

# Disabled Persons Commission

Presentation to Law Amendments Committee on Bill 59

*An Act Respecting Accessibility*

Mr. Brian Tapper, Chair, Nova Scotia Disabled Persons Commission

Good morning.

My name is Brian Tapper and I am the Chair of the Nova Scotia Disabled Persons Commission, a position I have held for the past eight years. My presentation today is in the capacity of Chair of the DPC.

First, I would like to express my thanks to the Law Amendments Committee for providing the opportunity for me to present on Bill 59.

I think it is very appropriate that we are in this historic building discussing Bill 59 as it is a piece of legislation that signifies a turning point for persons with disabilities in Nova Scotia. The impact of the legislation is already evident. This committee instructed the Disabled Persons Commission to hold public information sessions around the province to inform Nova Scotians on the intent and substance of the proposed legislation. During these sessions, participants were also asked to advise on supports and accommodations that would ensure the law amendments process be accessible for all Nova Scotians.

I wish to acknowledge and thank the esteemed members of this committee who, in their wisdom, listened to those recommendations. This demonstrates a positive commitment to engage a segment of our society that has so often been excluded from the best of our democratic traditions.

The *Accessibility Act* is critical. For the roughly twenty per cent of Nova Scotians that identify as having a disability, this Bill is a turning point. With enabling legislation comes the opportunity to develop and implement regulations that will truly change how Nova Scotians with disabilities live, work and play within their province. It means true citizenship, ownership and participation in the future of Nova Scotia.

Will Accessibility Legislation change and improve the lives of persons with disabilities in this province? Absolutely, along with the lives of their family members, friends and colleagues, and, indeed, all Nova Scotians.

Is enacting Accessibility Legislation the “right” or “good” thing for the Government to do? Without a doubt. This is a matter of equality and of leveling the playing field, after all. But, make no mistake, it is also the smart thing to do as the business case for accessibility increasingly bears out.

Accessibility Legislation is an essential and (frankly) overdue piece of legislation that will ensure the truly inclusive province we are all striving to achieve.

I have read the transcripts of those who have previously presented to this committee on Bill 59. I want to stress that it is the opinion of the DPC that Bill 59 **should not** be scrapped. The DPC strongly believes this bill is critical and must be passed. We also see improvements that can be made to the Bill.

In June 2014, Minister Bernard set up the Minister's Advisory Panel to make recommendations on what a "Made in Nova Scotia" Accessibility Act would look like. MAP's report, *Access and Fairness for All Nova Scotians*, was mindful of the province's economic realities but steadfast in promoting accessibility as integral to the province's long-term success. The present wording of the Bill sends a message to persons with disabilities that an accessible province will only be realized if it is cost-effective to do so. It is appreciated there will be a cost benefit analysis conducted for each accessibility standard developed – a step that the DPC fully supports. The DPC further urges, however, that the cost factor should be considered only in relation to the setting of timelines for the standard, not for whether or not a standard gets developed in the first instance.

It is also the view of the Commission that the current language found within the Act needs to be strengthened to ensure a clear commitment to achieving accessibility. As others have already indicated, the choice of wording in Section 26, for example, using "*may*" rather than "*shall*" to outline ministerial responsibility in the standards development process, demonstrates only a quasi-commitment to accessibility. Likewise, in our view, the language of Section 17(a) suggests that the government's true aim is to "improve", rather than to "achieve" accessibility. This, again, serves to undermine the intent of the legislation by lowering expectations around goals.

The DPC would also urge the government to commit to an overarching timeline to achieve an accessible province, similar to what was done in Ontario and Manitoba. This would strengthen government's commitment to achieving the goal of accessibility, and provide Nova Scotians with tangible goals to work towards. By tabling this legislation, government has signaled a positive step towards full citizenship and inclusion for Nova Scotians with disabilities. Now, the challenge will be to follow through by building in milestones that clearly and unambiguously measure success.

