



House of Assembly
Nova Scotia

HALIFAX, MONDAY, NOVEMBER 7, 2016

COMMITTEE ON LAW AMENDMENTS

10:00 A.M.

CHAIRMAN
Hon. Diana Whalen

MADAM CHAIRMAN: Hello everyone. I'd just like to call this committee to order and underway, if we could. This is the Law Amendments Committee. We have a number of bills to examine and look at today, and we have representation on a number of those bills.

If I could, I'd like to have the committee look first at Bill No. 62, the Municipal Government Act (amended) and Halifax Regional Municipality Charter (amended). There is no representation for this bill, and I believe there are no amendments proposed - the clerk has just said.

With that, I would like to see this bill referred back to the House without amendment, if one of you could make that motion.

Mr. Rankin.

MR. IAIN RANKIN: Yes, I move that Bill No. 62 be referred back to the House without amendment.

MADAM CHAIRMAN: Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried. That's very good.

Our next bill is Bill No. 59, the Accessibility Act. We actually have representation at two different times today, just because of scheduling. We have one person, Parker Donham - if he's here, he can come forward. That would be great.

I think you probably know this - you'll have 10 minutes to speak and five minutes for questions afterwards. I'll turn it over to you.

MR. PARKER DONHAM: Thank you, Madam Chairman and members of the committee. Four years ago, the Liberal Party of Nova Scotia promised that if elected it would appoint an accessibility advisory committee with a mandate and a strict timeline to develop accessibility legislation for Nova Scotia.

Immediately after the election, and to her credit, the new minister appointed that committee, a group of distinguished Nova Scotians with deep knowledge of the barriers to accessibility in our province, which has aptly been called the Alabama of accessibility. The minister's committee also included representatives of Nova Scotia businesses experienced in the challenges of achieving accessibility. It included representatives from 10 government departments and commissions. The committee established five subcommittees with an even wider range of citizens and business people to look at built environment, transportation, communications, employment, and public awareness.

The committee consulted widely, then reported back in 2015. It produced a good report. There were compromises to be sure but on the whole, a job well done and a credit to this government. Your government greeted the report with enthusiasm and praise. Minister Joanne Bernard said, "Accessibility is the right of all Nova Scotians . . . This report will lead us to a place where barriers in all facets of life are torn down, and opportunities are built."

Then suddenly, all went quiet. The campaign to tear down barriers went behind closed doors for the murky process of legislative drafting. It emerged 17 months later, in the dying days of the current legislative session, as the pale shadow of the commitments made in the minister's advisory report.

What the hell happened? How could a shining promise of your government, a commitment with the full throated support of the minister, a cause that appears to have the sincere backing of your Premier - how could it lead to a bill that is so seriously deficient, a bill that flies in the face of so many committee recommendations, a bill that falls so far short of what's required?

You're going to get an earful today about how disrespectful this committee has been to people with disabilities in its rushed handling of this bill. I got a call at 12:30 p.m. Friday notifying me of this hearing - one half of one business day's notice. Do you know how much notice is required for the Access-a-bus? Seven days notice. That might account for why there aren't more wheelchairs in this room.

It also happens that this hearing coincides with a hearing about to get under way at the law courts this morning. Five distinguished disability rights activists are appealing the Nova Scotia Human Rights Commission's refusal to accept a complaint against the Department of Environment and the Chief Public Health Officer for their discriminatory enforcement of the food safety regulations. Most if not all of the plaintiffs will make submissions to this committee either in person or in writing. The timing of this hearing forces them and me to choose between attending this hearing or attending their human rights appeal. I know this wasn't intentional, but it's the kind of thing that happens when you don't take time to consult people.

By the way, I want to acknowledge that the Legislative Counsel office very kindly agreed to schedule me at 10 o'clock so that I could duck down to the law courts before 11:00. This bill is so important that I may just stay here and listen to the rest of the presentations.

Consider too a friend of mine, a wheelchair user who has experienced barriers to accessibility all his life. I urged my friend to attend today's hearing and share his insights with you. My friend considered over the weekend and then wrote me back yesterday: Parker, I agree with everything you've said about this bill, but I am dependent on the Department of Community Services for so many aspects of my life, I simply can't take the risk of testifying.

This person is no pushover. My friend is an ardent defender of his right to accessibility, but he is too fearful of retribution to appear before you today. When we say the constituency for this bill includes the most vulnerable members of our society, it's not a theoretical construct. The vulnerability is real, and it affects people you wouldn't expect.

So what's wrong with this bill? You'll hear many submissions on that score today from people far more knowledgeable and experienced than I am. I have provided a written submission with more detailed suggestions, but let me highlight two issues.

Number one, Section 3(1)(k) places responsibility under the Minister of Community Services. That directly contradicts a recommendation of the minister's advisory committee. Community Services is the wrong place for this bill. It treats accessibility as a matter of noblesse oblige, a patronizing offer to help the disadvantaged, a medicalized problem requiring social assistance. Accessibility is none of those things. It is a right, enshrined in the Canadian Charter of Rights and Freedoms, detailed in the United Nations Convention on the Rights of People with Disabilities.

It is a matter of justice, Madam Chairman, and it belongs in your department, the Department of Justice, alongside its companion legislation, the Human Rights Act. If you don't want to put it explicitly in Justice, use the wording of the Nova Scotia Human Rights Act, which says, "'Minister' means the member of the Executive Council who is charged with the administration of this Act by the Governor in Council." That gives your government or any future government the ability to place it in another department.

Number two, Section 22(2)(a) requires a separate economic impact assessment for every new standard established under this bill - not a socioeconomic impact assessment, but a purely economic assessment. This is a new barrier to accessibility erected by this Act. It does not exist now. Can you name any other human right that faces such a barrier? Has your right to vote ever been subjected to an economic impact assessment? Your right to attend church? Your right to speak your mind in this Chamber or any other forum?

I draw your attention to the words of the minister when she released the report of her advisory committee: "Instead of looking at the cost of doing this, we have to focus on the cost of not doing this." How about assessing the massive ongoing cost of lost employment opportunities? Of neglected human capital? Of perpetual welfare? Of unnecessary, uninvited dependency?

Section 22(2)(c) requiring "a progressive timeline which takes into account the resources required to comply" likewise give undue emphasis toward the costs with no balancing consideration for the benefits.

These are just two of the bill's many shortcomings. Other speakers will tell you about other problems.

I know some people will say, perfection is the enemy of the good, better a bill that needs improvement than no bill at all, if we delay passage until Spring there's a good change an election will intervene and put us back to square one. I appreciate those concerns. Perfection is often the enemy of the good, but not this time. This time, mediocrity is the enemy of the good. Failed promises are the enemy of the good. Third-rate is the enemy of the good.

Let's not wait until Spring. Let's take the time now to fix this. So what if the Legislature doesn't rise on Thursday but instead takes the week and the weekend to bring this bill up to the standard promised by the minister's advisory committee? This bill is your legacy as legislators. This bill can be what your time in office will be remembered for 50 years from now. This can be the accomplishment that your children will cite when they tell their children how proud they are of you.

Get it right. Get it right. Take the time now to get it right. Thank you.

MADAM CHAIRMAN: I'll turn it over to any questions. Do I have a speaking list? Anybody? MLA Orrell.

MR. EDDIE ORRELL: Thank you for your presentation, Mr. Donham; very insightful. What would you recommend we do with this to get it right? In your opinion and the opinion of the people in the disability community, what would be the best thing for us to do today?

MR. PARKER DONHAM: Well, you're the experts in legislative procedure. I just think that if you are dead determined to make a Thursday deadline for the House rising, it's probably going to take more time than that. But surely the appropriate staff and the appropriate MLAs could sit down with the people who are presenting today and go through the recommendations in an expedited fashion and come up with the improvements needed to bring this up to a standard that is worth passing.

MR. EDDIE ORRELL: I don't disagree with you when I say that because when I looked at the bill myself, I didn't think it had enough meat in it to own up to what was promised in the election campaign and what was promised afterwards as legislation for people with disabilities as a right. I don't see that in the bill either.

MADAM CHAIRMAN: Mr. Rankin.

MR. IAIN RANKIN: I'm no expert on how legislation works its way through, but I understand this is enabling legislation. It provides a template for the regulations that will go forth from the committee who are experts and come from varying backgrounds of that disability community, who will be able to dive down deep and take the time to make sure that we get it right. I know you're not advocating that this be rushed through. You're saying let's take our time and get it right. That's what I would like to see.

My question would be, are you aware of how the other two provinces - I think it's Ontario and Manitoba - and how they went through their legislative process in terms of best practices? Was it in the regulations, or did they come out with the Act, and that's how it remained?

MR. PARKER DONHAM: I don't know the process. I'm lightly familiar with those two bills. From the email discussions I've seen over the last four days since the bill was introduced, the people I've heard from characterize both of those bills as significantly stronger. I don't mean in terms of the regulations that were passed under them. Obviously we haven't seen regulations yet for this bill. I mean the bills themselves were stronger in many, many respects.

For example, there are a lot of places in this bill where it says the minister may do this, may do that, the minister may do the other thing. Whereas if you look at the Ontario and Manitoba counterparts, you'll see the minister shall do this, shall do that, shall do the other thing. There are provisions in this bill for enforcement that have an appeal procedure to the minister. I believe that both of the other two Acts have that appeal procedure to some party with greater independence than the minister's, so as to limit the possibility that it would be politicized.

Again, you'll hear from people far more expert than I am about the specific details, and there are some in the written version that I emailed to the legislative counsel office. I don't know if you have that in front of you yet. There's a written submission from Warren "Gus" Reid, who's done so much for disability rights in this province. He's out of the

country right now and can't be here, but he's got specific details. I know some other presenters will as well.

