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—
Chair

Mr. Bryan May

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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• (1950)

[English]

The Vice-Chair (Mr. John Barlow (Foothills, CPC)): I call the meeting to order.

We have a long night ahead of us, so we're going to get started. We have a bit of an introduction before we get started on clause-by-clause study.

I also want to take a quick moment to say for all of us that our thoughts are with our chair Bryan and his family. To our Liberal colleagues, please pass that on to Bryan when you see him.

We've gone through this in previous meetings, and I understand that most of you know about it, but we will just go through the introduction to explain a bit about some of the infrastructure that's here in the committee room with us.

Welcome to today's meeting on Bill C-81, an act to ensure a barrier-free Canada. The objective of today's meeting is to begin the committee's clause-by-clause consideration of the bill.

I would like to take a moment to remind those participating in the proceedings, as well as those observing the proceedings of the committee in person or on video, that the committee adopted a motion on September 18 that included instructions for the clerk to explore options to allow for the full participation on this study of all witnesses and members of the public.

As a result, the committee has made arrangements to make all meetings in relation to Bill C-81 as accessible as possible in a variety of ways. This includes providing sign language interpretation and near real-time closed captioning in the room.

Please note that both American Sign Language and Quebec Sign Language are being offered to those who are in our audience. For those who would like to watch the American Sign Language interpretation, please sit on the benches to my left, and for those who would like to watch Quebec Sign Language interpretation, please sit on the benches to my right.

In addition, please note that the first two rows of benches have been reserved for those who wish to avail themselves of these interpretation services. Screens displaying the near real-time closed captioning have also been set up, with the English text to my left and the French text to my right. The sign language interpreters in the

room are also being videorecorded for the eventual broadcast of this meeting on ParlVU via the committee's website.

In light of these arrangements, the committee asks that if you need to leave the room during the meeting, please do not walk in front of the sign language interpreters. Instead, please use the extremities of the room. In addition, we would ask that those in the room remain seated as much as possible during the meeting. We want to ensure that everyone in the audience can clearly see the sign language interpretation.

Finally, if a member of the audience requires assistance at any time, please notify a member of the staff or a committee clerk and we will try to address the issue.

In addition, for my colleagues, as you are well aware, please speak in a relatively slower tone so that our interpreters can keep pace with the discussion that's happening here this evening.

I'd like to take a moment to welcome the officials who are with us here this evening and are going to be helping us with any questions that we may have on some of the amendments in the clause-by-clause study. Also, we have some guests with us this evening. We'll get to that in a moment.

From the Department of Employment and Social Development Accessibility Secretariat, we have with us James Van Raalte, director general, accessibility secretariat. James, thanks very much for being with us again. We also have Benoît Gendron, director, and Erik Lapalme, senior policy analyst.

Also, we have with us Ms. Elizabeth May. Thank you very much for joining us this evening, Ms. May. You'll have some opportunity to put your amendments forward.

Pursuant to the order of reference for Wednesday, September 26, 2018, Bill C-81, an act to ensure a barrier-free Canada, is what we are discussing this evening.

• (1955)

We've introduced our witnesses from the department, and now we will begin our clause-by-clause discussion.

Pursuant to Standing Order 75(1), consideration of clause 1, the short title and the preamble are postponed, and we will now begin with clause 2.

(On clause 2)

The Vice-Chair (Mr. John Barlow): We have amendment CPC-1 on clause 2. Is there any discussion?

Mr. Kerry Diotte (Edmonton Griesbach, CPC): Yes, Mr. Chair.

I think clause 2 should be amended by adding the word “law” to the definition of “barrier”. This change would help ensure that the barriers created by federal laws are identified, removed and prevented. I move that Bill C-81 in clause 2 be amended by replacing line 11 on page 2 with the following:

that is the result of a law, a policy or a practice—that hinders

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Diotte.

Is there any discussion on CPC-1? Seeing none, I will call the vote.

(Amendment negatived)

The Vice-Chair (Mr. John Barlow): We'll move to LIB-1. Is there any discussion on LIB-1?

Go ahead, Mr. Morrissey.

Mr. Robert Morrissey (Egmont, Lib.): The amendment to this particular clause is to add

an impairment, including

and it continues. This will ensure that the list of impairments in the definition is not an exhaustive list.

We're also adding “cognitive” to the list of potential impairments that, in interaction with a barrier, could hinder a person's full and equal participation in society.

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Morrissey.

Is there any further discussion on LIB-1? Seeing none, I will call the vote.

(Amendment agreed to [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): Moving on to LIB-2, is there any discussion?

Mr. Robert Morrissey: Mr. Chair, we're adding the word “cognitive” to the list of potential impairments that, in interaction with a barrier, could hinder a person's full and equal participation in society.

As well, it adds “evident or not” to ensure that invisible disabilities are recognized in the definition, and “any impairment, including” to ensure that the list of impairments in the definition is not an exhaustive list.

• (2000)

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Morrissey.

I want to mention that if LIB-2 is adopted, CPC-2 cannot be moved as it will be in conflict.

Is there any further discussion on LIB-2?

Mrs. Rosemarie Falk (Battlefords—Lloydminster, CPC): I'm wondering about the difference here between having “cognitive” and “intellectual”.

You're proposing to add “cognitive” there?

Mr. Robert Morrissey: Yes.

Mrs. Rosemarie Falk: How does that affect “intellectual”?

Mr. Robert Morrissey: This simply adds to the list on interaction with a barrier that could hinder a person's full and equal participation. This came from testimony that was given during the witness hearing process.

The Vice-Chair (Mr. John Barlow): Is there any further discussion on LIB-2? Seeing none—

Sorry; go ahead, Ms. Falk.

Mrs. Rosemarie Falk: I'm just trying to gather my thoughts. I feel that we're moving very quickly. I want to make sure this gets done correctly, if that's okay.

The Vice-Chair (Mr. John Barlow): Yes.

Mrs. Rosemarie Falk: Can you reread the amendment, please?

Mr. Robert Morrissey: We're adding the word “cognitive” to the list of potential impairments.

Mrs. Rosemarie Falk: Could we propose an amendment to your amendment? If we added “disability includes”, it would be “includes any impairment, including”.

The Vice-Chair (Mr. John Barlow): Can you clarify where exactly in the amendment you would want that added?

Mrs. Rosemarie Falk: Right at the beginning, so it would read “disability includes any impairment, physical, mental, intellectual, cognitive”.

The Vice-Chair (Mr. John Barlow): I see what you're saying. Rather than saying “disability means” you want to say “disability includes” any impairment.

Mrs. Rosemarie Falk: That's correct.

Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.): Does that change the essence? We have it as an “impairment, including a physical, mental, intellectual, cognitive, learning, communication...”. Does the way that you're proposing it actually change anything because of the order that it's going in? I don't know.

The Vice-Chair (Mr. John Barlow): The clerks are just taking a look.

Mr. Dan Ruimy: The clerks are doing what clerks do.

Voices: Oh, oh!

Mr. Dan Ruimy: I'm trying to understand why the flip of words.

Mrs. Rosemarie Falk: I feel that adding it at the beginning gives it purpose. It includes. It's right off the bat.

Mr. Dan Ruimy: My challenge is that we're basically saying that an impairment would include all these things, whereas I think flipping it around might change the intent.

Mrs. Rosemarie Falk: I guess when they.... They're talking right now, so when they—

Mr. Dan Ruimy: I won't talk, then.

The Vice-Chair (Mr. John Barlow): To Ms. Falk's question, it is fine. It's not an issue with the clerk, but if I may, I'll ask the department officials.

Does changing it to "disability includes any impairment, including a physical, mental, intellectual, cognitive..." change the intent in any way?

• (2005)

Mr. James Van Raalte (Director General, Accessibility Secretariat, Department of Employment and Social Development): Thank you, Mr. Chair.

I don't think it changed the intent. It is a way of drafting definitions. If you go back to the legislation and the interpretation section, you see "Accessibility Commissioner means", "barrier means" and "broadcasting undertaking has the same meaning...." It is an interpretation issue from a drafting perspective, from the use of the word: a definition "means" something and includes the following list.

The Vice-Chair (Mr. John Barlow): Thank you.

Go ahead, Mr. Morrissey.

Mr. Robert Morrissey: I had the same question, Mr. Chair. Ms. Falk, are you...?

The Vice-Chair (Mr. John Barlow): We have to first vote on the proposed amendment from Ms. Falk, which is that disability "includes" instead of "means". I'll call the vote on that amendment to the amendment.

(Subamendment negated [See Minutes of Proceedings])

The Vice-Chair (Mr. John Barlow) Now we'll go to the vote on LIB-2 as it stands.

(Amendment agreed to [See Minutes of Proceedings])

The Vice-Chair (Mr. John Barlow) CPC-2 now cannot be moved.

We'll now move to LIB-3. I do have to say that conversation with the clerks suggests that LIB-3 does feel inadmissible; however, since it has been put forward by almost everyone on the committee, I would be willing to open the discussion on LIB-3.

Go ahead, Mr. Morrissey.

Mr. Robert Morrissey: By adding the definition of "Indigenous peoples of Canada" we're providing the clarity. That was one of the issues from the testimony that was given before the committee.

The Vice-Chair (Mr. John Barlow): Is there any further discussion?

Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: I'm not sure from what I remember with regard to the testimony that they were asking for a definition. They were asking to be in the bill, which they weren't at all. I don't know if they were necessarily asking to be defined. They were just asking to be placed into the bill or to have some type of recognition in the bill.

I don't know. Does just adding a definition of indigenous people suffice for that? I don't think so. I guess it depends what comes after

this, because I really don't believe that adding a definition was what they meant by their testimony.

The Vice-Chair (Mr. John Barlow): Mr. Morrissey, if I can add before further discussion, the reason that it was felt to be inadmissible is that there's no context to the definition of aboriginal people anywhere else in the bill.

It is much broader than what is—

Mr. Robert Morrissey: We're using "indigenous".

The Vice-Chair (Mr. John Barlow): Yes, "Indigenous peoples of Canada". There's nothing else in what is a broad bill that would address that. I'm passing that on to you.

Mr. Robert Morrissey: The definition is added to support the amendment that comes later to the preamble.

Mrs. Rosemarie Falk: Could you repeat that, please?

Mr. Robert Morrissey: The definition is added to support the amendment coming later to the preamble. There's a further amendment later on.

The Vice-Chair (Mr. John Barlow): If it's okay with Mr. Morrissey, I'll read the ruling on LIB-3.

Amendment LIB-3 seeks to add a definition of *Indigenous peoples of Canada* in the interpretation clause. The expression is not used elsewhere in the bill or in other amendments, except in a proposed amendment to the preamble, LIB-69.

As *House of Commons Procedure and Practice*, third edition, states on page 773:

The interpretation clause of a bill is not the place to propose a substantive amendment to a bill unless other amendments have been adopted that would warrant amendments to the interpretation clause.

Regarding the amendment to the preamble, the same book states, on page 774:

In case of a bill that has been referred to committee after second reading, a substantive amendment to the preamble is admissible only if it is rendered necessary by amendments made to the bill.

• (2010)

Mr. Robert Morrissey: Mr. Chair, based on that, I will withdraw it.

The Vice-Chair (Mr. John Barlow): If there is no further discussion, we will withdraw amendment LIB-3.

(Amendment withdrawn)

The Vice-Chair (Mr. John Barlow): We'll move to the Green Party amendment, PV-1.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

I first want to put on the record, although it was very polite of you to welcome me to the committee as though I enjoyed the invitation, the motion that was passed by this committee is identical to motions passed by every committee. It uses a backdoor method to deprive me of my rights that I would otherwise have at report stage.

I don't hold any of you personally responsible for this. It's top-down. It happened in the 41st Parliament and it happened again in this Parliament. It means that my only opportunity to present amendments is by coming here at clause-by-clause consideration, where my amendments are deemed to have been moved. I don't have the right to exercise the rights I would otherwise have to put them forward at report stage.

I have to put that disclaimer on the record. I plan to continue to ask for these motions that were passed by every committee to be lifted at some point, because they operate in a way that is onerous and unfair to smaller parties.

In any case, the amendment I'm putting forward, *Parti vert 1*, deals with an issue that certainly you heard about in witness testimony. There is at this point the possibility, although I would admit it's unlikely, that a Governor in Council will fail to appoint a minister responsible for this legislation.

In the definition section—and I come back to this in another part of the bill—I propose an amendment that allows for a backstop, so that if the Governor in Council hasn't appointed a minister, the Minister of Justice will fill that role to ensure that there is a minister responsible for the implementation of this bill.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. May.

I'm just going to ask you to slow down a bit for the interpreters again.

Ms. Elizabeth May: Shall I start over with the reason that I wish I wasn't here?

The Vice-Chair (Mr. John Barlow): No, I think we're okay.

Thank you.

Ms. Elizabeth May: The amendment I'm putting forward deals with the fact that as a result of the way the bill is currently drafted, there's a possibility that the Governor in Council doesn't appoint a minister responsible for this future act. In point of fact, you can't have legislation that requires the Governor in Council, that being the cabinet, to do anything.

There's the expectation that a cabinet would appoint someone to be the minister responsible for this legislation for a barrier-free Canada, but nothing requires that there be a minister responsible. If cabinet, through some unusual fluke, did not appoint a minister, then my amendment, which right now appears in the definition section, is to achieve a backstop, so that there would always be a minister responsible if cabinet hadn't acted to appoint one.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. May.

Is there any further discussion?

(Amendment negated [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): We will move on to the vote on clause 2. We just went through clause 2 and made some amendments. We have made two amendments to clause 2. We are now voting on clause 2 as amended.

(Clause 2 as amended agreed to [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): We are now moving on to clause 3. There were no amendments tabled on clause 3.

(Clauses 3 and 4 agreed to)

The Vice-Chair (Mr. John Barlow): We're almost there. My count is 237 clauses.

(On clause 5)

The Vice-Chair (Mr. John Barlow): We now move on to clause 5 and amendment LIB-4.

Go ahead, Mr. Morrissey.

• (2015)

Mr. Robert Morrissey: This amendment, Mr. Chair, removes the word “progressive” from the clause. This is in response to stakeholder concerns that the use of “progressive” may lead to delayed implementation. This amendment makes clear a commitment to the goal of seeing a barrier-free Canada.