In my time as Chair of the DPC, I have often been reminded that disability issues are a complex interplay of factors including, but not

limited to, accessibility. Much of the work the current DPC does is focused on working with the disability community and government to promote opportunities for persons with disabilities. I am proud of the work the DPC has done on a wide spectrum of disability issues ranging from education and employment supports, respite information and supports for families, a brain injury strategy, and generating education and awareness products to promote emergency preparedness within the disability community, among many others.

We are very pleased that the mandate of the new Accessibility Directorate will have a dual function that ensures that the current work of the DPC is maintained, in addition to supporting the implementation and administration of this new Act. It is important to draw on the experiences of our colleagues in Manitoba and to ensure that we learn from their challenges. The Manitoba Disability Issues Office is a small government agency, whose mandate expanded to include the administration of that province's accessibility act in recent years. Because of lack of sufficient staffing and resourcing, despite this expanded mandate, the agency has had difficulty maintaining its broader disability work.

We strongly urge the Government of Nova Scotia to sufficiently staff and resource the new Accessibility Directorate, not only to ensure the

success of the new legislation but to maintain the services and supports that are highly valued by the disability community in this province. The work we do at the current DPC comprises issues that are large and complex. Our staff are often asked to serve multiple functions that go well beyond their job descriptions. I thank them for their hard work. It is my hope that the new Directorate will have the compliment of staff and resources it needs to carry out the work that is so important to those living with disabilities in Nova Scotia.

This is a truly historic piece of legislation and I have no doubt that future historians will point to Bill 59 as the start of a new era of social history in Nova Scotia. We believe that this legislation can be a catalyst to promote the rights of all Nova Scotians and create economic opportunities for the province as a whole. We also know that realizing an accessible province will take significant resources and leadership from the government. It is our strongest belief that accessibility is an investment for all Nova Scotians.

# Disabled Persons Commission Act

CHAPTER 130

OF THE

REVISED STATUTES, 1989

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## An Act to Establish the Disabled Persons Commission

### Short title

1 This Act may be cited as the *Disabled Persons Commission Act*. 1989, c. 4, s. 1.

### Purpose of Act

2 The purpose of this Act is to

- (a) provide for the participation of disabled persons in the development of Government policies and programs relating to or affecting disabled persons;
- (b) establish a central mechanism to ensure that the concerns of disabled persons respecting policy and program development and delivery are conveyed to the appropriate departments of the Government; and
- (c) ensure that the concerns of disabled persons will be promoted in and considered by the Government, especially in matters of policy and where the concerns affect several departments of the Government. 1989, c. 4, s. 2.

### Interpretation

3 In this Act,

- (a) "Commission" means the Disabled Persons Commission established by this Act; and
- (b) "Co-ordinating Committee" means the Co-ordinating Committee established by this Act. 1989, c. 4, s. 3.

### **Disabled Persons Commission**

4 (1) There is hereby established a Disabled Persons Commission consisting of a Chairman and twelve members appointed by the Governor in Council of which

- (a) a majority of members shall be persons who are disabled or are advocates for disabled persons or who are representatives of organizations representing disabled persons; and
- (b) the remaining members of the Commission shall be chosen from among persons nominated by the departments of the Government providing services to disabled persons.

### **Representative appointments**

(2) In making appointments pursuant to subsection (1), the Governor in Council shall endeavour to ensure that the members of the Commission represent the various regions of the Province.

### **Independence of members**

(3) Each member of the Commission is an independent representative to the Commission and does not represent only the concern of one disability. 1989, c. 4, s. 4.

### **Term of office**

5 (1) Each member of the Commission holds office for a term of two years and may be re-appointed.

### **Chairman and Vice-chairman**

(2) The Governor in Council may, after consultation with the Commission, designate members of the Commission who are disabled persons as Chairman and Vice-chairman of the Commission.

### **Quorum**

(3) A majority of the members of the Commission constitutes a quorum.