MR. IAIN RANKIN: I will probably have some questions for the others. But just in case you go, I am going to be making a motion to stand the bill so that we take a pause, after I hear from the other presenters. I do think . . .

MR. PARKER DONHAM: I'm sorry. I'm a little hard of hearing. Could you just say that again?

MR. IAIN RANKIN: Just to let you know in case you do leave, after the presenters are finished, I am going to be putting forward a motion that we stand the bill, which means that we take a pause and we take a look at it again with the department, so it will have to come back to this committee. I'm not going to make that motion yet, but I don't think we're ready to refer it back to the House for the next reading. I will be doing that, but I do feel strongly that it is important to get this bill back to the House at some point. I'm not sure yet if it's within the regulations to make those changes or if we need to make them right now in the Act, but that will be what I'll be doing going forward.

MR. PARKER DONHAM: I couldn't agree with you more on both points. I think it's important to pause now and go through it clause by clause and make sure it's the best bill it can be. I don't for a minute doubt your government's commitment to getting this right. But then I also think it's important to get it back into the House and get it through.

MADAM CHAIRMAN: Ms. MacFarlane.

MS. KARLA MACFARLANE: Thanks so much for coming today and presenting. You're always a wealth of information and wisdom.

I'm really actually quite happy to hear the member for Timberlea-Prospect suggest that because that's exactly what has to happen. I'm wondering if you could elaborate. You said the campaign to tear down barriers went behind closed doors for the murky process of legislative drafting. This is also our opportunity to hear from you, who do you think should be part of that? Are you suggesting that perhaps Justice should be involved? I'm just wondering, who else would you recommend to go and help finish the legislative process and drafting?

MR. PARKER DONHAM: Well fortunately this committee is chaired by the Minister of Justice so that's a helpful start. I do think it is appropriately under Justice. I wouldn't be upset with a legislative provision that allowed flexibility.

I don't want to speculate on what went wrong in the legislative drafting process, I have no idea. Was some behind-the-scenes lobbying done? Did bureaucrats not understand the bill well enough? I honestly don't know.

Everyone I've spoken to and I've spoken to members from all sides of the House, everyone seems sincerely to want this to get it right. You are the experts on making sausage, as they say. In this room today you will have a tremendous wealth of knowledge and experience with this problem and with potential solutions.

MADAM CHAIRMAN: Thank you very much and that did exhaust the time here. Thank you so much for being with us and - oh, Marian, you have a question. I didn't see your name there, sorry.

MS. MARIAN MANCINI: Thank you for your presentation. When I first looked at this bill - well it's in the first section, it's the preamble. I always look at that because I think if you're every trying to decide what a clause in the body of the bill means you can go to the preamble to determine maybe what is the government's intent, what the purpose of the legislation is. In this one it does say in the preamble:

“AND WHEREAS the Government is committed to establishing progressive timelines for developing and implementing accessibility standards while taking into account the resources required to comply with such standards.”

I looked at that and I compared it to the Ontario statute. The Ontario statute comes out and states its purpose but it's very clear in saying it's “. . . developing, implementing and enforcing accessibility standards in order to achieve accessibility. . .” It also sets a timeline of January 1, 2025.

In your view, to narrow it down, do you think instead of progressive timelines that it might be more appropriate to actually state timelines?

MR. PARKER DONHAM: I always appreciate nice, slow pitches across the middle of the plate. Certainly I have a suggestion in the written submission for a change in the preamble. I think you'll hear several more today.

I think what you've put your finger on is an overly-cautious approach, an approach that says whoa, we've got to be careful that this doesn't cost too much, and taking the eye off the ball of getting it done and getting it done well.

I agree with your statement about the preamble clauses and I think they could be stronger and better-focused and it's another case where the Ontario Act is superior to the one that's proposed here.

MS. MARIAN MANCINI: Okay, thank you.

MADAM CHAIRMAN: Thank you very much. Again, thank you for being with us.

[11:07 a.m. Bill No. 59 continued.]

MADAM CHAIRMAN: I know we're ahead of schedule by almost 30 minutes. We were expecting to go back to the Accessibility Act at 11:30 a.m. I know we have an interpreter here and I'm not sure if she's in the room right now - not in the room. We want to make sure that she is found. I know she's in the building, I'm sure she's nearby. If we could have her come back, I'll just wait a moment.

I think it's interesting to note as well - I don't know if the members know - there's a screen behind us here which we haven't seen before at other presentations and the written remarks are being put up in writing as well, behind us. I think that is just for this Accessibility Act. I notice it wasn't up for the Halifax Charter. I think it's great to be able to do that and I thank whoever made it possible.

I think we are all ready. I'll call Mr. Kaiser, if you would. Mr. Archibald Kaiser, come and join us. I know you've presented here before, Mr. Kaiser. It would be 10 minutes for your presentation and five minutes we allow for questions and we're a little bit flexible.

MR. ARCHIBALD KAISER: Thank you, Madam Chairman. I will put on my stopwatch to make sure I don't egregiously offend against the time limits.

MADAM CHAIRMAN: Don't worry, we'll time you, you can just enjoy.

MR. ARCHIBALD KAISER: My name is Archie Kaiser. In my day job I am a professor at the Law School and in the Department of Psychiatry at Dalhousie. I provided copies of my submission for you. I don't intend to read them but I will go through them and invite your reflections on my reflections on this bill.

I did start out with what I called a note of appreciation and caution. I think in Nova Scotia we are beginning to make progress on the rights of persons with disabilities. I can tell you as a dyed-in-the-wool Nova Scotian, I am ashamed at the pace that our province has maintained with respect to the rights of persons with disabilities so I am tired of being the laggard in Canada.

I do applaud the recent concession by the government and by the Chair, specifically as Minister of Justice, with respect to the Incompetent Persons Act, conceding its unconstitutionality and endeavouring to create a new bill.

I also appreciate the willingness of the government to consider the Accessibility Act, I think it's a positive step and I think particular applause in some ways is due to Kevin Murphy and Minister Bernard for their leadership on the issue. But having said all that, you can appreciate that in some ways this is damning with faint praise because the Act itself, in my view, needs exacting public scrutiny going forward and major modifications because in my opinion and in the opinion of many people with whom I have worked, its current iteration is simply inadequate.

My overall assessment of Bill No. 59 is on Page 2 of my unnumbered pages. Basically my view is that the bill is too weak, it doesn't adequately protect and advance the human rights of persons with disabilities in Nova Scotia. It does not go as far as other comparable provincial Statutes, such as in Ontario and Manitoba. For example, just last night the Accessibility for Ontarians with Disabilities Act Alliance posted their review of the legislation and I quote from them and it's on the page; "If enacted as is, it would clearly be the weakest such law that is in effect in any province. . ." Again, I don't want to be the backwater of human rights in Canada, I want this province to be the leader and I believe we can be.

The other comments I had are, in summary, the bill does not live up to the spirit nor the letter of the 2015 report, Access and Fairness for All Nova Scotians, with its 11 key principles. The recent efforts to apprise persons with disabilities about the bill and to consult with them, in my view have been woefully inadequate. The consultation process, which had its positive features before, has now been truncated.

I attended a meeting yesterday with approximately 20 persons with disabilities and their advocates and there was a singular atmosphere of disappointment in the room because people said, for example, they could not book an Access-A-Bus transportation arrangement this morning. Other persons, one woman in particular who said that she needed attendants 24/7, she said she couldn't rebook her attendants to permit her to attend this morning. So with respect to persons with disabilities, this schedule really hasn't given them the opportunity to come.

It looks like it's being rushed and I hope that one way or the other the members will understand that the stakes are important enough that it should be slowed down. In my opinion it would be better to refrain from advancing this bill, maybe consider it as a White Paper instead, despite the fact that it has had second reading, and have kind of a sober second look at the whole field of trying to ensure we have strong accessibility standards in this province.

I can also confess - and maybe this is just my limited understanding of accessibility legislation - I have difficulty with the breadth of the Act in some ways and I refer to the definition of disability being very broad, as is the definition of barrier. I work most frequently with persons who have mental health problems and intellectual disabilities and dual diagnoses and these often invisible barriers and the social and economic problems that people face and the stigma and poverty they endure may be harder to conceptualize than other obstacles that are spotlighted in the legislation.

I don't fault the legislation for, on its face, appearing to lean more towards sensory and physical obstacles, they are obviously crucially important, but when I think of the organizations I work with, such as People First Nova Scotia, the Schizophrenia Society, and the Canadian Mental Health Association, I wonder how the concerns of that important minority can be brought to bear in any new legislation. We don't have, for example, in Nova Scotia, a mental health promotion and illness prevention Statute, we don't have a

Nova Scotia counterpart for persons with intellectual disabilities of The Vulnerable Persons Living with a Mental Disability Act so it's not as if we can reach out to other legislation which the Accessibility Act guarantees. If there's another piece of law that provides superior protections, you can use that. We don't have anything else in Nova Scotia. So again, my special concern for this component of the community of persons with disabilities is underlined in this legislation.

I have tried to present as well my analysis of some of the particular problems with the bill. Clearly, I and many other people would emphasize the singular deficiencies in the latter part of the consultation process. I am sure that members do not need to be reminded that the spirit of the convention has always been "Nothing about us without us."

It is a fundamental principle that has been articulated in the Convention on the Rights of Persons with Disabilities, and in particular states that parties shall closely consult with and actively involve persons with disabilities in the development and implementation of legislation and policies. So it's a continuing obligation that Nova Scotia has that when we bring a bill forward, and even after a bill has been passed, to monitor it as we implement our obligations.

With respect to the preamble, there are many other articles within the Convention on the Rights of Persons with Disabilities that could be usefully brought to bear. I am, in particular, as a frequent advocate for persons with disabilities, keenly aware of the recitals and the conventions that say specifically, and I quote, ". . . the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities," would be an appropriate part of the recitals, in my view, as a preambular statement. You can't say to a person who, for example, has difficulty gaining access to appropriate transport, oh why don't you just bring your chauffeured limo to the House. That doesn't work when you live in poverty.

