. The family has a right to choose what kind of service they are seeking for their loved one.

Mr. Paul Miller: So your answer is no?

Mr. Khalil Ramal: It's not set out whether it will be profit or non-profit, just to keep it for the family to choose.

Mrs. Christine Elliott: Again, our concern is that this is another change that's not really substantive, that's not really going to achieve the purpose intended because it's talking about supports. But again, the structure that is being created under this bill only sets up institutional supports and not the other supports that achieve the inclusion in the community that is the stated purpose, anyway.

The Chair (Mr. Shafiq Qaadri): We will proceed now to considering government motion 7. Those in favour? Those opposed? Government motion 7 is carried.

Government motion 8.

Mr. Khalil Ramal: I move that section 1 of the bill be amended by adding the following definition:

"Service and support" means a service and support described in section 4 that is provided to a person with a developmental disability, or for the benefit of such a person."

If we go back to section 4 of the bill, we'll outline the kind of service and support we're talking about here—so whether it's residential activities, community participation, caregiver professionals or any prescribed service and support.

Mr. Paul Miller: Once again, in the spirit of non-partisan voting, we will support the government on this.

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The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Miller. Those in favour of government motion 8? Those opposed? Government motion 8 is carried.

As we've now considered the multiple amendments for section 1, I will now consider section 1, as amended. Shall it carry? Carried.

We'll now consider government motion 9.

Mr. Khalil Ramal: I move that section 2 of the bill be amended by striking out "services" wherever that expression appears and substituting in each case "services and supports."

As we mentioned, to send a message of inclusion, we added "supports" to "services" wherever it appears in the bill.

The Chair (Mr. Shafiq Qaadri): Mr. Miller.

Mr. Paul Miller: I'm comfortable with that.

The Chair (Mr. Shafiq Qaadri): Any further comments? No. We'll consider government motion 9. Those in favour? Those opposed? Motion 9 is carried—which is, I believe, the entire amendments for section 2.

Therefore, shall section 2, as amended, carry? Carried.

NDP motion 10.

Mr. Paul Miller: I move that clause 3(1)(a) of the bill be struck out.

The reference to age has the potential to be discriminatory or exclusionary. There are many circumstances by which those with developmental disabilities have not received appropriate supports and services, or even medical diagnoses, by the age of 18. That's our reasoning behind that.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll consider NDP motion 10. Those in favour? Those opposed? NDP motion 10 is defeated.

PC motion 10A, which I understand is a duplicate of the previous motion.

Ms. Sylvia Jones: I'd just like to add some comments to what has already been said. The point of removing that age designation is to capture the individuals who, as has already been raised, either have not been diagnosed because they were not in Ontario prior to age 18, or for circumstances within their own personal situation where they have not, and I'm thinking of some of the autism-related designations. Those are issues that, again, have been brought up by a number of presenters over the course of the four days, so I would urge you to reconsider your previous quick vote.

The Chair (Mr. Shafiq Qaadri): I've just been informed by the clerk that because 10A is an exact duplicate of 10, the motion's actually out of order—

Ms. Sylvia Jones: I think you should give us a second chance to reconsider.

The Chair (Mr. Shafiq Qaadri): I appreciate your advice and counsel, Ms. Jones, but I understand that we're not actually going to be voting on it.

Therefore, having no amendments carried for section 3, we will now consider section 3. Shall it carry, as is? Carried.

We'll now go to government motion 11.

Mr. Khalil Ramal: I move that subsection 4(1) of the bill be struck out and the following substituted:

"Services and supports

“(1) The following are services and supports to which this act applies:

- “1. Residential services and supports.
- “2. Activities of daily living services and supports.
- “3. Community participation services and supports.
- “4. Caregiver respite services and supports.
- “5. Professional and specialized services.
- “6. Person-directed planning services and supports.
- “7. Any other prescribed services and supports.”

As we mentioned in different sections, we’re going to add supports to all of the daily activities in order to show our intent of the bill: to strengthen the vision of inclusion. That’s why we have supports in every different service or activity which can be carried on on a daily basis by people with disabilities.

Mr. Paul Miller: This government amendment adds “person-directed planning services and supports” to the original “services and supports” to which the act applies. The motion also changes “services” to “services and supports” throughout. We don’t agree with the term “person-directed planning services and supports” and use the phrase “person-centred planning” to describe the approach that should be taken to plan for the service and support needs that an individual requires.

We agree that descriptions 1 through 5 included in this act are important and necessary, but we don’t agree with number 6, “person-directed planning services and supports.” The NDP supports person-centred planning services and supports, where the needs and wishes of the individual and their family are primary considerations for identifying life goals and services and supports based on needs, which are best provided through a not-for-profit, community-based system. Person-directed planning, particularly in the context of Bill 77, suggests that individuals with a developmental disability and their family navigate the myriad of services and supports on their own, without the benefit of assistance from community-based agencies.

Are all of these services and supports listed here going to be provided on a not-for-profit basis, Mr. Ramal?

Mr. Khalil Ramal: I think I answered this question before. The aim and goal for the bill is to create a choice for families, and the family will choose whatever service they wish and consider for their loved one.

Mr. Paul Miller: So the answer is no.

What is meant by “significant others of their choice” as it relates to person-directed planning? It sounds remotely like a third party broker. I’ll read the following for you:

“I cannot agree with person-directed planning as described in this act. It is particularly problematic within the context of the significant changes this bill will introduce, such as brokers, third parties and significant others of their choice.”

What does that mean, Mr. Ramal? Could you explain that?

Mr. Khalil Ramal: I’ll explain it to you. The aim of the bill is to create flexibility and create a choice for families—whatever they wish. They would love to see

their loved one serviced by certain people, so that will be so.

Mr. Paul Miller: I think this is creating a potential for an unaccountable third party, because third parties in this act are not subject to accountability measures, like service agencies or application-funding entities are. I believe in person-to-person-centered planning services and supports instead. They are centered around the individual and those closest to them and identifying the goals and needs to get them their services and supports, based on a not-for-profit, community-centered model. That’s why we will oppose this.

Mrs. Christine Elliott: We’re certainly pleased to support this section, particularly with respect to the inclusion of number 6. Person-directed planning services and supports we see as being integral and really important for the success of this bill, for a couple of reasons. One is the ability to centre the services on the person, and not to talk about what service might be available but what the person wants, and to build a plan around that. I think that’s key.

As well, the concept that the persons have significant input into decision-making themselves: We heard a lot about that through the supported decision-making. I believe we got some additional information on that. The extent to which persons themselves can make decisions about their life is truly the way to achieve that kind of inclusion that we’re seeking, so we’re pleased to support this bill. Although we have some significant disagreement on the way we would like to see it implemented, we certainly agree with the concept.

Mr. Paul Miller: Once again, I have grave concerns about creating another level of bureaucracy. It appears that the government and the opposition want to do this with this situation. I don’t want third party planners involved in this situation. Bigger is not better. I hate to reiterate, but bigger is not better, and more hands in the pot create controversy and problems.

The Chair (Mr. Shafiq Qadri): We’ll proceed to consideration of government motion 11. Those in favour? Those opposed? Government motion 11 carries.

Government motion 12.

Mr. Khalil Ramal: I move that the definitions of “activities of daily living support services,” “caregiver respite services,” “community participation support services” and “residential support services” in subsection 4(2) be struck out.

We mentioned some technicalities in order to strengthen our vision and directions in terms of creating inclusion in our directions.

The Chair (Mr. Shafiq Qadri): Mr. Miller.

Mr. Paul Miller: Once again, the NDP will support the government. I’m still waiting for one my way. When is that going to happen?

Mr. Khalil Ramal: It’s coming.

Mr. Paul Miller: It’s coming? Okay. Thank you.

The Chair (Mr. Shafiq Qadri): Any further comments? Consideration of government motion 12: Those in favour? Those opposed? Government motion 12 is carried.

Government motion 13.

Mr. Khalil Ramal: I move that subsection 4(2) of the bill be amended by adding the following definitions:

“‘activities of daily living services and supports’ means services and supports to assist a person with a developmental disability with personal hygiene, dressing, grooming, meal preparation, administration of medication, and includes training related to money management, banking, using public transportation and other life skills and such other services and supports as may be prescribed;...”

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“‘caregiver respite services and supports’ means services and supports that are provided to, or for the benefit of, a person with a developmental disability by a person other than the primary caregiver of the person with a developmental disability and that are provided for the purpose of providing a temporary relief to the primary caregiver;...”

“‘community participation services and supports’ means services and supports to assist a person with a developmental disability with social and recreational activities, work activities, volunteer activities and such other services and supports as may be prescribed;...”

“‘person-directed planning services and supports’ means services and supports to assist persons with developmental disabilities in identifying their life vision and goals and finding and using services and supports to meet their identified goals with the help of their families or significant others of their choice;...”

“‘residential services and supports’ means services and supports that are provided to persons with developmental disabilities who reside in one of the following types of residence and includes the provision of accommodations, or arranging for accommodations, in any of the following types of residences, and such other services and supports as may be prescribed:

“(1) Intensive support residences.

“(2) Supported group living residences.

“(3) Host family residences.

“(4) Supported independent living residences.

“(5) Such other types of residences as may be prescribed;...”

All this explanation is just to define what we said in terms of supports and what kinds of services people with disabilities might seek and the plan, all to explain section 4 of the bill when we mentioned what kinds of services and supports there might be available for persons with disabilities if this bill passes.

Ms. Sylvia Jones: The subsection is really only adding the person-directed planning services and supports, which obviously we’re happy to support. I guess my question then becomes where it fits in as the individual goes through the process for applying for the services, and we’ll be monitoring that. But we’re pleased to support this amendment.

The Chair (Mr. Shafiq Qaadri): Mr. Miller.

Mr. Paul Miller: This being number 13—I’m correct?

The Chair (Mr. Shafiq Qaadri): Government motion 13.

Mr. Paul Miller: Most of the definitions are fine, but we should reiterate that we support individuals and their families and those close to them in making decisions based on person-centred planning, that services should be not-for-profit and that we do not support the phrase “person-directed planning.” It is again included here and the definition is problematic. In the context of this bill that sets up the use of private brokers and third parties who will have little accountability in the mechanisms, it’s very worrisome to us what the opposition and you are pushing in this situation. Again, I have to ask, will the services and supports identified in this section be not-for-profit?

Mr. Khalil Ramal: I repeat my response. We want to keep the flexibility and choice for the family.

Mr. Paul Miller: Well, I’m afraid I’m going to have to go the other way on this one. I’m sorry, we’ll be against this.

Mr. Khalil Ramal: It’s your choice.

The Chair (Mr. Shafiq Qaadri): Consideration of government motion 13: Those in favour? Those opposed? Government motion 13 carried.

Government motion 14.

Mr. Khalil Ramal: I move that the definitions of “supported group living residence” and “supported independent living residence” in subsection 4(2) of the bill be amended by striking out “services” wherever that expression appears and substituting in each case “services and supports.”

I think this is very clearly just to add supports to whenever “services” appears, in order to strengthen our directions toward inclusion and include people with disabilities in our daily life.

The Chair (Mr. Shafiq Qaadri): Any comments?

Mr. Paul Miller: We believe this is just a little house-cleaning, and we will support this.

The Chair (Mr. Shafiq Qaadri): Those in support of government motion 14? Those opposed? Motion 14 is carried.

Shall section 4, as amended, carry? Carried.

Having received to date no amendments to for section 5, we’ll proceed immediately to its consideration. Shall section 5 carry? Carried.

We’ll now proceed to NDP motion 15.

Mr. Paul Miller: I move that the bill be amended by adding the following part:

“Part II.1, Bill of Rights

“Bill of Rights

“5.1(1) Every service agency or other service provider under this act shall ensure that the following rights of persons with developmental disabilities receiving services or funding are fully respected and promoted:

“1. Every person with a developmental disability has the right to live free from discrimination.

“2. Every person with a developmental disability has the right to raise concerns, recommend changes or com-

plain without interference and without fear of coercion, discrimination or reprisal.

“3. Every person with a developmental disability has the right to respect for his or her dignity and promotion of autonomy.

“4. Every person with a developmental disability has the right to be dealt with by the service provider in a manner that recognizes the person’s individuality and that is sensitive to and responds to the person’s needs and preferences, including preferences based on ethnic, spiritual, linguistic, familial and cultural factors.

“5. Every person with a developmental disability has the right to be informed of programs and services and of the laws, protocols, policies and complaint procedures that govern him or her.

“6. Every person with a developmental disability has the right to enjoy personal privacy, including expectations of daily living such as the freedom to have private telephone conversations.

“7. Every person with a developmental disability has the right to a healthy, clean physical environment.

“8. Every person with a developmental disability has the right to a nourishing diet, exercise and access to health care.

“9. Every person with a developmental disability has the right to have his or her personal decisions respected.

“10. Every person with a developmental disability has the right to privacy of and access to his or her personal information in accordance with the law.

“11. Every person with a developmental disability has the right to receive services and supports that are provided on a not-for-profit basis.

“Further guide to interpretation

“(2) Without restricting the generality of the fundamental principle, the following are to be interpreted so as to advance the objective that a person’s rights set out in subsection (1) are respected:

“1. This act, the regulations and the policy directives under this act.

“2. Any agreement entered into between a service agency or other service provider, a person receiving services or funding under this act and the minister or an agent of the minister.

“Deemed contract

“(3) A service agency or other service provider shall be deemed to have entered into a contract with each person receiving services or funding from the service agency or service provider, agreeing to respect and promote the rights set out in subsection (1).

“Accessibility

“(4) The minister shall make the bill of rights available in plain language and in accessible formats, such as pictograms.

“Notice

“(5) Service agencies and other service providers shall notify persons receiving services or funding under this act of the bill of rights.”

This is common human rights, common respect for the people of this province, and I hope that the government will support this motion.

Mrs. Christine Elliott: There is a lot to agree with in this bill of rights, virtually everything in fact, except that we can’t agree with number 11 with respect to the provision of services only by a non-profit agency. What we should be guided by is the best interest of the person and what services are available for them to meet their needs, be they for profit or not for profit. So I don’t think that we can cut that off, where the paramount consideration needs to be the needs and rights of the individual and what’s best for them.

Mr. Khalil Ramal: I want to thank the members opposite for their concern about this issue. I think our government position is clear. By introducing Bill 77 to modernize the life of a person with a disability—because our intent in the end is to create some kind of accessibility for people to live like everybody else. What’s clear from our statement, our mission, our title is our direction to give choice to families to choose a service for their loved ones.

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Also, you mentioned accessibility. It was clear in the accessibility act, 2005, when we talked about how people with disabilities have a right like everybody else to enter life and have the same opportunities as everybody else in society.

So all our actions and our statements indicate and are clear in terms of our intent to create opportunities for people with disabilities to be treated like everybody else. Also, all the agencies and organizations and community living agencies across the province of Ontario include in their mission statements their goal and intent, and all focus on the inclusions and the services for people with disabilities.

Mr. Paul Miller: So I guess the answer is that the government and the opposition are shooting down this entire dialogue that I’ve put forward because of one part, number 11. Would that be a fair statement? We don’t even want to attempt to amend 11. We want to shut down the whole thing because of one sentence. Is this fair to say?

Mr. Yasir Naqvi: Mr. Miller, you can come to whatever conclusions you want. People with developmental disabilities, I think we heard over and over again while we were travelling with this committee, are individuals just like all of us and they have the same rights which are enshrined in the Charter of Rights and Freedoms, they have the same rights which are enshrined in the Ontario Human Rights Code, and those rights must be respected by law constitutionally. There is no need in this particular legislation to have a separate bill of rights and to treat them differently than all of us. They are human beings like us, and we need to protect their rights constitutionally, and the Constitution does protect their rights.

Mr. Paul Miller: The gentleman across from me is a lawyer from Ottawa. You are familiar with government legislation, you are familiar with amendments, and that words can be used to change meanings in the context of a paragraph or a sentence. So are you saying that all the things out of Ottawa are the same for across the country

as in the province? All the bylaws and laws are all the same? It covers everybody?

Mr. Yasir Naqvi: The Constitution of Canada applies to everyone equally, period, across the country.

Mr. Paul Miller: Well, if you change provincially—that’s why I say, with respect to federally—the laws are not all the same. I’d just like to bring that forward.

The Chair (Mr. Shafiq Qadri): If there are no further questions or comments, we’ll now consider NDP motion 15. Those in favour, if any? Those opposed? The NDP motion is defeated.

We’ll now consider NDP motion 16.

Mr. Paul Miller: I move that section 6 of the bill be amended by adding the following subsection:

“Consistency of service

“(2.1) A director shall take all reasonable steps to ensure that core mandated services prescribed by the regulations are funded and provided at a consistent level across the province.”

An explanation of this: To uphold the commitment that individuals with developmental disabilities are included as active members of the community, it is unacceptable to leave people languishing on waiting lists. Therefore, services and supports identified under this act must be mandated services. If an individual is assessed, found to be eligible and necessary supports and services identified, then those supports and services should be provided without delay. This amendment ensures that proper steps are taken in order to do so.

The Chair (Mr. Shafiq Qadri): Are there any comments?

Mr. Khalil Ramal: We don’t agree with this motion because we believe in promoting equity by allocating resources among all the people across the province of Ontario. Therefore, this bill has stated very well that it depends on the needs of the person and not otherwise.

The Chair (Mr. Shafiq Qadri): Mr. Miller.

Mr. Paul Miller: Thank you, Mr. Chair. I’m still waiting for that one.

The Chair (Mr. Shafiq Qadri): We’ll now consider NDP motion 16. Those in favour? Those opposed? NDP motion 16 is defeated.

That’s the full complement of amendments for section 6, so I’ll now consider: Shall section 6 carry? Carried.

We’ll now move to government motion 17. Mr. Ramal.

Mr. Khalil Ramal: I move that paragraph 1 of subsection 7(1) of the bill be amended by striking out “services” and substituting “services and supports.”

We spoke about this one many different times. It’s just a kind of technicality.

The Chair (Mr. Shafiq Qadri): Are there any comments? We’ll now consider government motion 17. Those in favour? Those opposed? Motion 17 is carried.

PC motion 17A.

Ms. Sylvia Jones: I move that paragraph 2 of subsection 7(2) of the bill be amended by,

(a) striking out subparagraph ii, and

(b) striking out “service profile” in subparagraph iv and substituting “life plan.”

The reasoning behind changing “service profile” to “life plan” is that, again, it incorporates what we’re trying to achieve with—we’re not just talking about nine-to-five, we’re not just talking about the services that are available through the providers that are government-funded. We want to look at the individual in their complete role within the community, and that inclusive piece is missing if we stick to “service profile,” and that’s what we’re trying to do with the “life plan.”

Mr. Khalil Ramal: I think that when we create the entity of assessment, we’re trying to create an equity, to be the same pattern in the present and in the future, so that’s why we’re not supporting this motion.

The Chair (Mr. Shafiq Qadri): We’ll consider now PC motion 17A. Those in favour? Those opposed? I believe we have a tie. Perhaps we’ll try that one more time.

Interjections.

Mr. Paul Miller: Due to further consideration, I think I’ll swing the vote and I’ll be going against that.

Ms. Sylvia Jones: You can’t change your vote either.

Mr. Paul Miller: Why can’t I?

Ms. Sylvia Jones: It’s like them coming in after the vote has happened and saying, “Vote again.”

Mr. Paul Miller: Okay, fine.

The Chair (Mr. Shafiq Qadri): Procedurally we are, as of this moment, tied, and I will look for direction as to what we do, since this is the first time in my experience that’s happened.

I believe we’re going to take a two-minute recess, if that’s the will of the committee.

The committee recessed from 1020 to 1022.

The Chair (Mr. Shafiq Qadri): I’ll call the meeting once again to order. I understand that it is in fact the chairman’s privilege and prerogative to cast a deciding vote in the event of a tie. After considerable deliberation and much thought, I will be voting against PC motion 17A. I declare it defeated and now invite NDP motion 18.

Mr. Paul Miller: I move that paragraph 3 of subsection 7(2) of the bill be struck out.

The explanation for this is that no person with a developmental disability should be forced to linger on a waiting list when they have been assessed and necessary services have been determined. When need has been identified, the level of service to meet this need must be provided. I think that’s a pretty basic thing, Mr. Chair, that no one could disagree with.

The Chair (Mr. Shafiq Qadri): Further comments, questions?

Mr. Khalil Ramal: We will vote against this motion because we want to create some kind of transparency across the board and consistencies when we introduce one section in other sections of the bill. That’s why we’re not going to go for this one, not because we don’t like you, just because it’s not consistent with the stature of the bill.

Mr. Paul Miller: That's not a surprise.

The Chair (Mr. Shafiq Qaadri): Now to consider NDP motion 18, if there are no comments. Ms. Jones?

Ms. Sylvia Jones: Just a quick comment: While I also have concerns about putting the waiting list in legislation, I think our amendment following deals with it in a little more proactive way.

The Chair (Mr. Shafiq Qaadri): NDP motion 18, those in favour? Those opposed? NDP motion 18 defeated.

PC motion 18A.

Ms. Sylvia Jones: I move that subsection 7(2) of the bill be amended by adding the following paragraph:

"3.1 Requirements for reducing waiting times on the waiting lists referred to in subsection 19(3)."

The Chair (Mr. Shafiq Qaadri): Any comments? Seeing none, we'll consider PC motion 18A. Those in favour? Those opposed? PC motion 18A is defeated.

PC motion 18B.

Mrs. Christine Elliott: I move that paragraph 4 of subsection 7(2) of the bill be amended by striking out "reassessing service profiles and prioritization" and substituting "reassessing prioritization." Again, this is dealing with the issue about the life plan as opposed to just a service profile, talking about prioritizing the whole plan.

The Chair (Mr. Shafiq Qaadri): Any comments on PC motion 18B?

Mr. Khalil Ramal: We're not going to support this one because we're talking about the need to create some kind of instrument to measure the needs of at-risk people in the best way to ensure that people are treated equally across the board.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 18B? Those opposed? PC motion 18B defeated.

Government motion 19.

Mr. Khalil Ramal: I move that subsections 7(2) to (4) of the bill be struck out and the following substituted:

"Application entities

"(2) A director may issue policy directives to application entities with respect to the following matters:

"1. Procedures to be followed in monitoring and administering direct funding to or for the benefit of persons with developmental disabilities under section 11.

"2. Procedures to be followed in performing the following functions:

"i. determining under section 14 eligibility for services and supports and funding under this act,

"ii. determining the method of assessment used under subsection 17(1) to assess the needs of a person with a developmental disability for services and supports under this act,

"iii. determining the qualifications and service standards of the persons who may perform the assessment under subsection 17(1) of the needs of a person with a developmental disability.

"3. Performance standards and performance measures with respect to the performance of duties of the entities under this act.

"4. Such other matters as may be prescribed.

"Funding entities

"(2.1) A director may issue policy directives to funding entities with respect to the following matters:

"1. Procedures to be followed in performing the following functions:

"i determining the method of allocating ministry resources among persons with developmental disabilities;

"ii determining the method of prioritizing persons for whom a funding entity has developed a service and support profile under section 18.

"2. Performance standards and performance measures with respect to the performance of duties of the entities under this act.

"3. Such other matters as may be prescribed.

"Classes

"(3) A policy directive may create different classes of service agencies, application entities and funding entities and may contain different provisions in respect of each class.

"Compliance

"(4) Every service agency, application entity and funding entity shall comply with the applicable policy directives."

So when we talk about the two different entities, whether for assessing people with disabilities and the people who are eligible for funding, this motion will describe the services being set in the bill and also details the definitions of the entities and the eligibilities. And when we talk about the people who are going to be eligible, the regulations will set the standards for the people who are eligible to be assessed, people with disabilities, in order to be transparent and also responsible to the people who are seeking services. So we're looking for the best available for us as a government, as a community, as a family, in order to provide good service for people with disabilities.

Mr. Paul Miller: I'd ask leg counsel for further explanations and clarifications on number 2 and number 3: "Performance standards and performance measures with respect to the performance of duties of the entities under this act." Who's going to enforce those performance standards and performance measures? Are we creating another bureaucratic body to do that? And it says, "Such other matters as may be prescribed." I'd like to know what these matters are.

The Chair (Mr. Shafiq Qaadri): I think that would probably be most appropriate not directed at leg counsel, which is obviously a different domain. So I would invite you to propose that to the committee members.

Mr. Paul Miller: Okay. If somebody can answer it, that's fine.

Mr. Khalil Ramal: In order to create some kind of transparency in terms of creating those entities, we have to create some kind of measurement, so we have to set the standards for people to be able to go and assess

persons and give them a designation. So that's why we describe in this motion our intent and our directions in order to follow all the steps, to make sure all the people measure across the board with the same measurement and create some kind of transparency and level playing field for all the people who are applying for the same service.

Mr. Paul Miller: Are these people going to be government-directed, or are they going to be individual for-profit people? Who are they and what qualifications do they need? Who's going to govern those qualifications? And will they meet the standards of the community and will they be acceptable to the clients?

Mr. Khalil Ramal: First, there has to be an expert in the field, as we mentioned at many different times, and the standards will be set out in the regulations. So we've still got a way to go for the regulations. At the present time, we're debating the bill. And hopefully after the bill passes—the bill first—the regulations will set up the standards and the qualifications required in order to assess people.

Mr. Paul Miller: And what falls under the category of “such other matters as may be prescribed”? What are we referring to?

Mr. Khalil Ramal: As you know, when you're dealing with a human being, it's not dealing with a fixed problem. And every person with a disability has unique circumstances and needs. That's why we are going to create some kind of flexibility in terms of describing the matters that might occur when we assess the person.

Mr. Paul Miller: It's kind of a grey area, is what I'm saying. What you've just said doesn't really spell it out. I don't see that in the writing.

1030

In reference to an explanation from us as to why we will not support this, what we have discovered is that though an application entity can be designated by the minister as a service agency, another corporation or another entity as prescribed, a funding entity can be another corporation or another entity as prescribed, but should not designate a service agency as a funding entity—

Mr. Khalil Ramal: Correct.

Mr. Paul Miller:—which means that based on the government motion, funding cannot flow from a service agency. We do not support the government amendment setting up a funding entity because the bill, as amended by the government, will exclude community-based agencies from functioning as a funding entity, and does not stipulate that funding entities be non-profit. The NDP also does not support the purpose of funding entities, which will prioritize funding rather than provide funding based on the needs of individuals and their families. Service agencies are cut out from a funding distribution process, on top of which service agencies may be, by policy directive included in this bill, divided into different classes, seriously threatening the ability of community-based agencies to provide a consistent level of service and support across this whole province.

So we ask: Are the service and supports here provided on a not-for-profit basis?