The Vice-Chair (Mr. John Barlow): Is there any discussion on LIB-4?

(Amendment agreed to [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): We now move on to CPC-3. Is there any discussion on CPC-3?

Mrs. Rosemarie Falk: We're proposing that clause 5 be amended by replacing line 11 on page 3 with the following:

realization over a ten-year period, within the purview of matters coming within

The reason we're suggesting this change is that we must include a specific year or period of time by which a Canada without barriers will be achieved, so it's 10 years after coming into force.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall (Barrie—Springwater—Oro-Medonte, CPC): Thank you.

Further to Ms. Falk's comment, one of the things we saw in the bill was an overall lack of teeth in timelines and in reporting back. I think this amendment is speaking to that very subject. I certainly would like to see it included.

The Vice-Chair (Mr. John Barlow): Is there any further discussion?

Go ahead, Ms. Hardcastle.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Just to note, Mr. Chair, that's also my amendment, the next one, if that matters to any of you.

The Vice-Chair (Mr. John Barlow): Take that as you will.

Is there any further discussion on CPC-3?

Mrs. Rosemarie Falk: Can we have a recorded vote?

The Vice-Chair (Mr. John Barlow): Okay, we'll have a recorded vote.

(Amendment negated: nays 5; yeas 3)

The Vice-Chair (Mr. John Barlow): As a result of the previous vote, NDP-1 cannot be moved as it's identical to the previous amendment. That will be the same with CPC-4.

We now move to CPC-4.

Mrs. Rosemarie Falk: The amendment reads:

That Bill C-81, in Clause 5, be amended by adding after line 18 on page 3 the following:

(c.1) communication

We believe it's essential to identify, remove and prevent barriers related to communication. The bill must be clarified to ensure that communication is addressed within each of the areas enumerated in clause 5 in a manner that complements existing legal obligations to accommodate persons with disabilities.

• (2020)

The Vice-Chair (Mr. John Barlow): Thank you.

I want to be clear on CPC-4. If it is adopted, LIB-5 cannot be moved, for reasons of consistency.

Is there any further discussion on CPC-4?

(Amendment negated)

The Vice-Chair (Mr. John Barlow): We now move to LIB-5. If LIB-5 is adopted, CPC-5 cannot be moved because of a line conflict.

Is there any discussion on LIB-5?

Go ahead, Mr. Morrissey.

Mr. Robert Morrissey: Mr. Chair, many members of the disability community came to the committee and identified accessibility and communication as a priority for their community. These amendments will strengthen the bill in those areas and deal with the concerns that were addressed to this committee during the testimony stage.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Morrissey.

Is there any further discussion on LIB-5?

(Amendment agreed to [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): We adopted LIB-5, so CPC-5 cannot be moved; therefore, we are finished with clause 5.

(Clause 5 as amended agreed to)

The Vice-Chair (Mr. John Barlow): We now move on to LIB-6.

Is there any discussion, Mr. Morrissey?

Mr. Robert Morrissey: Mr. Chair, this motion clarifies that communications does not include broadcasting or telecommunications.

The Vice-Chair (Mr. John Barlow): Is there any further discussion?

(Amendment agreed to [*See Minutes of Proceedings*])

(On clause 6)

The Vice-Chair (Mr. John Barlow): We will move on to LIB-7. If LIB-7 is adopted, NDP-0.2, LIB-8 and PV-2 cannot be moved, because there is a line conflict.

Is there any discussion on LIB-7?

Go ahead, Mr. Long.

Mr. Wayne Long (Saint John—Rothsay, Lib.): Thank you, and thank you for stepping in tonight, Mr. Chair, on behalf of MP May.

Through amendment LIB-7, we would like to remove all reference to “abilities” within clause 6. I can read that if you like.

The Vice-Chair (Mr. John Barlow): Does anybody need that read, or have you already read the amendment?

Mrs. Rosemarie Falk: That would be nice.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Long.

Mr. Wayne Long: It reads:

That Bill C-81, in Clause 6, be amended by

(a) replacing line 4 on page 4 with the following:

“of their disabilities;”

(b) replacing line 7 on page 4 with the following:

“wish to have regardless of their disabilities”

(c) replacing line 12 on page 4 with the following:

“disabilities;”

(d) replacing line 15 on page 4 with the following:

“desire, regardless of their disabilities; and”

(e) replacing line 17 on page 4 with the following:

“must take into account the disabilities of”

The Vice-Chair (Mr. John Barlow): Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: I'm just wondering what the purpose is of taking out “abilities”.

• (2025)

Mr. Wayne Long: We want the preamble to ensure that the focus of the bill remains on persons with disabilities. We think it's clearer that way.

Ms. Cheryl Hardcastle: Mr. Chair—

The Vice-Chair (Mr. John Barlow): Go ahead, Ms. Hardcastle.

Ms. Cheryl Hardcastle: Thank you very much. I just want to point out that this is the same as the amendment I have proposed. One way to look at it is that when you have the words “abilities” and “disabilities” in there, it creates problems from a disability perspective in that somebody with no disability can, under the act, claim to be entitled to certain kinds of accommodations. It just makes it less clear when you say “abilities” and “disabilities”. In a disability act you just need to say “disability”.

The Vice-Chair (Mr. John Barlow): Thank you.

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Can I, through you, ask James to provide us with a rationale?

I did speak with you and the minister, and this was brought up in our conversations regarding focusing on, as a whole, not just the disabilities but also the abilities of the individuals who are being helped through this bill. Could you provide us with a little bit of background on why the words “abilities” and “disabilities” were put into the bill?

Mr. James Van Raalte: There's a consistency issue with the definitions of “barrier” and “impairment” that have been adopted. This becomes far more consistent with the issue of defining “impairment”.

People with abilities, by definition, do not have an impairment. I would defer to the member who raised the previous comment that the legislation focuses on disabilities. I would also add that during testimony, both written and in person, there have been, I believe, concerns over issues around “ableism”, which I think is a cause for concern within the stakeholder community.

Mr. Alexander Nuttall: Mr. Chair, my question was about the thinking involved in having it in there in the beginning.

Mr. James Van Raalte: Thank you, Mr. Chair.

The intention from the very beginning was to be as inclusive as possible, recognizing a full range of abilities and disabilities, but as has been pointed out through witness testimony, that's not necessary.

Mr. Alexander Nuttall: Thank you.

The Vice-Chair (Mr. John Barlow): Is there any further discussion on amendment LIB-7?

Mr. Wayne Long: Mr. Chair, I want to suggest to you that amendment LIB-8 is still movable if we pass LIB-7. All we're doing is adding paragraph 6(f) and substituting the language in LIB-7.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Long.

I think we can proceed with LIB-8. I think we could just do some work on the amendment. We'll keep LIB-8 on the books right now and we'll get through LIB-7 first.

Mr. Wayne Long: Okay.

The Vice-Chair (Mr. John Barlow): Is there any further discussion on LIB-7?

(Amendment agreed to)

The Vice-Chair (Mr. John Barlow): We'll move on to LIB-8.

Mr. Long, is there any discussion?

• (2030)

Mr. Wayne Long: I'll read it out.

I move that Bill C-81, in clause 6, be amended by replacing lines 15 to 20 on page 4 with the following: "desire, regardless of their abilities"—

The Vice-Chair (Mr. John Barlow): Sorry, Mr. Long.

The issue is on LIB-8. Your goal in the previous LIB-7 was to remove the word "abilities". It is still in LIB-8, which causes a bit of a conflict with your previous—

Mr. Wayne Long: We'll strike "abilities", right?

The Vice-Chair (Mr. John Barlow): It will be "structures must take into account the disabilities of persons". Do you want to take out "the abilities and"?

Mr. Wayne Long: We want to make it "desire, regardless of their disabilities", so we'll take out "abilities or".

The Vice-Chair (Mr. John Barlow): Right.

Mr. Long, we're going to go to paragraph (e) as well. You have—

Mr. Wayne Long: Yes, it will be exactly as the other, except that we're removing "abilities and".

The Vice-Chair (Mr. John Barlow): I think we're okay there.

Does everybody understand what we're amending with the amendment, before we go too far?

We will suspend for a couple of minutes so the legislative clerks can take a peek at it. We're in suspension.

• (2030)

_____ (Pause) _____

• (2035)

The Vice-Chair (Mr. John Barlow): We'll come back.

After some heated discussion with my legal counsel, I have proven them incorrect. No.

Mr. Long, we are able to vote on LIB-8 as is and they will make the change. It just makes it a little simpler.

Mr. Wayne Long: Yes.

The Vice-Chair (Mr. John Barlow): If there is no further discussion on LIB-8, we'll go to the vote.

Mr. Nuttall.

Mr. Alexander Nuttall: Mr. Chair, I have a question for the mover of the motion. You've added on paragraph (f), right?

Mr. Wayne Long: Can you say that again?

Mr. Alexander Nuttall: Paragraph (f) is added to clause 6. What is the difference between...is there any change related to this in the bill?

Mr. Wayne Long: The reason for paragraph (f) is it ensures the highest level of accessibility prevails in the event there are two standards. To us it clarifies the language. It tightens it up.

Mr. Alexander Nuttall: Can you give me an example? I'm trying to understand the need. In the preamble itself, the point is made.

Mr. Wayne Long: There could be a conflict between provincial and federal standards. If it's a ramp versus the lift, or what have you, this will ensure the highest level of accessibility would prevail. That came out of our conversation.

Mr. Alexander Nuttall: But who defines that, and what does it mean? It's not between federal and provincial. We're just talking about federally regulated marketplaces where the provincial standards don't matter.

Mr. Wayne Long: We discussed this internally and we felt that this was the best language going forward.

Mr. Alexander Nuttall: It may be that it's good and needs to be there; just help me understand that. Is this clause changing anything in the bill?

Mr. Wayne Long: It ensures the highest level of accessibility is the standard that's used. It's pretty straightforward.

The Vice-Chair (Mr. John Barlow): Could you guys go one at a time and a little slower for our interpreters? I will give you the floor when it's your turn.

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Mr. Chair, I'm trying to drive home the understanding behind the amendment. I think it should go without saying, but it doesn't. Then does it get covered in the preamble? I'm just trying to understand why we're adding this in here at this point in the bill. It feels as if we could add this in almost every clause, because that's the point of the bill.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Long.

Mr. Wayne Long: I think I've said it, but the intention is to define that regulations need to be made to the highest standards. CASDO would be compelled to accept the highest standard if there's a provincial or a federal standard. I think what we're trying to do here is pretty clear.

Mr. Alexander Nuttall: Just to clarify, because I'm going to work with it—

The Vice-Chair (Mr. John Barlow): Mr. Nuttall—

Mr. Alexander Nuttall: Sorry about that, Mr. Chair. I'm a repeat offender at this point, and I'm probably going to continue to be.

What you're trying to say is if there are multiple sets of standards governing any organization or sector of the marketplace or government building, the higher of those two standards needs to be enforced. Is that correct?

• (2040)

Mr. Wayne Long: Yes.

Mr. Alexander Nuttall: I think it can be more clearly defined than this.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Vaughan.

Mr. Adam Vaughan (Spadina—Fort York, Lib.): I can give you an example as it relates to the building code. At one point the highest and best standard for elevators was to have Braille on the buttons. Since then, it's Braille, and the audio announces floors.

In an evolving environment around universal design, with input from people's lived experience, standards elevate—if I can use the elevator analogy again—and as they elevate, they're saying if the newest, highest and best standard has two dimensions as opposed to a single dimension, that prevails.

The standard that constitutes accessibility in accommodation migrates to the highest possible standard at all times, and that's the goal of the legislation. Instead of having to constantly revisit the standards and constantly detail the standards piece by piece and change by change, when a new benchmark is achieved, that is the new benchmark—

Mr. Wayne Long: It essentially sets the bar higher.

Mr. Adam Vaughan: —that it's measured against. There's no retroactive requirement, but if you're putting in a new elevator and you say that's the highest and best standard, that's what we do.

The Vice-Chair (Mr. John Barlow): Okay, Mr. Vaughan.

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Mr. Chair, I do completely understand why you're being very definitive on who is speaking. It's because when they're doing the interpreting, we want to make sure it's the right person saying the right thing.

On that, I'm 100% supportive of that measure and I can't even vote, but I'm not sure that's captured in this exact wording. If that is the intent, can we get wording that captures that intent?

It's not very clearly communicated; maybe that's a better way to describe it, or perhaps it's just me.

The Vice-Chair (Mr. John Barlow): Just one second.

Mr. Long, go ahead.

Mr. Wayne Long: We've certainly batted this around our table, and we feel that the language is appropriate. We think it is clear, and I think we should vote on it as is.

The Vice-Chair (Mr. John Barlow): Mr. Nuttall, do you mind if I ask the department officials?

Have you seen the discussion on that? Is there any input on the clarity of that clause?

Mr. James Van Raalte: No, Mr. Chair.

The Vice-Chair (Mr. John Barlow): Thank you.

Mr. Nuttall, go ahead.

Mr. Alexander Nuttall: Without being combative, I'll say that the mover had a difficult time explaining it, so it can't be that clear. If he's unable to actually explain it, then that makes it very difficult.

I do understand what they're trying to achieve—and I support what they're trying to achieve—but the language can't be very clear if not even the mover can explain it.

The Vice-Chair (Mr. John Barlow): Mr. Long, go ahead.

Mr. Wayne Long: Chair, I think that's an unfair comment. That's just his interpretation. That's just cause for further debate.

Again, let's vote.

The Vice-Chair (Mr. John Barlow): Is there any further discussion on LIB-8.

(Amendment agreed to [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): Because LIB-8 was carried, PV-2 cannot be moved due to conflict.

We move to CPC-6.

Mrs. Falk, go ahead.

Mrs. Rosemarie Falk: The amendment reads:

That Bill C-81, in Clause 6, be amended by adding after line 20 on page 4 the following:

“(2) For greater certainty, in the event of any inconsistency between the provisions of this Act and the provisions of the Canadian Human Rights Act, the provisions of that Act prevail to the extent of the inconsistency.”