I also refer to certain aspects of the bill with respect to, for example, its reach in Clause 2 where the concentration is on public sector bodies, which I know may be just a lead effort but on the other hand, the Convention itself requires parties to take all appropriate measures to eliminate discrimination on the basis of disability, by any person, organization or private enterprise. So the Convention considerably over-reaches public sector segments of our targets for accessibility standards.

The definitions, among other things, referred to the appropriate minister as being the Minister of Community Services. Although I recognize the minister's lead role in this Statute, I see this as a human rights-promoting Statute and I believe that any accessibility law should be administered by the Minister of Justice because she has the portfolio for ensuring that human rights are protected and advanced by government.

I also refer to in my brief the duties of the minister under Clause 7 and the enforcement provisions under Clauses 45 to 62. In that respect I believe there should be

heightened obligations to enforce the standards of this Act. There should be greater independence by investigators when there is a requested review by persons who are aggrieved by a decision under the legislation, and I also think the duties of the minister should be reinvigorated to include her responsibility for thinking about the social, economic and political rights that are part of the convention as well.

The Accessibility Directorate I address in my comments because I think that it, too, requires some strengthened role with regard to enforcement and the general rights under the convention.

Finally I address the Accessibility Advisory Board in Clause 13 and I believe that board should be charged with the responsibility of monitoring the extent to which this Act or any successor Act conforms with the Convention on the Rights of Persons with Disabilities.

I also believe that any annual report should go to the minister and to the Legislature simultaneously and I think that any recommendation should be publicly available with a view, as much as possible, to there be an ongoing public scrutiny of everything done under the Act by persons with disabilities and by others.

By my clock I have 10 minutes and 12 seconds. I think my time is officially up for my opening comments. I'm happy to try to respond to your questions or comments.

MADAM CHAIRMAN: Ms. Mancini.

MS. MARIAN MANCINI: I just wanted to ask you a little bit about process because to me I guess it's somewhat ironic, I guess would be the right word, that we are talking about an Act Respecting Accessibility in Nova Scotia but the process of coming to present is quite inaccessible to people.

You've indicated, and it has been mentioned before by an earlier speaker, about it taking at least a week to book an Access-A-Bus. There are also other considerations as well. The bill itself has not been translated - I am not aware of it anyway - into Braille or maybe into plain language for people with intellectual disabilities. Are you aware - has any of that been done leading up to today?

MR. ARCHIBALD KAISER: No, and I appreciate that the careful preparation of aids to interpretation for persons with impaired vision and persons with intellectual disabilities will take time to do properly. By the way, I don't think that the renovation of this bill can be done within a week. I really think the bill needs to go back, be presented to Nova Scotians and have a thorough scrutiny of its provisions, not just to tinker with it - just to make no mistake about my comments this morning.

MS. MARIAN MANCINI: There is a possible pending motion for the bill to go back for further consideration, which I think we will conclude with today. Is it your view

that this Statute, as it stands now, is able to be rectified or do we need to engage in another, much more intense, round of consultation?

MR. ARCHIBALD KAISER: As I mentioned in my opening comments, the AODA Review just published yesterday said that if passed as is, this bill would be the weakest one in Canada. I'd really like us to be the exemplar of protection of human rights in Canada. To my mind, to get to that point, I would use this bill as the counterpart of a rough draft, a White Paper, and then see how we can improve upon the standards that have been set in, for example, Ontario and Manitoba and any other province where they have passed specific legislation.

So I would start afresh in answer to your question, rather than trying to fix this bill, despite its opportunities and its strengths in some areas.

MS. MARIAN MANCINI: Could I ask one more?

MADAM CHAIRMAN: Okay, quickly, we have somebody else on the list.

MS. MARIAN MANCINI: For me, in looking at this it just overall seems like it's a cumbersome process to achieve an accessibility standard. Are we not able to be there now? Do we have to go through this process? Haven't we reviewed this sufficiently that we are in a position to create standards?

I use a little example like a visually impaired individual will go into a restaurant and there's no braille menu. I would venture to say that an owner hadn't thought about that but would be perfectly willing to do that. Is that an example of something that we could do, we don't really need . . .

MR. ARCHIBALD KAISER: I think individuals and organizations that are vigilant about human rights can take proactive steps and maybe already have, without being compelled to by legislation, but I do think you need the power of legislation as a public declaration of the principles of this province and to enable it to be enforced where people are resistant or refuse to comply.

MS. MANCINI: Thank you.

MADAM CHAIRMAN: Mr. Iain Rankin.

MR. IAIN RANKIN: I was going to ask a similar question so it sounds like you would prefer to kind of take this back and start fresh. You would think that it's not advantageous to have the legislation passed and start the process with regulations and you see so many issues with it, as presented today, that it would be better to take a step back.

MR. ARCHIBALD KAISER: I would rather get it right in the first instance. I would rather that people with disabilities in this province said that you have created a new law

and we're proud of it and look, living in Nova Scotia is better than living in Ontario or Manitoba, for example. Not to be parochial but I would like us to set an example for the country and I don't think this legislation does it and I don't think it can be fixed to move to that standard. So yes, I'd like to go back to ground zero.

MR. IAIAN RANKIN: The recommended standards, I was just curious if you saw that as something that is iterative, that can be modified through public consultation, more of a living document in the bill or are we trying to get to a state where the bill is completed, it's voted on and it's completely . . .

MR. ARCHIBALD KAISER: The problem with passing a defective piece of legislation, in my view, is that then everybody has to second-guess the Legislature and think what could we do to improve it. That's a harder thing to do than to be creative and optimistic and proactive upfront. I'm not saying there haven't been some of those forces that have propelled this legislation but it's just not enough, not yet. I would strongly prefer that the legislation just didn't go forward and that we all did our best, on an all-Party, non-partisan basis because we're talking about protecting fundamental human rights, to come up with a law in Nova Scotia that for once we can say, oh, this is great, let's hold ourselves high compared to the rest of the country. To do that I think we need to go back to the start.

MR. IAIN RANKIN: So you don't see any specific issue or couple of issues that you think can be changed?

MR. ARCHIBALD KAISER: I think the danger of that and I have pointed out specific critiques that I have, and the AODA has, of the legislation, but the danger of that is that you tinker with legislation that really needs major surgery and it would probably be better to continue the medical analogy if we just let this one go and started a new process to ensure that our base level is better than what this bill offers.

MR. IAIN RANKIN: Okay, I understand, thanks.

MADAM CHAIRMAN: Thank you very much. I think that's it, the time has elapsed. I appreciate very much your comments.

MR. ARCHIBALD KAISER: Thank you for giving me the opportunity to come and talk to you this morning.

MADAM CHAIRMAN: Yes, we did receive a written copy. I draw the members' attention as well to the other two we've received that are just written submissions - one from the James McGregor Stewart Society and the other from the Nova Scotia League for Equal Opportunities, just so you have a look at those as well.

Next we have two people who have come together, Sheila Wildeman and Dianne Pothier.

MS. SHEILA WILDEMAN: I have some written submissions as well, so I have a few copies here if you want to just hand them around. It's not a text of what I'm going to be saying but it's to supplement what I'm saying.

I'm Sheila Wildeman and this is my colleague, Dianne Pothier. We are tag-teaming today in part because of the hour of receiving late notice about this as well and we wanted to leave as much time as we could for others. I am on faculty at the Law School and I research and write in the areas of administrative law and disability rights.

I want to start by saying that I support in principle, firmly, the idea of an accessibility Act but not this bill. So first, why do I support an accessibility Act? It would fill a shameful gap in Nova Scotia's laws by providing a system of proactive measures for promoting equality and inclusion of persons with disabilities in Nova Scotia. This is long overdue in our province, with the highest per capita rate of institutionalization of persons with disabilities, one that has long-relegated persons with disabilities and their families to deepest poverty and social isolation, until all too often, as you know, crisis hits and institutionalization is said to be the only recourse. So a robust accessibility Act produced in a way that reflects deep respect for the expertise and experiences of persons with disabilities would be an important step towards redressing the historic and ongoing exclusion, marginalization and violence to which persons with disabilities have been exposed in this province at the hands of government, policy, government decisions and in the private sector.

So why not this bill? I want to underline three points that I'm not along in bringing forward this morning. First, what started as a good process has become an illegitimate process, so my first point simply underlines Parker Donham's submission and Archie Kaiser's on the astonishing disrespect for persons with disabilities, and more generally for democracy that was displayed in bringing this bill forward in such haste mid-last week and then rushing it to the Law Amendments Committee on such short notice.

The bill departs, as others have said, from the spirit of the Advisory Committee recommendations and prior consultations in ways that the affected community has not been able to fully evaluate or absorb or respond to. Again, as others have relayed, it was simply impossible for the vast majority of those affected to either get the bill in an accessible format since it was released last week, or absorb it or, if it was gotten and absorbed, then to somehow miraculously get on the speaker's list and get here amid the challenges of mobility aids, personal assistants and so on.

In short, just to close up that point, I agree that the fix is to slow the process down from meaningful consultation with persons with disabilities and not settle for such a democratically compromised bill.

Second, more second and third points are more substantive and go to the purposes and principles and mechanics of the bill, so as both Parker and Archie have noted, the bill has already been decried by leading disability advocates in Ontario and Manitoba as

lagging far behind those provinces, in terms of providing a robust, human rights-respecting framework for advancing accessibility. So unlike those provincial Acts, the Nova Scotia bill lacks a robust grounding in human rights principles. This is vital in order to guide the discretion that otherwise is involved in devising, adopting and enforcing accessibility standards in the bill. As Parker noted, in the few weak gestures toward substantive values in order to guide standards setting, it mandates economic considerations without the ballast of human rights principles, such as undue hardship.