Mr. Khalil Ramal: A quick answer, Mr. Chair: We separate the two entities—an application entity and a funding entity—to eliminate the conflict of interest, because an assessor cannot be at the same time a funder. We really focused on input and support from community organizations that have been in the field for many different years to give us advice and support and help us to carry on with our bill. As I mentioned—and I will repeat what I mentioned—the intent of the bill is to create some kind of choice for families and not to eliminate their choices. That's my answer, sir.

Mr. Paul Miller: With all due respect to Mr. Ramal, I've constantly asked him, “Is it for profit or non-profit?” and I don't get a direct answer. All he has to say is no or yes, and that's simple.

Mr. Khalil Ramal: The goal of the bill is to create a choice for families, so whatever the families choose to do, we're here to support, honour and respect them.

Mr. Paul Miller: I still haven't had my answer. Okay.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Miller. We'll now proceed to consideration of government motion—

Mrs. Christine Elliott: If we may have some comments, please.

The Chair (Mr. Shafiq Qaadri): Mrs. Elliott, please.

Mrs. Christine Elliott: We also cannot support this section, first of all, because we fundamentally disagree with the establishment of the application entities and the funding entities. It's really confusing to us as to how they're to be established. First of all, they're very loosely defined; and secondly, when you look at subsection (3), where different classes of those entities can be created, it's hard to imagine how you can achieve any kind of consistency across the province in the delivery of services. So we are very concerned about that, and for that reason we'll have to vote against it.

The Chair (Mr. Shafiq Qaadri): Thank you, Mrs. Elliott. We'll now proceed to consideration of government motion 19. Those in favour of government motion 19? Those opposed? Government motion 19 is carried.

Shall section 7, as amended, carry? Carried.

NDP motion 20.

Mr. Paul Miller: Thank you, Mr. Chair. Here we go again, another opportunity for the government to support me.

I move that section 8 of the bill be struck out and the following substituted:

“Application centres

“8(1) Service agencies in a geographic area shall establish a not for profit central intake service for the area that shall be known as an application centre.

“Access to services

“(2) Every application centre shall provide a single point of access to services funded under this act for persons with developmental disabilities residing in the geographic area.

“Powers and duties

“(3) Every application centre shall perform such duties and exercise such powers as may be specified in this act or the regulations, including,

“(a) accepting applications for services and funding;

“(b) developing person-centred support plans for the purposes of an initial service profile under section 18; and

“(c) facilitating referrals to not for profit service agency supports.

“Coordination

“(4) Service agencies in a geographic area shall develop and implement a coordinated strategy to provide access to services for persons with disabilities residing in the area and for their families and caregivers.

“Funding

“(5) The minister may enter into funding agreements with application centres to provide funding with respect to the operational cost incurred by the application centres in exercising their powers or carrying out their duties under this act.

“Quality assurance

“(6) An application centre shall comply with such quality assurance measures as may be prescribed.

“Reporting requirements

“(7) An application centre shall,

“(a) make a report to the minister whenever the minister requests it, in the form and containing the information specified by the minister; and

“(b) comply with such reporting requirements as may be prescribed.

Our explanation for this is that agencies in a geographic area should work together on a coordinated strategy to meet the goals of this bill. In some areas, such as Toronto, they are already collaborating to coordinate intake assessment and referrals. We also say that the minister may enter into funding agreements with application centres to provide funding for the operational costs incurred by the centres in exercising their powers and duties under this act.

Mr. Khalil Ramal: We’re not supporting this motion for many different reasons. I outlined our government position many different times, why we choose to have two different entities, one to be an application entity and one to do funding. We eliminated the application centre because we responded to the people who came before us, whether community living or organizations or stakeholders, in many different locations in the province of Ontario. They told us about the need for transparency.

What we did was create those entities, one for applications—it could be community living, it could be other organizations—and also we’re going to create standards. The eligibility is going to be set out by the regulations and also by an entity to do the funding. We believe strongly that if we combine them together, the assessors or the community which does the assessment would be the same organization that is the funder, so it would be a conflict of interest. Basically, you’re telling me that the criminal would be the judge at the same time. We’re going to have some kind of a different approach in order

to create transparency and make sure all the people are equal across the province of Ontario. It will be two different entities: one for the application centre and the application process and one to do with the funding.

Ms. Sylvia Jones: We have also brought forward a proposal to amend section 8. What we’ve tried to do is reflect more directly what we heard on those four days of presentations from families, individual members and people working in the sector. Quite frankly, I didn’t hear a lot of requests for change in the sector over to complete not-for-profit, so our amendment, the next one, will hopefully get a little more hearing.

Mr. Paul Miller: I believe at this particular stage that CASs both assess and fund. I beg to differ with the synopsis that two entities will provide a better system. You’re saying that in the present system, the person does the initial study and then also assesses the finances, and you’re feeling that there’s a conflict of interest. It’s my humble opinion that those individuals are professionals and they’re trying to do what’s best for the clients and the people who come before them. By creating two different problems, I think you’ll get exactly what you stated: You’re going to have a conflict. You may have one person assessing them for particular needs, and then they go to the financial person and they say, “No, we’re not going to fund that person in that particular area.” What you’re creating is more confusion, more bureaucracy and more problems.

I think that the government should have a little faith in any professional in this province. When you go to these individuals, they’ve got the clients’ best interest at heart and they’re going to try to do the best they can and receive the funding they can under the present system.

You may even have two agencies battling each other for supremacy with the funding and the assessment group. In every organization I’ve ever seen, there are fiefdoms.

Interjection.

Mr. Paul Miller: Yes, but there are fiefdoms. That’s not what I’m saying. I’m saying, if you create more bureaucracy, more different systems, you’re going to have a slowdown in the system, you’re going to have bigger waiting lists, you’re going to have nothing but problems.

I cannot support this.

1040

The Chair (Mr. Shafiq Qadri): Are there any further questions or comments? Seeing none, we’ll consider NDP motion 20. Those in favour? Those opposed? NDP motion 20 defeated.

PC motion 20A.

Mrs. Christine Elliott: I move that section 8 of the bill be struck out and the following substituted:

“Application centres

“8(1) For the purposes of this act, every regional office of the Ministry of Community and Social Services is hereby designated as an application centre for the geographic area over which the regional office has jurisdiction.

“Access to services

“(2) Every application centre shall provide a point of access to services funded under this act for persons with developmental disabilities residing in the application centre’s geographic area.

“Powers and duties

“(3) Every application centre shall perform such duties and exercise such powers as may be specified in this act or the regulations.

“Reporting requirements

“(4) An application centre shall,

“(a) make a report to the minister whenever the minister requests it, in the form and containing the information specified by the minister; and

“(b) comply with such other reporting requirements as may be prescribed.

“Publication of waiting lists

“(5) An application centre shall, on an annual basis, report the prescribed information about the waiting lists referred to in subsection 19(3) to the minister, and the minister shall, within 60 days after receiving the information, publish it in the manner the minister considers appropriate.”

This amendment along with several others, we hope, reflects the many comments that were made to us during the course of the hearings about wanting to replace the actual application centres with more of an application process. That’s what this amendment and the others that follow are hoping to do, to reduce again the bureaucracy of having a separate application centre that would take away funds from direct service and simplify and streamline the process, so that you would have one centralized application form to be submitted to the ministry to screen for eligibility, which would then go to independent planners which would be funded through the ministry, so there would be control. I know there are some concerns about them being brokerages and so on, but that’s what the process would be. Then it would go back to the funders to make a decision once the independent planners have had an opportunity to speak with the person, their caregivers and their family members to see what they want.

We heard from many, many families that they may want independent direct funding or they might want to continue with a service agency, but what they want all together is to know about what else is out there, because when you’re caring for a family member, you have very little time and it’s very daunting to go and look to find out what other services and possibilities are out there for the person. It takes time to discern, first of all their wishes, and then how to put those wishes into action. This is the start of our amendments that are intended to fulfill the wishes of the person.

Mr. Khalil Ramal: We spoke about this issue many different times. I guess our position was clear and obvious about why we are creating two entities, one to collect all the applications, and also, trying to make people eligible, and also entities to do the funding. We want to create some kind of transparency and make the

process a lot better. We have no goal to create more bureaucracy, as I mentioned many different times, nor to grow the government. We believe strongly in the people who came before us many different times to tell us about their experience. Ms. Elliott, you heard them, and all of us heard them. They have good experiences, whether in Toronto or many different jurisdictions. They’ve been successfully able to provide some kind of assessment mechanism to the people with disabilities. The government in the past was basing their judgment on those assessments.

Further, to make this process more transparent and more equitable across the province, we came up with the entities because the minister many different times mentioned there are some difficulties and barriers facing people with disabilities to enter the services. Therefore, that’s what we came up with, those points, in order to make sure all the people with disabilities have the same rights and have service.

Mrs. Christine Elliott: If I may just respond? I certainly agree with many of the things you’re saying. I guess we’re just looking at a different process to be followed here. When we drafted this section, we were certainly cognizant of the wishes of the families and the individuals to put more money into direct service, because certainly, underlying all of this discussion, is the need for a lot more money to be pumped into this sector. We heard that from many, many people. There needs to be more in terms of paying the workers who work with people; it needs to get more funding to the people themselves; the group homes need more funding. So all the money that can be put into direct service should be put in. That’s why our concept was to have the centralized process to go into the ministry, and the ministry would just screen for assessment.

We were also cognizant of the need for families to get more information. We heard from families in the north and from rural areas who have significant concerns. Planners could be mobile services; they could go out to meet with people. They could be accessible to everyone. You wouldn’t have to travel hundreds of miles to a regional centre—streamlining, simplifying and separation of decision-making and funding.

We see that part of it as being fundamental as well, to have the separation of those duties. It would ultimately be under the ministry’s control, but it would certainly have the facilitation of the planner who would work with the existing agencies. We did hear from many great service provider organizations who have gotten together. We see them as being integral to the success of this as well. They can help implement the plan that the planners would develop.

The Chair (Mr. Shafiq Qadri): Thank you, Mrs. Elliott. If there are no further questions or comments, we’ll proceed to consideration of PC motion 20A. Those in favour? Those opposed? I declare PC motion 20A defeated.

We now move to government motion 21.

Mr. Khalil Ramal: I move that subsections 8(1) to (7) of the bill be struck out and the following substituted:

“Application and funding entities

“(1) The minister may designate, as an application entity for the purposes of this act, a service agency, another corporation or another entity that may be prescribed.

“Powers and duties

“(2) Every application entity shall perform the duties and may exercise the powers that this act or the regulations specify for application entities.

“Funding entity

“(3) The minister may designate, as a funding entity for the purposes of this act, a corporation or another entity that may be prescribed but shall not designate a service agency as a funding entity.

“Powers and duties

“(4) Every funding entity shall perform the duties and may exercise the powers that this act or the regulations specify for funding entities.

“Access to services and supports

“(5) Every application entity shall provide a single point of access to services and supports funded under this act for persons with developmental disabilities residing in the geographic area described in the entity’s designation.

“Multiple entities in area

“(6) If the minister designates more than one application entity for the same geographic area, the application entities designated for the area shall work together to comply with subsection (5).

“Funding entities

“(7) Every funding entity shall perform its duties and may exercise its powers with respect to persons with developmental disabilities residing in the geographic area described in the entity’s designation.

“Multiple entities in area

“(7.1) If the minister designates more than one funding entity for the same geographic area, the funding entities designated for the area shall work together to comply with subsection (7).”

In this motion, we describe the duties and responsibilities of every entity, whether an application entity or a funding entity, in order to have some kind of clarification and set out the conditions, if there are many different entities in the same geographic area, in order to create some kind of work relationship and not some kind of duplication. That’s why, according to this act and these sections, those entities should work together in order to provide service for the people with disabilities, and also to state clearly that the application entity cannot be the funding entity.

1050

The Chair (Mr. Shafiq Qaadri): Comments?

Ms. Sylvia Jones: I have a couple of questions. Under “application and funding entities”, “The minister may designate, as an application entity for the purpose of this act, a service agency” or other corporation. So are you not setting up a conflict there, when you have a service agency providing and doing the applications at the same time—so providing the services as well as providing the applications?

Mr. Khalil Ramal: No, we separate the two entities. We said it in many different sections. The application entity cannot be the entity that funds those services; it has to be two different bodies and two different organizations. If you are performing in terms of assessing people or being an application entity, you cannot be in the funding entity.

Ms. Sylvia Jones: Okay. Also, I wonder if you could give me an example of where you would have multiple funding agencies or entities in the same geographic area. Because it seems to me you’re setting yourself up for failure there.

Mr. Khalil Ramal: As we mentioned, due to the service rate over a large geographical area, it might require maybe two different entities working in the same geographical area. So it may require two different offices or different entities. Therefore, I guess it’s required for those entities to work together in order to—we have no specification as to area yet.

Ms. Sylvia Jones: Would you not be better off to divide up the geographic area as opposed to saying that there’s more than one application entity able to operate within that existing space?

Mr. Khalil Ramal: Well, the technicality of the bill and the sections set up the possibility that it might have two in the same jurisdictions, so that’s why we have the explanation for it. These kinds of explanations and technicalities should be in this section if we have two entities in the same area performing the same duties. That’s why we have to create some kind of working relationship, in order not to create duplications.

Ms. Sylvia Jones: I think you’re setting yourself up for conflict there.

Mr. Paul Miller: I too have concerns about the same geographic area with two designated entities to handle funding. I think also that that could create a real horror story in that area, depending on where the person lives and their ability to get to the designated areas that provide the services.

Also, we do not support this motion, largely because we do not agree with the section that “The minister may designate, as a funding entity for the purposes of this act, a corporation or another entity ... but shall not designate a service agency as a funding entity.” Why is this government excluding a service agency from funding entity designation? Are these various entities going to be run on a not-for-profit basis?

Mr. Khalil Ramal: We mentioned why at many different times, and I’ll tell you again: We don’t want to create some kind of conflict of interest. That’s why we separate them, for transparency, and we’re not going to create conflict among agencies. Agencies can make those eligible not eligible for competing for the services and for the money, for the funding. So therefore we came up with the separations, in order to create some kind of transparency and eliminate the conflict of interest.

Mr. Paul Miller: I guess I beg to differ, because in one area you’ve now created two entities, one for assessing, one providing for financial assistance, and now

you've added possibly another financial assistance in that area. If you're adding another financial assistance office to that area, most likely you're overindulged with people, so I'm assuming that you would also have to create another assessment agency. So now here you go again: Instead of one-stop shopping, we could end up with four to six different offices, three from each designated job, going into the same area, depending on the size, the population, the geographic nature of the area—and demographics play a big part.

What exactly will a funding entity be? What will it be like? I don't have a lot of explanation on this. Maybe you could further my—

Mr. Khalil Ramal: It will be described and set out by the regulations. I myself don't have explanations for it at the present time. But I want to tell you something very important. People with disabilities don't become disabled all of a sudden; they're born that way. As a Ministry of Community and Social Services, we service the people who are born with mental and physical disabilities. Therefore, I think the assessment would be not as abstract and big as we talk about in these sections, because it would be just a transfer from childhood to adulthood. So it would transferable things, and hopefully that assessment will transfer automatically with the person with a disability.

Mr. Paul Miller: So basically, what I'm hearing here is that bigger can be better; more hands in the pot can make it more efficient.

Mr. Khalil Ramal: I didn't say that.

Mr. Paul Miller: Well, that's what I'm hearing. Frankly, I cannot support this particular amendment in its present form. It falls very short of some of the expectations of the people out there. I think you've really mis-handled this one.

The Chair (Mr. Shafiq Qadri): Any further questions and comments? Seeing none, we'll consider government motion 21. Those in favour? Those opposed? Government motion 21 carries.

Government motion 22.

Mr. Khalil Ramal: I move that subsections 8(9) to (12) of the bill be struck out and the following substituted:

“Funding

“(9) The minister may enter into funding agreements with application entities and funding entities to provide funding with respect to the costs that the application entities or funding entities, as the case may be, incur in increasing their powers or carrying out their duties under this act.

“Revocation of designation

“(10) The minister may revoke a designation made under this section.”

The Chair (Mr. Shafiq Qadri): Mr. Ramal, could I just ask you to perhaps reread the sentence, “incur in exercising their powers”? I believe you said “increasing.”

Mr. Khalil Ramal: —“exercising their powers or carrying out their duties under this act.

“Revocation of designation

“(10) The minister may revoke a designation made under this section.

“Quality assurance

“(11) Every application entity and funding entity shall comply with such quality assurance measures as may be prescribed.

“Reporting requirements

“(12) Every application entity and funding entity shall,

“(a) make a report to the minister whenever the minister requests it, in the form and containing the information specified by the minister; and

“(b) comply with such other reporting requirements as may be prescribed.”

All of this motion is just to clarify the position of the minister and the role of either entity. Also, in order for those entities to be responsible and transparent, they should report on a regular basis to the minister, especially when the minister asks for a specification in terms of certain issues. If they're not able to do so, the minister has a right to revoke their funding in order to create some kind of transparency and responsibility for the money they receive from the government.

Mrs. Christine Elliott: This section would seem to complicate things unnecessarily. A more simple way to do it would be to have the ministry simply be the funding entity, as they have been. When you delegate that, then you have to start looking at the quality assurance measures and you have to have a whole separate department set up in order to do that. Why don't you just have the ministry be the funding entity in the first place? It would be far simpler to do and would probably result in faster service at a lesser cost.

Mr. Khalil Ramal: As I mentioned from the beginning, to make it flexible and local, the minister and the government designed those entities to give flexibility to the people and their families to seek service instead of creating one centre in Toronto and all the people from across the province coming to Toronto. We want to be more flexible and accessible to the people who apply for those services. That's what the whole idea about flexibility and accessibility is; that's why there was the creation of the two entities, one to foot applications and the second one for funding—to make it local.

Mrs. Christine Elliott: If I may respond, what we heard from presenters, however, was that they were interested more in an application process than the concept of this centre. That being the case, if you had one central agency with one central application form, you could ensure consistency by making sure that the same people are looking at the same applications, applying the same criteria across the province. We certainly heard about the need for fairness across the province, particularly in some of the northern and more rural areas. So it would seem that if you have that funding mechanism as well as the basic application mechanism there to screen for eligibility, everything else in between can be done locally, which is the service planning and provision, which is what families were telling us they were really interested in.

1100

Mr. Khalil Ramal: That's why we created the entities. We believe strongly that the entities will serve the local communities and can depend on local expertise and people who have the knowledge of people with disabilities, in every locale and every jurisdiction. We heard both, actually. Some people said it should be with the government, and other people said it should be an independent third party. We heard all these recommendations in the submissions by the people of Ontario. But we chose as a government to make it more transparent and more accessible to people with disabilities and their families, and to be local—and to create those entities to, first, process the information and applications; and secondly, to provide funding.

Mr. Paul Miller: Once again, this ties nicely into the last government amendment. We do not support this motion largely because, once again, we do not agree with the section in this government motion that says, "The minister may designate, as a funding entity for the purposes of this act, a corporation or another entity ... but shall not designate a service agency as a funding entity." This is unacceptable to many organizations out there in our province—unionized—doing perfectly good work for their communities, and we feel an exclusion here. We don't feel part of this situation. I'm telling you that this is going to create a lot of animosity and I think it's going to be more of a disservice than a service to the province as we progress with this situation. Once again, we will not support that amendment.

The Chair (Mr. Shafiq Qadri): We'll now move to consider government motion 22. Those in favour? Those against? I declare government motion 22 to have carried.

Shall section 8, as amended, carry? Carried.

We'll now proceed to consider NDP motion 23.

Mr. Paul Miller: I move that the bill be amended by adding the following section:

"Advocacy office

"8.1 The minister shall establish an independent advocacy office to,

"(a) provide advocacy to persons with developmental disabilities in respect of services and funding under this act; and

"(b) provide education to persons with developmental disabilities about rights under this act."

The reason for this amendment is that it seeks to redress the power imbalance that often exists between people with developmental disabilities in relation to organizations, the ministry or staff. People with developmental disabilities often feel powerless to express their dissatisfaction in any of these relationships. An independent advocate would be tasked to ensure access to mechanisms that seek to equalize the power imbalance and address their concerns. The role of an independent advocate in similar situations of power imbalance and abuse has been recognized in Ontario with respect to children in the office of the Provincial Advocate for Children and Youth and the Psychiatric Patient Advocate Office.

We believe that this is an excellent amendment, and we believe that it will protect the rights of these people if they meet with—I'll give you an example. I know we're not discussing the LHINs, but the LHIN is a government agency that has been created, and there is absolutely no grievance procedure or ability to adjudicate their problems. There are 267 agencies in my area that will fall under the LHIN supervision, and if you have a problem with that agency, you have to deal with that board or that agency, and that's where it ends. The LHIN program falls short of having an advocacy person to deal with complaints that come up through the system for different functions and different bodies that service a geographic area. This amendment that we're bringing forward would deal with a mechanism for these people. If they're not satisfied with the agency that they're using, they'll be able to go to the LHIN and have a separate officer in the LHIN that would be able to deal with their complaint if they feel they're not getting anything from the board that deals with that particular agency. I can't see how anyone would vote against helping people have a resolution base, an ability to bring their complaints forward to be dealt with in a swift manner by an overseeing body such as a LHIN. I don't see any of that in here. This amendment should be added and more should be added to protect people's rights, so I'm hoping that this committee will support this amendment.

The Chair (Mr. Shafiq Qadri): Mr. Ramal, then Ms. Jones.

Mr. Khalil Ramal: The government will respond to this one in a different motion in the future to deal with Mr. Miller's concern, the NDP's concern. We'll be talking about it when we reach motion 23 by the government.

Ms. Sylvia Jones: I'm just wondering why we would need a separate advocacy office when we currently have the public guardian as well as, of course, our very capable Ombudsman. I'm not sure why we are, once again, trying to treat individuals with developmental disabilities differently from the rest of society who have access to the Ombudsman.

The Chair (Mr. Shafiq Qadri): Are there any further questions or comments?

Mr. Paul Miller: Am I to answer that?

The Chair (Mr. Shafiq Qadri): It's your turn.

Mr. Paul Miller: If I'm not mistaken, your idea is to create a third party who's involved in all kinds of other things, while I'm saying one person in a LHIN office should be able to deal with people's problems. The Ombudsman, as you can well respect, is a very busy man, and I don't think his office can deal with every individual case in the province of Ontario. But if you had someone in the LHIN situation geographically located with an ability to deal with it more swiftly, I think it would be beneficial. I can't see why anyone would be against dealing with people's complaints and problems on a local basis.

The Chair (Mr. Shafiq Qadri): We'll now consider NDP motion 23. Those in favour? Those opposed? I declare NDP motion 23 to have been defeated.

Mr. Paul Miller: Excuse me, Mr. Chair, could we possibly have another 10-minute break? I would like to use the facilities.

The Chair (Mr. Shafiq Qaadri): Is it the will of the committee?

Interjection.

Mr. Paul Miller: I know you're on a roll. I'm sorry, Mr. Chair.

The Chair (Mr. Shafiq Qaadri): Fine. We'll have a five-minute break, please.

The committee recessed from 1105 to 1113.

The Chair (Mr. Shafiq Qaadri): I'd invite the committee to please resume so that we might begin our deliberations. We are on PC motion 23A, if I'm not mistaken, and I would invite that to be presented by Ms. Jones.

Ms. Sylvia Jones: I move that paragraph 2 of section 9 of the bill be struck out and the following substituted:

"2. The minister may provide funds to an application centre for purposes of direct funding agreements entered into under section 11."

It's self-explanatory, I think.

The Chair (Mr. Shafiq Qaadri): Are there any comments or questions on PC motion 23A? Seeing none, we'll consider it. Those in favour of PC motion 23A? Those opposed? I declare it defeated.

Government motion 24.

Mr. Yasir Naqvi: I move that the heading to part IV and section 9 of the bill be struck out and the following substituted:

"Part IV

"Funding of Services and Supports

"Funding of services and supports

"9. The minister may fund services and supports for persons with developmental disabilities using the following methods of funding:

"1. The minister may enter into funding agreements with service agencies under section 10.

"2. In a funding agreement with an application entity described in subsection 8(9), the minister may agree to provide funds to the entity for the purposes of direct funding agreements that the entity enters into under section 11 with persons with developmental disabilities or other persons on their behalf."

That's essentially a housekeeping amendment.

Interjection.

The Chair (Mr. Shafiq Qaadri): This is just a procedural moment; just a moment.

Are there any further questions or comment on government motion 24?

Mr. Paul Miller: After you've finished that, maybe you can deal with that other problem.

Number 24: In our opinion, this motion needs clarification. As it is written, it is difficult to assess its actual intent. How can the application entity enter into a direct funding agreement when their role as an intake centre, prescribed under the government's own amendment motion, gives them funding responsibility that's based on the government's motions which will be for the role of

funding entities? So which entity is being referred to in 9.2, second and third lines? More clarification is required. Two parallel systems are being created, limiting service agencies and subsequently options for families that are high quality and safe and provide them with peace of mind. So maybe somebody can give me some clarification on that particular part.

Mr. Khalil Ramal: I think we've clarified this position many different times. This one is to change the header to be consistent with the stature of the bill which we mentioned many different times, to forward service and add "supports" whenever we mentioned "services." That's a housekeeping motion, just to change the heading of section 4 to add to it "supports."

Mr. Paul Miller: Yes, but how can they enter into a direct funding agreement when their role as intake centre, as prescribed under the government's own amendment motion, gives them funding responsibilities based on the government motions which will be the role of funding entities? It's confusing. Maybe you can clarify it a little more for me. I'm not quite sure on that wording. It's a little—I have a problem with that particular part.

Mr. Khalil Ramal: We can—

Mr. Paul Miller: I'll read it again for you.

Mr. Khalil Ramal: No, we can ask ministry staff—

Mr. Paul Miller: Yes, could you? I'd appreciate that, because I really don't—

Mr. Khalil Ramal: The ministry staff can explain that section. He's talking about section 2.

Ms. Colette Kent: You were asking a question about the direct funding—

The Chair (Mr. Shafiq Qaadri): We'd invite you to introduce yourself and your position and then begin your answer.

Ms. Colette Kent: I'm Colette Kent. I'm director of the policy branch. You asked about direct funding. One of the roles of the application centres would be to administer direct funding on behalf of individuals. So once a person has been assessed for funds and has been prioritized and in receipt of funds, then the funding doesn't flow through the funding entity. The funding flows through the application centre.

Mr. Paul Miller: Okay, thanks for that explanation. It was a little confusing.

Mrs. Christine Elliott: I also find this section very confusing—Ms. Kent, if you could stay. What, then, is the role of the funding entity in this whole process if the minister can fund directly? Doesn't that short-circuit what the funding entity's going to be doing?

Ms. Colette Kent: The funding entity is the decision-maker for the funds. It isn't administering the direct—so in cases where an individual says, "I don't want to use an agency service; I want to manage my own money," then the money would be flowing out from the application centre based on the amount that the funding entity had identified. So the funding entity is more of a backroom function than an actual place where anybody goes.