We believe that Bill C-81 must clarify that nothing in the act lessens the existing human rights obligations of federally regulated entities under the Canadian Human Rights Act, and that where a conflict arises between the act and another law, the law that provides the greatest accessibility for persons with disabilities will apply.

As the bill is currently written, our fear is that the CTA and the CRTC—more so the CTA—would create standards that wouldn't live up to the provisions of the Canadian Human Rights Act. Even though the CTA could create standards that meet the low bar set by this legislation, it might not meet the high bar of the Canadian Human Rights Act.

• (2045)

The Vice-Chair (Mr. John Barlow): Thank you very much, Mrs. Falk.

Is there any further discussion on CPC-6?

Ms. Hardcastle, go ahead.

Ms. Cheryl Hardcastle: Thank you, Mr. Chair.

I'd also like to point out that this is the same substance as my amendment, which follows, and the theme is very similar to what we just dealt with. It means that in no way can already existing human rights be taken away, that they prevail, in terms of the discussion we had earlier. Nothing can supersede the Human Rights Act.

The Vice-Chair (Mr. John Barlow): Is there any further discussion on CPC-6?

(Amendment negatived)

The Vice-Chair (Mr. John Barlow): NDP-0.3 is identical to the previous amendment, which was denied.

Ms. Hardcastle, go ahead.

Ms. Cheryl Hardcastle: Can I just have clarification? We don't vote on mine when the two are the same. Is that right?

The Vice-Chair (Mr. John Barlow): That's correct.

Ms. Cheryl Hardcastle: Is there any way that we can still comment or come back to it?

I'm just asking for a suggestion. How would you suggest that we ensure language so that the Human Rights Act does prevail?

Mr. Adam Vaughan: [*Inaudible—Editor*]

Ms. Cheryl Hardcastle: We don't have that language right now.

The Vice-Chair (Mr. John Barlow): One at a time, Mr. Vaughan. One at a time, guys.

Ms. Cheryl Hardcastle: Okay, thanks.

The Vice-Chair (Mr. John Barlow): Mr. Ruimy, go ahead.

Mr. Dan Ruimy: To answer that, it actually does do that. If you put it into this bill, you're setting a precedent that it needs to be put into every single bill. It already does, in fact, do what it's supposed to do.

The Vice-Chair (Mr. John Barlow): Thank you.

Mrs. Falk, go ahead.

Mrs. Rosemarie Falk: I don't know if the clerks can answer this question, but could it be interpreted otherwise? If this isn't in there, could that be interpreted that...?

Oh, sorry. It's late.

The Vice-Chair (Mr. John Barlow): We're not even halfway there.

Can the department shed some light on that at all?

Mr. James Van Raalte: The Canadian Human Rights Act will prevail.

Mrs. Rosemarie Falk: Even if it's not...?

Mr. James Van Raalte: It's quasi-constitutional.

Mrs. Rosemarie Falk: Okay.

The Vice-Chair (Mr. John Barlow): Thank you very much.

Okay. That is—

Mr. James Van Raalte: If I may add, Mr. Chair, when this bill was tabled, the Minister of Justice tabled a charter statement

associated with the bill, and any of those issues would have been required to be flagged when that charter statement was submitted.

The Vice-Chair (Mr. John Barlow): Thanks, Mr. Van Raalte.

Now, we have made a couple of amendments to clause 6, so I'd like to call the vote on approving clause 6 as amended.

(Clause 6 as amended agreed to)

The Vice-Chair (Mr. John Barlow): Mr. Ruimy, go ahead.

Mr. Dan Ruimy: Could we just group clauses 7, 8, 9 and 10, because they all stay the same?

The Vice-Chair (Mr. John Barlow): Mr. Ruimy, would you allow the chair to do his job, please?

Mr. Dan Ruimy: I'm sorry.

The Vice-Chair (Mr. John Barlow): Mr. Ruimy, that is a fantastic idea.

Voices: Oh, oh!

The Vice-Chair (Mr. John Barlow): May I get unanimous consent from the committee to apply the votes for the next four?

Some hon. members: Agreed.

(Clauses 7 to 10 inclusive agreed to)

(On clause 11)

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Ruimy. That was a fantastic idea.

Mr. Dan Ruimy: I'm just doing my job. I do the best I can.

The Vice-Chair (Mr. John Barlow): We will now move to LIB-9.

Is there any discussion?

Mr. Robert Morrissey: Mr. Chair, this is simply consequential to the change made in LIB-4 dealing with removing “progressive”.

● (2050)

The Vice-Chair (Mr. John Barlow): Is there any other discussion LIB-9?

(Amendment agreed to [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): On CPC-7, we have Mrs. Falk.

Mrs. Rosemarie Falk: We are suggesting the following:

That Bill C-81, in Clause 11, be amended by replacing line 2 on page 6 with the following:

“tion of a Canada without barriers over a ten-year period.”

We would be adding in that timeline.

The Vice-Chair (Mr. John Barlow): Ms. Hardcastle, you were asking about what happens if this is passed or denied. Your next amendment is very similar. I would suggest, when you see it, maybe have your comments to that amendment that's ahead of yours so you have the opportunity to do that. If you want to comment on that now, it would probably be your best opportunity.

Ms. Cheryl Hardcastle: It's a darn good idea.

Voices: Oh, oh!

Mrs. Rosemarie Falk: Hear, hear!

The Vice-Chair (Mr. John Barlow): Was that all?

Ms. Cheryl Hardcastle: That's it.

The Vice-Chair (Mr. John Barlow): You encapsulated it very well.

Mr. Dan Ruimy: Great job.

Ms. Cheryl Hardcastle: This is going to be a long night if you give me free rein all the time.

The Vice-Chair (Mr. John Barlow): Thank you.

Is there any further discussion on CPC-7?

Mrs. Falk, go ahead.

Mrs. Rosemarie Falk: May we request a recorded vote, please?

The Vice-Chair (Mr. John Barlow): Yes.

(Amendment negated: nays 5; yeas 3)

The Vice-Chair (Mr. John Barlow): We'll move to PV-3.

Ms. May, go ahead.

Ms. Elizabeth May: Thanks, Mr. Chair.

This definitely has the same spirit to it as the CPC-7 amendment that was just defeated. As we heard from numerous witnesses and groups advocating for the rights of the disabled and calling for a barrier-free Canada, there is tremendous disappointment in this bill for its lack of timelines and for the notion of progressive realization of a Canada without barriers.

I'll remind you of some of the testimony. As Dr. Paré, a contributor to the United Nations "Handbook for Parliamentarians", mentioned, a term like "progressive realization" has its place in international law to facilitate consensus, but she says, "I find that reference to progressive realization is acceptable only if it is tied to a timeline or something else tangible."

Of course, David Lepofsky, from the AODA Alliance, has been very clear that progressive realization within this bill could mean that we don't see a barrier-free Canada for a very long time.

My amendment here, PV-3, is to insert, under the mandate of the minister, after the proposed subsection on powers, new proposed subsections 11(3) and 11(4). This is to ensure that the minister must prepare a plan to set out these objectives, that the plan must be ready within 10 years after the section comes into force, and that the plan must be prepared within one year after the day on which the section comes into force.

Again, it creates a one-year timeline to develop objectives so that they are achieved within 10 years of the bill coming into force.

Thank you.

The Vice-Chair (Mr. John Barlow): Thanks, Ms. May.

Mr. Nuttall, go ahead.

Mr. Alexander Nuttall: Mr. Chair, I just have a question for the mover of the motion. Just to confirm, as of today, in what decade will we reach a barrier-free Canada?

Ms. Elizabeth May: This would depend on when the bill enters into force, but assuming it entered into force in 2019, the barrier-free Canada objectives should be met by 2028.

• (2055)

Mr. Alexander Nuttall: Without your amendment, is that still the case?

Ms. Elizabeth May: No.

Mr. Alexander Nuttall: Just to be clear, we don't have a defined timeline on when we're trying to reach the goals this bill is advocating.

Ms. Elizabeth May: As it now stands—and this was one of the consistent criticisms of the legislation—there's good intention but without a timeline. As I recall one comment, progressive realization of a barrier-free Canada could be one disability ramp installed somewhere in Canada once a year. That would get us a barrier-free Canada sometime in the next few centuries.

Mr. Alexander Nuttall: Maybe.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. May.

Mrs. Falk, go ahead.

Mrs. Rosemarie Falk: I just wanted to add for the record, too, that without having a timeline, how do we measure? How do we hold either the department or the government accountable, because there's no way to measure that? We heard this countless times throughout testimony.

I think that it is so important, and we've heard from our stakeholders loud and clear that it is important to have timelines in this bill.

The Vice-Chair (Mr. John Barlow): Thanks, Mrs. Falk.

Mr. Diotte, go ahead.

Mr. Kerry Diotte: Yes, I would certainly concur with that. It's a bit of an insult to all the people who testified here and called out for timelines that we wouldn't adhere to such a very basic thing as to include a timeline when Canada would become accessible. It's an absolute must.

The Vice-Chair (Mr. John Barlow): Mr. Ruimy, go ahead.

Mr. Dan Ruimy: We actually heard quite a few different things. We heard different types of timelines. In speaking to Ms. May's "progressive", we're actually removing the word "progressive" from "progressive realization". We're removing that anyway.

There was a lot of testimony that also spoke to an evolution to get to where we need to go, because it's ongoing. That's part of the challenge right now. Lots of people talked about timelines, but they weren't specific, and they were for both sides.

The Vice-Chair (Mr. John Barlow): Ms. Hardcastle, go ahead.

Ms. Cheryl Hardcastle: Thank you very much, Mr. Chair.

I have to respectfully disagree with my honourable colleague. When people were presenting the idea of how this was going to evolve, it was because we know, just by the very nature of it, that there are going to be innovations and new ways in which we're increasingly removing barriers to participation for people living with all these different abilities, and we're going to find them. That was the whole point.

Without some kind of a timeline here, there's no impetus for this to actually move forward. Unless there is an amendment coming from my colleagues on the governing side further on, this is our chance right now. Ten years is extremely reasonable to reach certain objectives or mile markers, and that's what we need. For this bill to pass, to be tabled, we have to hit the ground running for certain markers to be hit by a certain timeline. Otherwise, we know what will happen—nothing. We'll just keep moving without a deadline. The deadline doesn't have to be a stop-dead, drop-dead deadline. This is a marker where you hit certain objectives and then you move forward from that.

I understand the conundrum about having realization, but if we use the word “realization” rather than “progressive realization” it still doesn't do the job for us that we need, which is something that is more defined in terms of where we're going to meet certain objectives in a certain period of time. This is a very reasonable period of time. A decade is very reasonable.

The Vice-Chair (Mr. John Barlow): Mr. Nuttall, go ahead.

Mr. Alexander Nuttall: Thank you, Mr. Chair.

I think there's a fundamental issue here that I believe Ms. Ruimy has heard me talk about in a different committee, which is targets and goals and measurement. The problem right now is that, if it's left as is, the only measurement we will have in place is actually the amount of money spent. If a plan doesn't have a threshold, in terms of the timeline of when it should be achieved, it will keep going on for ever and ever.

I would actually ask my Liberal colleagues around this table to really consider this. Those measurements are not actually in place for you as Liberals. They're in place for the Government of Canada. The Government of Canada can comprise many different iterations. We don't know what the next government will look like, and we don't know what the government after that will look like. In six years, it could be the Communist Party of Canada that could be forming the government.

At that point, maybe there won't be a continuation of the good will that's sitting in your caucus, but you do want that good will to be legislated so that work is actually continued. If it's not going to be met and not going to be continued, then they should have to change it legislatively and then report back to the people of Canada and be held accountable for that change in direction. Right now, they could just walk away and not do anything, throw their hands in the air, and nothing will have been actually achieved. Then what was the purpose of the bill in the first place?

That's actually the problem we've heard about from stakeholders over and over again. I wasn't at committee the whole time, but I definitely met with quite a number of stakeholders who were all saying that there are just not enough teeth. There's not enough detail.

There's not enough telling us when and how this is going to be instituted. There are not enough teeth to determine when and how everything that's outlined in this bill is actually going to be achieved.

If it's not 10 years, then when? I think that's the question. If it's unreasonable that the Green Party, the New Democrats and the Conservatives are all saying 10 years—if that's not a reasonable thing to vote for—then how long is it? Is it 15, 20 or 100 years? What's the number? There has to be one in order to ensure accountability, not just for this government but for every successive government in the future.

• (2100)

The Vice-Chair (Mr. John Barlow): Thanks, Mr. Nuttall.

Ms. Young, go ahead.

Ms. Kate Young (London West, Lib.): Thank you.

I just wanted to remind the committee of what Minister Qualtrough said when she appeared before the committee at the very beginning of this discussion. She was very concerned about setting timelines. One of the reasons is that if there's a 10-year timeline, it tells people they don't have to do anything for nine years.

The fact of the matter is that we want this to start immediately, once the law becomes enacted. Timelines should be part of the regulations, not part of legislation. I think that will determine any timelines moving forward.

The Vice-Chair (Mr. John Barlow): Mr. Nuttall, go ahead.

Mr. Alexander Nuttall: I have a quick question for Ms. Young. Will your regulations then be brought back to Parliament, in order for us to vote on the timelines related to each of the regulatory changes that will be taking place?

Ms. Kate Young: No, that would not—

Mr. Alexander Nuttall: Then there's no accountability.

The Vice-Chair (Mr. John Barlow): Ms. May, go ahead.

Ms. Elizabeth May: I appreciate the chance to engage again, Mr. Chair.

In response to Kate's points, that's why I have a double-barrelled amendment here. The 10 years doesn't hang out by itself in the abstract. It requires a plan prepared within one year. That plan speaks to achievables over time, with a 10-year deadline.

I don't think it would be possible, without a great deal of political risk, for a minister to design a plan that didn't start until year nine. You'd have to design a plan that's going to meet that objective. It's a 10-year objective. You have measurables that you're going to develop for years one, two, three and so forth.

I think that is not uncommon in legislation at all. Otherwise, we have something just hanging out there that could fade into the background.

Waiting for regulations.... This is just one example, but Vanessa's Law, which was passed in the last Parliament, still has no regulations attached to it. We're waiting to make sure we're reporting symptoms from pharmaceuticals that might be killing people. We still have no regulations, and it's four years later.