In the purposes section - there I was referring both to the whereas section and Section 22(2) on the economic considerations - the bill is neither forthright about the human rights values that should inform the devising and interpretation of accessibility standards, nor about the reach of the Act. So the purpose of, I think it's Section 2, reads as if it applies only to the public sector and you have to read closely and read on a fair way to see that the private sector is even implicated at all.

I suggest on Page 2 of my written submission that I just handed around to you that the purposes section be revised in order to reflect some important fundamental human rights principles, including a priority on inclusivity, universal design, a favouring of integration over segregation, an imperative that public funds not be spent in a manner that creates new barriers, as well as an imperative identifying and removing existing barriers.

In addition, this is echoing what Archie just said, the bill, the purposes section and more generally, should recognize certain fundamental human rights protections from the CRPD, which are relevant to accessibility and inclusion: including Article 13, access to justice; Article 19, the right to live in the community with choices equal to others; Article 20, mobility. These, along with other fundamental guarantees, including equal access to education, health care, employment, an adequate standard of living and participation in political and public life. That's a fair bit of substance but I think this is the bill to put it in.

In the absence of guiding human rights values like these, the bill relegates the major work of setting and enforcing accessibility standards to processes that are centred in the will and discretion of the Minister of Community Services, again rather than the expertise and aspirations of persons with disabilities.

How far along am I now? Has anyone been timing me?

MADAM CHAIRMAN: Four minutes.

MS. SHEILA WILDEMAN: I've got four minutes left or I've been four? Okay. I'll just wind up and I'm going to turn it over to Dianne. The last point I wanted to make goes to the over-concentration of power in the figure of the minister in this bill and I have two sub-points. The first has already been discussed, the Minister of Community Services is a highly problematic figure in whom to vest responsibility for, let alone absolute authority and discretion under this bill. As the advisory committee indicated, Community Services is deeply associated in the experience of many persons with disabilities in the province,

with paternalism, coercion and control and for many continues to exercise near total control over their lives, so as to place persons in a deep conflict should they wish to raise concerns about physical or attitudinal barriers affecting equal access to community services.

The second problem which I'll just leave here, but I could talk to more about it if you like, goes to the extraordinary extent of ministerial authority and discretion in the sections on devising and enforcing accessibility standards. I discussed that at Pages 6 to 9 of my submission. I'll leave it there.

MS. DIANNE POTHIER: Hello. I am Dianne Pothier, I am a retired faculty member from the Schulich School of Law. I've taught public law, which includes disability, human rights law. I'm a co-editor with Richard Devlin of a book on critical disability theory. I also come at this from personal experience, the white hair is not a function of my age, which is getting up there, the white hair is a function of my albinism. It has been there since day one. I've been visually impaired, borderline legally blind, since birth. To put a bit of context in this, Parker, Archie, Sheila have all been talking about some of the detailed problems with this legislation and I endorse their comments. One of the fundamental issues here is saying that the purpose of the legislation is to improve accessibility. Well going from 2 per cent accessible to 4 per cent accessible is sort of an improvement but it's not anything to think that we've made real progress on.

The assumption that well, why don't we leave it all and the regulations will fix things up - well regulations have to be consistent with the Act, so if the Act is fundamentally flawed, the regulations aren't going to fix it. So it's important to get the point that it's the bill itself that is fundamentally flawed in not following through on the consultation. I wasn't involved in the prior consultation process. I understand it was quite good but the people who were involved in that consultation process previously and the committee looked at the product of that and said, we don't recognize this bill as coming out of the process that we thought we were involved in.

Consultation is good but if you ignore what has been said in the consultation process, it's not very helpful. So the question is, what is the fundamental flaw here, and just taking the notion of improvement as opposed to actually achieving accessibility. In many respects the history in this province is going in the opposite direction, it's going backwards. I'll use a personal example to try to illustrate that; I wear glasses because they improve my vision from lousy to terrible or from terrible to lousy, whichever way you go. If I lost my glasses it really isn't that big a deal, they only help a very marginal amount.

What is much more significant is I have pocket magnifiers that are quite useful, I have these monocles - a four-power monocle and an eight-power monocle. These are really important for me being able to just function in daily life. I got these from the Low Vision Clinic at the VG, which is a shadow of its former self. It used to have a mandate that actually was trying to be helpful to people with vision impairments. Not so much anymore. Recently, a little less than a year ago, my four-power monocle fell apart, literally. I needed a new one. I contacted the person I had been dealing with over the years. She is a very

competent, very helpful person. She didn't tell me what she was supposed to tell me, which would have been; sorry, we don't do that anymore. This is a very specialized monocle, the manufacturer won't just sell it to people on the street, they will only sell it to eye specialists, so I need to go through something like the Low Vision Clinic. Although she shouldn't have done this, she basically said she begged, pleaded and cajoled her supervisors to let her order it for me. She finally did get it through, it took several months. I had to use a backup old one to get myself by.

I'm one of the privileged ones, I can afford to pay for this and I will be paying for this and that's a separate issue. The issue wasn't the cost of the device, the issue was getting through the bureaucratic crap to actually even get one. So it used to be the sense that the Low Vision Clinic was designed to help people like me; now it's designed - unless you can subvert the system - to not help people like me.

The assumption that we're making progressive whatever is insulting to say that that's where we're at here. We need a fundamental rethink and this legislation, a little bit of tinkering is not going to do it. It needs to go back to the drawing board and get it done right. This legislation reads like the drafting instructions were, go away and come up with the weakest Accessibility Act you can and bring it back. That's not good enough, that's not something we should be doing in this province. That's my rant.

MADAM CHAIRMAN: Thank you very much. Mr. Rankin.

MR. IAIN RANKIN: Is there anything that stands out that you believe was missed in the consultation process or, if not, a specific issue? Were there groups that weren't identified properly to engage in consultation? Or do you feel like there wasn't a next step, in terms of a draft presented and opportunities to be able to critique that? Is it the latter? I just want to make sure that, through consultation, what made it not effective enough to where we are today?

MS. DIANNE POTHIER: My understanding is that the consultation process itself looked okay, until you saw the final product where the consultation wasn't reflected in the final product.

MR. IAIN RANKIN: So some of the issues that you've presented here were . . .

MS. DIANNE POTHIER: The issues that Parker and Archie and Sheila have been going through were addressed in the consultation process, as I understand it. I'm not on top of this but my understanding is that the issue is a breakdown between the consultation process and the drafting process. Then the drafting process comes up with something that's quite different and then tries to ram it through and said well we consulted you a long time ago and that was it.

It needs to be an ongoing consultation process that actually takes account of what's being said in the consultation.

MR. IAIN RANKIN: Just during consultation was it mentioned that some of these issues would be part of forming the regulations of the Act?

MS. SHEILA WILDEMAN: We weren't involved in the consultations. Both Dianne and I came into this relatively late and so we are taking the lead from folks who were involved, as well as from - I'm just recalling stuff that the Ontario advocates mentioned which was that they did have an opportunity to comment on the draft bill. My understanding is that this bill adds new twists, new complexities, in part unforeseen problems. Then there are areas where it departs overtly from the recommendations made, for instance, around residing responsibility with the Minister of Community Services.

MR. RANKIN: Okay, thanks.

MADAM CHAIRMAN: Mr. Orrell.

MR. EDDIE ORRELL: I guess it's just going to be a personal question with a little bit of a twist on the end. How difficult, in announcing on Friday that this Law Amendments Committee was going to happen today, was it for you two, individually, to get here to give your presentation today? If it's difficult for you two, how difficult would it have been for everybody else who may be out of the city or unable to use any form of public transportation other than Handi-Trans, which we know is difficult to book and maintain?

Really the presentation today at Law Amendments Committee would be limited because of that difficulty, if that was the case and that's what I'm asking.

MS. SHEILA WILDEMAN: I have just the narrowest insight into difficulty with mobility issues because I have a boot cast. It's the narrowest thing. Many people will have these experiences from time to time of challenges to mobility, it's nothing compared to the challenges faced by the folks that I'm aware were not able to be in the room today, not even close. So, as others have said, even the ability to access the text itself, let alone the text in plain language that one can process it and respond, it shows that ordinary ways of doing business, even the haste of politics, does not fit with the democratic requirements of dealing with persons with disabilities. Dianne, did you want to add anything to that?

MS. DIANNE POTHIER: I live on the peninsula, I got a ride here with Sheila.

MS. SHEILA WILDEMAN: I wasn't driving, by the way, I'm not allowed with my boot cast.

MS. DIANNE POTHIER: I don't drive and I can't be able to drive. It's a good thing I don't drive, you wouldn't want to be anywhere near me if I were driving.

In terms of actually getting the legislation, I have an iPad, I can convert stuff to what is, for me, an accessible format. For me physical access to the legislation was okay but I got notice of this from Sheila late Thursday, didn't have a chance to read it and talk

to other people. I spent my Saturday night reading quickly the legislation, went to a meeting yesterday. It's all a mad scramble.

I could have had much more detailed comments to make if I had time to actually absorb this and compare it with other things. I'm not the hard example of problems with this process but certainly I'm an example of part of that problem, yes.

MADAM CHAIRMAN: Ms. Mancini.

MS. MARIAN MANCINI: I appreciate your comments, Dianne, when you did say the language is about improving, where I think the Ontario legislation says we will achieve - there's a very big difference there. I also just wanted to follow up on the comments made about the role of the Minister of Community Services that's in the legislation. I think it suggests that basically it's not arm's length essentially. I don't know if you'd agree with that or not.

I'm wondering, would it be helpful to look at that when and if the Act is being reviewed in its entirety, to a view of having an independent body. When I ask that, I'm wondering if you can tell me about what is happening in Ontario and Manitoba in relation to that, if they have followed that direction or not.