Mrs. Christine Elliott: I appreciate that, but if you call it a funding entity, I think the expectation would be

that they would be responding to the funding as well, that that would be a function that you might want to have together in terms of looking at a plan and deciding to fund it; the funds would then flow. If you have a funding entity that is separate and apart from the regional office or the minister's office, how do you ensure that consistency, then, across the province if you've got them sort of doing their thing locally?

Ms. Colette Kent: The funding entity would take the results of the assessment and, using a common allocation formula, would determine an individualized amount of money for the person. That individualized amount of money could be used to go to an agency and receive service, it could be used to buy service, or it could be used for a combination of both. All the funding entity is doing is determining how much that individualized budget is. It's not getting a big pot of money from the ministry and then distributing that money.

1120

The Chair (Mr. Shafiq Qaadri): Are there any further questions or comments? Seeing none, we'll proceed to consideration of government motion 24. Those in favour? Those opposed? I declare government motion 24 to have carried.

Shall section 9, as amended, carry? Carried.

We'll now proceed to consideration of NDP motion 25.

Mr. Paul Miller: I move that the bill be amended by adding the following section:

"Not for profit

"9.1(1) Subject to subsection (2), funding under this act shall only be provided to a service agency or other service provider that operates on a not-for-profit basis.

"Exception, existing for profit

"(2) Funding may be provided to a service agency or other service provider that, before the day this section comes into force, operates on a for profit basis, but the service agency or service provider shall not expand beyond its geographic area as it existed on that day."

The explanation for this is that, in a system that has been chronically underfunded, it is necessary that every cent possible go to providing direct service and support and not to private profit. We are concerned that with the emphasis on the expansion of direct funding mechanisms in the act, it will lead to a proliferation of private brokers and third parties, which are not held to the same accountability measures as community-based agencies.

I'm hoping that the committee will support this amendment.

The Chair (Mr. Shafiq Qaadri): Are there any further questions or comments? Seeing none, we'll proceed to consider NDP motion 25. Those in favour? Those opposed? I declare NDP motion 25 to have been defeated.

We will now proceed to government motion 26.

Mr. Joe Dickson: I move that subsection 10(1) of the bill be amended by striking out "services" and substituting "services and supports."

In speaking to it, it simply mirrors the use of what we have been doing today in referencing services and supports.

The Chair (Mr. Shafiq Qaadri): Are there any questions or comments?

Mr. Paul Miller: I'd just like to tell Mr. Dickson that we will be supporting that once again, in the spirit of co-operation.

The Chair (Mr. Shafiq Qaadri): We'll now proceed to consideration of government motion 26. Those in favour?

Mr. Joe Dickson: I'd like to thank the honourable member from Hamilton for their continued support of the government's work.

The Chair (Mr. Shafiq Qaadri): We thank you, Mr. Dickson.

Those in favour of government motion 26? Those opposed? I declare government motion 26 to have been carried.

NDP motion 27.

Mr. Paul Miller: Could I just have one minute, Mr. Chair? We just have a transformation here.

The Chair (Mr. Shafiq Qaadri): Yes, you may.

Interjection.

Mr. Paul Miller: Mr. Chair, as we have the problem I discussed with you and the clerk, would it be okay to move on now?

The Chair (Mr. Shafiq Qaadri): Mr. Miller, I'm going to actually ask the clerk or legislative counsel to officially give you the ruling.

Interjection.

The Chair (Mr. Shafiq Qaadri): Just for the advisement of the members of the committee—I would of course emphasize that this is a ruling, apparently, by the Speaker and of Parliament, and not the will, in particular, of this chairman here—apparently, according to standing order 112(e), the sub slip that was originally tendered by Mr. Bisson for Mr. Miller applies only to Mr. Miller and cannot be transferred, modified, upgraded or downgraded, as the case may be, to Mr. Prue. Therefore, Mr. Prue, though welcome to be at this committee and will therefore be allowed to speak, to debate and offer questions or comments, will not be allowed to move any NDP motions.

With respect, I would like to once again emphasize that this is not an official rule that is coming from your current chairman, but elsewhere.

Mr. Paul Miller: Chair, may I say a couple of things here?

The Chair (Mr. Shafiq Qaadri): Please.

Mr. Paul Miller: Due to Mr. Prue's commitments, I drove in from Hamilton to fill in until noon for him. With the indulgence of the committee, just because we don't have 9 to 12 on it—that's all that was missing on the sub slip—now they're pulling a technicality on me. He's doing his job and I don't have a problem with that, but Mr. Prue, who's here now, sits on this committee. I was simply filling in for him, as you're well aware. It was a tough morning for me, getting through this, but I don't

see why—this is ridiculous. Just because we didn't write 9 to 12 on it—

Mr. Yasir Naqvi: On a point of order, Chair: To you and to the clerk, can we not, with the consent of the committee, make a provision that Mr. Miller be excused and Mr. Prue substitute for Mr. Miller? There's no concern from the government side on that issue.

Interjection.

The Chair (Mr. Shafiq Qaadri): We've been told no, but I will take a recess to confer with higher powers to officially decide that. We'll have a 10-minute recess, if that's convenient.

The committee recessed from 1126 to 1137.

The Chair (Mr. Shafiq Qaadri): Colleagues, I'd invite you to please resume. Before we begin reconsideration of NDP motion 27, we will ask for your cooperation in helping to get over this procedural impasse. I ask: Is it the unanimous will of the committee that Mr. Miller's substitution slip, offered originally in the name of Mr. Bisson, shall apply to Mr. Miller from 9 a.m. to 12 noon, as opposed to 9 a.m. for the rest of the day, and therefore allowing Mr. Prue to take over from 12 noon onward? Is it the unanimous will of the committee? I see, in fact, that it is. We now move forward.

We now move to consideration of NDP motion 27. Mr. Miller, you are invited to not only present but are absolutely required to be here until 12 noon. Please proceed.

Mr. Paul Miller: Okay. I won't leave. Thank you, Mr. Chairman. Thanks for the committee's indulgence.

I move that section 10 of the bill be amended by adding the following section:

"Funding for core mandated services

"(1.1) An agreement under subsection (1) shall provide multi-year funding for the core mandated services prescribed by the regulations."

The explanation for this is, for core mandated services, provisions are necessary so that they are available whenever required by the eligible individuals.

The Chair (Mr. Shafiq Qaadri): Are there any further questions or comments?

Mr. Khalil Ramal: We don't support this motion for the reason that we believe in portability, and multi-year funding goes only to stakeholders and organizations and doesn't go to individualized funding; so we tie it with the needs of the person with a disability instead of going to fixed funding.

The Chair (Mr. Shafiq Qaadri): Thank you. Mr. Prue.

Mr. Michael Prue: Thank you very much, and thank you as well to the entire committee for the unanimous consent and to the Chair for being patient. This motion was put forward in order to assist the many agencies that are out there and that have been providing excellent work in this field for a number of years. This is an opportunity for core funding, so that they have multi-year core funding and are able to make the planning necessary to continue servicing this. As a result of this bill, what is going to happen if you don't do this is that these agencies

are going to have to—as people leave the agency, and those who choose to have individualized funding, they're going to leave the agency without the necessary funds for that period until they find someone else to accommodate that spot. It's going to have dire financial consequences for them without the provision of this amendment.

I'm asking you to think not only of those who will seek individualized funding, but for the vast majority who are likely to remain with these core agencies, and ask you to change your mind and support this particular aspect in order that the services will continue to be provided by our major service providers, who are these agencies who have been in the field for decades.

The Chair (Mr. Shafiq Qaadri): Any comments, queries, questions? We'll proceed to the consideration of NDP motion 27. Those in favour? Those opposed? I declare NDP motion 27 to have been defeated.

Shall section 10, as amended, carry? Carried.

We'll now proceed to PC motion 27A.

Ms. Sylvia Jones: I move that subsection 11(1) of the bill be amended by striking out "An application centre" at the beginning and substituting "An application centre, acting on behalf of the minister,"

Again, this is to ensure that the application centres don't become separated from the purviews and responsibilities and also to allow the Ombudsman to continue to oversee concerns that people would have as they walk through the process.

The Chair (Mr. Shafiq Qaadri): Questions? Comments?

Mr. Khalil Ramal: We're not supporting this motion for the reasons we spoke about at many different times. The goal is to create two entities, one for the application process and one for funding, just to create some kind of transparency and eliminate the conflict of interest.

Mr. Michael Prue: I have two questions of the mover. The first one is, aren't all application centres, aren't all government agencies, isn't everyone who receives government funding, acting through the ministry and thus the minister?

Ms. Sylvia Jones: It is my understanding from some conversations that I've had with the Ombudsman that the application centres, as set out in the original Bill 77, could be outside his area of investigation, and that's what I'm trying to ensure does not happen.

Mr. Michael Prue: Would this amendment, if passed, allow the Ombudsman access? Is that what the intent is here? Because it was my understanding that this would not allow the Ombudsman access.

Ms. Sylvia Jones: That's part of it, to ensure that he would have access, and also not to take the minister's responsibility to the sector away, not to have it separated, similar to what is happening in the LHINs, where the minister of the day seems to leave the tough decisions to the LHIN and not take responsibility for it. By saying "acting on behalf of the minister," I'm trying to ensure that the minister continues to take responsibility for the sector and the funding of.

The Chair (Mr. Shafiq Qaadri): Are there any further questions, comments? Seeing none, we'll con-

sider. Those in favour of PC motion 27A? Those against? I declare PC motion 27A to have been defeated.

Government motion 28.

Ms. Laurel C. Broten: I move that section 11 of the bill be amended by striking out “application centre” wherever that expression appears and substituting in each case “application entity.”

This is a housekeeping motion that reflects the motions previously put forward, and the intent of the amended provision is so that we have consistency in language across the document.

The Chair (Mr. Shafiq Qaadri): Any comments? Seeing none, those in favour of government motion 28? Those opposed? Government motion 28 carried.

PC motion 28A.

Mrs. Christine Elliott: I move that subsection 11(2) of the bill be amended by striking out “An application centre” at the beginning and substituting “An application centre, acting on behalf of the minister,” for the reasons stated by my colleague Ms. Jones with respect to the previous PC motion.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 28A? Those opposed? I declare it defeated.

NDP motion 29.

Mr. Paul Miller: I move that section 11 of the bill be amended by adding the following subsection:

“Same

“(2.1) A person acting on behalf of a person with a developmental disability referred to in subsection (2) must be a family member or direct caregiver.”

In reference to this one in the explanation, this ensures that only a family member or direct caregiver can act on behalf of a person with a disability and that the brokers and the third parties without a direct family or caregiving relationship do not act for these individuals.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Prue.

Mr. Michael Prue: This is an important aspect of the bill. Caregivers of family members have traditionally, and I think rightly, taken the opportunity to do what is best for themselves and for their family members. If the government’s intent is to give this away to a third party, a broker who potentially could do this for profit—because that’s what we think most of the brokers will be—I think you’re going to be taking away a right that has existed long before this Legislature, even long before this country: the right of people to look after their loved ones, particularly those who are in need. We want to make sure that the family tie is strengthened, not weakened and not interfered with by third party people who may have all of the best intent but often will be doing it for profit. We want to make sure that it stays as close as possible to the family itself.

The Chair (Mr. Shafiq Qaadri): Mr. Ramal.

Mr. Khalil Ramal: We’re not supporting this motion because it will tie the hands of the family. The intent of the bill is to create a choice and flexibility in how they care for their loved ones, whether with immediate family or organizations, whomever. I think it’s part of the

content and intent of the bill to create that flexibility and choice. If we voted yes, it would conflict with our intent and direction.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 29? Those opposed? I declare it defeated.

PC motion 29A.

Ms. Sylvia Jones: I move that clause 11(3)(a) of the bill be amended by striking out “the application centre” at the beginning and substituting “the minister.”

It hearkens back to my comments earlier about my concerns that the application centres are not going to have the same scrutiny that the minister would have.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Khalil Ramal: We’re not supporting this motion because of what we said before many different times. We’re eliminating the application centre, replacing it with an application entity which will process all information. If we support this one here, it will conflict with our direction and the intent of the bill.

The Chair (Mr. Shafiq Qaadri): Consideration of PC motion 29A: Those in favour? Those opposed? I declare it defeated.

PC motion 29B.

Mrs. Christine Elliott: I move that clause 11(3)(b) of the bill be struck out and the following substituted:

“(b) the other party to the agreement shall agree to use the funds solely for the purposes of implementing the life plan that is developed for the person with a developmental disability under section 18.”

The purpose of this amendment is to open up the concept of the life plan, rather than just a service provision. There are going to be many other services and supports that may need to be put in place for the person beyond just the services that may be available through service agencies. It’s a broader definition.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Khalil Ramal: Again, we’re not supporting this motion because the government recognizes the importance of providing planning support to individuals and their families. That’s why the government is forwarding a motion to recognize the person-directed planning as services and supports in this bill, to recognize the importance of support planning.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mr. Michael Prue: I think this is important, and I don’t understand the government’s reluctance. The official opposition is talking about the life plan. Key to any kind of development of a long-term strategy for an individual is to sit down at the beginning and have a life plan, and it’s from that life plan, however it’s designed, whatever happens, that the service comes in or the families take control or the educational institutions may be called in. The life plan sets the long-term goal, the roadway, the way to get there. I don’t understand the government’s reluctance here with something as important as this is to every individual at the start, or near the start, of the rest of their lives, at the start of the services that will be provided or must be provided to them to

make the most—it seems to me that having the life plan instituted in the legislation in such a way as has been suggested would be a forward step, and I simply don't understand their reluctance.

1150

The Chair (Mr. Shafiq Qaadri): Comments? Seeing none, we'll consider PC motion 29B. Those in favour? Those opposed? I declare PC motion 29B defeated.

Motion 29C from the PC side.

Ms. Sylvia Jones: I move that subsection 11(4) of the bill be struck out and the following substituted:

“Service co-ordinator

“(4) In a direct funding agreement, the parties to the agreement may agree that the funds provided under the agreement be paid to a third party who shall use the funds solely for the purpose of implementing the life plan that is developed for the person with a developmental disability under section 18.”

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Paul Miller: We think that this is a good addition as an amendment, and we will be supporting this.

The Chair (Mr. Shafiq Qaadri): Thank you. Those in favour of PC motion 29C? Those against? I declare PC motion 29C defeated.

Government motion 30.

Mr. Khalil Ramal: I move that the following provisions of section 11 of the bill be amended by striking out “services” wherever that expression appears and substituting in each case “services and supports”:

1. Subsection 11(1)
2. Subsection 11(3)
3. Subsection 11(4).

So just a housekeeping motion in order to be consistent across the bill.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Paul Miller: Once again, in the spirit of co-operation, we will be supporting something that's good for the people of Ontario. Thank God I'm leaving at noon because I'm zero for—whatever—and hoping that this afternoon things improve for Mr. Prue, in the infinite wisdom of this committee.

The Chair (Mr. Shafiq Qaadri): Thank you.

We'll now consider government motion 30. Those in favour? Those opposed? I declare government motion 30 carried.

NDP motion 31.

Mr. Paul Miller: I move that section 11 of the bill be amended by adding the following subsection:

“Not for profit

“(4.1) The third party referred to in subsection (4) must be a community based, not for profit agency and shall comply with such quality assurance measures as may be prescribed.”

Our explanation for this particular amendment is that this removes the potential for a third party, as defined under the act, to profit from acting on behalf of an individual with a developmental disability, and provides safeguards to the individual from potential exploitation. I

don't know how anybody would not want to protect the individual.

Mr. Khalil Ramal: We are not supporting this motion for many different reasons that were said many different times in the past.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll consider NDP—

Interjection.

The Chair (Mr. Shafiq Qaadri): Mr. Prue.

Mr. Michael Prue: I didn't hear the explanations in the past, but it seems to me quite logical here that if the government is intent upon defeating this, it is the government's intention to allow for-profit agencies to benefit, because clearly, what this says is that it must be a community-based service agency and the community-based service agency shall be not-for-profit. Am I to take it from the government's refusal on this particular motion that you intend for agencies that are for-profit to profit from these circumstances? Is that why you're reluctant?

Mr. Khalil Ramal: I guess, Mr. Prue, I'll repeat again: In the morning, we mentioned many different times the intent of the bill to create a choice, for families to choose whatever service they wish for their loved one. That's the aim and goal of the bill, from day one. That's why we're not supporting this motion.

The Chair (Mr. Shafiq Qaadri): Further comments? Seeing none, we'll now consider NDP motion 31. Those in favour? Those opposed? I declare it defeated.

PC motion 31A.

Mrs. Christine Elliott: I move that subsection 11(6) of the bill be struck out and the following substituted:

“Receipts and reports

“(6) If an application centre enters into an agreement on behalf of the minister under this section, the other party to the agreement shall provide the application centre with such receipts and reports with respect to the use of the funds as may be required under the agreement.”

This is simply to build in the accountability mechanism to make sure there's value provided for taxpayers' dollars.

Mr. Khalil Ramal: We're not supporting this one because it will limit the flexibility of the family and the way they determine to spend the money if they're eligible for direct funding. So it limits the family's flexibility; that's why we will not support it.

Ms. Sylvia Jones: Point of clarification: How does it limit the family's ability?

Mr. Khalil Ramal: The families, when they present to us, want a choice. We don't want to limit their choices by creating some kind of barriers in front of them, because we believe strongly that they know how to deal with their loved one. In many cases, they've serviced and supported their loved one for many years and they know how to keep looking after them. If they receive the funding or direct funding, I guess they have the right to spend it the way they think will benefit their loved one.

Ms. Sylvia Jones: But how does amendment 31A limit their choices?

Mr. Khalil Ramal: You're talking about an application centre, so by giving flexibility, it starts to go back to the minister every single time or not just be directed to them, so it kind of creates some kind of barriers. So we're eliminating some kind of flexibility, because we believe strongly that when the funding entity decides to give the direct funding, the parents should manage, and from then on the funding comes to be spent on their loved one.

Mr. Paul Miller: I'd just like to ask Mr. Ramal—no one's questioning the love of a family member and their dedication to providing services for that loved one. My concern is, if there are medical prescriptions, if there are things that are involved—moving the patient or techniques that are involved that family members don't have the proper training to do—is the government going to pay to provide the training for these people so that they will not put themselves or the government in a position of liability? Because all they're doing is receiving the funding, but when it comes to the care of the person, who's going to be liable if there's an accident or wrong prescriptions given? Is the government going to find themselves in court just because they've provided the money but not the resources to train properly for that particular person's problems? No one's questioning the love of the family. What we're questioning is, are they providing the proper care, are they educated enough in that area, and can they receive the education and the support to take care of those patients? What's going to happen?

Mr. Khalil Ramal: I believe when the person receives the funding they will enter into a contract, an agreement, in order to make sure all the accountability and responsibility are in place. So, definitely, the person who's going to do the service is not going to be just somebody from the street, because no families, I think, are going to put their loved one in harm knowing that that person is not capable or responsible.

Mr. Paul Miller: So it's my understanding that you're saying that when people go to receive funding, they're going to sign an agreement—

Mr. Khalil Ramal: With the family.

Mr. Paul Miller: —releasing the government from any responsibility for the care of that individual if that person should make a mistake—not intentionally, obviously, but unintentionally—with their family member. Where do they go—are they going to have to hire a lawyer?—if there's liability involved? Are you saying they're going to sign a release form, a waiver? I've never heard of this. Is this going to be part of the—

Mr. Khalil Ramal: Mistakes happen, whether with big organizations, small organizations or individuals. Life is subject to mistakes, and responsibility and accountability—I believe strongly the parents, when they choose a service, will look around and shop and see what's best for their loved one. So that's the idea and aim of this bill, to create choice for families. That's why we believe strongly that the family will take the responsibility—

Mr. Paul Miller: So, in your opinion, would people who have been doing these particular services for years, whether they be RNs or people who are in the medical field, who have been dealing with people with disabilities in the past in not-for-profit organizations, of which we have some wonderful ones, VON and other organizations in this province—there seems to be less tendency for accidents or mishaps. If you're putting the burden on the family to be responsible for a mishandling of a situation, are you saying that the government is washing its hands of it and trying to get the people to sign waivers basically saying, “You roll the dice; you're on your own”?

Mr. Khalil Ramal: We say, “You know what? I think the parents know better what's good for their loved ones, and they have the ability and the judgment to choose.”

Mr. Paul Miller: So you're saying that the parent would know more than a doctor or an RN?

Mr. Khalil Ramal: I'm not saying that. If they choose to go to organizations, big or small, or individuals, it's up to them because they know better how they can care for their loved ones.

Mr. Paul Miller: Well, I hope the government knows what they're getting into.

The Chair (Mr. Shafiq Qaadri): If there are no further questions, we'll consider PC motion 31A. Those in favour? Those opposed? I declare PC motion 31A defeated.

Seeing that it is now 12 noon, we will adjourn for one hour exactly, to 1 p.m. resumption.

The committee recessed from 1200 to 1305.

The Chair (Mr. Shafiq Qaadri): I'd call you back to order so we might expeditiously begin our consideration of all these various amendments. I'd advise my colleagues and members of the committee that we have only 178 or so amendments left and would invite us to be efficient so we can complete consideration of these amendments before either the next federal and/or provincial elections.

I'd now invite the NDP to begin submission of motion 32.

Mr. Michael Prue: I move that section 11 of the bill be amended by adding the following subsection:

“Support of service agency

“(8.1) A person who receives funds under a direct funding agreement shall use the support of a community based service agency to purchase the services specified in the agreement, unless the person purchases the services from a family member or direct caregiver.”

We are adding this subsection to ensure that public monies stay either within the not-for-profit sector or go directly to family members close to the individuals.

If I could, the rationale for this is that we believe that the direct funding agreement should go to service agencies that have existed in the past and, where they do not, directly to the family. We are reluctant to support any kind of motion where the monies are given out to people who may or may not be qualified.

I realize that this may have been discussed most of the morning—and I realize that my good friend the par-

liamentary assistant is most likely going to tell me what he told my colleague this morning—but we think that this is a very important provision of the act, so that when services are purchased, they are done so through the use of a community-based service agency to ensure the quality of service that we want for all people with developmental disabilities.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Khalil Ramal: We heard many different times—and you were with us—that people are looking for a choice and flexibility. That’s why we voted against it, not because we have a choice of service, but we want to leave flexibility for the families, especially in a remote area, in which the resources are limited and the choice is limited. The flexibility will be very important for families to choose services for their loved one.

Mrs. Christine Elliott: Unfortunately, we’re not able to support this amendment either because we do feel that it needs to be the choice of the individuals and their families, and they shouldn’t be limited to just one sector.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, we’ll consider NDP motion 32. Those in favour? Those opposed? I declare NDP motion 32 lost. PC motion 32A.

Ms. Sylvia Jones: I move that subsection 11(9) of the bill be amended by striking out “the application centre” and substituting “the application centre, acting on behalf of the minister.”

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Prue.

Mr. Michael Prue: Just a question: Is the rationale the same here as it was before all of the other amendments that were not successful?

Ms. Sylvia Jones: I can’t help but try again.

Mr. Michael Prue: You’re just trying again. Okay.

Mr. Khalil Ramal: Actually, we have the same answer that we answered in the morning. We eliminated the application centre. We substituted it with “entity,” one for the application process and one for funding. My answer would be the same. I will not be supporting this motion.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 32A? Those opposed, if any? I declare PC motion 32A defeated.

NDP motion 33.

Mr. Michael Prue: I move that section 11 of the bill be amended by adding the following subsections:

“Deemed member of bargaining unit

“(10) A support worker hired by a person who receives funds under a direct funding agreement is deemed to be a member of a bargaining unit in the geographic area in which the person resides.

“Wages

“(11) A person who uses the funds provided under a direct funding agreement to hire a support worker shall pay the support worker,

“(a) an hourly wage equivalent to the hourly wage earned by employees of service agencies in the geo-

graphic area who have comparable responsibilities, job skills and experience; and

“(b) additional remuneration in lieu of benefits.

“Quality assurance

“(12) A person or entity from whom services are purchased with the funds provided under a direct funding agreement shall comply with such quality assurance measures as may be prescribed.”

And that’s the whole thing.

1310

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Khalil Ramal: We have exactly the same position on this motion as we did on the past one, because we want to keep that flexibility in place in order to create a choice for families. Whatever agreement is entered into between the funding entity and the parents will have some kind of quality assurance in place and provisions to ensure the responsibility and accountability.

The Chair (Mr. Shafiq Qaadri): Further comments?

Mr. Michael Prue: First of all, many jurisdictions, including the province of Ontario and the city of Toronto, in which we are now sitting, have a fair wage policy. So the people who bid on government contracts, people who seek government work and companies that do so, have to show that they have a fair wage practice; that is, they pay a fair wage to their employees so that any bid that they make won’t undercut the people who are already doing that kind of work. What this is intended to do is to ensure that people who come into this sector, who may have had no experience in this sector, who may have had no training in this sector, are not forced to take minimum wage or less-than-minimum-wage jobs. Is it the government’s position that you do not wish to pay people, or you are not going to compel that people who come into this sector be paid at least the average wage that already exists?

Mr. Khalil Ramal: The government position is to maintain the choice for the family and give them the flexibility for choice. Of course, it’s just the family who will administrate the fund in the way set out by the regulations and they will be accountable, and they’ll choose which service they seek and they can manage the funds they have in order to provide service for their loved ones. We have full confidence in the parents and their ability to choose what’s best for their loved ones.

Mr. Michael Prue: The government’s position here is quite sad. What the government is saying is that we have a whole legion of people out there who work for various service agencies, some of whom are unionized, some of whom are not, who earn anywhere from—we’ve heard a lot of figures—\$12 to \$20 an hour, which in most cases will be a living wage somewhere in Ontario. The government’s proposal is that anyone who wishes to contract out service can pay whatever they can get it for. So if the government were to hand someone, as an example, \$100 a day for a service worker, and you were, as a family, able to find someone for \$8.75 an hour, which is the minimum wage, you could contract them for some 11 or 12 hours a day. If you had to pay them \$20 a day, which

may be the going rate in the Toronto area or one of the large metropolitan areas, then you could contract them for five hours a day. So people who are going out looking for employees are going to, of course, use this lacuna, this loophole, to hire people at minimum wage, perhaps even less than minimum wage, and they're not going to be able to ensure that they have the necessary qualifications.

What we are simply asking is that a fair wage be paid. If the average in an area, as defined by the government—similar, I guess, to a LHIN—is \$15 an hour, when the family decides to contract out, they should pay that amount of money. Otherwise, you are going to undercut the very social agencies who've been doing a good job; you're going to undercut the minimum wage that is being paid in this sector, as bad as it already is; and quite frankly, you're going to make the labour situation even worse.