I don't want to wait for regulations. Honestly, I think members around this table could make a huge contribution to a barrier-free Canada by accepting my amendment, which is then reviewable by Parliament on a regular basis.

• (2105)

The Vice-Chair (Mr. John Barlow): Thank you, Ms. May.

Mr. Ruimy, go ahead.

Mr. Dan Ruimy: I'd like to say a couple of things.

We heard from the Province of Ontario, which has a 10-year time limit. We heard directly from the witnesses that it was woefully inadequate. They're nowhere close to being barrier-free.

Speaking to other specific timelines, we actually do have deadlines that we will be introducing as we move further down.

Thank you.

The Vice-Chair (Mr. John Barlow): Mr. Diotte, go ahead.

Mr. Kerry Diotte: Further to that, we heard from David Lepofsky, the chair of the Accessibility for Ontarians with Disabilities Act Alliance. Here are some quotes from him: "Time-lines are needed.... [T]he bill is lacking an ultimate deadline for achieving full accessibility.... We need an end deadline. Without it, progress will be slower."

Mr. Lepofsky goes on to say:

You've heard from many groups that have said we need that, and I don't know if you've heard from any groups that said we don't. The only person who's come before this committee, I believe, to make a case against doing that, and correct me if I'm wrong, is Minister Qualtrough, who may have said, or someone may have said, "Well, we don't have a timeline in the Criminal Code to be crime free." It's a wrong comparison.

We have a criminal code because we know that unfortunately in our society, there will always be violence and so on. We need laws to protect us when that happens. On the other hand, we can achieve full accessibility by a deadline if we set the deadline.

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Diotte.

Is there any further discussion on PV-3?

Mrs. Rosemarie Falk: Mr. Chair, can we have a recorded vote, please?

(Amendment negated: nays 5; yeas 3 [*See Minutes of Proceedings*])

(Clause 11 as amended agreed to)

(On clause 12)

The Vice-Chair (Mr. John Barlow): We move to NDP-2.

Is there any discussion on NDP-2? Ms. Hardcastle, go ahead.

Ms. Cheryl Hardcastle: Thank you, Mr. Chair.

The amendment is proposed for the purpose of ensuring that there is independence for the entity created in the bill—reporting to Parliament, not to government.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. Hardcastle.

Is there any further discussion on NDP-2?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 12 agreed to)

(On clause 13)

The Vice-Chair (Mr. John Barlow): We're on lucky 13.

I feel like a bingo caller.

Voices: Oh, oh!

The Vice-Chair (Mr. John Barlow): No one's called bingo, though.

We now move to CPC-8.

Mrs. Falk, go ahead.

Mrs. Rosemarie Falk: The amendment reads:

That Bill C-81, in Clause 13, be amended by adding after line 17 on page 6 the following:

"(2) Priority should be given to ensuring that any information, product or service that he or she provides is without barriers and that any document he or she creates is in an accessible format and in plain language.

(3) The Minister must not refuse any document that is in an accessible format or in plain language."

Basically we're requesting that the focus be on making all government documents accessible—documents coming to government and those available from government. I know we heard a lot, especially in terms of intellectual disabilities, with regard to having a simplicity of plain language and more accessibility for people with intellectual disabilities.

• (2110)

The Vice-Chair (Mr. John Barlow): Thank you very much, Mrs. Falk.

Is there any further discussion on CPC-8?

(Amendment negated)

(Clauses 13 and 14 agreed to)

The Vice-Chair (Mr. John Barlow): Yes, Mr. Nuttall.

Mr. Alexander Nuttall: Is it possible for us to take a quick break?

The Vice-Chair (Mr. John Barlow): Yes.

Is everybody okay with a five-minute break? We've been at it for just over an hour. Is five minutes good with everybody?

Some hon. members: Agreed.

The Vice-Chair (Mr. John Barlow): Okay. We'll suspend for five.

• (2110)

_____ (Pause) _____

• (2125)

The Vice-Chair (Mr. John Barlow): We'll come back.

I appreciate your finishing this bill during the break. It's much appreciated. Thank you very much. Maybe we won't have to stay until 11 o'clock tonight if you keep getting that work done. The stakeholders watching at home or listening here might actually be able to get to bed early tonight instead of having to stay up and listen to the proceedings.

(On clause 15)

The Vice-Chair (Mr. John Barlow): We will go back to where we were. We will come back to CPC-9 in clause 15, line 21. Are there any comments on CPC-9?

Mr. Diotte, go ahead.

Mr. Kerry Diotte: Mr. Chair, the amendment reads:

That Bill C-81, in Clause 15, be amended by replacing line 21 on page 6 with the following:

"15 Subject to the Statistics Act, the Minister must collect,"

The Vice-Chair (Mr. John Barlow): Again, Ms. Hardcastle, this is identical to yours, which is next. Do you want to make a comment?

Ms. Cheryl Hardcastle: Thank you, Mr. Chair.

Yes, "the Minister must collect", and not "may collect", is important.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. Hardcastle.

Are there any other comments on CPC-9?

Mr. Diotte, go ahead.

Mr. Kerry Diotte: It's not a comment, but I'd like a recorded vote on this.

The Vice-Chair (Mr. John Barlow): Mr. Nuttall, go ahead.

Mr. Alexander Nuttall: I think this is on the same topic of accountability down the road.

We don't have a timeline, and we don't really have a plan for a timeline. The only thing we really have is information updates that tell us how well this is being implemented or not implemented.

It would require StatsCan because, out of the public sector, markets are going to be affected by this, so we want to know what the reporting is, how well they're doing, etc. If there's no mandatory trigger to pull that information out, I'm not sure how we're going to stay on top of it, except for somebody saying somewhere that they think it's in this place but they don't actually have the data to back it up.

That, I think, is where the feeling was in terms of "must" versus "may". And I don't want "may" to equal 20 years. I want "must" to equal continuously.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Nuttall.

Mrs. Falk, go ahead.

Mrs. Rosemarie Falk: Thank you, Mr. Chair.

I also think that language will continue and maybe even accelerate culture change. I think changing the language to something that's more accountable is going to send a strong message that this is

something that must be done and will help influence that culture change for accessibility.

The Vice-Chair (Mr. John Barlow): Thank you, Mrs. Falk.

Are there any other comments on CPC-9?

Mr. Ruimy, go ahead.

Mr. Dan Ruimy: My understanding is that we can't change "may" to "must", because we can't compel the agency or the Queen to do that. I think the folks at the other end can explain that, the "may" to "must".

The Vice-Chair (Mr. John Barlow): Mr. Van Raalte, go ahead.

Mr. James Van Raalte: Thank you, Mr. Chair.

The use of "may" is consistent with Westminster democracies, and it's consistent with drafting. It is enabling legislation. But the decision is the choice of the committee.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Van Raalte.

A recorded vote has been requested.

(Amendment negated: nays 5; yeas 3)

The Vice-Chair (Mr. John Barlow): It is denied, and therefore NDP-2.1 is also denied, as it is identical.

We now move to CPC-9.1.

Ms. Cheryl Hardcastle: Mr. Chair, I have a question.

Mine was coming next, NDP-2.1.

The Vice-Chair (Mr. John Barlow): That's correct.

Ms. Cheryl Hardcastle: Can I change mine, then, to "shall" instead of "must"?

• (2130)

The Vice-Chair (Mr. John Barlow): Do you want to make an amendment to your amendment?

Ms. Cheryl Hardcastle: Yes. That way we can try this again—with "shall". This language is really important. I feel that we need to revisit this and get a grip again, because we're losing some of the traction that we started building on.

Would you consider the word "shall"? That will be my amendment.

The Vice-Chair (Mr. John Barlow): I'm sorry, Ms. Hardcastle, but the feeling from the clerk is that it is still the same amendment, so because it was voted on in the previous one, it cannot be brought back forward. You could have made the amendment to the CPC amendment, but because of how it works, once that was denied, the following one, which was identical, was denied. We cannot go back.

Does that explain it?

Ms. Cheryl Hardcastle: Yes, it explains it.

The Vice-Chair (Mr. John Barlow): Thank you.

We now go to CPC-9.1. If CPC-9.1 is adopted, NDP-2.2 cannot be moved because of consistency.

Is there any discussion on CPC-9.1?

Mr. Diotte, go ahead.

Mr. Kerry Diotte: The amendment reads:

That Bill C-81, in Clause 15, be amended by adding after line 23 on page 6 the following:

“(2) The Minister must elaborate a plan establishing the objectives to be reached in order to progressively realize a Canada without barriers over a ten-year period.

(3) The Minister must cause the plan to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the report is completed.

(4) The Minister must, on a continuing basis, collect, analyse, interpret, publish and distribute information in relation to progress made in achieving a Canada without barriers.”

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Diotte.

Is there any further discussion on that?

Ms. Hardcastle, go ahead.

Ms. Cheryl Hardcastle: Thank you, Mr. Chair.

I just want to clarify this. Is my amendment coming forward at the same time, then? Are we working on them now? Is it too late for me to change mine now?

The Vice-Chair (Mr. John Barlow): Are you asking to change your NDP-2.2?

Ms. Cheryl Hardcastle: Yes, the one that's the same as this one now, CPC-9.1. Mine is NDP-2.2.

The Vice-Chair (Mr. John Barlow): If CPC-9.1, which we are discussing now, is not passed, we will still go to NDP-2.2. However, if CPC-9.1 is passed, that will make yours basically passed as well.

Ms. Cheryl Hardcastle: Okay. Is there any—

The Vice-Chair (Mr. John Barlow): We can get the will of the committee. If there's a feeling that CPC-9.1 will not pass, then you can still make changes to yours, because we will be discussing it next.

Ms. Cheryl Hardcastle: Okay. Thank you for indulging me.

After that, I don't know when the appropriate time to do this will be. At what point can I give notice that...? This is going to keep coming up. I want to use a different word than the one before.

If I give notice to you that I want to use the word “shall”—

The Vice-Chair (Mr. John Barlow): On several of your—

Ms. Cheryl Hardcastle: Yes, for the ones that are coming up, will I have to deal with it in a group?

The Vice-Chair (Mr. John Barlow): May I make a suggestion, Ms. Hardcastle? Rather than do that, because we would be jumping back and forth.... The reason we're in this predicament is that they're so similar. I would suggest you make an amendment to the CPC or Liberal amendment before yours—

Ms. Cheryl Hardcastle: Okay.

The Vice-Chair (Mr. John Barlow): —which is also what you're dealing with. Try to get that done as part of the amendment that comes before yours.

The reason we're in this predicament is that they're very similar. If you try to amend the one before yours, that would address your problem.

• (2135)

Ms. Cheryl Hardcastle: Do mine always come after?

The Vice-Chair (Mr. John Barlow): It's about whose were submitted first, and yours were submitted last.

Ms. Cheryl Hardcastle: Okay. Thank you.

The Vice-Chair (Mr. John Barlow): You're welcome.

Is there any further discussion?

Mrs. Falk, go ahead.

Mrs. Rosemarie Falk: I want to add, on this amendment, that we believe it will help hold the minister accountable, so the minister would be establishing benchmarks for realizing a Canada without barriers, and the minister should establish timelines for meeting those benchmarks. An additional subsection would be added requiring the minister to collect, analyze, interpret, publish and distribute information regarding progress being made towards meeting those benchmarks.

It's another opportunity to hold the minister accountable.

The Vice-Chair (Mr. John Barlow): Thanks, Mrs. Falk.

Mr. Nuttall, go ahead.

Mr. Alexander Nuttall: Thank you, Mr. Chair.

When we're looking at all of these—because I think there are going to be quite a number of them and they are coming from multiple parties, in fact all parties except the Liberal Party—I think it's important to answer the question why. Why do we want timelines? Why do we want accountability of the minister?

We would like accountability of the minister not just for some political gain or for some political purpose or any “gotcha” game in the House of Commons or in this committee. We want accountability for the same reason that all of us care so much about this bill, which is that it's here to help Canadians who are living with disabilities be able to live a more fulsome life and have access to so many more things.

When we don't have accountability, we know what happens. The problem is that when we don't have accountability, the idea we're trying to achieve will not be achieved. It's not just some political game in the House of Parliament. It's real people at home with real issues who are going to be affected by our not putting into place the right triggers, timelines and deadlines to ensure that there is accountability for what is happening on the ground across this country.

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Nuttall.

Is there any further discussion on CPC-9.1?

Ms. Hardcastle, is there an amendment you want to bring up on this one? I'm just trying to give you the opportunity in case this passes. It may not, but...

Ms. Cheryl Hardcastle: I don't know. I'm lost procedurally. I can't amend mine; I have to amend the one that's here before we know whether it passes or not.

The Vice-Chair (Mr. John Barlow): That's correct.

Ms. Cheryl Hardcastle: Okay.

The Vice-Chair (Mr. John Barlow): I know it sounds confusing, but if this one is not passed, we will discuss your next one, NDP-2.2. However, if this....

Ms. Cheryl Hardcastle: But I won't get to amend it.

The Vice-Chair (Mr. John Barlow): When we discuss it, you will.

Ms. Cheryl Hardcastle: Oh, I will get to amend mine if this one doesn't pass. Okay.

The Vice-Chair (Mr. John Barlow): That's correct.

Mr. Diotte, go ahead.

Mr. Kerry Diotte: I would like a recorded vote on this as well.

The Vice-Chair (Mr. John Barlow): Thank you.

Is there further discussion on CPC-9.1?

(Amendment negatived: nays 5; yeas 3)

The Vice-Chair (Mr. John Barlow): It is defeated, and therefore we go to NDP 2.2.

Is there any discussion?

Ms. Hardcastle, go ahead.

Ms. Cheryl Hardcastle: May I make an amendment to this one, then?

The Vice-Chair (Mr. John Barlow): Yes.

Ms. Cheryl Hardcastle: I would like to change the word to "shall".

The Vice-Chair (Mr. John Barlow): That's in proposed subclauses 15(2) and 15(3).

Ms. Cheryl Hardcastle: Yes. I would like to change the word "must" to the word "shall", in the hope that it will be more palatable to my colleagues across the way so that it will pass.

• (2140)

The Vice-Chair (Mr. John Barlow): Thank you, Ms. Hardcastle.