MS. SHEILA WILDEMAN: I do think that's the right direction to go and to think carefully about how independence can be structured, both in relation to the board and committees that devise standards and in relation to enforcement of standards, because right now both processes are dominated by the minister and they are dominated to a degree that is not true in the other two jurisdictions. For instance, I was looking at the Ontario Act in terms of devising standards. The Standards Development Committee there submit an accessibility standard to the minister. Up until then the process is a little bit like what's in our bill, although I wouldn't want to go out on a limb because it takes close reading. There that minister must make that proposed accessibility standard public and receive comments on it. Then the committee may amend it and then the minister decides whether to recommend it to the Lieutenant Governor, in Council, to Cabinet, as a regulation.

In Nova Scotia the minister sets the terms of reference, may hold the committee process of devising a standard at any time, has no duty, as I read the bill, to make that proposed standard from the committee itself public or to receive comment on it, has the power to alter or refuse to enact it, change it in any way before making its recommendation to adopt it and making it public. So there's all that discretion on the minister just in the process of devising which, as I was saying earlier, to my mind kind of betrays the spirit of the Act in deferring to and paying close attention to the experience and expertise of persons with disabilities and others on those sorts of committees.

Enforcement is a whole other kettle of fish and we could talk about that as well. I think the last thing I would say is I think that advocates in those other jurisdictions would go beyond even some of the more robust measures in their bills in their recommendations

to us so that we could better achieve accessibility standards, so there's a lot to think about in the comparisons between the three bills.

MS. DIANNE POTHIER: There has been discussion here whether the Minister of Community Services is the right minister or the wrong minister. Beyond that, this legislation sets up essentially political enforcement which, when I read that - what? I couldn't believe my eyes and ears to think that political enforcement is the way you deal with a human rights Statute, it boggles the mind.

MS. SHEILA WILDEMAN: Dianne is talking about the fact that it is the minister who has the power to impose administrative monetary penalties and the minister is the only one with that power to impose administrative monetary penalties on the folks for failing to comply with the Act.

MADAM CHAIRMAN: Thank you very much, I appreciate the comments from both of you and I'm very glad that Ms. Pothier could join us as well and be on the list, so thank you.

We have a number of speakers on this bill. I'd like to ask if we could have Paul Vienneau come forward. I'm not sure if he's here, perhaps not. We're still a little bit ahead of schedule, which is good. I think Paul is expected at noon.

I'll go to the next person, I see Lois Miller is here so Lois, perhaps you'll come forward. Welcome, Lois. You've been here before, I know, on other occasions. Ten minutes is the allowed time.

MS. LOIS MILLER: Thanks, Madam Chairman, for welcoming me around this table. I'm pleased to be here. My name is Lois Miller, for those of you whom I have not met. I am now retired but I served for over 13 years as Executive Director at Independent Living Nova Scotia. Now I'm not speaking on behalf of Independent Living because I haven't had the opportunity, the time to confer with them. I also serve on two other boards and committees in the disability community and I'm not speaking on their behalf either because I haven't had time to confer with them.

So you might well say well why is she here? I'm here because I can be. I have a car so I don't have to rely on Access-a-Bus or, if I were in Cape Breton, on Handi-Trans or whatever, so I've been able to get myself here without having to book a week in advance. I can afford a phone and I can speak on a phone so I was able to book a presentation. I'm retired so I don't have to try to get a day off work, which of course I wouldn't have had enough notice to be able to do.

My disability, I hope, is only temporary so I don't need to have to try to reschedule my attendance, as some of my friends would have had to do, to have an attendant come to my place at maybe 5:30 a.m. to help me get out of bed, do my personal hygiene, eat

breakfast and get into whatever mode of transit I was going to use in order to get here for 10 o'clock.

Finally, I don't have to rely on the Department of Community Services for income assistance or on the Department of Health and Wellness for an attendant, so I'm not afraid that they're going to cut back my services if I speak out. I think you see where I'm going here.

This process of providing input to the review of the Accessibility Act has been flawed from the beginning. Now I think this process was simply thoughtless. I don't suggest there was any intent to deprive people with disabilities from having input but the process has, in fact, denied accessibility to the very people for whom this Act was intended to serve. Now that was the first of my three points, namely a flawed and inadequate process for public input.

The second of my points is that the proposed legislation does not fulfill the promise of this government in its early days. It may well fulfill the letter of that promise but certainly not the hope that the promise of accessibility legislation created among Nova Scotians with disabilities. For example, I'm just going to read a few parts of the four-part purpose - that's how it's defined. "The purpose of the Act is to (a) ensure that issues related to persons with disabilities are conveyed to and addressed by public sector bodies;" In plain language that would just mean making sure you get the information to the decision-makers. That's a good idea, who would not say that's worth doing? "(b) ensure that existing measures, policies, practices and other requirements are reviewed with a view to making suggestions . . ." Well that's a good idea, too.

In my former work and in my volunteer work I'm often writing strategic plans or developing policy statements. I don't consider those purposes, those are strategies to reach a purpose. For me, a better statement of purpose would be this one, from Manitoba, I think it's called the Accessibility for Manitobans Act; "The purpose of this Act is to achieve accessibility . . ." Isn't that a nice goal? That's a goal people could get behind, not making sure the information gets to the policy-makers. Those are strategies to reach that goal. Even the panel on the accessibility legislation came up with a better purpose. Let's see if I can find that. This is a bit wordy - "The purpose of the legislation should be to provide a means by which everyone has the ability to participate fully in their community . . . within an environment that is inclusive, welcoming and fulfilling." Again, that's a bit wordy. I really like what Manitoba said - achieve accessibility, achieve something.

When the Advisory Panel was doing its consultations I did not attend one of the - I think they held 11 consultations - I was one of the 100 who submitted written comments. At that time my comments to them were along the lines that they were focused too much on hard services, like physical structures, ramps, door openers, that sort of thing - transportation - rather than on issues such as poverty or the crisis in residential options. These are issues that prevent full participation in the community. I felt those issues should also be addressed in the legislation.

My third point is that I found when I read the proposed legislation that it has shifted the focus greatly from the materials that came in from the Advisory Panel, and they've shifted the focus by making disability rights - which, remember, are human rights - making those rights subject to economic considerations. For example, if I can find that, I will read the - I think Ms. Mancini got ahead of me on that one. It's Whereas No. 8; "AND WHEREAS the Government is committed to establishing progressive timelines for developing and implementing accessibility standards while taking into account the resources required to comply with such standards;" That is Whereas 8. I felt that was a very significant clause added to that statement.

Clause 22 of the bill makes it even more clear, in which it says that accessible standards or accessibility standards will have to include an economic impact assessment. Well, I guess when I read that I thought, that could mean that someone is going to look at the economic impact of a woman not being able to get into a place of work because it is not accessible, or it could include the economic impact of young Nova Scotians with disabilities not having the supports they need in school, or not having the supports they need to make an effective transition from school to the community. But you know I doubt that's what the writers of this document were thinking of. If I had any doubt as to that, I just had to look at the news release I got only on Friday which quotes the minister as saying, "we want to develop standards that will reduce barriers, while not creating unnecessary red tape for the private sector."

A representative of the Canadian Federation of Independent Business is also quoted in that news release. This person says, ". . . holding government to its commitment to avoid unnecessary or costly red tape for small business owners."

I was talking with my daughters last evening about an issue that certainly in my career has affected me, namely the right of women to receive equal pay for work of equal value. Can you imagine if that ever could have been enshrined as a right for women in Canada if it were made contingent on no red tape for business? I can imagine an employer who would have said, what - you expect me to go to all that work of analyzing those jobs and seeing if they actually include work of equal value? No, I don't want to do that, I just want to say this job is women's work and I'm going to pay so much for it, this job is a man's job and I am going to pay more for that. We never would have been able to reach that achievement if the mission was decreasing, or at least not adding to demands on business. This is a cost of doing business.

I'll draw my remarks to a close. Many other things here that could be commented on, but others, the law professors, got them all first. I wanted just to notice, it's almost a postscript that there is to be a repeal of the Disabled Persons Act or the Disabled Persons Commission Act, it's actually Item 70 out of 71 so it really is a PS at the bottom there. I don't know what that means, I don't know if that means the Disabled Persons Commission is going to be terminated or if its mandate is going to change. I certainly hope it's not the former.

I know in my work and in my continuing volunteer work, I have long relied on the information that commission provided, the statistics, the research, the way they were able to facilitate conversation and collaboration within the disability community, that will certainly be a big loss. I didn't see that touched on, there's no Whereas clause dealing with that. I found that a rather strange part of that Act.

Finally, I will ask this committee that you recommend that the government listen to Nova Scotians with disabilities. They are willing to contribute their lived experience to the creation of accessibility legislation that is powerful, visionary and meaningful and you can't do that in a morning. Thank you.

MADAM CHAIRMAN: Thank you very much. Ms. Mancini.

MS. MARIAN MANCINI: Thank you, Lois, for that presentation. I thought I had a question that might surprise you, but it's pretty hard to find one that you haven't already covered.

Your last point about Section 70 and the Disabled Persons Commission Act, I had an email from someone just a couple of days ago concerned about the replacement and it would appear that the Accessibility Directorate is supposedly going to replace the Disabled Persons Commission Act - that was her understanding, I don't know. She stated that the commission has had a broad mandate to look at disability issues, which includes health, education, the Departments of Community Services and Justice. She is looking at this legislation and the new directorate would be consisting of the Department of Transportation and Infrastructure Renewal, the Department of Business and Municipal Affairs which will look at buses and buildings, but it's not a replacement for the commission which she says is more of a watchdog for the more human disability issues. I guess I'm just asking you to comment on it. I suspect you are probably in agreement with that comment.