I don't understand why this government does not want to pay an equivalent wage to people who are newly going to be contracted. I don't understand why they don't have to have in the beginning any kind of qualifications. I don't understand why they don't have to have training. I don't understand how they may or may not be required to have insurance in case they do something wrong, which the agencies have to have. And now we find out that they don't even have to be paid the same amount of money. It's whatever the family can find, so whatever qualifications they have. I think that goes very much against what this government has said in the past, that they believe in a fair wage policy.

Mrs. Christine Elliott: Certainly we would agree with Mr. Prue that it is important that all workers in the sector, whether they are working for service provider agencies or working independently, should be paid an equivalent wage. We heard that from families who felt bad about not being able to pay those wages for people to help them with the individualized services they wished to purchase. But they also talked to us about the lack of consistency because people simply couldn't work for that amount of money; they needed to move on to other, more remunerative-type jobs. There is certainly a need to address that issue. However, our view is that it should be addressed by putting more money into this sector, not necessarily requiring people to become members of the bargaining unit. So that's the issue we have with it. In our view it could be addressed by simply allowing for more money in the sector so that individuals and families could pay a fair wage for the services they are purchasing. For that reason, unfortunately, we're not going to be able to support this amendment.

Mr. Michael Prue: I just want to correct the member. There's nothing in this that says anything about a bargaining unit or requiring them to be unionized. It simply states the "hourly wage equivalent to the hourly wage earned by employees of service agencies," many of whom are not organized and are not union members, and "who have comparable responsibilities, job skills and experience," so you cannot bring in people who will work

for less. I can tell you that there are agencies even in your own riding that are not unionized, and someone will be coming and trying to find workers for less, and you will find that the people will be leaving the agencies that serve your members as well, unless there can be some way of ensuring that at least the average amount is paid to those new people who are being brought in. That's simply all that this is asking: Do not undercut the workers who are already there, do not undercut them so that they will be forced out of this type of work and forced to find something else, because if someone comes along that can do their job for less, then I'm sure the families will take that opportunity, just as I am sure that members of this Legislature know that if it was up to the public, and they said, "Who wants to do this job for \$1 a year?" the public would vote for someone to do it for \$1 a year—our job. They would. I'm not necessarily convinced that they would do it as well, but somebody would vote for that and somebody would agree to that. It's not necessarily what makes anything run better. Again, I ask you to reconsider before you vote it down.

The Chair (Mr. Shafiq Qadri): Thank you. Any further comments? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 33? Those opposed? I declare NDP motion 33 defeated.

PC motion 33A.

Ms. Sylvia Jones: I move that section 11 of the bill be amended by adding the following subsections:

"Transfer of direct funding agreement

"(10) Subject to subsection (11), a person who enters into a direct funding agreement with an application"—and I'm going to add the word "entity" instead of "centre"—"may transfer the agreement to a different application entity in accordance with the regulations if,

"(a) the person on whose behalf the agreement is entered into moves to a different geographic region; or

"(b) the person is not satisfied with the quality of services received from the original application entity, even if the new application entity is in the same geographic area.

Same

"(11) The new application entity must agree to accept the transfer."

Again, this comes back to individuals receiving service or seeking service and wanting to make sure that that service is portable across Ontario.

The Chair (Mr. Shafiq Qadri): Thank you. Comments?

Mr. Khalil Ramal: Unless we experience some kind of portability in terms of support, like when we use the Passport allocation funding. It's a part of the regulations to smooth out and set out how the relationship between different entities is going to be, and as we mentioned in the different sections and in the past, how those entities are supposed to work together in order to assure that the recipients or the families are getting good service.

Ms. Sylvia Jones: And our amendments, by putting them in the legislation as opposed to the regulations,

would ensure that that relationship happens between the various geographic regions across Ontario.

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Mr. Khalil Ramal: As you heard in the morning, we set out the conditions and the standards that should be followed by the entities and how they should work together when they're funding application centres. So we don't feel it's necessary to accept this motion in order to strengthen our intent in this bill.

The Chair (Mr. Shafiq Qaadri): We'll move to consideration of PC motion 33. Those in favour? Those opposed? I declare PC motion 33 lost.

PC motion 33B.

Mrs. Christine Elliott: I move that section 11 of the bill be amended by adding the following subsections:

"Transfer of direct funding agreement

"(10) Subject to subsection (11), the responsibilities of an application centre under a direct funding agreement may be transferred in accordance with the regulations to an application centre for another geographic area if the person on whose behalf the agreement is entered into moves to that geographic area."

"Same

"(11) The new application centre must agree to accept the transfer."

Again, this is a variation on the previous one to allow for that flexibility in terms of movement.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Michael Prue: I just have a question. So if someone moves across the border, and in some cases the border may be not too very far away, this is an automatic transfer even though the former one may be able to continue delivering the service? Sometimes the service agencies cross borders.

Mrs. Christine Elliott: The idea here is just that the person isn't bound to any one geographic area. It simply means that if they move, then they're—

Mr. Michael Prue: No, but let me phrase it in a different sort of Toronto parochial way. I understand if somebody moves from Toronto to Sudbury that you would want this, and I would want this too because it makes—but what if somebody was to move from the eastern region of Scarborough across the border into Pickering and the service agency services Scarborough and Pickering, but it's a different geographical area? I'm just trying to understand how this would work.

Mrs. Christine Elliott: I think the idea is the convenience of the transfer for the person involved. It's not required but it may be transferred. So for a move to a significant geographical distance, then it probably would make sense to transfer it but it might not necessarily if it's a move within a shorter distance.

Mr. Michael Prue: So you're saying a shorter distance may not be covered by this or wouldn't be covered by this? Because if it's from Toronto to Sudbury, I agree with you. If it's from Scarborough to Pickering, I'm not necessarily sure that—

Ms. Sylvia Jones: The wording of the amendment as set out is "may be transferred."

Mr. Michael Prue: "May be." Okay, thank you. All right.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mr. Khalil Ramal: We had our response at the beginning.

The Chair (Mr. Shafiq Qaadri): Thank you. PC motion 33B, those in favour? Those opposed? I declare PC motion 33B lost.

Shall section 11, as amended, carry? Carried.

Government motion 34.

Mr. Khalil Ramal: I move that the heading to part V of the bill be struck out and the following substituted:

"Part V

"Access to Services and Supports and Funding"

So basically technical and housekeeping changes, just to be consistent with the bill. We're adding "supports" and leaving "services" alone in this heading.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the vote. Those in favour of government motion 34? Those opposed? Carried.

Shall section 12, as amended, carry? Carried.

We'll now move to NDP motion 35.

Mr. Michael Prue: I move that subsection 13(1) of the bill be amended by striking out "to the application centre designated for the geographical area in which the person resides" at the end and substituting "to the application centre in the geographical area in which the person resides."

It's not much of a change, but here it is: We don't believe that the original motion has been adequately captured and therefore it needs to be changed because there is not a consistent level of services across the province. We need to know that it's going to happen. I know it's a very minute point. We need to know that they're accessing an application centre outside the geographical area in which they reside. It's a very minor point. The world does not hinge on this.

Mr. Khalil Ramal: This is actually stated in many different ways in the bill at the beginning, what we meant by eliminating the application centre and replacing it with two entities—one for funding and one for the application process. They're supposed to be in the same geographic or jurisdiction area in order to ensure the continuity of the process and make it more local and accessible for the people who are applying for those services.

Mr. Michael Prue: So do you think it's a good thing or a bad thing?

Mr. Khalil Ramal: There's no need for it, and that's why we're not supporting it. Sorry.

Mr. Michael Prue: I needed to hear those words.

The Chair (Mr. Shafiq Qaadri): Any further comments? We'll move to consideration of NDP motion 35. Those in favour? Those opposed? Lost.

Government motion 36.

Mr. Yasir Naqvi: I move that subsection 13(1) of the bill be struck out and the following substituted:

“Application

“13(1) A person with a developmental disability who wishes to receive services and supports from a service agency or direct funding for services and supports under this act, or both, may submit an application for such services and supports or for such funding to the application entity designated for the geographical area in which the person resides.”

Clearly it’s a housekeeping provision, in accord with earlier changes made in the legislation.

The Chair (Mr. Shafiq Qaadri): Further comments? Seeing none, we’ll proceed to the vote. Those in favour of government motion 36? Those opposed? Carried.

Government motion 37.

Mr. Joe Dickson: I move that the following provisions of section 13 of the bill be amended by striking out “services” wherever that expression appears and substituting in each case “services and supports”:

“1. Subsection 13(3).

“2. Subsection 13(4).”

The Chair (Mr. Shafiq Qaadri): Thank you. Comments? We’ll proceed to the vote. Those in favour of government motion 37? Those opposed? Motion carried.

Government motion 38.

Ms. Laurel C. Broten: I move that clauses 13(5)(a) and (b) of the bill be amended by striking out “application centre” wherever that expression appears and substituting in each case “application entity”.

This is a housekeeping motion, consistent with other motions previously put forward.

The Chair (Mr. Shafiq Qaadri): Comments? Those in favour of government motion 38? Those opposed? Motion 38 is carried.

Government motion 39.

Mr. Khalil Ramal: I move that subsection 13(6) of the bill be struck out and the following substituted:

“Provision of information

“(6) An application entity shall provide an applicant with information relating to,

“(a) the services and supports that are provided by service agencies in the geographical area for which the entity is designated; and

“(b) direct funding.”

This is also housekeeping, in order to clarify our position on the role of the entity in every jurisdiction and what it’s supposed to do to make it more local and accessible for the people who are applying for funding services.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Michael Prue: It’s not a comment; it’s a question. What if an individual with a developmental disability or their direct family goes in and asks for the services and supports that are provided by service agencies in an adjacent geographical area? What if they are considering moving? Families move all the time. In my community, it’s not unusual for a family to move to be closer to a school so that their kids don’t have to get on the bus. It’s not unusual for them to go closer to a school when their kids grow up and leave public school and go

to high school, and they change location. Families make all kinds of arrangements based on what is best for their family. What if the family wants to come in and ask what services are available in an adjacent area? Perhaps they might be considering moving one of the adults, or one of the parents has got a job in that new place. It may not be that far away. They may want to commute; they may want to move there. They come in and ask a simple question about the services and supports that are provided in the adjacent geographical area. This motion would not allow the application entity to provide that.

Mr. Khalil Ramal: We mentioned before that application entities should work together and share information. I hope they have enough knowledge about many different jurisdictions nearby.

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Mr. Michael Prue: But you said that they can only answer two things: They can only answer about services in the geographical area for which the entity is designated and information about direct funding. According to this, they can’t provide information on what is happening in any other area. I wonder why not, because that is important information for a family that is considering moving. It would certainly be important to me were I to have—

Mr. Khalil Ramal: But they can pick up the phone and ask. It’s not like a secret, when you move, to ask—

Mr. Michael Prue: Who do you ask, then? And are they responsible to tell you?

Mr. Khalil Ramal: There’s no secrecy.

Mr. Michael Prue: No, but I asked—okay, may I ask: They pick up the phone and they phone the adjoining area and say, “My application entity is not bound by law to tell me what kind of services you have. Will you tell me what kind of services you have?” And they’re going to quote the same law back, that they can only provide that information in the geographical area for which the entity is designated. They’re saying, “You don’t live here yet. Move here and then we’ll tell you.”

Mr. Yasir Naqvi: You’re taking a very restrictive reading to this. I don’t read it that way. What I think I read is that the application entities at least have to provide information relating to services and supports and direct funding, and they can provide more information than that. It doesn’t say “only”; it says, “An application entity shall provide an applicant with information relating to....” That’s the minimum: They “shall provide,” and they can provide anything beyond that.

Mr. Michael Prue: Well, do you want to put “at least” into the motion so they have to provide at least that?

Mr. Yasir Naqvi: Well, no. If you read it, the word “only” does not appear and no one can get the impression: “An application entity shall provide an applicant with information relating to” X and Y. But it doesn’t say that that’s the only information they have to provide.

Mr. Michael Prue: Perhaps we can ask the question of the legal counsel. The word “shall” is prescriptive.

Mr. Khalil Ramal: Mr. Chair, do you mind if I ask the ministry people to come?

Ms. Colette Kent: Colette Kent, director of policy with MCSS. The intent would be that somebody has to apply in the geographic area in which they live. In terms of information, though, I think there's a balance. It's correct that, at minimum, the application entity has to provide information for the geographic area. But if a family, for example, was in Toronto and wanted information on Sudbury, I would think that they would get the best information if they called Sudbury and asked for information. It doesn't say that Sudbury can't provide them the information; the issue is the application. So you have two choices: The Toronto agency could phone Sudbury themselves and they could get some information, but I think, undoubtedly, in the course of good business service, they might say, "Talk to Sudbury, which can give you more detailed information."

Mr. Michael Prue: But under the legislation, is Sudbury compelled to give that information? There's no "shall" for Sudbury.

Ms. Colette Kent: No, but I don't think that we intended in the legislation that every single good customer service thing that an agency might do would be in there. The intent around this is that right now with waiting lists, we can have people waiting at different points, so we can't get accurate numbers in terms of the people waiting. The intent is that you make an application within your geographic area so that we can keep a record of that application. If you wanted to apply in Toronto and you were planning to move to Sudbury, the expectation and the standards will be that Toronto will facilitate that referral to Sudbury, not that you have to go to Sudbury and apply separately.

Mr. Michael Prue: Well, it's part of the record now, so I have that assurance from staff and from government that that's the intent, in spite of the fact it's not in the legislation.

The Chair (Mr. Shafiq Qadri): Further comments? Seeing none, we'll consider the vote. Those in favour of government motion 39? Those opposed? I declare it carried.

Shall section 13, as amended, carry? Carried.

Government motion 40.

Mr. Yasir Naqvi: I move that section 14 of the bill be amended by striking out "application centre" wherever that expression appears and substituting in each case "application entity."

It's merely a housekeeping amendment.

The Chair (Mr. Shafiq Qadri): Comments? Those in support of government motion 40? Those opposed? Carried.

Government motion 41.

Mr. Joe Dickson: I move that the following provisions of section 14 of the bill be amended by striking out "services" wherever that expression appears and substituting in each case "services and supports":

1. Subsection 14(1)
2. Subsection 14(2).

The Chair (Mr. Shafiq Qadri): Those in favour? Those opposed? Carried.

PC motion 41A.

Mrs. Christine Elliott: I move that section 14 of the bill be amended by adding the following subsection:

"School assessment

"(3.1) The documentation provided under subsection (3) may include any assessment prepared for school purposes."

The reason this amendment was included was to address some of the families' concerns about adequate assessments having been done previously that are still relevant because the diagnosis doesn't change.

The Chair (Mr. Shafiq Qadri): Further comments?

Mr. Khalil Ramal: Would you mind explaining just a bit more?

Mrs. Christine Elliott: I think the idea of it is that the diagnosis for people with an intellectual disability doesn't fundamentally change over time, so if that assessment has been made previously, there's no point in requiring the family to go through a further assessment, in the sense that what was relevant then in terms of the basic findings will remain the same over time, so that should be satisfactory for the purposes of this bill as well.

Mr. Khalil Ramal: We're voting against this one. The reason is, the needs will change. Maybe the disability exists since birth, but the needs and requirements for service and support will change. That's why we require an assessment every once in a while, in order to determine the needs of the people with a disability.

Mrs. Christine Elliott: However, that's only for the purpose of making a determination with respect to eligibility, not for service provision.

Mr. Khalil Ramal: Yes, eligibility will change, so from childhood to adulthood—because this bill deals with adults, not with children, so it might be sometimes that some people will be diagnosed as disabled in their school time, but when they grow up and go to regular life, they function well with society. So maybe that condition will change, unless it's an obvious condition. We're taking into our consideration that assessment from before; it's not going to be thrown in the garbage. But to make sure the eligibility is still in the same fashion and the needs are still the same, we should, I think, to make it more accountable, reassess people every once in while to see their needs and to assess also how we can fund them.

Mrs. Christine Elliott: I would still submit, though, that in terms of basic eligibility, a developmental disability is something that, if you have it through childhood, you're going to have it through adulthood as well. It's—

Mr. Khalil Ramal: Definitely. We're not—

Mrs. Christine Elliott: I agree with you that the need for services may change, but the basic eligibility should remain the same from childhood into adulthood.

Mr. Michael Prue: In many cases I would agree with you, but there are cases, and I have seen some remarkable examples of autistic children, who, after a year or two of education, are able to function at much higher levels than what the original assessment showed. I'm just a little bit nervous about passing on assessments two,

three, four years after the fact where there have been some considerable improvements due to the success of ABI or IBI, and just to leave it so open-ended. Would you consider saying “an assessment made in the previous year,” or something that would assuage my fears?

I’m just worried about leaving this open-ended because of the great success of many of the educational and social programs that have been instituted in this province and how much they have helped some people to go that extra little bit, to not have the same kind of diagnosis, maybe to have a better one.

At the same time, I also see people who occasionally, from time to time, through no fault of their own, actually become worse as conditions get worse. I want to save the money of the government, because I don’t think we need to have assessment after assessment in every case—and you’re right—but at the same time I want to make sure that there is that opportunity to do new assessments if either the condition worsens or it gets better and that we not rely on outdated things. So I’m just asking: Can you put a time limit on it?

Mrs. Christine Elliott: I would simply say, though, that this is really for the convenience of the individuals and the families. If they chose not to use that school assessment, then they wouldn’t be required to. This isn’t prescriptive; again, it uses “may.” So if the family said, “Nothing’s changed; we want to just continue to use the assessment that we had before,” that’s fine. And I would expect that if they felt that things had changed dramatically and that the person no longer had the disability to the same extent, then they would have asked for a new assessment. So this is something that the families may choose to use or not—it gives them that flexibility.

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Mr. Khalil Ramal: Sometimes, the assessment is done by a medical professional to give an accurate assessment, and also, to have one set of standards across the province of Ontario. It’s very important to have some kind of consistency across the whole province in how we can assess people, which parameters and which conditions we should examine before we issue the report.

We’re not saying that school does not give us clear indications—but not all the indications. We have to depend on medical professionals in order to assess, because when you’re a child, it’s different than when you’re an adult. There is a difference, so that’s why when we assess people, it’s going to directly affect the funding, which is going to be tied automatically with the assessment.

Ms. Sylvia Jones: Would you be prepared to support the amendment if we included the words “may include any medical assessment prepared for school purposes”? If your concern is that there is no consistency in what is happening at the school level, which I think is what I’m hearing from you—

Mr. Khalil Ramal: You mentioned talking about—the assessment should carry on. Mr. Prue outlined the concerns very well when he mentioned that sometimes you are assessed as a person with a disability, for some

kind of training or education, and you pass that level and you function very well. That’s why we’re saying from this side that we need to assess people and set out standards across the province of Ontario, similar ones, consistent ones, in order to have some kind of ability to measure. We would have one measurement, so—

Ms. Sylvia Jones: So you believe the school system, as it assesses right now, is not consistent across Ontario?

Mr. Khalil Ramal: No. You cannot say that it’s consistent because some people use parameters that are not used somewhere else, and some use professional ones and some don’t. It’s not the only indicator that we use; we use many different elements in order to assess people. Therefore, we think that one unified assessment across Ontario is needed in order to determine if a person is eligible or not eligible.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we’ll consider the vote. Those in favour of PC motion 41A? Those opposed? Lost.

NDP motion 42.

Mr. Michael Prue: I move that section 14 of the bill be amended by adding the following subsection:

“Common assessment practices

“(4.1) The methods of assessment or criteria prescribed under subsections (3) and (4) shall include common assessment practices and tools to be used across the province.”

The rationale here is that we understand that this may be contained in the regulations under the bill. We believe it is important that the legislation specify common practices and tools in order to ensure consistency of services and supports across the province. In other words, I’m saying that it’s not good enough to have it just in the regulations. If you have it in the bill itself, then the regulations can flow from it and the whole world can see that that was the intent of the legislators in the first place.

The Chair (Mr. Shafiq Qaadri): Any comments?

Mr. Khalil Ramal: It would be really difficult to outline everything in the bill. We have to put the general ideas as a bill, and then when you go to regulations, specify the parameters and the conditions that should be required in order to qualify a person or not qualify a person. If this bill is passed, the regulations would set out the standards for qualifications.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, those in favour of NDP motion 42? Those opposed? Lost.

Mr. Michael Prue: Mr. Chair, I challenge that. I saw three votes to three votes. I think you have to cast the deciding vote. I did not see—

The Chair (Mr. Shafiq Qaadri): I accept that, Mr. Prue. I will cast the deciding vote against the NDP motion.

Mr. Michael Prue: All right, thank you.

The Chair (Mr. Shafiq Qaadri): I now invite you to consider, shall section 14, as amended, carry? Carried.

I now invite you to present, Mr. Ramal, government motion 43.

Mr. Khalil Ramal: Laurel.

Ms. Laurel C. Broten: I move that section 15 of the bill be struck out and the following substituted:

“Notice of determination

“15. The application entity shall give the applicant, or a person who applied on the applicant’s behalf under section 13(2), or both, notice in writing of its determination as to whether the applicant is eligible for services and supports and funding under this act and of the reasons for the determination.”

The Chair (Mr. Shafiq Qaadri): Are there any comments? Seeing none, those in favour of government motion 43? Those opposed? I declare it carried.

Shall section 15, as amended, carry? Carried.

Government motion 44.

Mr. Khalil Ramal: I move that subsection 16(1) of the bill be struck out and the following substituted:

“Review of determination

“(1) If the application entity determines that an applicant is not eligible for services and supports and funding under this act, the applicant, or a person acting on his or her behalf, may request a review of the determination in accordance with the regulations.”

This is also housekeeping to clarify many different elements of the bill, especially, when you apply for funding and you are declined, how you can go about asking for a review to know why it’s been refused.

Mr. Michael Prue: You’re talking about a review, and I would take it that in a review the same person who made the decision would be compelled to review their decision. The person who said, “You are not eligible,” would review their own decision and determine whether he or she was in fact right. This is not an appeal, as is envisioned in the next motion; this is simply having the maker of the decision look at their decision again to verify that in fact they were correct.

Mr. Khalil Ramal: Well, most of the time, and it’s happened in many different sectors of the government, people apply for certain services and their application or request has been denied. Then once there is more evidence and more documentation, the person who looked at it the first time will look at it again and review it and give support and make them eligible. It’s a common review in the government.

Mr. Michael Prue: Who is doing the review? Officer X says, “You’re not getting this approval.” Who makes the review? Is it the same officer?

Mr. Khalil Ramal: To my knowledge, the same office. We can ask Colette. We’re talking about the review for applications.

Ms. Colette Kent: Who does the review of—

Mr. Michael Prue: Who does the review? Government motion 44 is different from 45; 45 talks about an appeal. We know that an appeal process involves a third party or someone different. This is a review, and I want to know who does the review. Does the same officer do the review—review his or her decision—and confirm that it’s correct?

Ms. Colette Kent: Sorry, just give me one second.

Mr. Michael Prue: All right, sure.

Ms. Colette Kent: Normally, we have sort of an escalated process of review. Within the organization, the first level is the actual review itself, and then you would expect that it would move up to a higher level in the organization for a review of that.

Mr. Michael Prue: So there’s a review of a review. Is that contained elsewhere in the act, that there is a review of the review?

Ms. Colette Kent: No, I don’t believe so.

Mr. Michael Prue: So the only thing the act says is that the review will go back to the same officer who made the original refusal.

Ms. Colette Kent: That’s not what I’m reading.

Mr. Michael Prue: What does it say, then?

Ms. Colette Kent: This was amending—this was just a housekeeping amendment, right?

Mr. Michael Prue: Yes, that’s an amendment.

Ms. Sylvia Jones: In the original subsection 16(1), they’ve only added the word “supports.” That’s the only change.

The Chair (Mr. Shafiq Qaadri): I understand, Ms. Jones, but maybe leg counsel would like to weigh in on it as well.

Mr. Michael Wood: The way it is written now, yes, it is the application centre that made the original determination that would conduct the review. It might be a different person in the application entity.

Mr. Michael Prue: It might be or it may not be—whichever it is.

Mr. Michael Wood: Yes, but it still is the same application entity. That is the way it is presently written. It is correct, as various speakers have said, that that type of mechanism does occur in other legislation.

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Mr. Michael Prue: May I ask the government—there are appeals. If someone is in a long-term nursing home, there is an appeal mechanism. You don’t go to a review, you go to an appeal mechanism. I’m just trying to think of all of the ones that are available, but the long-term nursing home jumps right out to me. Why are you suggesting a lesser standard for people with developmental disabilities? Don’t they deserve the full right of appeal that one would have if one lived in a nursing home?

Mr. Khalil Ramal: The concern you’re talking about is not relevant to the amendment we’re talking about here. We’re talking about outlining the role of the entity when they accept or refuse the applications. Normally, as I mentioned many different times, many different government agencies that provide services sometimes refuse. I’ll give you an example: ODSP or Ontario Works or many others. They ask you for a lot of different information, sometimes medical reports, sometimes new evidence every time in the review of an application; the same people make you eligible again. Same people, same group, same everything. So instead of creating many different layers, this is what we’ve experienced and we are copying from other procedures—you know, adopted many different sections of—

Mr. Michael Prue: What I’m trying to find out, in the case—if you are on ODSP and you are refused, you have

a right of appeal. If you are in a long-term nursing home and something goes wrong, you have the right to appeal the decisions that are made. This is very different from a right that you are trying to give here, which is only a right of review. I'm trying to understand why you want to give people with developmental disabilities a lesser right than you would give to people in long-term nursing homes or those who are on Ontarians with disabilities. I don't understand why you want to give them a lesser right. If you can tell me why you want to give them a lesser right, I may accept that. I just don't understand why.

Mr. Khalil Ramal: We give them a right to another review. So this, I think, would be common because basically, as we mentioned, the person is born with disabilities, and most of the time we carry that information from childhood to adulthood with minor changes. But this is what we've said in this bill. We consider it's enough and sufficient in order to make them eligible.

Mr. Michael Prue: If I could speak to it, then, if there are no more questions.

The Chair (Mr. Shafiq Qadri): Are there any further comments? Seeing none—

Mr. Michael Prue: No, I wanted to speak to it now. I just wanted to know if anyone else had other questions.

Mrs. Christine Elliott: If we could just make the comment that we agree with your concern here, that this is something that should be right of appeal rather than right of review.

Mr. Michael Prue: If I can speak, it seems to me that the government has two standards by which it can live. The first one is to give a right of appeal, which you have given to people who are on ODSP if they are refused. Many of the people will be some and the same people—not many but some will be some and the same—who are persons with developmental disabilities, because many people with developmental disabilities find themselves at some portion of their lives on ODSP. You have also determined that people who live in nursing homes, many of whom have dementia or related cognitive disorders, have the right of appeal, they and their families have the right of appeal. You have determined in those cases to take it out of the hands of the bureaucrats who originally dealt with it—and I don't use that in a pejorative sense; I was once a bureaucrat myself. You're leaving it in their hands rather than having an impartial third body look at it.