The concern with "shall" is that it's ambiguous language. We have been using "may" or "must".

Mr. Van Raalte, do you have any concerns with the word "shall" in place of "must"? We're giving you a lot of "may", "must" and "shall" tonight.

Mr. James Van Raalte: Thank you, Mr. Chair.

The current drafting protocol is "must" versus "may".

The Vice-Chair (Mr. John Barlow): Where would "shall" come into that?

Mr. James Van Raalte: It's old. It is too ambiguous from an interpretation perspective, which is why the drafting has moved toward "may" versus "must".

The Vice-Chair (Mr. John Barlow): Thank you.

I think, then, the feeling would be that—

Ms. Cheryl Hardcastle: We've already given this a go with the word "must". I'll stand with my amendment with the word "shall", and let's see what happens—with a recorded vote, please.

The Vice-Chair (Mr. John Barlow): Okay.

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: I have a point of clarification, because I do want to speak to the main motion. Are we on an amendment to change it to "shall" in the motion—

The Vice-Chair (Mr. John Barlow): That's correct.

Mr. Alexander Nuttall: —or is it that the motion is the amendment to the clause right now?

The Vice-Chair (Mr. John Barlow): We're going to be doing an amendment to the amendment.

Ms. Hardcastle will have to move an amendment to the amendment to change "must" to "shall".

Mr. Alexander Nuttall: Can she not move it with "shall"?

The Vice-Chair (Mr. John Barlow): Because it's your amendment, Ms. Hardcastle, you can't make the amendment unless we have unanimous consent to do that.

Ms. Cheryl Hardcastle: Okay.

The Vice-Chair (Mr. John Barlow): It won't be an amendment to the amendment. Your amendment will now be "shall" instead of "must". We will be doing one vote on that.

Mr. Nuttall.

Mr. Alexander Nuttall: I think she has moved the motion with the word "shall". Is that what's happened?

The Vice-Chair (Mr. John Barlow): Right, but before we do that, we have to have unanimous consent to allow it to happen.

Do we have unanimous consent for Ms. Hardcastle to change the word in her amendment from "must" to "shall"?

Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: Yes. I'm agreeing.

The Vice-Chair (Mr. John Barlow): I'm sorry. I thought you had a comment.

I need unanimous consent for that to happen. No?

Mr. Dan Ruimy: We've already heard the reason that "shall" should not be used. That's why I thought you were overruling that.

The Vice-Chair (Mr. John Barlow): We are dealing with NDP-2.2, with the word "must" as part of the amendment. Is there any further discussion?

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Could I ask a question to Mr. Van Raalte?

In terms of timelines, obviously the broader picture wasn't put into the bill. We've heard part of the explanation about that.

Is your staff open to any timelines that would provide accountability?

Mr. James Van Raalte: Mr. Chair, I think that's a question better addressed to the minister. That's a political question—

Mr. Alexander Nuttall: It's a—

Mr. James Van Raalte: The public service loyally implements.

Mr. Alexander Nuttall: Mr. Van Raalte, is it your recommendation that there be timelines within the bill that provide an opportunity to understand how successful the private sector and public sector are being in achieving a barrier-free Canada?

Mr. James Van Raalte: Again, Mr. Chair, the role of the public service.... We have provided our advice to the minister and we will loyally implement.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Mr. Van Raalte, is it your recommendation, or has it been recommended by you and your staff, that there be timelines attached to the goals that this bill is trying to achieve?

The Vice-Chair (Mr. John Barlow): Just a second, Mr. Nuttall.

Go ahead, Mr. Ruimy.

Mr. Dan Ruimy: Mr. Chair, on a point of order, he's asked the same question, and they've answered. He's asking it a third time. I don't understand why we keep asking the same question and getting the same answer.

The Vice-Chair (Mr. John Barlow): Thanks, Mr. Ruimy.

I'll let Mr. Van Raalte answer, and then we'll go to Mr. Sangha.

• (2145)

Mr. James Van Raalte: With respect, Mr. Chair, the advice that has been provided is a cabinet confidence.

The Vice-Chair (Mr. John Barlow): Thank you.

Go ahead, Mr. Sangha.

Mr. Ramesh Sangha (Brampton Centre, Lib.): Mr. Chair, this is not the stage to ask questions. I think we are just delaying everything. We should be deciding whether amendments should be allowed or not, but not all these questions and then debating and delaying things. If we have to move forward, then we have to move forward with the facts, whether we are ready to accept them or not.

The Vice-Chair (Mr. John Barlow): Mr. Sangha, to your question, the department officials are here specifically to answer questions from the committee members. That is what they are here for. If committee members have questions of the department on the amendments, they are more than welcome to ask those questions.

Mr. Ramesh Sangha: Okay. It's your ruling.

The Vice-Chair (Mr. John Barlow): Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: I want to respond to that through you, Mr. Chair, if allowed.

Our job is to make sure this is done to the best quality that it can be. Our opportunity to have wholesome debate should be allowed. I think we should respect where each side is coming from and allow debate to happen.

The Vice-Chair (Mr. John Barlow): Thanks, Ms. Falk.

Are there any other comments on NDP-2.2?

Seeing none, I will call the vote—

Mrs. Rosemarie Falk: Can we have a recorded vote, please?

The Vice-Chair (Mr. John Barlow): Right—sorry. Ms. Hardcastle requested a recorded vote.

(Amendment negatived: nays 5; yeas 3 [*See Minutes of Proceedings*])

(Clause 15 agreed to)

(On clause 16)

The Vice-Chair (Mr. John Barlow): We now move to LIB-9.1

Go ahead, Mr. Ruimy.

Mr. Dan Ruimy: We heard quite a bit from stakeholders that the duty for the minister to collaborate with provinces and territories should be mandatory. In this case, the amendment is the following:

That Bill C-81, in Clause 16, be amended by replacing line 24 with the following:

“16 The Minister must make every reasonable effort to collaborate with provincial or territorial”

The Vice-Chair (Mr. John Barlow): Thanks, Mr. Ruimy.

There are amendments from the CPC and the NDP that are very, very similar. If we approve LIB-9.1, those other two amendments will be moot. I'm assuming we will have a lot of support for LIB-9.1.

Mr. Dan Ruimy: Let's see.

The Vice-Chair (Mr. John Barlow): Well, the mood may have changed.

(Amendment agreed to)

(Clause 16 as amended agreed to)

(On clause 17)

The Vice-Chair (Mr. John Barlow): We move to amendment CPC-11 and Ms. Falk.

Mrs. Rosemarie Falk: We are suggesting that clause 17 be amended by deleting lines 4 and 5 on page 7. This would be amended to state that CASDO is an organization independent or at arm's length from the government.

The Vice-Chair (Mr. John Barlow): Ms. Hardcastle, your amendment NDP-3.1 is identical. Whatever happens with this one will also be with yours.

Is there any further discussion on CPC-11?

(Amendment negatived [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): Next is CPC-13.

Is there any discussion on CPC-13?

Go ahead, Ms. Falk.

• (2150)

Mrs. Rosemarie Falk: I move:

That Bill C-81, in Clause 17, be amended by adding after line 8 on page 7 the following:

“(4) The head office must be without barriers.”

It's not mentioned at all in the bill that the CASDO head office should be accessible. We think it should be a building that has no barriers and is accessible to the people who would be using it.

The Vice-Chair (Mr. John Barlow): Is there any further discussion on CPC-13?

Go ahead, Mr. Ruimy.

Mr. Dan Ruimy: It's actually already being addressed by ESDC policy. It's not really for legislation.

That's our comment.

The Vice-Chair (Mr. John Barlow): Could you repeat that, Mr. Ruimy?

Mr. Dan Ruimy: It's already being addressed in ESDC policy. The head office must be barrier-free, and we don't believe it should be in the legislation, because it's already being addressed through a different policy.

The Vice-Chair (Mr. John Barlow): Is there any further discussion?

Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: Do you have the policy that you're referring to? It will just really suck if it's one of those things that gets overlooked and then it's not even made accessible to the people on the CASDO board, hopefully two-thirds of which will be people with disabilities, right? That's what we heard from stakeholders, so....

Mr. Dan Ruimy: Perhaps we can get a response from our trusty folks on the other end.

The Vice-Chair (Mr. John Barlow): Could you comment, Mr. Van Raalte?

Mr. James Van Raalte: We can get that policy for the committee. We'll get it very quickly for you.

The Government of Canada, from an accommodations perspective, is bound by the building codes. We are, to the extent possible for the standards that are available, accessible.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Just to clarify, the CASDO building will just meet the current standards.

Mr. James Van Raalte: That would be the minimum. The objective would be to exceed current standards where possible.

Mr. Dan Ruimy: I just want to point something out.

Whatever the percentage of the board is made up of, whatever accessibility or disabilities are there, it's hard to say what's going to be needed for that. Whatever those minimum standards are, they are already there. If you have somebody who is part of the board and for whatever reason the criteria are not met, they have to meet those criteria, or else that person's not getting into the building.

Part of the challenge is that there are so many different types of disabilities, and you have to allow for an ongoing evolution. This is why we keep coming back to timelines. It's an evolution. We're finding out more and more the different types of disabilities that are out there.

The Vice-Chair (Mr. John Barlow): Ms. Falk is next.

Mrs. Rosemarie Falk: Interrupt me if I'm wrong—

The Vice-Chair (Mr. John Barlow): No, please don't interrupt.

Mrs. Rosemarie Falk: I'm sorry.

The Vice-Chair (Mr. John Barlow): I'm trying to keep things—

Mrs. Rosemarie Falk: Correct me if I'm not hearing this right. What I'm hearing is that we have policy in place for this already.

Mr. James Van Raalte: We have building code policy in place for Government of Canada institutions.

Mrs. Rosemarie Falk: Okay.

Mr. James Van Raalte: To clarify, right now that building code is based on the National Building Code, which is province by province.

Mrs. Rosemarie Falk: Okay.

Mr. James Van Raalte: In our setting in the national capital region, you can have buildings that reflect Quebec building codes and you can have buildings that reflect the Ontario Building Code. You can also have an older building that was built to the building code standard of the time, and until there's a large renovation of that building, it isn't captured.

Mrs. Rosemarie Falk: If the codes are good now the way they are, what are we doing with this legislation? I'm just a little bit confused. This is an opportunity for us to make sure this building is barrier free for people with disabilities, and if we're just relying on the code that's there now.... I'm just trying to understand what we're doing.

• (2155)

Mr. James Van Raalte: If I could give an example beyond the building code, which is the standard or example everybody relates to, my own office space within the accessibility secretariat goes beyond and has been assessed beyond building code issues. We have sound dampeners in the ceiling for people with cognitive disabilities. We have put in special rooms for people who have sensory impairments so that they can work in quiet. We have carpeting and contrasting wall colours for people with visual impairments. We have, from a leadership perspective, gone above and beyond the minimum standards. Those are built environment issues.

You may recall, Mr. Chair, that in my testimony a number of weeks ago, I also talked about issues that go beyond the building code, such as wayfinding and policies around allergies such as perfume and food allergies.

There's a lot that goes into consideration when we are designing and working with spaces. Our colleagues in Public Service and Procurement Canada are helping the Government of Canada itself, from a leadership design perspective, to make sure those workplaces are in conformity with the building codes.

The important part from a go-forward perspective is that CASDO itself will be a regulated entity. Not only will it be recommending standards to the minister, but it will also be subject to those regulations going forward as the regulations evolve and improve.

Mrs. Rosemarie Falk: In the department's opinion, does it do any harm to have it in the legislation that the head office must be without barriers?

I'm having a hard time grasping this, because I feel that's very progressive. It's making a statement. It's actually even saying something to people within the disability community—that this is an expectation.

Is there a hindrance? Does the department feel or believe that having this in the legislation is a hindrance?

The Vice-Chair (Mr. John Barlow): Mr. Van Raalte can respond.

Mr. James Van Raalte: Again, Mr. Chair, we will loyally implement.

Mrs. Rosemarie Falk: Thank you.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: I'm really struggling. I don't understand how the department that writes a bill doesn't have an opinion, and in this case I don't believe it would be an opinion involving cabinet confidence, because it's an amendment that's coming up on the floor of committee. It's really hard to understand how the department that is going to be affected doesn't have an opinion or doesn't have anything to bring to the table on a certain subject.

In terms of this exact motion, I think one of the things I'm struggling with, after hearing the initial answer that James provided, is essentially that there are older buildings that basically comply with the building code without a significant renovation because it's not a retroactive code and it's on a go-forward basis. Does that mean that in dealing with an existing building, perhaps a historic building, it's not mandatory to update to the standards of today, let alone to achieve what we're telling the country we want and actually pushing the private sector across the country to implement?

It seems pretty basic to say that we're creating a new organization and that this organization is going to enforce standards, and that the head office of that organization should live by those same standards. I think that's just a case of practice what you preach.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Nuttall. I don't know if that was a question.

Mr. Hogg is next.

• (2200)

Mr. Gordie Hogg (South Surrey—White Rock, Lib.): As I understand it, the principle is the same whether it's in policy or legislation. I don't want you to interpret, but with respect to policy, what flexibility does that give us? I think we want to achieve the same thing. The principle, I think, is the same, as you're trying to express it or as you are expressing it, in terms of being able to ensure that we accommodate anybody who's going to be going into that building. I think that's a principle you're espousing.

Am I correct?

Mr. James Van Raalte: That is correct, Mr. Chair.

Mr. Gordie Hogg: Does having it in policy provide any more flexibility? Can the principle that is contained in it be achieved more rapidly through a policy perspective or through a legislative perspective?

Mr. James Van Raalte: In practice, Mr. Chair, policies can always be updated much more quickly and have far more flexibility than in a legislative or even a regulatory perspective.

Mr. Gordie Hogg: You're saying that if changes are occurring in terms of more effective responses to the needs of people with disabilities, a policy would allow you to adapt to those going forward, whereas legislation would require a change in legislation. Is that correct?

Mr. James Van Raalte: That is correct, Mr. Chair.

Mr. Gordie Hogg: Thank you.

The Vice-Chair (Mr. John Barlow): Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: Thank you, Mr. Chair. I just want to reply, through you, to my colleague across the way.