MS. LOIS MILLER: I certainly am, to you through the chairman. When I read this and I only read it last night, this is the only time I've had to look at that, but that also is how I interpreted it. It looked to me as if the Accessibility Directorate will have a much more limited mandate, one that is much more restrictive, so I would see that as a step backwards.

MADAM CHAIRMAN: Thank you very much, Lois. I don't see any other questions there and I appreciate your coming today to bring up some new points as well for us to consider, so thank you.

With that I'll go back to see if Paul Vienneau has arrived. Very good, Paul. We just went to Lois first because you weren't here, but we have lots of time. I wonder if the Page could maybe move a chair there and make space for Mr. Vienneau. Welcome, Mr. Vienneau. The way it works is 10 minutes for your comments and then we have time for questions.

MR. PAUL VIENNEAU: There are people who are unable to be here today because there was an unreasonably short notice to address the concerns of the citizens that this bill is going to affect. This is not frivolous legislation, this is life-changing legislation for a diverse community of people who have been historically unable to fully participate in their lives because the system has been unequal. Whether by mistake or by design, giving just a couple of business days for a geographically diverse group of people to arrange transportation from across the province to address this issue is fundamentally undemocratic.

When we think of the word “accessible” we think of obvious physical things like ramps, curb cuts and elevators, but if people are to take part in democracy they must be able to physically access the democratic process. A point I would like to bring up is that this legislation wasn’t released with accommodation for the blind. We live in a time of wonderful technology that allows people of all abilities to access information and yet a piece of legislation that affects the lives of these people is inaccessible to a number of them.

I am optimistic this process of public input will be reconsidered with this issue in mind so that everyone who feels they need to address this important piece of legislation will be able to do so from this day on.

I remember reading a sentence just after my injury in 1991, that was, “nothing for us without us”, that you’ve probably heard today several times. As a group of people historically, the disabled have been treated almost as children by governments - we are either sick or we’re injured or they are waiting for us to die. Our destinies have been decided for us by sympathetic people who have our well-being in mind.

In my own advocacy I found empathy to be the better thing. Empathy takes into account us, our feelings and our needs and everything that comes from our experience and acknowledges that we know best what we need and we are the best experts on matters concerning us. Given the extremely short time I had to collect my thoughts on this legislation - and this weekend was my birthday, so it was a little shorter -these are a few of my impressions and concerns. Why is this under the Department of Community Services? To me it sounds like it’s putting our fights for human rights under sort of a therapeutic or a medical or a client kind of basis which many of us have had to deal with our whole lives and it’s not being treated like it’s a legal issue; it seems to me it should be under Justice instead of something like Community Services.

One line that leaped out at me concerns discussing the economic issue of our rights. What other group in society would we allow the weighing of equal and reasonable human rights against a cost to occur? Sorry, ladies, you can’t have the right to vote, it’s going to cost too much. It sounds stupid when you put it in a point like that, but for us it’s somehow acceptable because we are treated paternalistically by the system.

The social and societal cost of not allowing access to basic human rights isn’t discussed anywhere in this legislation. We are horribly underemployed and under-

represented in many aspects of life that could be helped to be solved with legislation like this. This ties into my concern that our rights will be negotiable, with the business community having veto power over a board made up of only half of people from a group being affected. I have feminist friends who have complained about going to panels where only half the panel is made up of women so I think for us it's also reasonable that we should not just have a 50 per cent - it looks as if it's being set up so that we can be counteracted if it's economically inconvenient to help us have our rights.

In my own advocacy I've worked with some business owners in the South End of Halifax to make things more inclusive and accessible. Without knowing what the bylaws are, I've been talking with businesses in Spring Garden Road about installing door-opener buttons and making things more accessible and inclusive. I've had pretty much near unanimous agreement. I've had several businesses do this and I've had a near unanimous agreement in principle with a verbal commitment to continue to try to install these things, with one holdout. The one holdout believes that the disabled will want to compel him to spend an insane amount of money to literally tear up the front of his store. He sees us as this enemy of him making money. My fear with the business community having a say in our rights is that this is what it's going to come down to, dollars and cents.

If we're talking about rights for people with disabilities, where's the discussion about funding assistive devices? We are a community that is woefully underemployed and often living under the poverty level yet my basic wheelchair, without which I can't leave my bed let alone leave my apartment to go to work, cost \$8,000 and had to be crowdfunded by strangers because there's no provincial coverage for assistive devices. The simplest technology for a braille reader, which I saw this awesome machine last night for the first time, was thousands of dollars. I humbly submit that assistive devices are a human right, as much as your legs make your life liveable, my chair does the exact same thing.

So what do I want done about this legislation? My fear is that if we throw it away and start from the beginning, who knows when it is going to come around again. Accepting it as it is doesn't seem reasonable, in my opinion. There are a lot of flaws. I would be willing to accept the legislation if changes could be made during the process so that persons with disabilities could participate in this process as equals, with the very reasonable concerns presented today become part of improving it.

I would like to say that this legislation is our legacy so let's get it right, now, please.

MADAM CHAIRMAN: Thank you very much. Are there questions? Ms. Mancini.

MS. MARIAN MANCINI: Thank you, Paul, for your presentation. I just wonder if you can tell me what your position is with regard to including timelines in any proposed new legislation or not? I go back to Ontario, they have the 2025 date in their - I think it was 2006 when they brought in their legislation. Is that something that would be a point that should be considered?

MR. PAUL VIENNEAU: I think it's maybe better left to people who are experts on it more than I am, but it would be nice for it to not be, "Oh yeah, it's in the plan for five years from now.". One example the city used to do, "Oh yeah, we've budgeted to improve this dangerous corner for next year.", so there's a year of living with this dangerous corner. It would be as soon as possible and as well as possible is what I would hope.

MS. MARIAN MANCINI: Thanks.

MADAM CHAIRMAN: Are there any other questions at this point? No. All right, thank you very much, Mr. Vienneau. We still have several more people to hear from so thank you. I would ask if Pat Gates is here. I wonder if somebody could give her a hand there.

Welcome and thank you very much, Mr. Kaiser, for helping.

MS. PAT GATES: My name is Pat Gates. I am here today on behalf of Barrier-Free Nova Scotia, which falls under Barrier-Free Canada. I am also representing the Nova Scotia division of the Canadian Council of the Blind. Among other activities I undertake, I am chair of the Halifax Accessibility Advisory Committee and I'm a member of the Provincial Disability Partnership. I was also on one of the subcommittees for the proposed legislation last year and last but not least, I am here as a person who has been living with a disability since the age of nine. It's a silent disability and it has since morphed into multiple disabilities.

I don't have a planned speech today, I'm just going to speak on a few random things. By the way, I am one of those people who depends on the Access-a-Bus. The legislation was introduced, passed first reading last Wednesday, passed second reading on Thursday. I was out at two meetings on Friday so I didn't get home until 4:00 p.m., immediately turned on my computer because I wanted to see what the next exciting news was about the Accessibility Act and discovered that if I wanted to speak here today that I was going to have to act very quickly and phone the Clerk's Office, which I did, and luckily enough I am here now.

I was also invited to attend a meeting yesterday which was a very important meeting. So I thought, I live in Clayton Park, I'm on disability, I'm retired and I cannot afford to take a cab to and from downtown. That would cost me at least \$50. I cannot use regular Metro Transit because I have mobility issues; I have a partially amputated foot, among other things, so I rely on the Access-a-Bus. There was no point in even trying to get a drive to get here today, so what I did was I went online on an email and said, as much as I would like to attend both meetings, I have to make a choice and I consider Monday to be the most important choice. Luckily for me someone offered me transportation yesterday and someone also offered to get me here and back today. That is sincerely appreciated.

Having to use the Access-a-Bus robs us of spontaneity. Whereas an able-bodied person can make the decision on a fine, sunny, Sunday afternoon to get the regular transit

or to walk or, if they are fortunate, to drive themselves to Point Pleasant Park or to the Public Gardens. Those of us who use the Access-a-Bus are not that fortunate. It is just another systemic barrier.

Another systemic barrier, as you've heard many times today, is the lateness of notice of important meetings such as this. Again, it's a systemic barrier, we need lots of notice. Now I will be completely frank with you, I am legally blind, which means that what you see clearly, I see through a fog; I cannot see any of your faces or your shapes or forms, which in some cases is a good thing. I have to rely on Access-a-Bus which, as I say, some mornings I like to get out, I like to go places. I'm very independent, I'm fiercely independent and I can manoeuvre with my white cane quite easily, as long as I'm dropped off at the proper location and Access-a-Bus drivers are very good at that. However, I cannot get up on a Sunday morning and decide I want to go down to the Gardens - I love the Public Gardens, I can't do that. I can book the bus to go the next week and then it might be pouring rain or we might have a snowstorm or whatever, so I can't do that so that's a barrier.

Another barrier, I'll be completely frank with you, I have not read the entire bill. Why is that? Because I use a program at home that magnifies; yes, it magnifies the computer screen, it's great. However, the print is so light that I'm reading for 10 minutes and I have a pain in my eye and a headache, so I have to step back. In my various roles in the volunteer world I get a lot of emails so I have to pick and choose what I can read.

As far as the substance of the bill goes, I've had to rely on others to tell me what it is lacking. As Paul just mentioned, what it is lacking is assistive devices. This is an assistive device, this magnifier at CNIB costs \$70. Now I cannot afford that, to be quite honest, this was given to me. Many people make the mistake that the blind and partially-sighted are looked after by the Canadian National Institute for the Blind. I'm here to disabuse you of that notion, that's not true. They have a store, yes. The prices of the products in that store are 95 per cent of the time way out of range so we need assistance with assistive devices. Seventy-five per cent of the blind population in this country are unemployed and it goes way back to the roots. If you are a person living with a disability and you can't afford the assistive devices you need, even to improve your quality of daily life, then how can you get out and get a good education? If you are in university, yes, you can get the assistive devices you need but to go to a training facility, I'm not so sure. But to get education, to read, if you cannot afford an assistive device, what do you do? You sit home and you live in despair and depression. That's a mental health issue. That can be solved if we are given the tools, if we are given assistance to provide the devices we so desperately need.