I do not understand nor do I accept the rationale that has been given by the parliamentary assistant. It seems to me that if people are going to be able to challenge what is happening to them, then they should be able to challenge it in front of an impartial third body and not challenge it merely back to the person who has already made the decision against them.

I find this—I don't know how to say it, and I want to be gentle. I find this paternalistic in terms of developmentally delayed or developmentally disabled people, because they are not being accorded the same rights that we would accord others who find themselves with some-

times the same cognitive impairment. We have recognized in other people that they need a better mechanism in order to get their message across. They need someone impartially to look; they need not to go back to the same people who are making the decision against them, whether it be in a nursing home or in a welfare office. But here we are saying, "No, you don't have that right. You have a limited right. You have the right to go back to the person who said no in the first place, and that's all there is."

I think if the legislation was to be truly progressive, then you would offer a right of appeal. I don't want to tout the next one, because I know you're going to vote against it because you're so strongly in favour of this one, but the next one is suggesting a right of appeal. Groups such as ARCH came before the committee. ARCH was there in Ottawa—they made the long trek up—and they talked about the right of appeal and how important that was from a legal aspect to persons with disabilities, that persons with disabilities have almost no rights in our system. And for you to deny them a further right that one would give to a nursing home person or to a person who was on ODSP I do not think is in the true sense and intent of the purpose of this bill.

So I'm asking you to reflect long and hard on what you're doing here. If you pass this motion and then deny the next one, which is the right of appeal before a separate body, which I think would be fair and give them the same rights as other Ontarians enjoy with similar, oftentimes cognitive, disabilities, then I think you would be doing a great disservice.

I cannot support this motion; I will not support this motion. I understand the government may do so, but I'm asking you to look long and hard at the next one and determine whether or not it is in fact where you want to go in this direction. If there is one key thing—I have several—I can focus in on, of four or five key things I want to say about this bill, this is it. Give those people the same rights that all of us have come to enjoy when dealing with government bureaucrats.

The Chair (Mr. Shafiq Qadri): Any further comments? Seeing none, we'll proceed to the consideration of government motion 44.

Mr. Michael Prue: On a recorded vote, please.

Ayes

Broten, Dickson, Naqvi, Ramal.

Nays

Elliott, Jones, Prue.

The Chair (Mr. Shafiq Qadri): Government motion 44 carried.

Shall section 16, as amended, carry? Carried.

We now proceed to NDP motion 45.

Mr. Michael Prue: I know it has no chance now of success, but I'll read it out all the same.

I move that the bill be amended by adding the following section:

“Appeal

“16.1(1) If an application centre determines on a review that an applicant is not eligible for services and funding under this act, the applicant, or a person acting on his or her behalf, may appeal the determination to a director in accordance with the regulations.

“Information

“(2) The application centre shall provide the person appealing the determination with information about the appeal procedure.

“No reprisal

“(3) No person shall take a reprisal against an applicant who has appealed or a person who has appealed on the applicant’s behalf.”

If I can, and I realize the possibility of this now succeeding after having taken the last vote is remote, it seems to be that one offers a full right of appeal to a person with a developmental disability either directly or by his or her family or caregiver, and that it can be made to an impartial person. It sets it up with a director, it sets it up at a higher level; it’s not the same person making the decision. It also ensures that the information on the appeal is given out. The previous one did not do that. And last but not least, it ensures that there is no reprisal.

Now I do not think that many will reprise against someone who is simply trying to exercise his or her rights either directly or on behalf of a family member, but I do think it’s important to set out in the legislation that people ought not be afraid to challenge the decisions that are being made that directly affect their lives. This seems to me to be the much cleaner, more ethical and more moral way of dealing with appeals or in re-determinations than that which was proposed by the government.

I am sorry that they have passed or seen fit to pass their own motion ahead of this one, but if you want to vote for it, maybe you can see fit, before the day it comes back to the Legislature, to withdraw your own in favour of something that I am sure is fairer, more judicially and legally sound than the one you’ve just passed.

1400

Mrs. Christine Elliott: We would concur with Mr. Prue’s observations. In the interests of saving time, I won’t repeat what he said, but the need to give a similar right to a person with a developmental disability as to other Ontarians is quite important.

You can see from the next motion that we have filed a very similar amendment. Again, I’m sure it doesn’t have much of a chance of success, but I think it’s a very important point and something that we really need to reflect on if we’re going to achieve a bill that’s truly transformational.

The Chair (Mr. Shafiq Qaadri): Further comments?

Mr. Khalil Ramal: I have no further comment on this motion, but I would say it’s important to make sure—when we cancelled or eliminated the application centres, we created two entities, one for the process of application and one for funding. We want to separate them in order

to eliminate the conflict of interest and not to face some kinds of obstacles and barriers among the people with disabilities. Therefore, this point will be taken into our consideration. Hopefully it will be addressed in regulations when we set up the standards and regulations in the future.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mr. Michael Prue: Recorded vote again, please.

Ayes

Elliott, Jones, Prue.

Nays

Brotten, Dickson, Naqvi, Ramal.

The Chair (Mr. Shafiq Qaadri): It’s lost.
PC motion 45A.

Ms. Sylvia Jones: I move that the bill be amended by adding the following section:

“Appeal

“16.1 If the application centre determines on a review that an applicant is not eligible for services and funding under this act, the applicant, or a person acting on his or her behalf, may appeal the determination to a director in accordance with the regulations.”

Not to beat a dead horse, but I think we’ve had enough discussion about why we in the opposition feel it’s important for individuals to have that right of appeal separate and apart from where the initial review takes places.

The Chair (Mr. Shafiq Qaadri): Comments? Seeing none, we’ll proceed to the vote. Those in favour of PC motion 45A? Those against? Lost.

Government motion 46.

Mr. Yasir Naqvi: I move that section 17 of the bill be struck out and the following substituted:

“Assessment and prioritization

“17(1) If an applicant is determined to be eligible for services and supports and funding under this act and if, in the case of an application for direct funding, the requirements for direct funding specified in subsection 11(1) are satisfied,

“(a) an application entity shall assess the applicant’s needs for services and supports using the method of assessment specified in a policy directive; and

“(b) a funding entity shall prioritize the provision of services and supports and funding to the applicant in accordance with sections 18 and 19.

“Participation of person with developmental disability, etc.

“(2) An assessment under clause (1)(a) shall provide the person with a developmental disability, and any person who submitted an application under section 13 on his or her behalf, an opportunity to participate in the assessment and shall take into consideration the preferences of such persons.”

This is a housekeeping amendment in light of the changes we just made, using the term “services and sup-

ports,” and the application entity and funding entity differentiation.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mrs. Christine Elliott: Again, I would have to indicate that because the essential planning component is not specifically set out here—we’ve got assessing the “needs for services and supports.” It doesn’t talk about conferring with the person, doesn’t speak about their caregivers, their families, and actually having that separate, independent planning function. It’s something that we find impossible to support.

Mr. Michael Prue: I just have a question. It seems to me that this is, because of the title, an assessment and prioritization. Am I to take it that this is an attempt by whomever to determine people’s rights in a priority sequence? The reason I’m asking that is because I am still troubled by the government’s lack of action on waiting lists. When one goes into a priority process, there are those who are put to the top of the line and those invariably who are put to the bottom of the line. Is the intention here to determine which people shall move ahead at which speed and which ones will not? Is that the intent of this particular section? Is that why the prioritization has been included?

Mr. Khalil Ramal: We want to be consistent across the bill. That’s what this amendment is all about—not to change the intent or the direction, just to be consistent all the way from the beginning up to now. That’s why we brought forward this motion.

Mr. Michael Prue: So is it the government’s intention to prioritize and, I guess, allocate on the basis of resources? Is that what this portion of the bill is going to do?

Mr. Khalil Ramal: Of course, when this bill passes, the government or the minister is going to ask for resources to fund this bill. It’s going to be about priorities: Who’s going to be first, second and third and the whole spectrum.

Mr. Michael Prue: So that is the intention of this section, to prioritize. All right. Thank you.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mr. Yasir Naqvi: On a point of order, Mr. Chair: Just for my own educational purposes, I have a question in terms of procedure. When we’re dealing with amendments to provisions, are questions limited to that amendment or could they be relating to anything about that original provision in the bill? I’m just a rookie member, so I figure I’d educate myself.

The Chair (Mr. Shafiq Qaadri): Leg counsel?

Mr. Michael Wood: To answer your first question: If we have a motion that replaces a whole section, then potentially you can discuss anything that’s in that section even if it is repeating wording that was in the original version of the bill.

Mr. Yasir Naqvi: So in a situation such as the technical one, if there was a housekeeping amendment, the question could be to that original provision?

Mr. Michael Wood: It could be to anything which is shown in the text of the motion, even if those words appear in the original version of the bill.

I wanted to make another remark, though, and perhaps provide information to members: In the new clause 17(1)(b), the role of the funding entity, there’s a reference to prioritizing the provision of services etc. in accordance with sections 18 and 19. So you do have to read the following sections, and I believe it’s in subsection 19(1) where it talks about the role of—this would be the funding entity, I believe. Yes, because it’s the funding entity in section 18 that develops the service and support profile in section 19 and then it has to prioritize the application based on information contained in the applications and the—I’m reading the wrong motion.

The Chair (Mr. Shafiq Qaadri): Also, just in answer to your question, Mr. Naqvi, I think various members have been known to wax quite eloquent on a range of topics not necessarily related to the bill before them. Now, having said that—

Mr. Michael Prue: But I’m not doing that.

The Chair (Mr. Shafiq Qaadri): Never to imply that, Mr. Prue.

Mr. Yasir Naqvi: I wanted clarification so I can do the same thing in the future.

The Chair (Mr. Shafiq Qaadri): Are there any further comments on government motion 46? Seeing none, we’ll now proceed to consideration vote. Those in favour of government motion 46? Those opposed? Government motion 46 carries.

PC motion 46A.

Mrs. Christine Elliott: I move that sections 17 and 18 of the bill be struck out and the following substituted:

“Life Plans and Prioritization for Services and Funding

“Roster of planners

“17(1) The minister shall establish a roster of planners who, in the opinion of the minister, have the qualifications required to assist in developing a life plan under section 18 for a person with a developmental disability.

“Agreements with planners

“(2) The minister may enter into agreements with planners with respect to the development of life plans under the act.

“Referral to planner

“17.1 If an applicant is determined to be eligible for services and funding under this act, the application centre shall refer the applicant to a planner so that he or she may assist the applicant develop a life plan.

“Same

“(2) The application centre shall consult with the applicant in selecting the planner from among the list of planners that are included on the roster of planners and that are available in the geographic area in which the applicant resides.

“Life plan

“18(1) A planner shall assist an applicant in developing a life plan that will,

“(a) describe the immediate and long-term goals and aspirations of the applicant; and

“(b) determine the services funded under the act and other resources or programs available in the community that are required in order to meet the goals and aspirations referred to in clause (a).

“Purpose of life plan

“(2) The purpose of a life plan is to advance the best interests of the applicant based on the goals and aspirations of the applicant, as identified by the applicant and his or her family and caregivers.

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“Life plan development process

“(3) In developing a life plan, the planner shall,

“(a) consult with the person with a developmental disability for whom the plan is being developed and with his or her family members or caregivers in order to assist them in determining the person’s immediate and long-term goals and aspirations;

“(b) inform the person with a developmental disability and his or her family members or caregivers about the services funded under the act and other resources and programs that are available in the geographic area in which the person with a developmental disability resides;

“(c) assist the person with a developmental disability and his or her family members or caregivers in determining which services funded under the act or other resources and programs would assist them in attaining the person’s immediate and long-term goals and aspirations.

“Written plan

“(4) The planner shall prepare a written document setting out the life plan.

“Signature

“(5) The written life plan shall be signed by the person with a developmental disability or by another person on his or her behalf.

“Plan filed with application centre

“(6) The planner shall file the written life plan with the application centre that referred the applicant to the planner.

“Review of life plan

“(7) A planner shall review a life plan prepared under this section every five years or earlier if there is a material change in the circumstances of the applicant.

“Same

“(8) Subsections (2) to (6) apply with necessary modifications to a review of a life plan conducted under subsection (7).”

This is really the heart of the amendments that are being put forward by the PC Party and indicates the necessity, in our view, of having the planner involved in developing the life plan, first of all to inform the individual and the family members about the services and supports that are available, not just in terms of those available with service agencies, but again to achieve the social inclusion into the community. That is what the transformation is all about. It also relies on the individual to make their views known, to the extent that they’re able, to the planners, who can then assist them in de-

veloping a plan for their whole life and not just one part of it. And it allows them to participate, again, as fully as they’re able, in the decision-making process through the concept of supported decision-making with the assistance of planners and any other assistance that they might feel they need in order to help the person make their views known. This is the lynchpin, in our view, for the success of this bill going forward to achieve the inclusion in the community.

The Chair (Mr. Shafiq Qadri): Further comments?

Mr. Michael Prue: Mine is not a comment, it’s a question; I may comment later. The question is: There is no definition here of what constitutes a planner, and I am wary of going outside the level of expertise that already exists in the province. Is it the intention of this motion that people who act independently or profit would be included? Because it doesn’t state this.

Mrs. Christine Elliott: It could be possible, in the sense that it would be on a roster that would have to be approved by the ministry. So it wouldn’t just be that anyone could come forward, call themselves a planner, and put themselves out there as being skilled in the ability to develop life plans for persons with developmental disabilities. They would have to be approved by the ministry in the same way that capacity assessors, for example, under the consent and capacity legislation, are able to become part of that roster. There would be control on the part of the ministry about who would be able to be a planner, and they would certainly check into credentials. So there would be that accountability mechanism that would be built into it.

Mr. Michael Prue: Would the planner, if the planner was independent, be able to set their own fees?

Mrs. Christine Elliott: Under the system we’ve established, no, that would be established through an agreement with the ministry. The ministry would pay for only a set amount in terms of fees for the planners. The ministry would control how that would happen; they would be able to assess whether the services being provided by the planner are fair value or not. So, no, they wouldn’t be able to set their own fees that they could just send a bill to the ministry. No, it would be the other way around: The ministry would indicate what they’re prepared to pay for.

Mr. Michael Prue: All right, so this would be a fee for service. The government would set the fee, and if a person wanted to be on the roster, they would have to accept that fee and they would be forbidden by law to charge additional amounts, as some doctors try to go around charging additional fees. I just want to make sure we’re protecting vulnerable people.

Mrs. Christine Elliott: Yes. It would be a set fee for a particular service, recognizing that some life plans would be more complicated than others. For example, a life plan for someone who chose the independent funding arrangement might be more complicated than someone who chose service from a service provider with maybe some certain other components added into it—that would be a more complicated life plan. So depending on the

nature and extent of the service being provided, that would determine the fee, but it would be controlled by the ministry to ensure value.

Mr. Michael Prue: Thank you.

Mr. Khalil Ramal: Thank you very much for putting forward this motion. The government recognizes the importance of providing planning to individuals and their families to look after their needs. I want to tell you that there already exists within our ministry—the ministry, this year, funded three demonstration sites in order to conduct information to advise the ministry on how we can establish a framework for planning, including options for independent planning, or whatever exists in the marketplace at the present time. So we don't see the need for it; it's already in practice.

Mrs. Christine Elliott: I would submit, though, that this is such an important part of the transformation that it really needs to be enshrined in the legislation and not simply left to regulation to ensure that it happens in the way that it's supposed to happen. It can't be an ad hoc, "Let's provide some planning services." This is really key to the success of the whole transformation and for that reason, we believe that it needs to be included as a separate section within the legislation itself.

Mr. Michael Prue: A question to the parliamentary assistant: Can you tell me where these three demonstration sites are?

Mr. Khalil Ramal: I don't have enough information. Maybe you can provide—do you mind if we provide it later on?

Mr. Michael Prue: Do they not know? I don't know that they're listening. Do you know where the demonstration sites are?

Ms. Colette Kent: Windsor, Algoma and the third one—we can get that information to you.

Mr. Michael Prue: All right. But for the record, Mr. Speaker, I did hear "Windsor" and "Algoma," and the other one will be forthcoming. Is that fair enough?

Ms. Colette Kent: Thunder Bay.

Mr. Michael Prue: Thunder Bay. All right. Because I don't think that it's going to pick it up from there. Thank you very much.

The Chair (Mr. Shafiq Qadri): And thank you, Mr. Prue. Are there any further comments or questions?

Mrs. Christine Elliott: A recorded vote.

Ayes

Elliott, Jones, Prue.

Nays

Broten, Dickson, Naqvi, Ramal.

The Chair (Mr. Shafiq Qadri): Lost.

Shall section 17, as amended, carry? Carried.

We will now move to NDP motion 47—and I'll also just share with the committee that we are now approximately 25% of the way through the consideration of amendments.

The Chair (Mr. Shafiq Qadri): NDP motion 47.

Mr. Michael Prue: We're really moving right along here.

I move that subsection 18(2) of the bill be amended by striking out "and the resources available under this act" at the end.

The rationale is that underfunding must not be used as a rationale for reducing service or supports to any individual who has been determined to be eligible. A service profile must determine the service needs of an individual based on their needs alone, and therefore, we do not want to include the words "and the resources available under this act" because, if the government does not properly fund it, then all of this is for naught. So we don't think that should be in the act and we ask that it be removed.

Mr. Khalil Ramal: I can speak for what's available to us. I guess whatever resource is available, the funding should be based on it. That's our answer.

Mr. Michael Prue: And if there's no money, there's no resource.

Mr. Khalil Ramal: Well, I'm talking about—yes, that's why we're not supporting it. We want to work within our resources.

The Chair (Mr. Shafiq Qadri): Are there any further comments or questions? Seeing none, we'll consider NDP motion 47. Those in favour? Those opposed? Lost.

NDP motion 48.

Mr. Michael Prue: I move that clause 18(3)(b) of the bill be amended by striking out "and the amount of funding available under this act for those services" at the end.

The rationale is pretty much the same as the last one, which was just defeated. We think that by including this in the act, this is a licence for the government to not put in the necessary resources and for the services, therefore, not to be provided. We would prefer to have it down there, thus forcing the Ministry of Finance, in the budget bill, at that time of the year next March or April, to come across with the necessary funds to do what this bill intends to do, as opposed to leaving a loophole big enough to drive a Sherman tank through it, so they can simply say no, and what everyone is expecting to happen will therefore not happen.

1420

The Chair (Mr. Shafiq Qadri): Any further comments? Seeing none, we'll move to consideration of NDP motion 48. Those in favour? Those against? Lost.

Government motion 49.

Mr. Joe Dickson: I move that section 18 of the bill be struck out and the following substituted:

"Service and support profile

"18(1) A funding entity shall develop a service and support profile for each applicant who is determined to be eligible for services and supports and funding under this act.

"Contents

"(2) A service and support profile shall set out the services and supports that may be provided by service agencies under this act or for which direct funding may

be provided under this act, or both, as the case may be, based on the applicant's needs and the resources available under this act.

"Development

"(3) In developing a service and support profile for a person with a developmental disability, a funding entity shall apply the method of resource allocation specified in a policy directive to determine which services and supports may be provided to the person under this act and the amount of funding available under this act for those services and supports."

The motion to strike this section and replace it with the provisions outlined is due to the introduction of an application process with separate application and funding entities and, of course, the use of services and supports. It's a housekeeping matter in nature, previously put forward.

The Chair (Mr. Shafiq Qaadri): Further comments, questions? Seeing none, those in favour of government motion 49? Those opposed? Carried.

Shall section 18, as amended, carry? Carried.

PC motion 49A.

Ms. Sylvia Jones: I move that subsection 19(1) of the bill be struck out and the following substituted:

"Prioritization, waiting list

"19(1) Upon receipt of an applicant's life plan prepared under section 18, an application centre shall prioritize the application along with other applications for services or funding received under subsection 13(1) based on information contained in the applications and their respective life plans."

It comes back to the motion that was not passed, where we are trying to reinforce the importance of the life plans in what you're bringing forward in Bill 77.

The Chair (Mr. Shafiq Qaadri): Any comments, questions?

Mr. Khalil Ramal: We spoke about this one before, and it would be the same answer.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 49A? Those opposed? Lost.

NDP motion 50.

Mr. Michael Prue: I'm not sure of the legality of this, so you'll have to advise me after I've read it.

I move that subsection 19(3) of the bill be struck out.

I know it's within my purview to simply vote against it, but I wish to speak against this section of the act if this motion is not in order.

Interjection.

The Chair (Mr. Shafiq Qaadri): You're cleared. Proceed.

Mr. Michael Prue: Proceed on the basis that this is a motion that can be dealt with?

The Chair (Mr. Shafiq Qaadri): Yes.

Mr. Michael Prue: Okay, thank you. Then I move that subsection 19(3) of the bill be struck out.

My rationale for this is that we do not believe that a person with a developmental disability should be forced to linger on a waiting list when they have been assessed and the necessary services determined. When the need

has been identified, a level of service to address that need must be provided. It is very odd—I would say very strange and bizarre in the extreme—that waiting lists be entrenched in legislation. I am unaware of another single piece of legislation in this province that has set out waiting lists in the legislation.

I am not naive. I know there are waiting lists for hospital services, I know there are waiting lists for housing, I know there are waiting lists for summer camps and waiting lists for a thousand things in this province, but I have never before seen it in legislation. It is very odd to have waiting lists entrenched here. Even proposing these waiting lists points to the chronic underfunding in this sector. An adequate level of funding is required so that waiting lists do not have the opportunity to exist.

I do not want to see this bill go forward with a waiting list. I think virtually every person who came before the committee over four days talked about abolishing the waiting lists. They talked about how this was something that they did not want to see in the law, and they have asked that it be removed. This is my attempt in so doing; if the government has other attempts, I will entertain them all. But I do not believe that the developmental services sector should have waiting lists imposed upon them, and I certainly do not believe that those with disabilities have waiting lists, so that they are told, "There's nothing for you this year, nothing for you next year, nothing for years hence." That is what already exists now, and it is totally unfair.

We bend over backwards to accommodate people in other fields; I'm thinking primarily of those who live in long-term-care homes. There is a waiting list, but it is a fairly short one, and people can be accommodated in reasonable periods of time. It is not set out in the legislation there and it should not be set out here, and I am asking that this section be struck out.

Ms. Sylvia Jones: We're pleased to support this motion. I think it really calls to how we are viewing the sector as a whole, that we're prepared as legislators to say, "You can wait; your disability does not have the same value as others in other sectors," and I'm happy to support it as written.

Mr. Khalil Ramal: A waiting list is not unique to this bill. It's been common practice by different ministries and different acts through Parliament since 1994: long-term care, which passed by the NDP, and also the Social Housing Reform Act, 2000, passed by the Conservatives. So we're not reinventing the wheel here. There are provisions for waiting lists in this bill in order to make sure that people with disabilities are served very well, to look at the percentages and also to help us to see exact numbers across the province of Ontario. That's why we talk about entities of application centres and how we can coordinate all the entities across Ontario to give us a clear indication of how many people are on the waiting list and how we can serve them, and we can assess our needs as a ministry to ask for funding. So, basically, we're not the only sector or ministry—there are so many different elements of the government, so many different

governments came in the history of this Parliament and founded and passed those acts which allow provisions for waiting lists.

The Chair (Mr. Shafiq Qaadri): Are there any further comments or questions?

Mr. Michael Prue: Just on a recorded vote, please.

Ayes

Elliott, Jones, Prue.

Nays

Broten, Dhillon, Dickson, Naqvi, Ramal.

The Chair (Mr. Shafiq Qaadri): Lost.

NDP motion 51.

Mr. Michael Prue: I move that subsection 19(4) of the bill be amended by striking out “may place the applicant on a waiting list for the services or funding, as the case may be” at the end and substituting “may apply to the minister for additional funds.”

This does something else; this is different from the last one I did. I anticipated that the government may want to put waiting lists right in the legislation to tell the whole world that there are going to be waiting lists, but here’s an alternative for people and agencies who find themselves being unable to deal with people on the waiting list, and that is that they may apply to the minister for additional funds. This will permit agencies to apply for those funds to meet the needs of the applicants they are bound to service, similar to the way that children’s aid societies are able to request additional funds in order to provide mandated services. We are asking them to look after those with developmental disabilities. They know that they are there, they want to help them, and if the government will not give them enough money, this is the authority for them to come back and apply to the minister for those funds. If the minister then chooses not to make those funds available, then I guess that’s a topic for discussion in the Legislature. But it is an opportunity that they can make their case: The public can hear their case, the families can know that the agencies are trying to help, they can know that it will be debated in the Legislature, and if the minister chooses not to forward those funds, then the minister needs to explain why. We’re asking the government to take an unusual and courageous step and to agree with this.

1430

Mr. Khalil Ramal: We’re going to say no to this motion for one reason: We believe strongly that people should come through the door, not through the door and windows. We created the entity of funding as a place to provide funding for people with disabilities after they’ve been assessed and become eligible; therefore, we cannot create two standards.

Mr. Michael Prue: That’s an amazing analogy. The government sets the standards, the government sets the waiting lists, the government tells the agencies how to

assess them, the government will set up people to do life plans—the government will do all of these things and they will say, “Sorry, but there’s no money.”

I don’t know how this opens up a door and a window. All it does is the same thing that you agree is a good thing for children’s aid. When they don’t have enough money, you say it’s okay for them to come forward and say, “We don’t have enough money,” and for the government to determine whether that’s the right thing and either forward the money or not. But you’re saying that somehow the developmental services sector is very different, that when they don’t have enough money, they’ll not be allowed that same prerogative: They’ll not be allowed to come forward, they’ll not be allowed to ask for additional resources through the minister and hence through the Legislature. Why do you think that these people with developmental disabilities should be treated differently than those children who are in care?

Mr. Khalil Ramal: They’re totally different circumstances, different issues. We’re dealing with two different subjects. I don’t think this one applies to the other one. I think we have a clear direction in this government and this ministry to create accessible and local entities for families and people to receive and seek service.

Mrs. Christine Elliott: We would certainly be happy to support this amendment being put forward by Mr. Prue, especially if there’s already a precedent for it with respect to children’s aid. Vulnerable people are vulnerable people, and there’s no question that they need help. If they need service, they need to get service. It’s not sufficient to say, “Well, we just don’t have any resources.” It’s a question of priorities. Priority should be going to those people who need the assistance most, and this is certainly a group of people who have not been treated with the same degree of respect and priority that some other groups have. I would certainly support them getting the supports and services that they need.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mr. Michael Prue: Recorded vote, please.

Ayes

Elliott, Jones, Prue.

Nays

Broten, Dhillon, Dickson, Naqvi, Ramal.

The Chair (Mr. Shafiq Qaadri): Lost.

PC motion 51A.

Mrs. Christine Elliott: I move that subsection 19(4) of the bill be amended by striking out “specified in the applicant’s service profile” and substituting “specified in the applicant’s life plan”.

Again, this relates to previous motions that we’ve brought that emphasize the need for the whole life plan rather than just the provision of specified services.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Khalil Ramal: We're not going to support it for many different reasons.