This particular line doesn't have timelines. It doesn't have anything that really is controversial at all. It's just stating that the head office would be without barriers, so I really don't understand what the push-back is to making the statement in the legislation that this is what it's going to be. Then it's in the legislation.

I could never see this in the foreseeable future needing to be amended, especially if the CASDO board has a minimum of 50% plus one members on it who have some type of disability. I'm really struggling to understand why this is such a complicated issue. We don't have timelines, which we know aren't happening. It's literally just making a statement that the head office must be without barriers, and it literally sets a standard, because what happens if we do have an older building and it doesn't need to be retrofitted, depending on building codes or whatever the case may be?

I'm just trying to understand.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. Falk.

Go ahead, Mr. Ruimy.

Mr. Dan Ruimy: This is my two cents, and then I'm done with this one.

First of all, how do you even define what is barrier free? You want to put "barrier free" in legislation, but we don't know what that means, because that definition is always changing, right?

The proper place for that to be is in the regulations. If somebody has, as James mentioned, an allergy to perfume, or a problem with wireless, and they have the electromagnetic piece, these things haven't even come to the table yet.

If you're putting in a statement that head office must be barrier free, what does that mean?

Mrs. Rosemarie Falk: That can be decided in the regulations.

Mr. Dan Ruimy: That's why it's in regulations.

The Vice-Chair (Mr. John Barlow): Okay.

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: To be fair, Dan, you started this off by saying that this was already covered in ESDC, which basically was interpreted as building code—

Mr. Dan Ruimy: Yes—

Mr. Alexander Nuttall: —and now you're saying, "Oh, it can actually be covered in regulation changes." Before; it wasn't needed; now, in the same conversation, you're saying it can be put into regulation and let's deal with it there.

At the start of this conversation, there was actually nothing to be dealt with.

Mr. Dan Ruimy: I said at the start of the conversation that it shouldn't be in legislation. That's what I said.

Mr. Alexander Nuttall: Right, and it's already covered—

Mr. John Barlow: Sorry, guys; speak one at a time.

Mr. Alexander Nuttall: Sorry.

You said it's already covered by...I can't remember—

Mr. Dan Ruimy: ESDC policy.

Mr. Alexander Nuttall: It was ESDC. Thank you.

I think the intent that the mover is trying to push here is that the space should constantly be at least at the standards of the day. Further, it scares me that the standards of today would not be retroactive to a historic building or an older building.

You're basically saying that we're going to leave it to the organization to go out and find the space and make sure it's all done, but without delineating the goals in the legislation and then the actual details in the regulation.

The legislation outlines the broader picture, as you're saying, and then the regulation you're saying outlines the details, so it's "Here's the broader picture, and then come back with the details."

• (2205)

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Nuttall.

Mr. Dan Ruimy: I have nothing left to say.

The Vice-Chair (Mr. John Barlow): Is there any further discussion on CPC-13?

Mrs. Rosemarie Falk: Mr. Chair, can we have a recorded vote?

The Vice-Chair (Mr. John Barlow): We'll have a recorded vote.

(Amendment negatived: nays 5; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): The amendment is denied.

We'll be hopeful that the CASDO building doesn't just meet standards but is the trendsetter of those standards when it comes to accessibility.

All amendments to clause 17 were denied, so I will call the vote on clause 17 as is.

(Clause 17 agreed to)

The Vice-Chair (Mr. John Barlow): Okay, we're cooking with butter.

An hon. member: Is that good?

The Vice-Chair (Mr. John Barlow): It's very good for you. We have to support our dairy farmers.

(On clause 18)

On clause 18, if LIB-10 is adopted—just so we're clear on this—then Green Party 4, CPC-14, and NDP-4 cannot be moved due to conflict. I want to make sure that's clear before we move to LIB-10.

Are there any comments on LIB-10?

Mr. Morrissey, it's your amendment.

Mr. Robert Morrissey: Mr. Chair, this is a consequential change being made that reflects the changes made in LIB-4 and LIB-9, removing the word "progressive".

The Vice-Chair (Mr. John Barlow): Is there any further discussion on LIB-10?

Mrs. Rosemarie Falk: If this passes, this will cancel out the next three consecutive—?

The Vice-Chair (Mr. John Barlow): Yes.

Mrs. Rosemarie Falk: Since there's a difference, are we able to debate?

There's obviously no timeline in their amendment, and we have timelines here. Is that able to be—

The Vice-Chair (Mr. John Barlow): If it is adopted, I would suggest that you have that discussion to try to amend LIB-10 now, because I am guessing that LIB-10 will pass. I would suggest you try to amend LIB-10 with some of the concerns you may have.

Mrs. Rosemarie Falk: I would like to suggest making an amendment.

The Vice-Chair (Mr. John Barlow): Go ahead, Ms. May.

Ms. Elizabeth May: The committee's motion puts you in a rather difficult position. I haven't raised it earlier tonight because I know you had to go very quickly, but the motion that compels me to be here also guarantees me an opportunity to speak to each of my amendments, which are deemed to have been tabled, whether or not they conflict with another member's amendments.

If we're on this point that Rosemarie has raised, I have a right to speak to my motion under the terms of that motion. I haven't asserted it before tonight, because it's a long night.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. May.

Yes, Ms. Falk?

Mrs. Rosemarie Falk: If I suggest an amendment, it needs unanimous consent, right?

The Vice-Chair (Mr. John Barlow): No, because we are on this amendment and you are not the mover.

Mr. Alexander Nuttall: You just move an amendment to the amendment.

The Vice-Chair (Mr. John Barlow): You can try to amend LIB-10.

Mrs. Rosemarie Falk: I suggest amending an amendment.

The Vice-Chair (Mr. John Barlow): It is a subamendment.

Mrs. Rosemarie Falk: The subamendment would be "tribute to the realization of a Canada within 10 years after the day on which this section comes into force of a Canada without".

The Vice-Chair (Mr. John Barlow): Does everybody understand the subamendment?

Is there any further discussion on the subamendment?

Go ahead, Mr. Diotte.

• (2210)

Mr. Kerry Diotte: I would like to make that amendment so that Bill C-81 in clause 18 be amended by—

The Vice-Chair (Mr. John Barlow): Mr. Diotte, we can only have one amendment at a time. There are some amendments on the table.

Mr. Kerry Diotte: Okay.

Yes, it was the wrong amendment that she—

The Vice-Chair (Mr. John Barlow): How about we go to Ms. Falk?

Mrs. Rosemarie Falk: Can I withdraw it?

The Vice-Chair (Mr. John Barlow): We'll withdraw that subamendment.

Give that another go, on what you're trying to achieve here.

Mrs. Rosemarie Falk: Can I just take a minute? Is that okay?

The Vice-Chair (Mr. John Barlow): Yes. I know it's late.

Mrs. Rosemarie Falk: I think I'm ready. The subamendment would read “tribute to the realization, over a 10-year period, of a Canada without”.

The Vice-Chair (Mr. John Barlow): Does everybody understand the subamendment?

We'll call the subamendment to a vote.

Did you ask for a recorded vote?

Mrs. Rosemarie Falk: Yes.

(Subamendment negated [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): Is there any further discussion on LIB-10?

Seeing none, we'll call the vote on LIB-10.

(Amendment agreed to [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): We now move to LIB-11.

Ms. Elizabeth May: Excuse me, Mr. Chair; I've not been allowed to speak to amendment PV-4.

The Vice-Chair (Mr. John Barlow): My understanding is that it's been deemed moved, and because it was part of the previous one and the way it has been changed, you.... No.

Ms. Elizabeth May: That is a violation of the terms of the motion that compels me to be here. I have very limited rights in these circumstances, but if you review the motion you passed, I believe you'll find that I have a right to speak to each amendment. Whether they conflict with others or not, they are deemed moved, and the only right I have is to be able to speak to them.

Now, if you want to take that position, I'm not in a position to challenge the chair, but you all passed this motion. I objected to it at the time. It's onerous and unfair and it's coercive, but the one thing I have is a right to speak to each of my amendments in clause-by-clause study.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. May. I appreciate that, and I will keep that in mind as we move forward. I know you have a few more. I will make sure that we give you the floor at the beginning when we start the discussion. Okay?

Ms. Elizabeth May: Okay.

The Vice-Chair (Mr. John Barlow): Amendment LIB-11 is Mr. Long's. Is there any discussion?

Mr. Wayne Long: It's a very minor grammar change. I'll read it out:

That Bill C-81, in Clause 18, be amended by replacing, in the English version, line 11 on page 7 with the following:

“barriers through, among other things,”

That is as opposed to “barriers by”. We want to change that to “through”.

• (2215)

The Vice-Chair (Mr. John Barlow): Is there any further discussion on amendment LIB-11?

(Amendment agreed to)

The Vice-Chair (Mr. John Barlow): We're on amendment CPC-15. Is there any discussion?

Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: It reads:

That Bill C-81, in Clause 18, be amended

(a) by replacing line 12 on page 7 with the following:

“(a) the development and revision of all accessibility stan-”

(b) by adding after line 25 on page 7 the following:

“(2) When developing accessibility standards in the areas of information and communication technologies or transportation, the Standards Organization must consult the Canadian Radio-television and Telecommunications Commission or the Canadian Transportation Agency, as the case may be.”

The reasoning for this amendment is that the bill gives powers to more than one body to create accessibility requirements in many areas. The CTA and the CRTC have powers to enact accessibility standards in certain areas and the CASDO has powers to create proposed accessibility standards, which the federal government may enact into law. This creates a legally complex scheme. It may be difficult for the public to identify which accessibility requirements apply to which organizations. It risks creating inconsistent accessibility requirements.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. Falk.

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: I think this is actually what Mr. Long's amendment was about earlier. It is that you have multiple regimes, multiple organizations overseeing a single idea of accessibility within a sector or a space and needing the ability to determine which one actually matters. I think the intent of the amendment that we passed earlier was that the greater of the two would be the one adopted.

Further to that, it would make sense that we conduct or force a conducted consultation throughout that process, because it is likely going to be very complex, but ignorance shouldn't be an excuse at any point throughout this process. If there are multiple oversight mechanisms, then you do want the consultation taking place with those organizations that are going to be affected.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Nuttall.

Is there any further discussion on CPC-15?

Seeing none, I'll call the vote.

Mrs. Rosemarie Falk: I'd like a recorded vote, please.

The Vice-Chair (Mr. John Barlow): We'll have a recorded vote.

(Amendment negatived: nays 5; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): We now move on to CPC-16.

Is there any discussion on CPC-16?

Go ahead, Mrs. Falk.

Mrs. Rosemarie Falk: It reads:

That Bill C-81, in Clause 8, be amended by adding after line 25 on page 7 the following:

“(2) The Standards Organization must, within six months after the day on which this Act comes into force, develop and implement an education and information program for the dissemination of information to the public under paragraph (1) (e).”

I know we have heard testimony from many different witnesses about having some type of public education rolled out. I know that Mr. Christopher Sutton of the Canadian Hard of Hearing Association mentioned it. We also had Ryerson University mention it. There were a few. I think it's important that the opportunity for public education be rolled out to inform Canadians.

• (2220)

The Vice-Chair (Mr. John Barlow): Thank you, Mrs. Falk.

Is there any further discussion on CPC-16?

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Mr. Van Raalte, in terms of your implementation of this bill, what is your expected timeline for starting the education surrounding the legislation changes?

Mr. James Van Raalte: Thanks for the question, Mr. Chair.

The expectation is that the new organization would open its doors this summer. It'll take about a year to stand up the organization in terms of infrastructure, getting staffed up and getting everything in place. It will be fully operational a year from this summer.

Mr. Alexander Nuttall: Then education would start when?

Mr. James Van Raalte: The powers under the mandate of CASDO are stated in paragraphs 18(a) through 18(e). Once the bill becomes law, they will come into force. The infrastructure required—the hiring and getting the office all set up and so on—would be a year from this summer.

Mr. Alexander Nuttall: Then summer 2020 is when you would begin...?

Mr. James Van Raalte: That's when we would begin technical committees for standard development, information, sharing of best practices, innovation work on standards of the future.

The Vice-Chair (Mr. John Barlow): Thank you.

Ms. Falk, go ahead.

Mrs. Rosemarie Falk: I just want to follow up.

On October 22, in committee, Ms. Barbara Collier, the executive director of Communication Disabilities Access Canada said:

I just want to say that I was stressing the scope of the issue of communication access, but I think it's very doable. Ninety per cent of what I am talking about is

education, and I think we have the education resources that could be put in place. What we need is a standard stating that everyone needs training about how to communicate with people who communicate in different ways. It's very doable.

I just want to emphasize that we heard from our stakeholders and our witnesses that public education is so important. I'm a little concerned, from what I'm interpreting and hearing from the department, that this public education might not happen for a year or so—a year and a half to two years. I think it's important that we have some timelines in there, because two years from now is quite a while.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. Falk.

Are there any more comments on CPC-16?

Seeing none—

Mrs. Rosemarie Falk: I would like a recorded vote.

The Vice-Chair (Mr. John Barlow): I will call a recorded vote.

(Amendment negatived: nays 5; yeas 3)

The Vice-Chair (Mr. John Barlow): We now move to PV-5.

Go ahead, Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

What this does to clause 18 is add a subclause. The amendment, PV-5, would ensure that there is some degree of a timeline attached to carrying out the mandate and reviewing an accessibility standard. The mandate of the Canadian accessibility standards development organization under paragraph 1(a) is the development and revision of accessibility standards. This amendment would have that accessibility standard reviewed within five years after the date it was implemented or on an earlier date if the minister so specified.

This is to ensure that as the accessibility standards are rolled out, they're reviewed in a timely fashion to see how they're working and if they're meeting the needs of the of those for whom they are designed.

• (2225)

The Vice-Chair (Mr. John Barlow): Thank you very much, Ms. May.

I need to be clear as well on PV-5. If it is adopted, CPC-17 and NDP-4.1 will not be moved due to consistency.

Is there any issue or any discussion on PV-5?

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Thank you, Mr. Chair.

I think I would very much like this amendment to be adopted. If we're not going to put actual timelines in place to achieve something, then at least putting timelines in place to review accessibility makes sense. If we're not going to put in timelines to achieve, hopefully we can have timelines to review, and maybe we can put timelines to achieve at that point.