### **Expenses**

(4) Each member of the Commission shall be reimbursed for such reasonable expenses incurred by the member in connection with the work of the Commission.

### **Place of meetings**

(5) The Commission shall hold its meetings throughout the Province. 1989, c. 4, s. 5.

### **Objects of Commission**



6 The objects of the Commission are to

- (a) assist the Co-ordinating Committee in understanding, and advise the Co-ordinating Committee on, the needs and abilities of disabled persons;
- (b) make the general public aware of the needs and abilities of disabled persons;
- (c) make disabled persons and the able-bodied public aware of government programs that serve disabled persons; and
- (d) make the able-bodied public aware of what it can do to facilitate the integration of disabled persons into the social and economic life of the community. 1989, c. 4, s. 6.

### **Duties of Commission**

7 The Commission shall

- (a) advise the Co-ordinating Committee on matters pertaining to disabled persons in the community, including the provision of technical aids and the Building Code as it pertains to disabled persons;
- (b) identify and study issues of concern to disabled persons and recommend action where appropriate;
- (c) promote opportunities for self-help for disabled persons in the context of the family and the community;
- (d) review programs and policies affecting disabled persons;
- (e) respond to requests from the Co-ordinating Committee for advice on specific issues;
- (f) prepare an annual guide book on programs serving disabled persons, including both programs administered by the Province and by other organizations;
- (g) submit to the Government through the Co-ordinating Committee an annual report outlining the Commission's activities and achievements; and
- (h) advise the Co-ordinating Committee on which community in the Province has done the most in any year to improve awareness of the accessibility for disabled persons. 1989, c. 4, s. 7.

### **Report on certain matters**

8 Where the Commission reviews, considers or inquires into any matter at the request of or with the approval of the Co-ordinating Committee, the Commission shall make a report to the Co-ordinating Committee with respect to that matter at the conclusion of its deliberations. 1989, c. 4, s. 8.

### **Co-ordinating Committee**

9 (1) There is hereby established a Co-ordinating Committee consisting of the Minister of Community Services, the Minister of Health and Fitness, the Minister of Advanced Education and Job Training, the Minister of Government Services, the Minister of Labour, the Minister of Municipal Affairs, the member of the Executive Council who is charged with the Administration of the *Housing Act*, and such members of the Executive Council as may be determined by the Governor in Council.

## **Chairman**

(2) The Governor in Council shall designate one of the members of the Co-ordinating Committee to be the Chairman of the Committee.

## **Expenses**

(3) The Chairman and each member of the Co-ordinating Committee shall be paid such reasonable expenses incurred by them in the performance of their duties as are determined by the Governor in Council. 1989, c. 4, s. 9.

## **Object of Co-ordinating Committee**

10 The object and purpose of the Co-ordinating Committee is to, in partnership with the Commission, facilitate the planning and development of services and programs for disabled persons by

- (a) co-ordinating plans, policies and programs presented by the departments of the Government; and
- (b) developing plans, policies and programs for and with disabled persons. 1989, c. 4, s. 10.

## **Executive Director**

11 (1) The Governor in Council may appoint a person to be the Executive Director of the Commission after consultation with the Commission.

## **Remuneration**

(2) The Executive Director shall be paid such remuneration as is determined by the Governor in Council.

## **Duties**

(3) The Executive Director shall perform such functions and duties as are assigned to the Executive Director by the Commission. 1989, c. 4, s. 11.

## **Personnel**

12 Such persons as are required for the administration of this Act and the regulations shall be appointed in accordance with the *Civil Service Act*. 1989, c. 4, s. 12.

## **Regulations**

13 (1) The Governor in Council may make regulations respecting any matter or thing the Governor in Council deems necessary or advisable to carry out the purpose of this Act.

## **Regulations Act**

(2) Regulations made pursuant to subsection (1) shall be regulations within the meaning of the *Regulations Act*. 1989, c. 4, s. 13.