The Chair (Mr. Shafiq Qadri): Those in favour of PC motion 51A? Those opposed? It's lost.

Government motion 52—and I'd just advise the committee that this was a walk-on motion and there is a replacement motion, which should be distributed to all members.

Ms. Laurel C. Broten: I move that section 19 of the bill be struck out and the following substituted:

“Prioritization, waiting list

“19(1) A funding entity shall prioritize applications received under subsection 13(1) for services and supports or for funding based on information contained in the applications and on the service and support profiles prepared under section 18.

“Rules respecting prioritization

“(2) In prioritizing applications, a funding entity shall follow the rules for prioritizing applications set out in a policy directive.

“Waiting lists

“(3) A funding entity may establish waiting lists for services and supports provided by service agencies under this act and for direct funding and shall manage those lists in accordance with any applicable policy directives.

“Same

“(4) If there are not sufficient funds available in a funding entity's geographic area to provide one or more services and supports specified in an applicant's service and support profile immediately or, if direct funding is requested, to provide the direct funding immediately, the funding entity may place the applicant on a waiting list for the services and supports or for the funding, as the case may be.

“Report

“(5) A funding entity shall on an annual basis, within the time period specified by the minister, report to the minister the information the minister requires about the waiting lists referred to in subsection (3), and the minister shall, within 60 days after receiving the report, publish it in the manner that the minister considers appropriate.”

The Chair (Mr. Shafiq Qadri): Comments, questions? If there are none, we'll proceed to the vote. Those in favour of government motion 52? Those opposed? Government motion 52 carries.

Shall section 19, as amended, carry? Carried.

NDP motion 53.

Mr. Michael Prue: I move that section 20 of the bill be struck out and the following substituted:

“Reassessment of service profiles, etc.

“20(1) After an application centre has developed a service profile for an applicant and prioritized the application, the application centre may, unless subsection (2) applies, subject to the procedures and rules for reassessment set out in a policy directive,

“(a) reassess the applicant's service profile in accordance with section 18; and

“(b) reassess the prioritization for services or direct funding, based on the reassessment of the service profile under clause (a), in accordance with section 19.

“Same

“(2) If an applicant is receiving or has received services from, a service agency, a reassessment of the applicant's service profile under subsection (1) shall be conducted by a service agency that is providing or has provided those services.

“Same

“(3) A reassessment of an applicant's service profile shall be based on the applicant's needs, not on the resources available under this act.”

Mr. Chair, if I could, we are including this because we believe the greatest problem in the developmental services sector today is underfunding. Continued underfunding must not be used as a rationale for reducing service or supports to any individual who has been determined to be eligible. We are attempting to ensure that the services we want for this community are delivered.

The Chair (Mr. Shafiq Qadri): Comments, questions?

Mr. Khalil Ramal: We will not support this motion because it would be a conflict of interest, and we've stated many different times why we are opposing this position.

The Chair (Mr. Shafiq Qadri): Are there any further comments?

Mr. Michael Prue: If I could, what is your conflict of interest? That's usually where there's a pecuniary or other interest available to you: By voting for it, you will make money.

Mr. Khalil Ramal: No, we're talking about when the entity that assesses the person cannot be the same entity that provides service. So this would be a conflict of interest in this regard. That's why we believe it should be extinguished and there should be a separation. The assessment base should be different from the people who service them.

The Chair (Mr. Shafiq Qadri): Any further comments or questions? Seeing none, we shall proceed to consider NDP motion 53. Those in favour? Those opposed? NDP motion 53 is lost.

PC motion 53A.

Ms. Sylvia Jones: I move that section 20 of the bill be struck out and the following substituted:

“Reassessing prioritization

“20. Subject to the procedures and rules for reassessment set out in a policy directive, an application centre may reassess the prioritization of an application for services or direct funding based on a review of a life plan prepared under subsection 18(7) or on such other information as it deems appropriate.”

The Chair (Mr. Shafiq Qadri): Any comments? Seeing none, we'll proceed to consider the vote. Those in favour of PC motion 53A? Those opposed? PC motion 53A is lost.

Government motion 54.

Mr. Khalil Ramal: I move that section 20 of the bill be struck out and the following substituted:

“Reassessment of service and support profiles, etc.

“20. After a funding entity has developed a service and support profile for an applicant and prioritized the application, the entity may, subject to the procedures and rules for reassessment set out in a policy directive,

“(a) reassess the profile in accordance with section 18”—I guess I have to read section 18; right? No—“and

“(b) in accordance with section 19, reassess the prioritization of services and supports or for direct funding, based on the reassessment of the profile under clause (a).”

Basically, this is housekeeping just to clarify our position on how we can describe the entities and the role of the entities in this bill.

1440

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we shall consider the vote. Those in favour of government motion 54? Those opposed? I declare government motion 54 carried.

Shall section 20, as amended, carry? Carried.

NDP motion 55.

Mr. Michael Prue: I move that section 21 of the bill be struck out.

My rationale is that we do not believe that any person with a developmental disability should be forced to linger on a waiting list when they have been assessed and necessary services have been determined. When need has been identified, an adequate level of service must be provided. We are fundamentally—

The Chair (Mr. Shafiq Qaadri): Mr. Prue, with respect, I’ve been advised to tell the committee that this motion apparently is out of order.

Mr. Michael Prue: Then can I speak to why we should defeat this when section 21 comes to a vote?

The Chair (Mr. Shafiq Qaadri): Yes.

Mr. Michael Prue: Thank you, then.

The Chair (Mr. Shafiq Qaadri): Government motion 56.

Mr. Yasir Naqvi: I move that section 21 of the bill be struck out and the following substituted:

“Notice of available services, etc.

“(1) If a funding entity has placed an applicant on a waiting list for services and supports provided by service agencies or for direct funding, the entity shall,

“(a) in the case of an application for services and supports from service agencies, give notice to a person described in subsection (2) when one or more of the services and supports becomes available and refer the applicant or person to the appropriate service agency; and

“(b) in the case of an application for direct funding, give notice to a person described in subsection (2) when the funding becomes available.

“Same

“(2) The funding entity shall give the notice mentioned in subsection (1) to the applicant, or to the person who submitted the application for services and supports on the applicant’s behalf under subsection 13(2), or to both.”

This is a technical, housekeeping amendment.

The Chair (Mr. Shafiq Qaadri): Comments? Seeing none, those in favour of government motion 56? Those opposed? Carried.

Shall section 21, as amended, carry?

Mr. Michael Prue: I would like to speak to section 21, if I could. I’m asking the government members not to pass section 21. You have heard, and you did hear, for four solid days—in Toronto, London, Timmins and Ottawa, plus in many, many written deputations—about not including the waiting list in the legislation. You have chosen to proceed and to put the waiting list right in the legislation. Notwithstanding the statements made by the parliamentary assistant, this is untoward. If it exists elsewhere, it ought not to have existed.

What you are saying by putting it in the legislation is that for this time, and for all times, you accept the fact that there are not going to be adequate resources to deal with those who require them, that there will be a waiting list and that there shall be a waiting list, that the waiting list shall be maintained and that the waiting list, from time to time, will be tweaked.

To tell you the truth, I find this to be abominable. I think that when you understand that people who require services, whether they choose and their families choose to access it through agencies or whether they choose to access it through independent arrangements, there still ought not to be a waiting list. You cannot state that you are assisting people in this regard when you leave them for one month, one year, 10 years, or however long the waiting list goes. By putting this in the act, you are stating unequivocally, and probably for all time, that you will be singularly unable to deal with those who most desperately require our help. I don’t think you would do this to anyone else and you ought not to do it to people with developmental disabilities.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Prue. We will now proceed to consider—

Mr. Michael Prue: On a recorded vote please.

Ayes

Dhillon, Dickson, Naqvi, Ramal.

Nays

Elliott, Jones, Prue.

The Chair (Mr. Shafiq Qaadri): Section 21 carries. Government motion 57.

Mr. Joe Dickson: I move that section 22 of the bill be amended by striking out “services” and substituting “services and supports”.

It’s a continuation of our housekeeping under “services and supports.”

The Chair (Mr. Shafiq Qaadri): Comments? Those in favour of government motion 57? Those opposed? Carried.

Shall section 22, as amended, carry? Carried.

Government motion 58.

Mr. Khalil Ramal: I move that section 23 of the bill be struck out and the following substituted:

“Provision of services and supports

“23. A service agency shall provide services and supports in accordance with,

“(a) the terms and conditions specified in its funding agreement; and

“(b) such performance standards and measures relevant to each service and support as may be required in a policy directive.”

So it’s still a housekeeping amendment, just to clarify our position and direction in this bill.

The Chair (Mr. Shafiq Qadri): Comments? Those in favour of government motion 58? Those opposed? Carried.

Shall section 23, as amended, carry? Carried.

With no amendments received to date for sections 24 and 25 inclusive, I’ll invite the committee to consider both together. Shall sections 24 and 25 carry? Carried.

NDP motion 59.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

“Complaints procedure

“25.1 A service agency shall ensure that there are written procedures that comply with the regulations for initiating complaints to the service agency and for how the service agency deals with complaints.”

Ms. Sylvia Jones: On a point of order, Chair: You just passed sections 24 and 25, but we’re still debating section 25.

The Chair (Mr. Shafiq Qadri): I just asked for the committee’s will, because we had not received any amendments, to consider the vote on sections 24 and 25 together, and the vote has already passed on sections 24 and 25.

Ms. Sylvia Jones: But we’re debating an amendment on 25.1.

Mr. Michael Prue: For 25.1, which comes after.

Interjection.

Ms. Sylvia Jones: We’re debating a proposed amendment for section 25.

The Chair (Mr. Shafiq Qadri): We’re actually, just for everyone’s clarification, debating, at the very bottom of this page, a new section 25.1, NDP motion 59 and then PC motion 59A.

Ms. Sylvia Jones: But it’s still section 25.

Mr. Michael Wood: Section 25.1 is a new section of the bill. It is not part of section 25.

Ms. Sylvia Jones: Because section 25 is (a) and (b) and then we’re making proposals for section 25.1? Got it.

Mr. Michael Wood: Yes, 25.1 is considered separate from 25.

Ms. Sylvia Jones: Okay. Thank you.

The Chair (Mr. Shafiq Qadri): Mr. Prue, proceed.

Mr. Michael Prue: The purpose and the explanation for this: We believe it should be a right of an individual with a developmental disability to be able to express dissatisfaction with services that they may receive or for those that may be addressed in a serious, timely and

understanding manner. To be clear, this deals with complaints against service agencies. We are simply asking that the service agencies, by virtue of this amendment, be required to post, within the four walls of the service agencies, clearly, for people to read, that people have the right to complain, to lodge a complaint and how to go about doing it.

I would suggest that similar procedures exist in almost every one of the housing facilities in the province of Ontario that were part of Ontario housing but have now been subsumed and are the responsibility of various municipalities—exactly how to do this if you have a complaint against someone who works for that corporation, how to lodge the complaint, how to go about it. We think that this, as an example, should be done here so that people who come in and feel that they are not being properly treated know that there is an avenue of redress. It simply requires that a poster be put on the wall informing people of that right so that any complaints may be forthcoming.

Oftentimes, as you will no doubt be aware, people with developmental disabilities are the last to complain and are the last to understand their rights. This would help them to understand that they don’t always have to take what is being meted out to them.

1450

The Chair (Mr. Shafiq Qadri): Mr. Ramal.

Mr. Khalil Ramal: Because he read it twice, I guess we’re obligated to support it.

The Chair (Mr. Shafiq Qadri): Those in favour of NDP motion 59? Those opposed? Carried.

PC motion 59A.

Mrs. Christine Elliott: I move that the bill be amended by adding the following section:

“Strikes and lock-outs prohibited

“25.1(1) Despite anything in the Labour Relations Act, 1995, no employees of any of the types of residences for persons with disabilities listed in subsection (2) shall strike and no employer of such employees shall lock them out.

“(2) For the purposes of subsection (1), the types of residences are:

“1. An intensive support residence.

“2. A supported group living residence.

“3. A supported independent living residence.”

This is to address a concern that was expressed to us by individuals and their families, particularly when we were in the London committee hearings, about an unfortunate situation involving a strike about a year ago with a service provider, where the residents were very upset with the picketers being in front of their residences. The idea is that their homes should be sacred and it’s a home like everyone else lives in and shouldn’t be subject to being picketed during the course of a strike. That’s not to say that head offices and offices of those agencies can’t be picketed; just not the specific residences, to allow the people who live there the same right to sanctity of their home as everyone else has.

The Chair (Mr. Shafiq Qadri): Any comments?

Mr. Khalil Ramal: We're not going to support this for one reason: because they're things that are not within our jurisdiction. The Ministry of Labour is responsible for labour relations according to the act of 1995. Also, any stakeholder, organization or community living agency can discuss that during the bargaining agreement with labour when they sign the agreement. So we feel it's not our responsibility, in this regard, to discuss this issue.

The Chair (Mr. Shafiq Qaadri): Any comments?

Mr. Michael Prue: I can't support this either. I'm thinking back to Mr. Thomas, the president of OPSEU, who came before the committee and said in order for this to pass, there would have to be some negotiation between the government and his union. There have been negotiations in the past on other collective agreements, but certainly the government had not initiated one on this. They do have a collective agreement, and the collective agreement allows them the opportunity to strike. I do understand the Conservative motion would limit the picketing and not the right to strike, but in any event, this is the subject of negotiation and it would have to be done in advance of this being included in the legislation. To do otherwise would go against the body of the collective agreement, and I don't think the government wants to find itself in that position. Clearly, OPSEU, which represents the majority of people in this sector, says that nothing has been done, and although they are not averse to it, it would take some intense negotiation before they would get to that position. So, reluctantly, I cannot support this.

I would simply ask the mover, if she wishes to follow this procedure, to perhaps take the advice of Mr. Ramal and refer it to the Ministry of Labour or have discussions with OPSEU and Mr. Thomas as to how this may be accommodated and whether there is any willingness on the union's part to go this route.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll consider the vote. PC motion 59A: Those in favour? Those opposed? Lost.

PC motion 59B.

Ms. Sylvia Jones: I move that subsection 26(4) of the bill be struck out.

This is in reference to the ability of inspectors to enter homes and private residences without approval or a warrant. I think once again we're separating, dividing, how we view people with a developmental disability as compared to the rights that we ascribe to the rest of Ontario, and that's why we're advocating for removal of subsection 26(4).

The Chair (Mr. Shafiq Qaadri): Any comments? Seeing none, we'll proceed to the vote. Those in favour of PC motion 59B? Those opposed? Lost.

Shall section 26 carry? Carried.

I just notify the committee that the next PC notice is not a motion but a notice that they will be voting against this particular section. Of course, they are welcome to make comments.

PC motion notice 59C.

Mrs. Christine Elliott: This is the warrantless entry into homes. We certainly heard from many participants at the hearings in all locations that the residents were very concerned that there not be an entry into the home without a warrant on the basis, again, that their home is a private place and subject to the same requirements of any other search—that it not be a warrantless search, that there should be a requirement that the warrant be obtained before entry is attempted.

The Chair (Mr. Shafiq Qaadri): As I mentioned, it's not a votable item, but if there are any comments and questions—seeing none, we'll proceed to government motion 60.

Mr. Joe Dickson: I move that subsections 27(1) and (2) of the bill be struck out and the following substituted:

“Inspections without warrant

“(1) An inspector may carry out an inspection under this act in order to determine if a service agency, an application entity or a funding entity is complying with this act, the regulations and the applicable policy directives.

“Entry

“(2) Subject to subsection (3), at any reasonable time, an inspector may, without warrant and in accordance with the prescribed criteria, enter premises that are owned or operated by a service agency, an application entity or a funding entity in order to carry out an inspection.”

The Chair (Mr. Shafiq Qaadri): Any further comments?

Ms. Sylvia Jones: Just a question: In accordance with the prescribed criteria, is it your intention that that would be laid out in the regulations?

Mr. Khalil Ramal: Yes. We're going to set up some standards in regulations required to visit those homes. It's not going to be on a regular basis unless some kind of incident happens or something irregular happens on a regular basis at those institutions or in the homes of those individuals, in order to protect the people with disabilities.

This is in common with the Ministry of Children and Youth Services and also the Ministry of Health and Long-Term Care in order to ensure the protection of the vulnerable people among us.

The Chair (Mr. Shafiq Qaadri): Any further comments? Those in favour of government motion 60? Those opposed? Carried.

Government motion 61.

Mr. Khalil Ramal: I move that clause 27(4)(d) of the bill be amended by striking out “services” wherever that expression appears and substituting in each case “services and supports”.

It's just a housekeeping procedure.

The Chair (Mr. Shafiq Qaadri): If there are no comments, we'll proceed to the vote. Those in favour of government motion 61? Those opposed? Carried.

Shall section 27, as amended, carry? Carried.

PC motion 61A.

Mrs. Christine Elliott: I move that section 28 of the bill be struck out and the following substituted:

“Warrant

“28(1) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter premises specified in the warrant and to exercise any of the powers mentioned in subsection (2), if the justice of the peace is satisfied on information under oath or affirmation that there are reasonable grounds to believe that a service agency or an application centre is not complying with this act, the regulations or an applicable policy directive.

“Powers

“(2) The warrant may authorize the inspector to,

“(a) require any person in the premises to produce any document, record or thing that is relevant to the inspection;

“(b) upon giving a receipt for it, remove any document, record or thing that is relevant to the inspection for the purposes of making copies or extracts;

“(c) question any person present in the premises on matters relevant to the inspection;

“(d) in the case of an inspection of a residence or of other premises in which services are provided to persons with developmental disabilities, examine the condition of the premises and its equipment and inquire from any person present in the premises, including residents or other persons receiving services from a service agency, about,

“(i) the adequacy of the staff,

“(ii) the range of services provided in the premises, and

“(iii) any other matter considered relevant to the provision of services to persons with developmental disabilities; and

“(e) use any data storage, processing or retrieval device or system used in carrying on business in the premises in order to produce a document or record in readable form.

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“Expiry of warrant

“(3) A warrant issued under this section shall name a date on which it expires, which shall not be later than 30 days after the warrant is issued.

“Extension of time

“(4) A justice of the peace may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the inspector named in the warrant.

“Use of force

“(5) An inspector named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a police officer for assistance in executing the warrant.

“Time of execution

“(6) A warrant issued under this section may be executed only between 8 a.m. and 8 p.m., unless the warrant specifies otherwise.

“Written demand

“(7) A demand that a document, record or thing be produced for inspection must be in writing and must include a statement of the nature of the document, record or thing required.

“Assistance

“(8) An inspector may be accompanied by any person who has special, expert or professional knowledge and who may be of assistance in carrying out the inspection.

“Obligation to produce and assist

“(9) A person who is required to produce a document, record or thing under clause (2)(a) shall produce it and shall, on request by the inspector, provide any assistance that is reasonably necessary, including assistance in using any data storage, processing or retrieval device or system, to produce a document or record in readable form.

“Return of removed things

“(10) An inspector who removes any document, record or thing from premises under clause (2)(b) shall,

“(a) make it available to the person from whom it was removed, on request, at a time and place convenient for both the person and the inspector; and

“(b) return it to the person being inspected within a reasonable time.

“Admissibility of copies

“(11) A copy of a document or record certified by an inspector to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.”

The purposes of these amendments, of course, are two: to square with the previous amendment requiring the warrant and to specify the conditions of the warrant.

Mr. Michael Prue: I think that this is a very valuable contribution. All of us hold our home to be our castle and I know that I, for one, would not let an officer of the law, however well intentioned, into my home unless they had a warrant. I don't think we can ask anything more or less of a person with a developmental disability. Their home is their home and it ought not to be invaded by any person, no matter how well meaning, without the sanction of law.

To allow officers or people acting in a government capacity to simply come into their home unannounced, to inspect it, to take things out, as currently exists, is wrong. We would not condone that for ourselves and we ought not to condone it for them.

I read with some interest, because I wanted to see how this was going to be phrased, and I wish to commend my colleague because there are several things in here that I was worried about. One of those was the availability of the equipment and the adequacy of staff—the range of services, the equipment, the services. This has been dealt with. The removal of objects has been dealt with. The expiry of the warrant has been dealt with. The execution, the time between 8 a.m. and 8 p.m.: there is not a crime or a possibility of people getting rid of evidence—that is not likely to happen when a warrant is issued under these circumstances.

It would appear to me that as a law-abiding society and one that believes in our fundamental freedoms and our rights of privacy, we ought to extend the same to persons with developmental disabilities. Therefore, I will be voting for this motion.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the consideration of PC motion 61A.

Mrs. Christine Elliott: Chair, a recorded vote.

Ayes

Elliott, Jones, Prue.

Nays

Broten, Dickson, Naqvi, Ramal.

The Chair (Mr. Shafiq Qaadri): Lost.
PC motion 61B.

Ms. Sylvia Jones: I move that section 28 of the bill be struck out and the following substituted:

“Warrant

“28.(1) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter premises specified in the warrant and to exercise any of the powers mentioned in subsection (2), if the justice of the peace is satisfied on information under oath or affirmation that there are reasonable grounds to believe that a service agency is not complying with this act, the regulations or an applicable policy directive.

“Powers

“(2) The warrant may authorize the inspector to,

“(a) require any person in the premises to produce any document, record or thing that is relevant to the inspection;

“(b) upon giving a receipt for it, remove any document, record or thing that is relevant to the inspection for the purposes of making copies or extracts;

“(c) question any person present in the premises on matters relevant to the inspection;

“(d) in the case of an inspection of a residence or of other premises in which services are provided to persons with developmental disabilities, examine the condition of the premises and its equipment and inquire from any person present in the premises, including residents or other persons receiving services from a service agency, about,

“(i) the adequacy of the staff,

“(ii) the range of services provided in the premises, and

“(iii) any other matter considered relevant to the provision of services to persons with developmental disabilities; and

“(e) use any data storage, processing or retrieval device or system used in carrying on business in the premises in order to produce a document or record in readable form.

“Expiry of warrant

“(3) A warrant issued under this section shall name a date on which it expires, which shall not be later than 30 days after the warrant is issued.

“Extension of time

“(4) A justice of the peace may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the inspector named in the warrant.

“Use of force

“(5) An inspector named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a police officer for assistance in executing the warrant.

“Time of execution

“(6) A warrant issued under this section may be executed only between 8 a.m. and 8 p.m., unless the warrant specifies otherwise.

“Written demand

“(7) A demand that a document, record or thing be produced for inspection must be in writing and must include a statement of the nature of the document, record or thing required.

“Assistance

“(8) An inspector may be accompanied by any person who has special, expert or professional knowledge and who may be of assistance in carrying out the inspection.

“Obligation to produce and assist

“(9) A person who is required to produce a document, record or thing under clause (2)(a) shall produce it and shall, on request by the inspector, provide any assistance that is reasonably necessary, including assistance in using any data storage, processing or retrieval device or system, to produce a document or record in readable form.

“Return of removed things

“(10) An inspector who removes any document, record or thing from premises under clause (2)(b) shall,

“(a) make it available to the person from whom it was removed, on request, at a time and place convenient for both the person and the inspector; and

“(b) return it to the person being inspected within a reasonable time.

“Admissibility of copies

“(11) A copy of a document or record certified by an inspector to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.”

And I would again ask for a recorded vote.

The Chair (Mr. Shafiq Qaadri): Any further comments? Mr. Ramal, then Mr. Prue.

Mr. Khalil Ramal: Of course, we're not going to support this one, for the protection of people with disabilities from a situation that could pose danger to them and their health and safety. And this procedure is being practised on a regular basis by the ministry for children and also the Ministry of Health and Long-Term Care. So therefore I think we're not supporting this motion.

Mr. Michael Prue: I'm trying to see the differences between the two, and the only difference that I can see,

and correct me if I'm wrong, is that the 61A, which was read earlier, refers to "a service agency or an application centre" and B refers only to "a service agency." Is that the only difference, those three words?

Ms. Sylvia Jones: That is the only difference.

Mr. Michael Prue: Can you then explain to me why you've left out "an application centre" in this one? Why did you do this? I don't understand that rationale.

Mrs. Christine Elliott: Because what you're really getting at is if something's going on in one of the homes or where the person is living, it might be a problem, which wouldn't necessarily include the application centre; it's more the service provider that you're looking at. So the thought was if the previous one was seen to be unduly restrictive, this one might be more palatable because it's restricted to just the service provider, rather than the application centre as well. Because in our view, in our way of seeing things, the application centre or the application entity would just be the application that's filed on behalf of the person. What you're really looking at is more about physical trouble than documentary issues, so it's more relevant for the service provider. You could catch both of them, but the thought was that if the one wasn't acceptable, as casting too wide a net, then to restrict it a little bit more might be more palatable. But apparently neither one is.

1510

The Chair (Mr. Shafiq Qadri): We'll proceed to the consideration of—recorded vote—PC motion 61B.

Ayes

Elliott, Jones, Prue.

Nays

Broten, Dickson, Naqvi, Ramal.

The Chair (Mr. Shafiq Qadri): Lost.

Shall section 28 carry? Carried.

PC motion 61C.

Mrs. Christine Elliott: I move that subsection 29(1) of the bill be amended by striking out "or an application centre".

The Chair (Mr. Shafiq Qadri): Comments? Those in favour of PC motion 61C? Those opposed? Lost.

Government motion 62.

Mr. Khalil Ramal: I move that subsection 29(1) of the bill be amended by striking out "or an application centre" and substituting "an application entity or a funding entity".

This is part of the clarification, which we introduced at the beginning of the bill, of the difference between an application centre—replacing it with two entities, one for funding and one for processing information.

The Chair (Mr. Shafiq Qadri): Comments? Those in favour of government motion 62? Those opposed? Carried.

PC motion 62A.

Ms. Sylvia Jones: I move that subsections 29(2), (3), (4) and (6) of the bill be amended by striking out "or application centre" wherever it occurs.

The Chair (Mr. Shafiq Qadri): Comments? Those in favour of PC motion 62A? Those opposed, if any? Lost.

Government motion 63.

Mr. Yasir Naqvi: I move that subsection 29(2) of the bill be amended by striking out "or application centre" in the portion before paragraph 1 and substituting "application entity or funding entity".

It's a housekeeping amendment.

The Chair (Mr. Shafiq Qadri): Comments? Those in favour of government motion 63? Opposed? Carried.

Government motion 64.

Mr. Joe Dickson: I move that subsection 29(3) of the bill be struck out and the following substituted:

"Notice of proposed order

"(3) Before making an order under subsection (2) against a service agency, an application entity or a funding entity, a director shall give notice of the proposed order, together with the reasons for it, to the service agency, application entity or funding entity, as the case may be."

This is more or less a housekeeping item.

The Chair (Mr. Shafiq Qadri): Comments? Those in favour of government motion 64? Those opposed? Carried.