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Nuttall.

Go ahead, Ms. Hardcastle.

Ms. Cheryl Hardcastle: Thank you, Mr. Chair.

I think this is a very important amendment if we are going to embrace the concept of a barrier-free Canada being something that evolves. We need to be responsive and we need a mechanism in place to ensure that we are responsive as we're evolving, adjusting to best practices and learning and improving constantly, because there is no real end point to all of this. That point has been made on all sides of the committee table here tonight, and it is extremely important for us to respond to it.

Thank you.

The Vice-Chair (Mr. John Barlow): Thank you very much, Ms. Hardcastle.

Is there any further discussion on PV-5?

Go ahead, Mr. Hogg.

Mr. Gordie Hogg: I'll ask the experts. In terms of looking at policies, the implementation of policies and the issue of timelines, which has been pretty controversial as we've gone through this, what is the current practice with any legislation you receive in terms of the implementation processes that you follow?

Mr. James Van Raalte: I'm not sure I understand the question, Mr. Chair.

Mr. Gordie Hogg: The question is this: if there's a piece of legislation that comes out that doesn't have a hard timeline in it, how does the ministry respond to it? How do you carry out the principle? I think we all want to see this, as a principle, achieved as quickly as possible. If you don't have a timeline, how do you manage that?

Mr. James Van Raalte: I'm still not sure I understand the question, Mr. Chair, as it pertains to the proposed amendment. As it pertains to the proposed amendment, the Standards Council of Canada already has this requirement. Under the accreditation process, standards have to be reviewed every five years. That is a requirement. It's already built in. By creating a new standards organization that will fall under the rules of the Standards Council of Canada, this review will already be occurring. I don't want to overuse the word "standard", but it is a standard practice. It is a requirement for the updating of standards.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Hogg.

Mr. Gordie Hogg: You're saying that putting something in this would be redundant because you're already bound to that with the standards that you have to comply with now.

Mr. James Van Raalte: Yes. Thank you.

The Vice-Chair (Mr. John Barlow): Are there any further comments?

Ms. Elizabeth May: This is to officials and Mr. Van Raalte.

What legal status does the Standards Council of Canada have? We're talking in a legislative frame. You mentioned earlier that the human rights code, of course, has quasi-constitutional status. There's no statutory status to the council's standards.

Mr. James Van Raalte: It's an accreditation standard.

Ms. Elizabeth May: Then it's voluntary and outside the laws of Parliament and could be violated without any recourse for parliamentarians to pursue.

Mr. James Van Raalte: I believe that is correct, Mr. Chair.

Ms. Elizabeth May: Thank you, Mr. Van Raalte.

The Vice-Chair (Mr. John Barlow): Thank you very much, Ms. May.

Is there any further discussion on PV-5?

• (2230)

Mrs. Rosemarie Falk: We'd like a recorded vote.

(Amendment negated: nays 5; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): We now move to CPC-17. Is there any discussion?

Ms. Falk, would you like to present the amendment?

Mrs. Rosemarie Falk: It reads:

That Bill C-81, in Clause 18, be amended by adding after line 25 on page 7 the following:

"(2) The Standards Organization must develop accessibility standards for every area referred to in paragraphs 5(a) to (g) no later than five years after the day on which this subsection comes into force.

(3) The Standards Organization must develop an action plan ranking in priority every area for which accessibility standards are required and provide the action plan to the Minister.

(4) The Standards Organization must update the action plan annually and provide the updated version to the Minister.

(5) The Standards Organization must review each accessibility standard every five years from the date on which it was established."

Obviously we've been talking about timelines in this bill. We believe that it should include timelines by which CASDO must develop accessibility standards in employment, the built environment, information and communication technologies, the procurement of goods and services, the delivery of programs and services, and transportation five years after coming into force.

The Vice-Chair (Mr. John Barlow): Thank you very much, Ms. Falk.

Is there any discussion on CPC-17?

I should also mention, Ms. Hardcastle, that if this is adopted, NDP-4.1 will not be moved, for consistency. I believe they are very similar.

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Thank you.

Mr. Chair, through you to Mr. Van Raalte, are these requests in terms of standards likely to be achieved in any ways within the purview of what you're hoping to achieve when you're implementing the act?

Mr. James Van Raalte: These are all within the purview of the proposed board of directors that would govern the standards development organization.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Nuttall.

Are there any further comments?

Mrs. Rosemarie Falk: We'd like a recorded vote, please.

The Vice-Chair (Mr. John Barlow): Yes, it's a recorded vote. Thank you very much for your request.

(Amendment negated: nays 5; yeas 3)

The Vice-Chair (Mr. John Barlow): We will now move to CPC-18.

Is there any discussion?

Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: The amendment reads:

That Bill C-81, in Clause 18, be amended by adding after line 25 on page 7 the following:

“(2) In carrying out its mandate, the Standards Organization must exercise leadership at the national level by ensuring that any information, product or service it provides is without barriers and that any document it creates is in an accessible format and in plain language.

(3) The Standards Organization must not refuse any document that is in an accessible format or in plain language.”

Basically, as justification for this, I think this would just reiterate that CASDO must show leadership in terms of accessibility. Again, plain language and the ability of people with intellectual disabilities to access and understand should be part of the CASDO mandate.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Ruimy.

Mr. Dan Ruimy: Once again, we really believe that this should not be in legislation but is an area of policy, because it's ever-changing. Documents are changing and the types of readers are changing all the time.

If you lock things into legislation, it's a massive procedure to change it. We believe it belongs in policy.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Ruimy.

Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: Thank you, Mr. Chair.

I don't believe that this is actually giving definite ways that literature could be accessible. I think it's actually just stating that it will be accessible, however that may be, in plain language. We had heard from stakeholders that this was important because people with intellectual disabilities aren't able to access the majority of information. I think having this in there is just setting a starting point.

This isn't everything, right? This is literally just the starting point. The regulation can come in and be a little bit more definitive.

• (2235)

The Vice-Chair (Mr. John Barlow): Yes, Mr. Nuttall.

Mr. Alexander Nuttall: I think it also applies to the regulations too, in the sense that when the regulations are put in place, they should be in easily understood language as well. It's actually the point that maybe I didn't do a great job of making earlier about the differing standards in different organizations. If I didn't understand it and maybe everyone in this room didn't understand it, then it's not necessarily in plain language, which is one of the things we're actually trying to tackle through this bill. It's very ironic.

Putting this into the legislation would, therefore, define it going into the wording of the actual regulations.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Nuttall.

Go ahead, Mr. Ruimy.

Mr. Dan Ruimy: Again, just to respond to that, time and time again we heard that of all the pillars, the one that was missing was communications. That will be one of our amendments. We will be introducing a communication pillar, because we kept hearing that the pillar of communication was so critical. We will be introducing that through this long complicated process.

We have PDF documents that can't be read through machine learning. The technology is always changing. That's why, again, it's a policy thing, not a legislation thing.

Mr. Alexander Nuttall: I hear you and I totally hear you, but this doesn't actually say anything about specific documents. It's actually setting a clear policy, which is what this act is doing. It's setting up a policy that the standards must reach a certain level—

Mr. Dan Ruimy: You're saying a policy.

Mr. Alexander Nuttall: —just to even begin the writing of the actual standards.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Nuttall.

Go ahead, Mr. Sangha.

Mr. Ramesh Sangha: Can I ask one question to James?

Does this timeline thing fall under the paragraph 117(1)(b), where the regulations will be framed?

We are just dealing with the act here and the regulations will be framed later on. All of these questions that are now coming with these motions are to be considered under the regulations.

Mr. James Van Raalte: Thank you, Mr. Chair.

The issues around accessible format and plain language would be addressed through standards development and then regulation. I would also point out again that from an operating policy perspective, the organization itself, CASDO, can get out ahead of that and set those requirements within their own bylaws, as set out in the legislation.

Mr. Ramesh Sangha: Bylaws and regulations will be framed later on, when this act is already enacted.

Mr. James Van Raalte: That is correct.

Mr. Ramesh Sangha: My next comment to you, then, is that these motions that keep coming forward with all the timelines are redundant. They are not of any value because the regulations will be coming later on.

Mr. Alexander Nuttall: On a point of order, Mr. Chair, I don't believe this is related to the current amendment that's on the floor, which doesn't have a timeline in it.

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Nuttall.

Mr. Sangha, we will be dealing with every amendment. If you're trying to say that we shouldn't be dealing with every amendment because in your opinion they're redundant, that's not going to happen. The amendments were submitted to the committee and the chair in a reasonable fashion. They will be addressed, every single one, as we go through the process. I hope that's clear.

• (2240)

Mr. Ramesh Sangha: Chair, I'm clear...but with all due respect, let me say it again. Regulations are made after the act is made. Regulations will be dealing with all these things that we are tackling here now.

The Vice-Chair (Mr. John Barlow): That's your opinion, Mr. Sangha. I appreciate that you're free to make that your question.

Mr. Ramesh Sangha: Thank you.

The Vice-Chair (Mr. John Barlow): Is there any further discussion on CPC-18?

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Mr. Van Raalte, maybe this seems redundant, but I'm not sure. As it stands today, would everything that's done currently out of your department, and with the standards that would then be put in place regarding the construction of any of the regulations and standards going forward, all be done in plain language? Would they be all in an accessible format?

Mr. James Van Raalte: Thanks for the question, Mr. Chair.

I would have to say we make best efforts. We are still learning and evolving as we go in terms of the range of accessible formats that are available.

I can give an example. When we led the consultation process across the country that served to inform the development of the legislation, at each and every stop we learned from new barriers that we had not encountered before. We made best efforts. We adapted as quickly as we could. We incorporated those changes into the next stop so that we could bring down those barriers at the next consultation process.

It is an evolving learning process for us. We make accessible formats and plain language available to the best of our ability. We often get that wrong. The disability community will reach out to us and ask if something can be adjusted, and we make those changes.

I'm not sure I'm answering fully your question, Mr. Chair.

Mr. Alexander Nuttall: I do appreciate the answer.

As you were saying this, it struck me why it is I'm struggling with this so much. It's because sometimes when the Liberal members are talking about how that's a regulation and this is the act, I'm starting to buy into some of the things that are being said.

It actually takes me back. If I think about acts in previous governments, the transparency act clearly delineated what the expectations were of members of the government.

I'll give you an example. If you serve as a cabinet minister, you can't lobby five years thereafter. That wasn't something that came in two years down the road when they figured out what they wanted to do. They set a clear and concise set of standards within the act itself. To sit here and say we're scared that we can't actually meet everybody's barrier-free

We're saying we don't want to set a standard on anything in case we miss somebody; the reality is that when you take that approach, you miss everybody.

I am struggling with this. I've listened. I've listened to what you've said. I've listened to what other members have said. I get it. I 100% get what you're trying to say. It's going to be constantly moving, so if we try to peg it down, we're going to miss people, as it's constantly moving. New technologies are coming forth. New ideas are coming out. Universities and colleges are doing new studies that are providing new information. I get it, 100%.

However, if we don't put the peg in somewhere—in here, and I actually do believe it's the right place—then we don't set the tone for the standards. That's a difficult thing to swallow when it comes to accessibility.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Nuttall.

Go ahead, Mr. Ruimy.

Mr. Dan Ruimy: With respect, that was the point of creating CASDO in the first place. Their job is to create the standards and to work through policy and the departments. That's what they're doing. It's not being left up to Parliament to create standards. You have a whole new board and a whole new framework, and their mandate is to continue to look at increasing the standards and moving the bar forward.

That's the whole point of CASDO. They're an entity on their own. That's why the board will be made up of members of that community. We've been living this for a while now.

• (2245)

The Vice-Chair (Mr. John Barlow): Mr. Sangha is next.

Mr. Ramesh Sangha: Chair, we are sitting here to legislate. We are legislators. As legislators we don't have to think of all of the nitty-gritty because we have to leave something for the regulations and the bylaws to play with.

Our intention is to prepare the bill in the best possible way to serve the purpose for which we are sitting here. It is not to go deep into the things that other people are required to do, but we are trying to do that now. In that way, we are not serving the purpose of the bill.

I think it would be better to legislate the main parts of this act, not to legislate the subamendments that are required and later on will require changes from time to time. Our intention is to prepare the best possible legislation so it is applicable in a nice way.

Thank you.

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Sangha.

I think all of us are here to do the best job we possibly can. I think we've heard tonight some discussions on what the framework looks like, what the baseline is, where we start. I think everybody put in about 80 amendments, so a lot of nitty-gritty things were brought by everyone. I think it's important that we have that discussion. If we want to do this right, we're going to go through them.

Is there any further discussion on CPC-18?

Go ahead, Mr. Nuttall.

Mr. Alexander Nuttall: Yes, Mr. Chair, I completely agree with what you just said. I think everyone wants the best piece of legislation possible. I don't think anyone sitting around the table is saying they don't want a good piece of legislation. We may disagree on what that looks like, but I think everyone wants the same thing.

I'm still struggling with plain language and accessible formatting. This is pretty basic.

There are two issues that somebody would have with this; number one, that it can't be met; and number two, that it's redundant. If it's redundant, then it's just as likely to be voted for as against. If it can't be met, then that would be a sad day.

I'm struggling with.... We're going to have many amendments coming forward to say we just want plain language. If we change the language to say that all communications going forward...that the organization be set up in plain language and in accessible format, does that do the deal? I'm trying to understand why it's a no.

Mr. Dan Ruimy: You're right that we all want to do what's right, and different philosophies are on the table here.

On our side, this is why we're creating CASDO. Their role is to create those standards, because they will always change. If we start putting things into legislation, the only time it gets changed is by Parliament having to make those changes, and that's not a very nimble way to do it.

Part of CASDO is to make sure that disabled people are at the table, helping to make those decisions. That's the whole point. If they're at the table making those decisions, then those are the things that we should let.... That's why we have CASDO. It's because we want to put this together.

Again, we all agree on accessible documents, but the proper place for it is through policy, not through legislation, because it will always change.

• (2250)

The Vice-Chair (Mr. John Barlow): Thank you.

Just as a tidbit, as something interesting, I just learned the other day that petitions can't be submitted to the House of Commons on large paper with large print. It shows you how far we have to go.