Now this magnifier might not help many people with vision loss but there are other magnifiers, terrific magnifiers. The one that I'm waiting for - and if I ever get one, it could be 10 years, is going to come through a donation - is between \$800 and \$900. I cannot afford that. A person who is living on income assistance cannot afford that. It is robbing them of the ability to get through their daily life on a much-improved basis. So if you can't get an education, how can you get employment?

I know many blind people, and I'm speaking mainly about blind because that's what I know, those are my friends, many of us have successfully completed university. We have terrific degrees but we have to accept employment that we are over-qualified for because when an employer sees a person with a disability come in, they look at the disability first. They don't see what's behind the disability, they don't see the strength behind that disability. If there's anything that people with disabilities have it's an indomitable will, we have strength. We have to have a strong will and strength to get through every day and therefore, we are willing to work harder to prove to that employer that we can do the job, but we may need an assistive device.

For instance, the JAWS program - Job Access with Speech program - costs \$1,000. I know of a young chap who was offered a job, he's totally blind. He accepted the job but when he told them that he would need the JAWS program, the job offer was rescinded, so he has been many years sitting at home, feeling depressed. Think about that. How would you feel if that was your child? How would you feel if you knew that your child was fully qualified to do a job but couldn't get work because he had a disability? Wouldn't that make you want to cry for your child? Think how your child feels.

An Accessibility Act is a wonderful concept for us because for many years we've been waiting for this with bated breath. For many years we have felt like second-class citizens. We felt, and we still feel in many cases, that our voices are not being heard and, if they are heard, they are not being listened to. We are the experts, we live with disabilities 24/7, we are the experts so we are the ones who should be consulted.

Now I agree there was some consultation with persons with disabilities during this whole process but there was not enough. We are the experts, sit down and talk with us. We'll tell you, individually or collectively, what we think is needed because we live it every single day. For me, with my little bit of vision - I had better vision at one time - signage in this city, in this province, is atrocious because we need to have contrasts. People don't think of this when they create signs, we need to have contrast, not pretty colours like white on lime green, we can't read that. We need black and white or white on black. We need appropriate signage, is that too much to ask? I don't think so.

Now this city, Halifax, is bringing in an automatic bus stop announcement system and the Accessibility Committee just went on a ride. When we heard that automated voice, everybody on the bus clapped. We've waited for that for over 10 years, so we're behind. They have that in Toronto, they have that in Vancouver. That is such an improvement for those of us with print disabilities, or tourists, it also helps tourists. We have a lot of students and now we have a lot of immigrants. This will help them, not just a person with a disability because if you make an improvement for people with disabilities then you help everybody, not just the disability population.

This legislation means so very much to us. This is going to bring us forward. This is going to make us feel, at long last, that we are part of our communities, that we mean something to this province - long overdue because often we don't feel like we're part of

the very fabric of our daily life in this province. An Accessibility Act will change that, therefore - and I was very encouraged by Mr. Rankin saying that he was going to ask for the bill to be stood or whatever, because I feel personally and I've talked to other people with various disabilities, we feel that this needs to be slowed down so we can have time to read it, time to absorb it and time to have input.

We're more than willing to work with this government because this Act is ours, this means everything to us. As I say, this will bring us forward. We will be able to participate in the daily lives. However - and you know there's a but, there's always a but or a however - we need to get people out of poverty. People with disabilities live in poverty, if we can get them out of poverty, if we can give them a purpose.

I retired from my job at Dalhousie University two years ago, I went on disability in 2000. I sat at home for 10 years feeling absolutely useless. I didn't know what to do with myself. One day I gave myself a very stern talking to - I live alone, have no supports so I had to talk to myself, my cat wasn't going to listen to me - so I said you've got to do something, you're too young to be sitting here doing nothing, there must be something you can do, so I started out by volunteering. Volunteering became my purpose.

Maybe we can't get viable work but we need to get out of poverty. We need to get out of poverty to help our mental state, to help us feel. Imagine living with despair every day. Nobody can do that, nobody can function fully, whether you have a disability or not, feeling that despair that we've been feeling for years, so this bill means everything to us. As Parker said from the beginning, being the first speaker, let's get it right now. Let's not improve - we don't need to improve accessibility, we need to achieve it but let's get it right now because we need it. It is our right to live, fully participating in the daily fabric of life.

It's not just a want - it is a want for us but it's a human need to feel that we're part of the province we live in. So again, the lateness of the announcements was not a good thing - some people couldn't get up from Cape Breton, some people couldn't come from the South Shore. They've made submissions, that's great but timing means everything to people who have to arrange for transportation.

As far as timelines go, my thought on that is the sooner the better. We know this is not going to happen overnight, we know this is going to take time because anything that is done right is worth taking time.

MADAM CHAIRMAN: Ms. Gates, we hardly have any time for questions so I wonder if I could just interrupt you and see if there are questions from the panel and the committee? Anybody? Ms. Mancini, please.

MS. MARIAN MANCINI: It's really almost more of a comment because I was interested in what you said about the automation on public transit and how that helps everybody, too. Also, there's a well known individual from Ontario, I think he had something to do with assisting creating the Ontario - helping to draft that legislation, David

Lepofsky. He made the point that people with disabilities are growing because the greatest cause of disability is aging and our population is disproportionately older, and certainly here in Nova Scotia that's happening. I just kind of wanted to make that point because when you talk about some of the barriers that you are dealing with, there is an increasingly growing population that will benefit from those as well.

MS. PAT GATES: It's not just age, disability can happen to anybody in the blink of an eye. Thank you very much for the opportunity to speak today, I appreciate it.

MADAM CHAIRMAN: Ms. Gates, there's one more question so we'll take that. Mr. Lohr just put his hand up, so John Lohr.

MR. JOHN LOHR: Thank you, Pat, for your presentation. I was just wondering, I think what I heard you say was that you believe there needs to be more consultation on this bill before it's passed. I'm just wondering if you could describe for me what you think that consultation should look like.

MS. PAT GATES: I think that more people with disabilities, as I say, we are the experts, I think we should have a lot more input because we can tell you what's needed. That's basically what I mean, that the people with disabilities are the experts and we can have more input. While there was some consultation with people with disabilities, I don't think there was enough.

MADAM CHAIRMAN: Thank you. Mr. Rankin, one more question for you.

MR. IAIN RANKIN: Thank you, Ms. Gates, and I appreciate your presence here today. I know I've met you before and you do a lot of work in terms of the advocacy work. I was wondering, actually, if you'd be here today.

I'm going to bring my motion after the presenters are finished, but I appreciate the comments about, let's get this right now. Also what I'm hearing is that we do need to bring this draft to people and do more consultation, as you mentioned. So in terms of a timeline, I want to make sure we get this right. I believed, before I came here today, that getting this Act passed was an imperative so that we can make sure we have something tangible to go forward with, but I think what's more important is we do get it right and so on.

In terms of trying to get this through this session, is that something you think is imperative or do you think we really need to - I guess there's a balance of trying to get it right and trying to get more input. It's not one or two issues here - there are a number of issues and I'm not sure that we're going to be able to pass this in the next couple of days.

In terms of your perspective, would that be something that would be a good way forward or would you prefer to try to get some changes through and get it passed this week or this session? That's the challenge I see in front of us and I am going to put forward the

motion that does put a pause on this. I'm just now trying to figure out, in terms of timelines, where are we trying to go with this?

MS. PAT GATES: Personally I don't think that a few days is enough time. We want to get it right and I don't think a few days will - I mean there are people with disabilities who don't know very much about this at all. I've spoken to someone the other day who didn't even realize because not everybody uses computers, or pays attention, I guess. I do, I listen to the news and stuff. A good, effective, strong Act - I don't think it can be accomplished within a few days.

MR. IAIN RANKIN: Okay, I appreciate that answer, thank you.

MADAM CHAIRMAN: That is the end of the questions there so thank you very much. I see that somebody is coming to give you a hand, to guide you. Thanks very much coming and I do appreciate your comments on the difficulty of getting here on short notice.

Next on our list for speakers is Gerry Post. I wonder if the Page could hop up and move a chair for us. Thanks very much, Parker, for helping. That's great, we want to make sure it's clear. So it's time over to you, 10 minutes to speak and we'll allow five for questions. Thank you.

MR. GERRY POST: Good morning, Madam Chairman, and members of the committee. Thanks for giving me the opportunity to speak. My name is Gerry Post and, as you see, I'm a person with a disability. I'm one of those factors of Ms. Mancini - a person who aged and became disabled just recently, so it's fairly recent for me.

I'm very pleased with the government's initiative to consider an Accessibility Act. I have participated in the consultative process that took place and I was very impressed by the quality of the presentations made by the various stakeholders. However, I am very disappointed in the result. The current draft is not an Act, really, it's a promise that the province may act on something dealing with accessibility.

The bill is very heavy on process and on administrative structures but silent on commitments, outcomes and results. A cynic would describe it as a repackaging of the status quo. I am not a cynic. I was expecting more and surely, as a province, we can do more and we've had some excellent presentations already this morning.

I also concur with some of the presentations made earlier that say let's not tinker with this Act, it needs a major overhaul and a review. I have a very few suggestions, with the limited time I had to review it, of things that need to be corrected. One, of course, in any Act or regulation, definitions are extremely important because they are the foundation on which the Act will be implemented.

An important definition for a person with a mobility issue is built environment. The current definition of built environment in the Act is a means of building a structure or a

premises. I think that is too limited and very ambiguous. For example, does it include infrastructure? Does it include a street? A sidewalk? Does it include a park? I think we need to be much more comprehensive in those sorts of things.