Government motion 65.

Ms. Laurel C. Broten: I move that subsection 29(4) of the bill be amended by striking out "or application centre" and substituting "application entity or funding entity".

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 65? Those opposed? Carried.

Motion 66.

Mr. Khalil Ramal: I move that subsection 29(6) of the bill be amended by striking out "or application centre" and substituting "an application entity or a funding entity".

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 66? Those opposed? Carried.

NDP motion 67.

Mr. Michael Prue: I move that clause 29(7)(b) of the bill be struck out and the following substituted:

"(b) in the case of an order made against an application centre, terminate the funding agreement made under subsection 8(5)."

The rationale for that—I guess it just stands to reason. What it says here is if the application centre has done something illegal, the termination of the funding should take place.

The Chair (Mr. Shafiq Qadri): Comments? Those in favour of NDP motion 67? Opposed? Lost.

PC motion 67A.

Mrs. Christine Elliott: I move that subsection 29(7) of the bill be struck out and the following substituted:

"Failure to comply

"(7) If a service agency fails to comply with an order under subsection (2) within the time specified in it, the

minister may terminate a funding agreement made under section 10.”

The Chair (Mr. Shafiq Qaadri): Comments? Those in favour of PC motion 67A? Those opposed? Defeated.

Government motion 68.

Mr. Yasir Naqvi: I move that subsection 29(7) of the bill be struck out and the following substituted:

“Failure to comply

“(7) If a service agency, an application entity or a funding entity fails to comply with an order under subsection (2) within the time specified in it, the minister may,

“(a) in the case of an order made against a service agency, terminate a funding agreement made under section 10; and

“(b) in the case of an order made against an application entity or a funding entity, revoke the designation under section 8 of the application entity or funding entity, as the case may be, and terminate the funding agreement made under subsection 8(9).”

The Chair (Mr. Shafiq Qaadri): Comments? Those in favour of government motion 68? Those opposed? Carried.

Shall section 29, as amended, carry? Carried.

NDP motion 69.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

“Application to third party providers

“29.1 Sections 27 to 29 apply, with necessary modifications, to a person or entity from whom services are purchased with the funds provided under a direct funding agreement.”

I would seek the indulgence of the Chair to ask the legislative counsel—I know why we asked, but I’m not sure that this does exactly what we were intending to do—if he could explain how it ended up in this form.

Mr. Michael Wood: I think I’m going to have to take some time to consult on this, because I wasn’t the one personally involved with this.

Mr. Michael Prue: I know we had a number of motions we wanted to put forward, but I am unaware as to what this in fact would actually do. I know what we were attempting to do, but I’m not sure that this is going to accomplish it. I don’t want to speak in favour or ask people to vote for it when I’m not even necessarily convinced I will myself. If you could tell me what this is intended to do, I would appreciate that. If we could, with indulgence, Mr. Chair, hold this off—

The Chair (Mr. Shafiq Qaadri): I think Mr. Wood has declared that he would like more time, but you are free to withdraw, if you wish.

Mr. Michael Prue: I’m not sure that I want to withdraw. I don’t have any notes here to explain. I know what was being attempted. It may in fact be a good motion. If we could just hold it down until tomorrow morning, I would deal with it first thing and come back to it. I’m not trying to be dilatory or anything.

The Chair (Mr. Shafiq Qaadri): Assuming we’re here tomorrow morning,

Mr. Michael Prue: We will be here, I can assure you, Mr. Chair. If you think we can finish before 5 o’clock, you’re—

Mr. Khalil Ramal: Mr. Chair, can we stand it down until the end? It might give Mr. Prue a chance to—

The Chair (Mr. Shafiq Qaadri): Fair enough. If it’s the committee’s will, we’ll defer this to the end of our deliberations, whenever that is, whether it’s today or tomorrow.

Mr. Michael Prue: Sure, whenever.

The Chair (Mr. Shafiq Qaadri): Fine. So it’s stood down. Fair enough. We’ll now move, then, to PC motion 69A.

Ms. Sylvia Jones: I move that subsection 30(1) of the bill be struck out and the following substituted:

“Immediate takeovers

“30(1) Upon notice to a service agency, the minister may, based on grounds set out in subsection (2), appoint a person to take over and manage the affairs of the service agency.”

We are attempting to protect the individuals already receiving service by suggesting that, if deemed necessary, the minister take over and manage the affairs.

The Chair (Mr. Shafiq Qaadri): Comments? Seeing none, those in favour of PC motion 69A? Opposed? It’s lost.

PC motion 69B.

Mrs. Christine Elliott: I move that clause 30(2)(a) of the bill be amended by striking out “or application centre”.

This was done to reflect our view that the application centre would be a part of the ministry in any event, and therefore there wouldn’t be any funds given directly to the application centre; they would simply go to the service provider.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 69B? Those opposed? Defeated.

PC motion 69C.

Ms. Sylvia Jones: I move that clause 30(2)(b) of the bill be amended by striking out “in the case of a service agency,” at the beginning.

The Chair (Mr. Shafiq Qaadri): Any comments? Those in favour of PC motion 69C? Those opposed, if any? Defeated.

Government motion 70.

1520

Mr. Yasir Naqvi: I move that subsections 30(1) and (2) of the bill be struck out and the following substituted:

“Immediate takeovers

“(1) Upon notice to a service agency, an application entity or a funding entity, the minister may, based on grounds set out in subsection (2), appoint a person to take over and manage the affairs of the service agency, application entity or funding entity, as the case may be, only with respect to services and supports provided under this act or for which funding is provided under this act.

“Grounds

“(2) The minister may make an order under this section if there are reasonable grounds to believe that,

“(a) funds provided by the minister under this act to the service agency, application entity or funding entity have been misappropriated or there has been gross negligence in the management of those funds; or

“(b) in the case of a service agency, the manner in which services and supports are provided by the agency constitutes, in the minister’s opinion, an immediate threat to the health, safety or well-being of persons with developmental disabilities.”

Ms. Sylvia Jones: I wonder if someone could clarify for me why you were unwilling to support our PC motion 69A, which references the immediate takeovers, if we’re now supposed to vote on your government motion. Or is that just because you guys have the majority?

Mr. Khalil Ramal: No, it’s not because of that. As you know, the government has no intention to be in the business of running facilities, organizations or communities. We believe strongly in the people who manage those organizations across the province of Ontario. But when it comes to dangers to vulnerable people, I think the minister has to interfere by stopping the funding in the beginning and not dissolving the organization, because we have no authority over organizations but we have the authority to continue funding those organizations. That’s the difference between yours and ours. We’re talking about only stopping the funding. If that does not work, then we’ll go to the second level.

The Chair (Mr. Shafiq Qaadri): Mr. Wood.

Mr. Michael Wood: I just wanted to point out another thing the government motion does that the opposition motion didn’t. Our previous motions had split the functions between application centres, between the new application entities and funding entities, so this government motion takes into consideration that addition of the two entities taking the place of the one former entity.

Ms. Sylvia Jones: I appreciate that clarification, and if we’d had an opportunity to consult prior to going over the clause-by-clause, which is what we had asked for, then some of our amendments would have shown the separation that you’ve done with the entities; so thank you.

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 70? Those opposed? Motion 70 carried.

PC motion 70A.

Mrs. Christine Elliott: I move that subsection 30(4) of the bill be amended by striking out “or application centre”.

Again, this is reflecting the fact that the application centre in our view would be the government body and therefore wouldn’t be the subject of a government order.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 70A? Opposed? Lost.

Government motion 71.

Mr. Joe Dickson: I move that subsection 30(4) of the bill be amended by striking out “or application centre” and substituting “an application entity or a funding entity”.

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 71? Those opposed? Carried.

Shall section 30, as amended, carry? Carried.

PC motion 71A.

Ms. Sylvia Jones: I move that section 31 of the bill be struck out and the following substituted:

“Powers of manager on takeover

“31(1) If a manager is appointed under section 30 to take over and manage the affairs of a service agency, the manager has all the powers of the board of directors of the agency.

“Occupation of premises

“(2) Without limiting the generality of subsection (1), the manager appointed under section 30 may,

“(a) despite sections 25 and 39 of the Expropriations Act, immediately occupy, operate and manage any premises occupied or used by the service agency in the course of operating their business; and

“(b) apply without notice to the Superior Court of Justice for an order directing the sheriff to assist the manager in occupying the premises.

“Maximum period

“(3) The manager shall not occupy, operate or manage premises occupied or used by the service agency for a period exceeding two years without the consent of the service agency, but the Lieutenant Governor in Council may from time to time authorize an extension of the period.”

The Chair (Mr. Shafiq Qaadri): Any comments?

Mr. Yasir Naqvi: I’m just wondering if Ms. Jones could explain the difference between the amendment and the provision in Bill 77.

Ms. Sylvia Jones: What we’re trying to do is protect the existing clients who are under the service, so we’re saying that if they’re in existing service, we’re going to ensure that the care can be immediately taken over by the ministry, and then the extension of the two years is to allow any subsequent providers or managers to continue.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, we’ll proceed to the vote. Those in favour of PC motion 71A? Those opposed? Lost.

Government motion 72.

Ms. Laurel C. Broten: I move that section 31 of the bill be struck out and the following substituted:

“Powers of manager on takeover

“31(1) If a manager is appointed under section 30 to take over and manage the affairs of a service agency, an application entity or a funding entity with respect to services and supports provided under this act or for which funding is provided under this act, the manager has all the powers of the board of directors of the agency, application entity or funding entity, as the case may be, with respect to those services and supports or with respect to that finding, as the case may be.

“Occupation of premises

“(2) Without limiting the generality of subsection (1), the manager appointed under section 30 may,

“(a) despite sections 25 and 39 of the Expropriations Act, immediately occupy, operate and manage any

premises occupied or used by the service agency, application entity or funding entity, as the case may be, in the course of operating their business with respect to the services and supports mentioned in subsection (1); and

“(b) apply without notice to the Superior Court of Justice for an order directing the sheriff to assist the manager in occupying the premises.

“Maximum period

“(3) The manager shall not occupy, operate or manage premises occupied or used by the service agency, application entity or funding entity, as the case may be, for a period exceeding two years without the consent of the service agency, application entity or funding entity, but the Lieutenant Governor in Council may from time to time authorize an extension of the period.”

This motion follows from amendments previously put forward with respect to takeover powers and clarifies the ministry’s ability to manage a service agency, application entity or funding entity.

The Chair (Mr. Shafiq Qaadri): Comments? Those in favour of government motion 72? Those opposed? Carried.

Shall section 31, as amended, carry? Carried.

PC motion 72A.

Mrs. Christine Elliott: I move that subsection 32(3) of the bill be amended by striking out “or application centre”.

For the reasons noted with respect to our earlier motions.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 72A? Those opposed? Lost.

Government motion 73.

Mr. Khalil Ramal: I move that subsection 32(3) of the bill be amended by striking out “or application centre” and substituting “application entity or funding entity”.

This is just a housekeeping matter.

The Chair (Mr. Shafiq Qaadri): If there are no comments, we’ll proceed to consideration of government motion 73. Those in favour? Those opposed? Motion 73 is carried.

Shall section 32, as amended, carry? Carried.

PC motion 73A.

Ms. Sylvia Jones: I move that subsection 33(1) of the bill be amended by striking out “or application centre”.

As a point of clarification, in case anybody hasn’t figured it out, we don’t like the application centres.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 73A? Those opposed? Defeated.

Government motion 74.

Mr. Yasir Naqvi: I move that subsection 33(1) of the bill be amended by striking out “or application centre” and substituting “an application entity or a funding entity”.

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 74? Those opposed? Carried.

PC motion 74A.

Mrs. Christine Elliott: I move that clause 33(2)(b) of the bill be struck out and the following substituted:

“(b) the manager and the service agency shall not be treated as one employer under section 4 of the Employment Standards Act, 2000.”

The Chair (Mr. Shafiq Qaadri): Are there any comments?

Mr. Michael Prue: Just a question: It is highly unusual that a manager of an agency or manager of a company is treated separately and apart from the company. What is this intended to do?

1530

Mrs. Christine Elliott: Just to make sure that it is treated separately, that it should—

Mr. Michael Prue: Why?

Interjection.

Mrs. Christine Elliott: I’d need some clarification on that one too, I’d have to say.

Mr. Michael Wood: Actually, when I look at this opposition motion, I see that it picks up most of the wording of the present clause in the bill. The only difference appears to be striking out the reference to application centres.

Ms. Sylvia Jones: Yes, yes.

Mrs. Christine Elliott: Over to you guys.

Interjection.

Ms. Sylvia Jones: Because we don’t like application centres.

Mr. Michael Prue: Okay, if that’s what it is, it’s nothing to do—

Mrs. Christine Elliott: That is—yes.

Mr. Michael Prue: It’s no change to any act; it’s just the application centre.

Ms. Sylvia Jones: No, just the removal of the application centre.

Mr. Michael Prue: All right. Okay.

The Chair (Mr. Shafiq Qaadri): Thank you. Those in favour of PC motion 74A? Those opposed? Defeated.

Government motion 75.

Mr. Joe Dickson: I move that clause 33(2)(b) of the bill be amended by striking out “either the service agency or the application centre, as the case may be” and substituting “the applicable one of the service agency, application entity or funding entity.”

The Chair (Mr. Shafiq Qaadri): Comments? Those in favour of government motion 75? Those opposed? Carried.

Shall section 33, as amended, carry? Carried.

Government motion 76.

Mr. Khalil Ramal: I move that subsection 34(1) of the bill be amended by striking out “services” wherever that expression appears and substituting in each case “services and supports.”

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 76? Those opposed? Carried.

Government motion 77.

Mr. Yasir Naqvi: I move that paragraph 4 of subsection 34(1) of the bill be amended by striking out “and application centres” and substituting “application entities and funding entities.”

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 77? Those opposed? Carried.

Government motion 78.

Mr. Joe Dickson: I move that subsection 34(4) of the bill be amended by striking out “an application centre” and substituting “an application entity or a funding entity.”

The Chair (Mr. Shafiq Qaadri): Thank you. Those in favour of government motion 78? Those opposed? Carried.

Shall section 34, as amended, carry? Carried.

PC motion 78A.

Ms. Sylvia Jones: I move that clause 35(1)(a) of the bill be amended by striking out “section 27” at the end and substituting “section 28.”

I would look to leg counsel for clarification on whether this motion is in order because it is related to the warrantless entry.

Mr. Michael Wood: I’m sorry—

The Chair (Mr. Shafiq Qaadri): Rephrase, Ms. Jones.

Mr. Michael Wood: Could you repeat the question?

Ms. Sylvia Jones: I move that clause 35(1)(a) of the bill be amended by striking out “section 27” at the end and substituting “section 28.”

I’m looking for your clarification whether this motion is still in order because they’ve already struck down our removal of warrantless entry.

Mr. Michael Wood: May I just check—we still do have a section 28 in the bill, right?

Interjection: Yes.

Mr. Michael Wood: Then this motion would be in order, but it—

Ms. Sylvia Jones: But because the government members have already said that they agree with warrantless entry, I think I know what’s going to happen with this one.

Mr. Michael Prue: You know what’s going to happen, but it’s still—

Ms. Sylvia Jones: So it’s still in—okay, thank you.

Mr. Michael Wood: This is a motion which is in a section which creates offences.

Ms. Sylvia Jones: Right.

The Chair (Mr. Shafiq Qaadri): Therefore, the motion is in order, and I invite comments. Seeing none, I’ll proceed to the vote. Those in favour of PC motion 78A? Those opposed? PC motion 78A defeated.

NDP motion 79.

Mr. Michael Prue: I move that clause 35(1)(c) of the bill be amended by striking out “subsection 8(11) or (12)” and substituting “subsection 8(6) or (7).”

This is a consequential motion relating back to application centres. I’m not sure of the intent, but I think that it was intended to go back to 8(6) and (7), which was not carried. It’s still in order, and I ask that it be voted on.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 79? Seeing none, those in favour of—did you want a recorded vote for this?

Mr. Michael Prue: No.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 79? Those opposed? Defeated.

PC motion 79A.

Mrs. Christine Elliott: I move that clause 35(1)(c) of the bill be amended by striking out “subsection 8(11) or (12)” and substituting “subsection 8(4)”.

We’re getting into these very technical amendments now, but again, this one relates to our dislike of the use of application centres.

The Chair (Mr. Shafiq Qaadri): Any further comments? Those in favour of PC motion 79A? Those opposed? Defeated.

Shall section 35 carry? Carried.

NDP motion 80.

Mr. Michael Prue: I move that clause 36(c) of the bill be amended by striking out “subsection 8(12)” and substituting “subsection 8(7)”.

Again, it has to deal with earlier motions on application centres.

The Chair (Mr. Shafiq Qaadri): Thank you. Any further comments? Those in favour of NDP motion 80? Those opposed? Defeated.

PC motion 80A.

Ms. Sylvia Jones: I move that clause 36(c) of the bill be amended by striking out “subsection 8(12)” and substituting “subsection 8(4)”.

The Chair (Mr. Shafiq Qaadri): Any further comments? Those in favour of PC motion 80A? Those opposed? Defeated.

Government motion 81.

Mr. Khalil Ramal: I move that clauses 36(b), (c) and (d) of the bill be struck out and the following substituted:

“(b) governing quality assurance measures applicable to application entities, funding entities and service agencies and requiring compliance with such measures;

“(c) governing reports to be made to the minister by application entities and funding entities for the purposes of subsection 8(12) and by service agencies for the purposes of section 25;

“(d) respecting the financial records and other records to be kept by application entities, funding entities and service agencies and requiring such records to be made available in the prescribed manner.”

This one is to clarify the position of those entities and also to keep them accountable and transparent—reporting and keeping records—in order to be available any time upon request to the ministry.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, those in favour of government motion 81? Those opposed? Carried.

Shall section 36, as amended, carry? Carried.

NDP motion 82.

Mr. Michael Prue: I move that clause 37(e) of the bill be struck out and the following substituted:

“(e) governing application centres, prescribing the powers and duties of application centres and respecting funding agreements made between the minister and application centre under subsection 8(5).”

Again, this is a consequential motion dating back to application centres.

The Chair (Mr. Shafiq Qaadri): Thank you. Are there further comments? Seeing none, those in favour of NDP motion 82? Those opposed? I declare it lost.

PC motion 82A.

Mrs. Christine Elliott: I move that clause 37(e) of the bill be struck out and the following substituted:

“(e) governing application centres, including prescribing the powers and duties of application centres and respecting the geographic area for which application centres are responsible.”

This relates to the previous motion regarding application centres and their set-up.

The Chair (Mr. Shafiq Qaadri): Thank you, Mrs. Elliott. Any further comments? Seeing none, those in favour of PC motion 82A? Those opposed? I declare it lost.

PC motion 82B.

Ms. Sylvia Jones: I move that clause 37(g) of the bill be amended by striking out “between an application centre” and substituting “between an application centre, acting on behalf of the minister,”

We’re attempting with this motion to not let the minister and the government of the day off the hook—that they continue to be responsible for the care and responsibility for the developmental disabilities sector.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Jones. Are there any comments? Those in favour of PC motion 82B? Those opposed? I declare it lost.

Government motion 83.

Mr. Khalil Ramal: I move that clauses 37(c), (e), (g), (h), (k), (i) and (m) of the bill be struck out and the following substituted:

“(c) prescribing additional services and supports to which this act applies for the purposes of paragraph 7 of subsection 4(1) and defining ‘social and recreational activities’, ‘work activities’ and ‘volunteer activities’ for the purposes of the definition of ‘community participation services and supports’ in subsection 4(2) and defining ‘intensive support’ for the purposes of the definition of ‘intensive support residence’ in subsection 4(2);

“(e) governing application entities and funding entities, including the designation of entities, other than service agencies or corporations, as application entities or funding entities, prescribing the powers and duties of application entities and funding entities and respecting funding agreements made between the minister and application entities or funding entities under subsection 8(9);

“(g) governing direct funding and direct funding agreements made under section 11 between an application entity and either a person with a developmental disability or another person acting on that person’s behalf;

“(h) governing applications for services and supports or for funding made by or on behalf of persons with developmental disabilities under part V, including determinations of eligibility for such services and supports

and funding and prioritization for services and supports and funding;...

“(k) governing service agencies, including their operation, the composition of their board of directors, if any, and the qualifications of their employees or of any other persons who provide services and supports to, or for the benefit of, persons with developmental disabilities;

“(i) governing the provision of services and supports by service agencies to, or for the benefit of, persons with developmental disabilities, including the provision of residential services and supports;

“(m) governing residences for persons with developmental disabilities in which residential services and supports are provided and prescribing additional types of residences for the purposes of the definition of ‘residential services and supports’ in subsection 4(2);”

It’s a housekeeping matter. It just describes the role and the direction of the government entities, which have been described over and over in this bill.

1540

The Chair (Mr. Shafiq Qaadri): Are there any comments?

Mr. Michael Prue: My only comment for the record is—it’s difficult reading this legal stuff: you referred to the clause in the penultimate paragraph as (i) and it is in fact (l). I just want to make sure that the record is clear, that the bill has not been changed. I’m trying to be a good guy.

The Chair (Mr. Shafiq Qaadri): I thank you for that. I now invite consideration of government motion 83. Those in favour? Those opposed? Carried.

Government motion 84.

Mr. Yasir Naqvi: I move that clause 37(n) of the bill be amended by striking out “services” and substituting “services and supports”.

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 84? Those opposed? Carried.

Government motion 85.

Mr. Joe Dickson: I move that clauses 37(o) and (p), as in Prue, of the bill be amended by striking out “application centres” wherever that expression appears and substituting in each case “application entities, funding entities”.

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 85? Those opposed? Carried.

Shall section 37, as amended, carry? Carried.

Are you ready to proceed, Mr. Prue?

Mr. Michael Prue: I am indeed.

The Chair (Mr. Shafiq Qaadri): NDP motion 86.

Mr. Michael Prue: This was given to me by legislative counsel. It is a slightly amended version. I’ll explain the amendment to what you may have there.

The amended version 2 that he has given to me reads:

“I move that the bill be amended by adding the following section:

“Draft regulations made public

“37.1(1) Before the minister makes a regulation under section 36 or the Lieutenant Governor in Council makes a regulation under section 37, a draft of the regulation

shall be made available to the public by posting it on a government internet site and by such other means as the minister considers advisable.

“Opportunity for comments

“(2) Within 45 days after a draft regulation is made available to the public in accordance with subsection (1) or such other time that the minister or the Lieutenant Governor in Council, as the case may be, specifies, any person may submit comments with respect to the draft regulation to the minister.

“Changes to draft regulation

“(3) After the time for comments under subsection (2) has expired, the minister or the Lieutenant Governor in Council, as the case may be, may, without further notice, make the regulation with such changes as the minister or the Lieutenant Governor in Council considers advisable.”

Just for the record, so that people may follow along with this, in the paragraph that starts, “Draft regulations made public,” in the third line the words “for a period of at least 45 days” have been deleted in the newer version. And in the paragraph starting, “Opportunity for comments,” the following words have been included: “or such other time that the minister or the Lieutenant Governor in Council, as the case may be, specifies....”

The rationale for the changes, as explained to me by the legislative counsel, was that the timing period for at least 45 days is in conflict with some existing law where that cannot be specified; it’s longer.

Mr. Michael Wood: No, it’s rather that we’ve removed the time element from subsection (1) and put it into subsection (2), and if more than 45 days are going to be allowed for the posting, then people would have that full period to submit comments.

Mr. Michael Prue: Fine, so it’s a positive thing.

The reason we have submitted this particular amendment is to deal with the very thorny and contentious and always ongoing issue of regulations. We think that this bill is a complex one. We know that many people came forward to us and were unsure how the regulations are going to affect the bill. The bill is complex enough as it is, but the regulations will make it much more difficult. Many people and many groups in the industry have asked that they have an opportunity to at least look at the regulations to make sure that they are encapsulating and carrying the intent of the bill. They are asking, for those portions of the act that are shaped through the regulations, that there be public consultations that would allow for fairness, clarity and valuable input from the stakeholders for whom the success of this act matters a lot.

We’re not trying to slow anything down. We are simply stating that, before the government proceeds with the regulations, they publish them, that they allow the opportunity for the public to comment on those regulations, and then, at the end of the prescribed period, as set out by the government, the regulations can come into force. We do not want to see the regulations come in and have a detrimental effect to already vulnerable people. We simply ask that you do the same for the regulations as

you did for the act: that is, to conduct whatever consultations you deem appropriate and necessary. We ask that you support this amendment 86.

The Chair (Mr. Shafiq Qadri): Further comments?

Ms. Sylvia Jones: Just a question. In your amendment, if I’m reading it accurately, there is an opportunity for individuals to comment on the draft regulations, but there would be no obligation on behalf of the minister to give their feedback or their comments?

Mr. Michael Prue: I don’t think we can require the minister to do so, in law, but what we are trying to do is to allow the public to have that input on the regulation that will make sure that the regulation is meeting what the public expects this bill to do. It’s difficult legislation, it’s contentious legislation, and the people who will be affected by the legislation are among our most vulnerable. And almost all groups that have come forward have asked for an opportunity to comment on the regulation. I think their request is a good one, and we’re simply trying to form it in a way that we think the government may pass it, to allow that input to be received for the minister to take whatever appropriate action she deems appropriate.

1550

Ms. Sylvia Jones: I don’t disagree that it is critical that this sector and individuals involved have the opportunity to review the draft regulations. I just see it as somewhat lopsided.

Mr. Michael Prue: We are hoping that this will be passed. Politics sometimes is the art of the possible, and we think that this possibly may be approved by the members opposite. If we made it more to the way that you and I might like it, that would not happen.

The Chair (Mr. Shafiq Qadri): If there are no further comments, we’ll now consider NDP motion 86. Those in favour? Those opposed? I congratulate you, Mr. Prue: NDP motion 86 is carried.

Government motion 87.

Mr. Khalil Ramal: I move that section 38 of the bill be amended by striking out “application centres” and substituting “application entities, funding entities”.

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 87? Those opposed? Carried.

Shall section 38, as amended, carry? Carried.

There are no amendments to section 39. We’ll proceed immediately to consideration. Shall section 39 carry? Carried.

Government motion 88.

Mr. Yasir Naqvi: I move that clauses 40(1)(a) and (b) of the bill be struck out and the following substituted:

“(a) is deemed to be eligible for services and supports and funding under this act for the purposes of section 14; and

“(b) shall continue to receive, or benefit from, those same services until such time as an application entity for the geographic area in which the person resides conducts an assessment in accordance with subsection (2).”

Ms. Sylvia Jones: With this amendment, you are assuming that an additional assessment will have to be

done when an individual moves to another part of the province?

Mr. Khalil Ramal: It might be required because this is important to—it depends on the needs of the person and the service, because as you know, the service is not the same across the province of Ontario and the availability of the service is not the same. So, yes.