I think what we're trying to get is plain language and accessible format. I think those are important issues to talk about.

Go ahead, Mr. Sangha.

Mr. Ramesh Sangha: This bill is giving certain powers to CASDO and other organizations. The bill is giving the powers, and those powers are to be used as and when they are required, so that's the way we should be at this time. Yes, we are giving powers to someone, and what is the actual intention behind this? The minister has come here, and she has said everything about how she wants this act to go and what types of timelines she's looking for. Let's leave something further for the person to whom this act is giving the powers.

The Vice-Chair (Mr. John Barlow): Thank you very much, Mr. Sangha.

I would just say that this shouldn't be about how the minister wants the legislation to go. That's why this committee is here, and that's why we hear testimony from witnesses. They have their feedback as well. That's why this process is important.

I appreciate your input. Is there any further discussion on CPC-18?

Do we want a recorded vote?

Mrs. Rosemarie Falk: No.

The Vice-Chair (Mr. John Barlow): No? All right.

(Amendment negated)

The Vice-Chair (Mr. John Barlow): We will go on to NDP-4.1.

Go ahead, Ms. Hardcastle.

Ms. Cheryl Hardcastle: Thanks very much, Mr. Chair.

Well, this is pretty self-explanatory. We've seen repetitively here tonight that good opportunities for substantive language have been defeated. I would plead with this committee to look at this once again. We have an opportunity to replace some of the superficial language with substantive language, and here's an area where we can do that.

As a matter of fact, we have people here listening tonight who may be misled, even from the previous conversation, about CASDO. CASDO is only as strong as we allow it to be, and at this point, it is only going to be answerable to itself.

We have a great opportunity to begin looking at amendments coming forward as we turn the pages in the future, looking for ways that we can do something in a more substantive way. This is a repeat of a theme that we've already been seeing, but it's something I think that we really have to look seriously at. That's why the amendment is there.

The Vice-Chair (Mr. John Barlow): Thank you very much, Ms. Hardcastle.

The vote is on NDP-4.1.

Ms. Cheryl Hardcastle: Can I have a recorded vote, please?

The Vice-Chair (Mr. John Barlow): You may.

(Amendment negated: nays 5; yeas 3)

(Clause 18 as amended agreed to)

The Vice-Chair (Mr. John Barlow): Look at the clock. We're going to go to 11 o'clock. If I can indulge my colleagues to get through clauses 19 and 20, which should be fairly quick, that should get us to 11 o'clock.

Is everybody okay with that?

• (2255)

Mr. Alexander Nuttall: Mr. Chair, I know you need unanimous consent for this, but we are very into ensuring that this bill gets through, so we would move to extend past 11 p.m. if possible. However, I think we need unanimous consent to do that.

The Vice-Chair (Mr. John Barlow): We do.

We have a motion on the floor to...we don't need it?

The Clerk of the Committee (Ms. Stephanie Feldman): We don't. We just need a motion.

The Vice-Chair (Mr. John Barlow): It's just a motion. All right.

We have a motion to continue till midnight. Is there any discussion?

Mr. Dan Ruimy: Yes, absolutely. Let's go.

The Vice-Chair (Mr. John Barlow): Okay.

All those in favour of continuing till midnight? Opposed?

(Motion agreed to)

Mr. Gordie Hogg: Can you fall asleep here, though?

The Vice-Chair (Mr. John Barlow): Absolutely.

Mr. Gordie Hogg: Can we have a motion to that effect?

The Vice-Chair (Mr. John Barlow): Yes.

Mr. Gordie Hogg: Does it have to be in policy or not?

Mr. Dan Ruimy: Should we have asked the staff?

Voices: Yes.

Mr. Dan Ruimy: They're okay with staying?

The Vice-Chair (Mr. John Barlow): They're in with us.

Okay, we're moving on to CPC-19.

Is there any discussion on CPC-19?

Mr. Kerry Diotte: Yes, Mr. Chair.

The Vice-Chair (Mr. John Barlow): Go ahead, Mr. Diotte.

Mr. Kerry Diotte: The motion reads:

That Bill C-81, in Clause 19, be amended by deleting lines 15 to 17 on page 8.

Basically it's removing power for the Canadian Accessibility Standards Development Organization to charge fees.

I think charging fees is wrong. It's the wrong way to try to generate revenue. Any accessibility standard that CASDO develops should always be made available to the public for free. I don't think charging a fee is in anybody's best interest. This fee will actually be a barrier for people with disabilities who want to get a copy and spread the word to other people with disabilities.

The Vice-Chair (Mr. John Barlow): Just before I get to Mr. Ruimy, I have a couple of quick housekeeping notes for our audience and viewers. The sign language interpreters will not be able to stay until midnight. Just so those of you who are in the audience are aware, the sign language option will cease before midnight.

The Clerk: We'll do it after the meeting in post-production.

Mr. Alexander Nuttall: Mr. Chair, I think then that we should vote not to extend, to undo our vote.

The Vice-Chair (Mr. John Barlow): That's a good point. In fairness, we didn't know that at the time. I would entertain a motion to end at 11 p.m. or when we're done with clauses 19 and 20.

Is that okay with everybody?

Some hon. members: Agreed.

The Vice-Chair (Mr. John Barlow): Okay. Thank you for bringing that to our attention.

Also, I just wanted to mention to Ms. Hardcastle that if CPC-19 is carried...yours is identical, so you may want to speak to this one now. If this is approved, yours will not be brought to the table. They're identical.

Does it make sense?

Ms. Cheryl Hardcastle: If it's approved, I'm going to miss out on my opportunity to speak on it. Is that what you're saying?

The Vice-Chair (Mr. John Barlow): You can speak on it now, because they're identical. That is what I'm saying.

Ms. Cheryl Hardcastle: Okay, thanks.

It seems to be counterintuitive to the spirit, intent and purpose of this historical legislation to charge a fee for any accessibility standard that it develops or revises and for any information, product or service that it provides under this act.

The Vice-Chair (Mr. John Barlow): Thank you, Ms. Hardcastle.

Is there any further discussion on CPC-19?

Go ahead, Mr. Ruimy. Sorry.

Mr. Dan Ruimy: That's okay. The other chair likes to ignore me too.

Mr. Gordie Hogg: So do your friends.

Mr. Dan Ruimy: Yes, so do my friends.

An hon. member: Not me, Dan.

Mr. Dan Ruimy: I'd like to ask the good folks on the other end to actually go into why CASDO would be charging a fee. Could you explain that a little bit more for us, please?

Mr. James Van Raalte: Thank you for the question, Mr. Chair.

This provision would allow CASDO to charge fees for its efforts. There will be limited resources in terms of standards development. Another organization, whether it be a province, territory or municipality or whether it be from the private sector, could ask CASDO to take on extra standards development work, and they would be able to charge back to that organization for that work.

• (2300)

Mr. Dan Ruimy: This is specifically to organizations that will come to CASDO and say, "Hey, can you develop this policy for us?" or "Can you develop a standard for us?" In essence, it's contracting out its services.

Mr. James Van Raalte: It would be above and beyond its regular workload.

Mr. Dan Ruimy: Okay. It's above and beyond its regular workload. Thank you.

The Vice-Chair (Mr. John Barlow): Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: Thank you, Mr. Chair. If there's a way to make that distinction in the legislation....

We heard from many of the witnesses that many people who have disabilities live in poverty or have very limited income. If there is somebody who has disability who wants to access this, this would be a barrier preventing them from accessing it, because who's to say they have extra money lying around to pay for paper?

The Vice-Chair (Mr. John Barlow): Thank you.

We'll go to Mr. Hogg first.

Mr. Gordie Hogg: As I heard the explanation, nobody with a disability would be approaching this; these are done through organizations. Is that correct, Mr. Van Raalte?

Mr. James Van Raalte: I'm just going to take a moment to consult, if I may, Mr. Chair.

Mr. Gordie Hogg: I'm sorry.

Mr. James Van Raalte: I apologize for the delay, Mr. Chair. I just needed to confirm, and I would direct the committee's attention to "Other powers", clause 20. It says this work can be done for:

any person or entity, including any government in Canada or elsewhere.

The point I would make is that once the standard is adopted into regulation, then it is a free good and it's made public to anybody who may need or want to use it.

The Vice-Chair (Mr. John Barlow): Thank you.

Mr. Ruimy, are you happy with that answer?

Mr. Dan Ruimy: I'm kind of happy with that answer. Are you?

The Vice-Chair (Mr. John Barlow): Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: Does that include non-profits having access?

Mr. James Van Raalte: To the regulation? It would.

Mrs. Rosemarie Falk: Would there ever be an instance of a non-profit needing to request something and having to pay?

Mr. James Van Raalte: If any organization wishes the standards development organization to undertake work above and beyond its regular business, this provides the flexibility for the standards organization to charge for that. It's flexibility. It's a "may".

The board of directors could set policies about who it would charge for what.

The Vice-Chair (Mr. John Barlow): Are you okay?

Mrs. Rosemarie Falk: I'm collecting my thoughts, so go ahead.

The Vice-Chair (Mr. John Barlow): Mr. Ruimy, go ahead.

Mr. Dan Ruimy: Just to clarify, because I think this is where you might be going, CASDO will create the standards, but it's not incumbent upon them to print and give out the material to people—or is it? Will I be able to call CASDO and say, "I'm this organization. Give me 500 copies of the standards act", for example?

Mr. James Van Raalte: Ideally, Mr. Chair, the standard would be published. It would be online, so people would be able to access it.

Ms. Cheryl Hardcastle: I don't understand. I don't care what the organization is; if they're trying to remove barriers or be an active part of a barrier-free Canada, why would we put a fee in their place to do that? We just heard that we're legislating and we're leaving regulations up to CASDO. They're not going to be independent and they're going to be answerable to the government, and now they're

going to charge a fee? It's counterintuitive to every other argument you've made earlier tonight.

• (2305)

The Vice-Chair (Mr. John Barlow): Thanks, Ms. Hardcastle.

Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: CASDO is technically going to be a specialty board where people with lived disabilities, who've experienced it, are going to be writing regulations and standards and that type of thing.

If there's a non-profit in a small town somewhere in northern Saskatchewan, for example, and they want to reach out to this.... We did hear that 40% of indigenous people have a disability. If we have a non-profit that is there, helping, trying to do good with limited resources, they technically, theoretically, would not be able to tap in to have CASDO make something for them, because there will be a fee associated with it.

Is there going to be any give with that? It just seems that this is another barrier, except it's a monetary barrier, not just a physical one. It's counterintuitive to this bill.

Mr. James Van Raalte: Again, Mr. Chair, it's permissive. CASDO will set its priorities in consultation with the minister. It will follow out those priorities.

The challenge will be that it can't be working on everything for everybody at the same time.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Van Raalte.

Mr. Ruimy is next.

Mr. Dan Ruimy: Could you maybe give us an example of who would pay for something? Just give me an example. If I am an organization and I go online and you have the resources, I can download those resources for free. What would be a situation in which you would charge me to do something? What would be an example?

Mr. James Van Raalte: Off the top of my head, Mr. Chair, an area of technology that is very important to everybody is point-of-sale machines. We access those in businesses, we use them in banks. You use your debit card or your credit card.

Many different governments and jurisdictions have a role to play in the regulation of point-of-sale machines. You may have leadership from Canadian banks that says, "We want to get out from under all the red tape of the different regulators and we want CASDO to give priority to us so that we can offer our citizens and our clients accessible point-of-sale machines. We don't want to wait for the next round of standards, because you're developing standard one and standard two. We want CASDO to develop the standards on those point-of-sale machines."

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Ruimy.

Go ahead, Ms. Falk.

Mrs. Rosemarie Falk: It just sounds as though there are a lot of things left to the assumption that they are going to be done, and we all know the saying with assumption, right? It's really going to suck if 10 years down the road the stuff that's being debated here today and tomorrow doesn't get done or is overlooked.

I would really just plead with this committee that we don't leave it all up to discretion and presumption, because we heard from the disability community about how they have been waiting and waiting. They have never had a voice at the table and they finally do, and it's going to be a real shame if we leave everything on presumption.

Ms. Cheryl Hardcastle: We heard from the financial service community actually, and not to put you on the spot, Mr. Van Raalte, but they have the impetus to develop their services and not wait for CASDO. They told us that they are trail-blazing and they are innovating.

I don't see how allowing an opportunity for a fee is not going to translate to another barrier or another insurmountable object that an organization or a community advocating for the rights of people living with disabilities is going to have to overcome, when there are already so many other things they have to overcome.

It's evident with this legislation they've been waiting for that there are no teeth and no enforcement. We just heard that it's going to be up to a discussion or rapport with a minister, not even the transparency and the accountability that we anticipated.

• (2310)

The Vice-Chair (Mr. John Barlow): Thanks, Ms. Hardcastle.

Go ahead, Mr. Hogg.

Mr. Gordie Hogg: More than 50% of the CASDO board is made up of with disabilities, so they're the face and the voice of making some of these decisions. If we're looking at the continuum, when a

person with disabilities is applying for something, I think it's pretty clear that those people would not have to be charged. At the other end of it, if it's Canadian Tire or some big international corporation asking for a whole bunch of things, there is that level of discretion.

I think there is a long continuum there. Some judgments have to be made with respect to that. I think in those instances, the principle of those people in need.... Am I interpreting this correctly in terms of the range?

Mr. James Van Raalte: I believe you are, Mr. Chair.

Mr. Gordie Hogg: Thank you.

The Vice-Chair (Mr. John Barlow): Thank you, Mr. Hogg.

Is there any further discussion on CPC-19?

Seeing none, I will call the vote.

Mrs. Rosemarie Falk: I would like a recorded vote, please.

(Amendment negated: nays 5; yeas 3 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. John Barlow): There are no amendments to clause 19. We'll vote on it as it is.

(Clause 19 agreed to)

The Vice-Chair (Mr. John Barlow): Can I ask that we do clause 20 very quickly, as there are no amendments tabled?

(Clause 20 agreed to)

The Vice-Chair (Mr. John Barlow): It is now a quarter after 11. We will now end the meeting this evening and reconvene tomorrow at 8 a.m.

The meeting is adjourned.

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