Ms. Sylvia Jones: The way it's written, it doesn't say "may need"; it says "until such time as."

Mr. Khalil Ramal: Yes, because we believe strongly that people change, and therefore the new assessment is required—

Ms. Sylvia Jones: So the services that I need in Toronto aren't necessarily the services I need in Ottawa?

Mr. Khalil Ramal: No, I'm not saying that. I'm talking about the availability of the service. It might not be available in Ottawa; it may be available in Toronto or in Timmins or Sudbury. Therefore the assessment depends on the needs and also the availability of the service.

Ms. Sylvia Jones: So is it both an assessment of the individual and an assessment of the services available, or just an assessment of the services available?

Mr. Khalil Ramal: We're talking here about—give me a second.

Yes, sometimes the service will be grandfathered; it doesn't matter where you move. It's just to make it open, not make it fixed. This will make it flexible, with options for the ability to reassess. But most of the time, the service will be grandfathered when you move from an area to a different area.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, those in favour of government motion 88? Those opposed? Carried.

PC motion 88A.

Mr. Khalil Ramal: Subsection 40(2) of the amendments? I'm not sure they've been distributed among all of the members.

The Chair (Mr. Shafiq Qaadri): Which motion are you referring to, Mr. Ramal?

Mr. Yasir Naqvi: Motion 88A.

Mr. Khalil Ramal: Yes.

The Chair (Mr. Shafiq Qaadri): PC motion 88A. You have the floor.

Mrs. Christine Elliott: I move that clauses 40(2)(a) and (b) of the bill be struck out and the following substituted:

"(a) refer the person to a planner in accordance with section 17.1 for the purposes of developing a life plan in accordance with section 18; and

"(b) upon receipt of a written life plan from the planner, prioritize services and funding for the person in accordance with section 19."

This relates back to our previous comments regarding the need for a planner to be involved in order to develop a comprehensive plan for the person.

The Chair (Mr. Shafiq Qaadri): Further comments? Seeing none, we'll proceed to the vote. Those in favour of PC motion 88A? Those opposed? Motion defeated.

NDP motion 89.

Mr. Michael Prue: I move that section 40 of the bill be amended by adding the following subsection:

"Same

"(2.1) A reassessment conducted under subsection (2) must not result in a reduction in the level of services that the person described in subsection (1) was receiving before the day this section comes into force."

We are adding this subsection to ensure that no person receiving service as of the day the section comes into force will have service levels decreased as a result of the assessment. The ministry has been assuring parents that support and/or services currently provided to their children will not be reduced. However, the current wording of the bill is that they will continue "until such time as the application centre for the geographic area in which the person resides conducts a reassessment..." This wording leaves open the possibility of service rollbacks. Persons currently receiving service need a guarantee that those services and/or supports will continue. I think the government has been fair and clear in its intent not to roll back services. However, the bill itself is open and allows for rollbacks of services when a reassessment takes place. We are merely attempting to add this subsection to assuage the fears of those parents and those groups who fear that this new bill may result in reduced services for themselves and/or their loved ones.

The Chair (Mr. Shafiq Qaadri): Are there any comments, questions or queries? If not, we will then proceed to the vote. Those in favour of NDP motion 89? Those opposed? NDP motion 89 defeated.

Government motion 90.

Mr. Joe Dickson: I move subsection 40(2)—I just need clarification on one word. Is that "in" or "of"?

Interjection.

Mr. Joe Dickson: —in the bill be struck out and the following substituted:

"Assessment

"(2) An application entity for the geographic area in which the person with a developmental disability resides shall conduct an assessment of needs of the person in accordance with section 17, subject to such procedures or rules as may be prescribed or specified in a policy directive.

"Service and support profile

"(2.1) A funding entity for the geographic area in which the person with a developmental disability resides shall develop a service and support profile for the person in accordance with section 18, subject to such procedures or rules as may be prescribed or specified in a policy directive."

The Chair (Mr. Shafiq Qaadri): Are there any further comments?

Ms. Sylvia Jones: Just a quick question: Based on the fact that your version 3 and version 4 moved, under "service and support profile," "a funding entity for the geographic area," away from "a funding entity in the geographic area," is it your intent that you would see

funding entities manage and operate outside of their geographic regions?

Mr. Khalil Ramal: It's a big possibility, as we mentioned, so it may be grandfathered. If the service and the assessment will be the same, there's nothing changed. The whole documentation and assessment will be the same. We don't see any difference in the continuation of the services. I'll ask Colette to clarify for you more.

Ms. Colette Kent: Colette Kent, director of policy. No, the intent would be that the funding entity is working within the geographic area. There's no intent that a funding entity would be making funding decisions outside the geographic area that they're in.

Ms. Sylvia Jones: So why did we have to get an amended version to move "a funding entity in the geographic area" to "a funding area entity for the geographic area"?

Ms. Colette Kent: I believe it was seen to be technically more correct. Isn't that the case?

Mr. Michael Wood: It's to be consistent with other provisions in the bill. Every time we refer to a geographic area in relation to an application entity or funding entity, we say "for," so we want to be consistent.

Ms. Sylvia Jones: Okay. Thank you.

The Chair (Mr. Shafiq Qadri): If there are no further comments or questions, we'll proceed to consideration of government motion 90R, "R" for "replacement." Those in favour? Those opposed? Government motion 90R carried.

Government motion 91.

1600

Mr. Khalil Ramal: I move that subsection 40(3) of the bill be amended by striking out "services" and substituting "services and supports".

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 91? Those opposed? Carried.

Shall section 40, as amended, carry? Carried.

Government motion 92.

Mr. Yasir Naqvi: I move that clauses 41(1)(a) and (b) of the bill be struck out and the following substituted:

"(a) before the day this section comes into force, an application for services was submitted by or on behalf of the person with a developmental disability who is at least 18 years of age to a person who provided services in accordance with an agreement made under subsection 2(2) of the Developmental Services Act; and

"(b) on the day this section comes into force, the person with a developmental disability who is at least 18 years of age has not begun to receive, or benefit from, the services."

The Chair (Mr. Shafiq Qadri): Mr. Naqvi, any further comments? Seeing none, those in favour of government motion 92? Those opposed? Motion 92 is carried.

Government motion 93.

Mr. Joe Dickson: I move that subsection 41(2) of the bill be amended by striking out "services" in the portion before clause (a) and substituting "services and supports".

The Chair (Mr. Shafiq Qadri): Thank you. Those in favour of government motion 93? Those opposed? Carried.

Government motion 94.

Ms. Laurel C. Broten: I move that clause 41(2)(b) of the bill be amended by striking out "the application centre" and substituting "an application entity".

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 94? Those opposed? Carried.

PC motion 94A.

Mrs. Christine Elliott: I move that clauses 41(3)(a) and (b) of the bill be struck out and the following substituted:

"(a) refer the person to a planner in accordance with section 17.1 for the purposes of developing a life plan in accordance with section 18; and

"(b) upon receipt of a written life plan from the planner, prioritize services and funding for the person in accordance with section 19."

This is for the reasons previously stated with respect to the need for a planning entity to be involved.

The Chair (Mr. Shafiq Qadri): Are there further comments? None? Those in favour of PC motion 94A? Those opposed? Defeated.

Government motion 95.

Mr. Khalil Ramal: I move that subsection 41(3) of the bill be struck out and the following substituted:

"Assessment

"(3) An application entity in the geographic area in which the person with a developmental disability resides shall conduct an assessment of needs of the person in accordance with section 17, subject to such procedures or rules as may be prescribed or specified in a policy directive.

"Procedure for funding entity

"(3.1) A funding entity in the geographic area in which the person with a developmental disability resides shall, subject to such procedures or rules as may be prescribed or specified in a policy directive,

(a) develop a service and support profile for the person in accordance with section 18; and

(b) prioritize services and supports and—

The Chair (Mr. Shafiq Qadri): Mr. Ramal, just with respect, apparently there is a 95R replacement motion, and I would welcome you to please read into the record the most up-to-date copy, hot off the presses and in my hand.

Mr. Khalil Ramal: Okay, no problem.

Interjection.

Mr. Khalil Ramal: Yes, I have it; I didn't see the "R."

The Chair (Mr. Shafiq Qadri): Please begin again with government motion 95R.

Mr. Khalil Ramal: No problem, Mr. Chair.

I move that subsection 41(3) of the bill be struck out and the following substituted:

"Assessment

"(3) An application entity for the geographic area in which the person with a developmental disability resides

shall conduct an assessment of needs of the person in accordance with section 17, subject to such procedures or rules as may be prescribed or specified in a policy directive.

“Procedure for funding entity

“(3.1) A funding entity for the geographic area in which the person with a developmental disability resides shall, subject to such procedures or rules as may be prescribed or specified in a policy directive,

“(a) develop a service and support profile for the person in accordance with section 18; and

“(b) prioritize services and supports and funding for the person in accordance with section 19.”

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Ramal. Are there any further comments? Seeing none, we’ll proceed to the vote. Those in favour of government motion 95R—“R” for “replacement”? Those opposed? Carried.

Government motion 96.

Mr. Yasir Naqvi: I move that subsection 41(4) of the bill be amended by striking out “services” and substituting “services and supports”.

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 96? Those opposed? Carried.

Shall section 41, as amended, carry? Carried.

With no amendments received to date for section 42, we’ll proceed to its consideration. Shall section 42 carry? Carried.

Similarly with section 43, shall section 43 carry?

This committee stands in a 10-minute recess.

The committee recessed from 1605 to 1613.

The Chair (Mr. Shafiq Qaadri): I’d welcome you to please reconvene. There’ll be some change of order. We’ll now proceed to consider Mr. Prue’s stood-down motion, I believe it’s NDP motion 69, and rulings from legislative counsel. Mr. Wood.

Interjection.

The Chair (Mr. Shafiq Qaadri): Fair enough. Mr. Prue, you’re welcome to proceed with NDP motion 69.

Mr. Michael Prue: I’ve already moved it, have I not?

Interjection.

Mr. Michael Prue: I did move it? Okay. I needed some clarification, and I have got clarification both from legislative counsel, and I thank him for that, as well as from a member of my staff who we had run out and find out. The motion merely states that the services purchased with direct funding are subject to the same inspection regime as applies for other service providers in the act. This is to ensure, in the case of warrants or anything else, that all people are treated the same in terms of how a warrant can be issued. The Conservatives were trying to extend the warrant provisions to both the service provider and to the application entity, and what we are saying is that it needs to be even broader than that. So this would extend it even more broadly to all groups that are receiving direct funding, whether or not they are service providers or anyone else—the same thing applies.

The Chair (Mr. Shafiq Qaadri): Are there further comments? We’ll now proceed to the vote. Those in

favour of NDP motion 69? Those opposed? I declare it lost.

For complex procedural reasons, we shall now move to consider—

Interjection.

The Chair (Mr. Shafiq Qaadri): I’ll ask for unanimous consent to stand down sections 44 to 62 inclusive because we need to deal with some title matters in section 63. Do I have that unanimous consent? It seems I do.

We will now proceed to section 63, PC motion 117A.

Interjection.

The Chair (Mr. Shafiq Qaadri): We’re now at section 63, PC motion 117A.

Mrs. Christine Elliott: I move that section 63 of the bill be struck out and the following substituted:

“Short title

“63. The short title of this act is the Services, Supports and Inclusion for Persons with Developmental Disabilities Act, 2008.”

That is to reflect the need for the inclusion part of this legislation to be reflected in the title.

The Chair (Mr. Shafiq Qaadri): Thank you, Mrs. Elliott. Are there any further comments?

Mr. Michael Prue: Just a comment. I want to hear your comment between 117A, which is your motion, and 118, which is the government motion. The government motion has pretty much the same words, but they say “to promote the social inclusion,” and you have “inclusion for persons.” I’m just wondering if you can explain to me why you think yours is a better title than theirs. Or perhaps they can tell me why they think theirs is a better title than yours? I am guaranteed to vote for the one that I think is the best.

The Chair (Mr. Shafiq Qaadri): Beauty is in the eye of the beholder, but feel free to respond.

Mr. Michael Prue: But if you can tell me how yours is different or better, I would appreciate that.

Mrs. Christine Elliott: I suppose one could say that it’s somewhat broader because there’s social inclusion. There could be inclusion in other respects—recreational, vocational, or other ways—beyond just the social inclusion.

Mr. Michael Prue: Good answer. Okay. Thank you.

The Chair (Mr. Shafiq Qaadri): Further comments? We’ll now proceed to consider PC motion 117A. Those in favour? Those opposed? Defeated.

Government 118.

Mr. Khalil Ramal: I move that section 63 of the bill be struck out and the following substituted:

“Short title

“63. The short title of this act is the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008.”

Because we promote, not just talk about, social inclusion. This is the difference between us and them: They don’t promote and we do.

The Chair (Mr. Shafiq Qaadri): Thank you. We’ll now proceed to consideration of government motion 118.

Those in favour of government motion 118? Those opposed? Government motion 118 is carried.

Shall section 63, as amended, carry? Carried.

We'll now proceed back to section 44, PC motion 96A.

Ms. Sylvia Jones: I move that subsection 11.8(1) of the City of Greater Sudbury Act, 1999, as set out in section 44 of the bill, be amended by striking out "the Services for Persons with Developmental Disabilities Act, 2008" and substituting "the Services, Supports and Inclusion for Persons with Developmental Disabilities Act, 2008".

Interjections.

Ms. Sylvia Jones: I'm shocked. You're going to rule me out of order?

The Chair (Mr. Shafiq Qadri): For complex, scientific reasons, yes. Therefore, we will not be voting on it. We'll move directly to government motion 97.

Mr. Yasir Naqvi: I move that subsection 11.8(1) of the City of Greater Sudbury Act, 1999, as set out in section 44 of the bill, be amended by striking out "the Services for Persons with Developmental Disabilities Act, 2008" and substituting "the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008".

The Chair (Mr. Shafiq Qadri): Thank you. Are there any further comments? Those in favour of government motion 97? Those opposed? Carried.

Shall section 44, as amended, carry? Carried.

PC motion 97A, which you're welcome to introduce into the record, although I understand it is also out of order.

1620

Interjection.

The Chair (Mr. Shafiq Qadri): Withdrawn.

Mr. Michael Prue: Why? I just read it; it was word-for-word identical. Why is theirs out of order and the government one is not?

Interjections.

The Chair (Mr. Shafiq Qadri): It's the improved title, Mr. Prue.

Mr. Michael Prue: Oh, it's the approved title.

The Chair (Mr. Shafiq Qadri): Improved title.

Mr. Michael Prue: Improved title. Right, okay.

The Chair (Mr. Shafiq Qadri): All right, government motion 98.

Mr. Joe Dickson: I move that subsection 11.2(1) of the City of Hamilton Act, 1999, as set out in section 45 of the bill, be amended by striking out "the Services for Persons with Developmental Disabilities Act, 2008" and substituting "the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008".

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 98? Those opposed? Carried.

Shall section 45, as amended, carry?

You are now also welcome to put forth PC motion 98A, although I understand it is also out of order.

Interjection.

The Chair (Mr. Shafiq Qadri): Thank you.

Government motion 99.

Mr. Yasir Naqvi: I move that subsection 12.2(1) of the City of Ottawa Act, 1999, as set out in section 46 of the bill, be amended by striking out "the Services for Persons with Developmental Disabilities Act, 2008" and substituting "the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008".

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 99? Those opposed? Carried.

Shall section 46, as amended, carry? Carried.

You're welcome to enter PC motion 99A into the record though out of order. Thank you.

Government motion 100.

Ms. Laurel C. Broten: I move that subsection 285(4.1) of the City of Toronto Act, 2006, as set out in subsection 47(1) of the bill, be amended by striking out "the Services for Persons with Developmental Disabilities Act, 2008" wherever that expression appears and substituting in each case "the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008".

The Chair (Mr. Shafiq Qadri): Are there any further comments? If not, those in favour of government motion 100? Those opposed? Carried.

PC motion 100A is also out of order, but you're welcome to enter it into the record. Thank you.

Government motion 101.

Mr. Khalil Ramal: I move that subsection 285(4) of the City of Toronto Act, 2006, as set out in subsection 47(2) of the bill, be amended by striking out "the Services for Persons with Developmental Disabilities Act, 2008" and substituting "the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008".

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 101? Those opposed? Carried.

Shall section 47, as amended, carry? Carried.

Mr. Wood.

Mr. Michael Wood: I just wanted to make a short remark. I'm not sure whether the microphone picked up a comment for the record that I made on section 19.

Mr. Ramal asked me whether it was necessary to read another section as he was reading the motion. I thought that he was referring to whether it was necessary to read in the section as part of the motion. This is just a general comment; it doesn't affect the passage of any motion that this committee made. I just wanted to say that when, Mr. Ramal, you asked me if it was necessary to read another section, I misunderstood you. If your question was whether it is necessary to read the other section to interpret the bill, the answer is yes.

Mr. Khalil Ramal: I see. So we're talking about the passed—

Mr. Michael Wood: That's right. I just wanted to put this on the record so that anybody looking at the transcript wouldn't be confused.

The Chair (Mr. Shafiq Qadri): We'll now proceed to section 48. Once again, the PC side is invited to enter

101A into the record though out of order. If not, government motion 102.

Mr. Yasir Naqvi: I move that clause 10(2)(d) of the Coroners Act, as set out in section 48 of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008”.

The Chair (Mr. Shafiq Qaadri): Those in favour? Those opposed? Carried.

Shall section 48, as amended, carry? Carried.

We’ll proceed now to PC motion 102A—out of order.

Government motion 103.

Mr. Joe Dickson: I move that subclause (b)(i) of the definition of “facility” in subsection 7(5) of the Crown Employees Collective Bargaining Act, 1993, as set out in subsection 49(1) of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008”.

The Chair (Mr. Shafiq Qaadri): Those in favour? Those opposed? Carried.

Shall section 49, as amended, carry? Carried.

Section 50: Motion 103A remains out of order. Government motion 104.

Mr. Vic Dhillon: I move that section 50 of the bill be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008”.

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 104? Those opposed? Carried.

Shall section 50, as amended, carry? Carried.

Section 51: Similarly, PC motion 104A is out of order. We proceed now to government motion 105.

Ms. Laurel C. Broten: I move that clause (e) of the definition of “institution” in subsection 21(1) of the Health Protection and Promotion Act, as set out in section 51 of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008”.

The Chair (Mr. Shafiq Qaadri): Those in favour? Those opposed? Carried.

Shall section 51, as amended, carry? Carried.

PC motion 105A is still out of order. Government motion 106.

Mr. Yasir Naqvi: I move that section 52 of the bill be struck out and the following substituted:

“Hospital Labour Disputes Arbitration Act

“52. Clause 3(3)(a) and subsections 3(4) and (5) of the Hospital Labour Disputes Arbitration Act are amended by striking out ‘Developmental Services Act’ wherever that expression appears and substituting in each case

‘Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008’”.

The Chair (Mr. Shafiq Qaadri): Those in favour? Those opposed? Carried.

Shall section 52, as amended, carry? Carried.

There were no amendments received today for section 53. We’ll immediately move to its consideration. Shall section 53 carry? Carried.

This is PC motion 106A, which I understand is still out of order. Therefore we’ll move to government motion 107.

Mr. Joe Dickson: I move that subsection 323(4.1) of the Municipal Act, 2001, as set out in subsection 54(1) of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” wherever that expression appears and substituting in each case “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008”.

The Chair (Mr. Shafiq Qaadri): Those in favour? Those opposed? Carried.

PC motion 107A is still out of order. Government motion 108.

Mr. Vic Dhillon: I move that subsection 323(4) of the Municipal Act, 2001, as set out in subsection 54(2) of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008”.

The Chair (Mr. Shafiq Qaadri): Those in favour of government motion 108? Those opposed? Carried.

Shall section 54, as amended, carry? Carried.

PC motion 108A I still understand is out of order. Therefore we go to government motion 109.

Ms. Laurel C. Broten: I move that section 55 of the bill be amended by striking out “Services for Persons with Developmental Disabilities Act, 2008” and substituting “Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008”.

The Chair (Mr. Shafiq Qaadri): Those in favour? Those opposed? Carried.

Shall section 55, as amended, carry? Carried.

PC motion 109A is out of order. Government motion 110.

Mr. Khalil Ramal: I move that subclause 5(e)(i) of the Residential Tenancies Act, 2006, as set out in subsection 56(1) of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008”.

1630

The Chair (Mr. Shafiq Qaadri): Those in favour? Those opposed? Carried.

PC motion 110A is out of order.

Government motion 111.

Mr. Yasir Naqvi: I move that subclause 5(e)(i) of the Residential Tenancies Act, 2006, as set out in subsection 56(2) of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008.”

The Chair (Mr. Shafiq Qadri): Those in favour? Those opposed? Carried.

PC motion 111A is out of order.

Government motion 112.

Mr. Joe Dickson: I move that clause 6(1)(b) of the Residential Tenancies Act, 2006, as set out in subsection 56(5) of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008.”

The Chair (Mr. Shafiq Qadri): Those in favour? Those opposed? Carried.

Shall section 56, as amended, carry? Carried.

PC motion 112 is out of order.

Government motion 113.

Mr. Vic Dhillon: I move that clause (a.1) of the definition of “facility” in subsection 1(1) of the Substitute Decisions Act, 1992, as set out in subsection 57(1) of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008.”

The Chair (Mr. Shafiq Qadri): Those in favour? Those opposed? Carried.

Shall section 57, as amended, carry? Carried.

PC motion 113A is out of order.

Government motion 114.

Ms. Laurel C. Broten: I move that subsections 58(1) and (2) of the bill be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” wherever that expression appears and substituting in each case “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008.”

The Chair (Mr. Shafiq Qadri): Those in favour? Those opposed? Government motion 114 is carried.

Shall section 58, as amended, carry? Carried.

PC motion 114A is out of order.

Government motion 115.

Mr. Khalil Ramal: I move that subsection 13.2(1) of the Town of Haldimand Act, 1999, as set out in section 59 of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008.”

The Chair (Mr. Shafiq Qadri): Those in favour? Those opposed? Carried.

Shall section 59, as amended, carry? Carried.

PC motion 115A is out of order.

Government motion 116.

Mr. Yasir Naqvi: I move that subsection 13.2(1) of the Town of Norfolk Act, 1999, as set out in section 60 of the bill, be amended by striking out “the Services for Persons with Developmental Disabilities Act, 2008” and substituting “the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008.”

The Chair (Mr. Shafiq Qadri): Those in favour? Those opposed? Carried.

Shall section 60, as amended, carry? Carried.

NDP motion 117, Mr. Prue.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

“O. Reg. 175/98 (General) made under the Workplace Safety and Insurance Act, 1997

“60.1 Schedule 1 to Ontario Regulation 175/98 (General) made under the Workplace Safety and Insurance Act, 1997 is amended by adding the following to ‘Class H—Government and Related Services’”—and I’m going to make a very slight amendment here:

“5. Operation of a service agency under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008,” as has been passed by committee.

The Chair (Mr. Shafiq Qadri): Are there any further comments?

Mr. Michael Prue: If I could, the rationale for this: We are adding this so that all workers will be covered by the Workplace Safety and Insurance Act. We had some deputations—particularly poignant was the deputation made by a gentleman in Ottawa who had worked in Alberta, where he was at first covered by the workplace and insurance provisions of that province. Then he went into private service, where he was not, and where he was injured on duty and was forced to leave. We believe that the provisions of the Workplace Safety and Insurance Act should be applicable to people who work in this sector. The work is very often unpredictable. It can be precarious at times, and we believe that all workers, no matter whether they come from agencies or are independently contracted by families, should have the protection of the Workplace Safety and Insurance Act and should be eligible for its provisions if they are injured on the job.

Mr. Khalil Ramal: I believe this motion is out of order because the Ministry of Community and Social Services has no authority to amend the regulations of the Workplace Safety and Insurance Act, 1997. Therefore, we cannot deal with it because it’s out of our jurisdiction.

Mr. Michael Prue: Well, if the Chair rules that, but I haven’t heard the Chair rule that.

Mr. Khalil Ramal: What do you mean?

Interjection.

The Chair (Mr. Shafiq Qadri): It’s not out of order. We’ll be voting on it.

Mr. Khalil Ramal: Okay. That’s just my own opinion.

Mr. Michael Prue: If it's not out of order, then I would ask that this committee approve this. We have heard from a number of people about the work, how it can be dangerous, how it can, from time to time, involve situations where people are bitten, kicked, punched or injured. All of those rights are extended at the current moment—the rights to workers' compensation and the like—to people who work for social agencies. We have known for a long time where the government is heading: to allow people to have individual contracts within the families. All we are stating is that if this is allowed to happen, if people are going to contract individuals apart from the social agencies where the workers have these guarantees—never mind the pay, but have the guarantees of the Workplace Safety and Insurance Act—that it be extended to this new class of persons who are going to be contracted. I think it's only fair to ensure. Not only are you going to have a difficulty because you would not pass the motion for equal pay across the jurisdiction—and I'm not even asking that they be unionized—but now I'm asking that they have the same rights to health and safety regulations. I don't think that's too much to ask. Give them the same rights to health and safety regulations as those who work for an agency. I would want that for all workers.

Mr. Yasir Naqvi: Mr. Chair, I'm just going to ask for guidance from legislative counsel on this issue. In a clause-by-clause review, is it possible to amend a regulation pursuant to another statute?

Mr. Michael Wood: There are two questions to consider here. One is the question of, can you, in a bill, amend a regulation? I can't give you an answer with 100% certainty, but I would feel that the best opinion is that yes, you can, because the Legislature is sovereign. Regulations are delegated legislation, but the Legislature itself can amend a regulation.

The second question is, can you, in the context of this bill, amend a regulation under an act which isn't already opened up under the bill? Again, I can't give you an answer with 100% certainty. It turns on whether it falls within the subject matter of this bill, and that ultimately

is up to the Chair to rule on. But there is certainly an argument in favour of saying that it is, broadly speaking, within the subject matter of the bill.

The Chair (Mr. Shafiq Qadri): Are there any further comments before we consider this motion? Seeing none—

Mr. Michael Prue: A recorded vote, please.

Ayes

Elliott, Jones, Prue.

Nays

Brotten, Dhillon, Dickson, Naqvi, Ramal.

The Chair (Mr. Shafiq Qadri): NDP motion 117 is defeated.

Shall sections 61 and 62 inclusive, with no amendments having been received to date, carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 77, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

I thank the committee for your—yes, Mr. Prue?

Mr. Michael Prue: If I could, I believe I misspoke earlier and I just want to correct the record. It was my understanding, when Mr. Thomas spoke on behalf of OPSEU, that they were the largest union or had the largest number of members dealing in this sector. I have since been advised that my understanding of what he had to say that day may have not been correct, and I wish the record to show that although they have a great number of members, CUPE actually has more.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Prue.

I thank the committee for your efficiency and endurance. This committee now stands adjourned.

The committee adjourned at 1640.

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