A recommendation I have on that on the built environment - and there's lots of examples around the world in legislation and in others, including Wikipedia, on how one defines built environment - the recommendation I would have, and my background is in city planning so I know a little bit about this, is to define it as, built environment means physical structure of communities, including buildings, structures, infrastructure such as streets, sidewalks, parks and recreational facilities, so much more comprehensive than the current.

The other is, and Ms. Mancini has been talking about this, that relates to what the Act is to do. Although there is a statement in the bill that the government is committed to establishing progressive timelines for developing accessibility standards, there's no evidence in the bill itself of any timeliness of it being implemented, other than a statement that the Act would be reviewed every four years. Well that's just not good enough.

As the Ontario Act did and Manitoba, let's be more specific on outcomes and deliverables and not just "may" but "shall". So some tinkering that I've done with that is some suggestions. One is to include some subsections related to that, that the province will ensure that all of the built environment it owns, leases or operates is fully accessible to at least the Building Code standard by the end of 2022. So give you five years to do that, it's going to take some time.

I was here last week when Minister Bernard made the presentation and she admitted that some of her offices, for example, around the province are not accessible. Well that's unacceptable. Let's do that, that people should be able to have access to government services. As well, of course, municipal government, which is a creature of the province, they, as well, should be required to do that, so let's give them a standard as well instead of timelines to have all their facilities accessible, say by 2025 - give them some time to do it. It's going to cost money and there may be some assistance required from the province and perhaps the feds, through the infrastructure program, to make that happen.

The other nice thing that I like about the bill is that it will require all municipalities to prepare accessibility plans, so any municipality over 10,000 should be able to prepare that. Again, I think that is a good statement in the bill but again, let's put a timeline on that of, say, two years or three to do that.

I served with Pat on the Halifax committee and that's something that we certainly want to do for the City of Halifax, but of course the Town of Kentville and others and the larger municipalities, like in Cape Breton, should have that as well.

Of course the bill talks a lot about standards, and standards are critical in that if you have a standard and it's reflected in the design of infrastructure or buildings or whatever,

the cost is very little to make buildings and structures and facilities accessible. But again, let's put a time limit on that. Again there's a lot of information available around the world on the standards dealing with things like the built environment. Let's beg, borrow, steal and innovate and create our own standard that is applicable to Nova Scotia. Put a time limit on that, say to 2018.

Now one of the things, of course, is there's going to be a lot of activity going on about restructuring the bill, but I also would recommend that the province take a parallel province - to develop the bill, but as well start work on developing a standard, like why hasn't that been happening? So take some of these low-hanging fruits and have them running parallel, rather than wait for a bill to be redrafted, adopted, proclaimed and all of that in parallel to that, put some resources to developing some of these standards and some of these other activities.

On that conclusion, I thank you for giving me the opportunity to speak and good luck and I'm here to help as well. Thank you very much.

MADAM CHAIRMAN: Mr. Post, I know you have some comments there that are written, could we get copies of that, just to again help inform. Oh, you have it all. All right, they've got it. Thank you. Any questions now? Any committee members? Mr. Lohr.

MR. JOHN LOHR: I was just thinking, and maybe it's an obvious question, but when you are talking about standards I assume you are talking about the building code, right?

MR. GERRY POST: No, not necessarily, I think the standard is much broader than the building code, so there would be standards on, say, communications protocol, as you are starting to do here. Let's create that so any activity within the Legislature and municipal councils would include these things. So it's more than just the built environment and building code.

MR. LOHR: All right, okay.

MADAM CHAIRMAN: Very good. Thank you so much for joining us today. We have one more speaker on this bill, it's Barry Abbott, if Barry is here. Somebody is going to give you a hand, Barry, or an arm, that's the way. Welcome Barry, your turn.

MR. BARRY ABBOTT: Members of the committee, I would like to thank you all for giving me the opportunity to speak. It's always an advantage, I think, when you get the last word. First of all, I'd like to say that I do applaud this government for having the courage to do what others have failed to do and that is to put forward a bill.

Just to give you a little introduction, I worked with the Atlantic Centre Support for Students with Disabilities for 28 years at Saint Mary's University and in that capacity I helped students - my job was to determine what supports they would need and/or exam

accommodations. The Department of Community Services played a very positive role in assisting the Atlantic Centre and also assisting me when I was a student, so I really appreciate that. However, I have to say that perhaps the biggest motivation for me deciding to speak was my concern, number one, what have we heard this morning? Probably one of the most significant things we've heard from a number of speakers is Community Services is not the appropriate department to oversee this Act. We're talking about human rights, we're talking about law. It is the Department of Justice, in my personal view.

Now if you look at the Ontario and Manitoba Acts, in Ontario I think it's appointed by Governor in Council and it happens to be, I think, the Minister of Economic Development, some fellow by the name of Brad Duguid, I think, or something like that.

Also I'd like to say that originally, because of the time constraints - my wife was a lawyer, she worked with the Department of Veterans Affairs for 10 years, we're both retired; she could not come today because she is on dialysis and there wasn't enough time for her to get her dialysis session changed. I would have been much happier if she could have spoken because she has a much better sense of legal stuff than I do.

Some concerns; a lot of concerns, in fact pretty much all of them, have all been addressed by our earlier speakers. I think the bill seems to be a little bit heavy on ministerial powers. I have some real concerns about that.

We've already spoken about the language and the purpose, which is a real problem. This bill needs work. I personally would like to see the train stop long enough for a consultation. I know it's politically expedient maybe to get this thing through as soon as possible because of an election, but there used to be an old Latin proverb that said, do what you do well - I don't know the Latin for that.

I want to talk a little bit about what implications this bill has. I'm going to tell you two little interesting stories. For a number of years I go into the drug store, Lawtons. They have Maritime cash machines. I would like all of you to next time check out those machines, you will see there's an earplug for your earphone, there's a push button right next to it which is to be used for turning the volume. On your banking there's a raised - like you've got an O for okay, and you've got an X, those things are raised, and on the 5 there's a dot. Those machines are equipped to allow for use by visually impaired people by speech. But guess what, friends, when I plug my earphone in, I get ding, ding, and nothing works. I have to have a sighted person come and help me.

Any of the banks I go to, no problem; I go in, put my earphone in the machine, and off I go. I've got my money. I'm happy. I'm independent.

Another situation is the prescription drugs. I know a lady who has angina and there was a situation, she was having chest pains and she had nitro. She took the nitro, it wasn't working. Five minutes later she took it again, it wasn't working; 15 minutes she took the third one and ended up calling 911. It turned out that she had another bottle, the paramedic

got there and he said, my God, you can hardly tell these two bottles apart. She was using the wrong bottle.

Now there is a device called the Script Talker which enables people who are visually impaired to get the information. The pharmacist pays a fee to a company and the client gets the machine at no charge. Lawtons now offers that service because of a human rights complaint that was brought forth - not Lawtons, sorry. Shoppers Drug Mart offers that service because a human rights complaint was launched against them in British Columbia. Lawtons does not. We have been speaking with the manager about that.

I give you these examples to illustrate why we need this bill and why it needs to be done well. What is it that the government is so afraid of that they had to back down from the advisory report and give us a bill that does not reflect that? And why bother with consultation if you're not going to follow it through? What the hell is the point? Either we do it right - and I think that's what everyone here this morning has said, and damn it, we can. We have in our midst Steve Estey, or he was here. As you all know, he was a very important Canadian in the development of the UN Convention on the Rights of Persons with Disabilities. For God's sake, if he could do something like that, why the hell can't the government?

We can do a better bill than this. I want a bill that we're not just the third bill, I want a bill that's the best damn bill that can be produced that our politicians can stand up with pride and say, we did this. Business people are not our enemy. God knows there's enough red tape. God almighty, I had an above-ground pool and you had to have a fence that was five feet high, you had to have the pool a minimum of five feet from the fence. Sorry folks, but that's part of life - law, regulations.

I think people with disabilities have paid a heavy price. Many of my students when I worked over the years, a lot of people have said their lives have been controlled by the Department of Community Services. There's a fear there because they rely on Community Services to keep alive - for their groceries, for their rent. Can you blame them for being too scared to speak out? I don't.

I'm one of the lucky ones, I had a career, I don't have to rely on the department. I did for a very short time, I felt humiliated - this was back when I finished a course and couldn't get a job but I had a wonderful caseworker who said, you're going to find something, there's no reason for you to feel ashamed but I did, but they were there to help.

This is a Justice issue and I sincerely believe that it does not belong under the purview of Community Services. I understand that's what was suggested in the Advisory Committee Report. It doesn't change the fact that they've done a lot of work in this and I really appreciate what the minister has done and also the Speaker, Kevin Murphy, whom I know and he's a wonderful guy. Let's not be scared, for God's sake let's step up to the plate and get the job done. Thank you.

MADAM CHAIRMAN: Thank you very much, Mr. Abbott. Questions? It doesn't appear there are any questions so I thank you. I think you did a great job in summing up what we've heard this morning, you hit the highlights so I thank you very much.

With that perhaps I'll turn it to Mr. Rankin.

MR. IAIN RAINKIN: Yes, I'd like to move that Bill No. 59 stand.

MADAM CHAIRMAN: The motion is to stand Bill No. 59. Would all those in favour of the motion please say Aye.

MR. JOHN LOHR: Can I ask a question?

Yes, a question is fine, John.

MR. JOHN LOHR: What was the motion, I didn't really hear it.

MADAM CHAIRMAN: The motion is to stand Bill No. 59. That means we'll take it back, have a look at what was said today and we'll certainly be convening again before the House rises so we'll have some feedback on that. Thank you.

Mr. MacLeod.

HON. ALFIE MACLEOD: Thank you very much, Madam Chairman. I haven't been here for all the presentations but one of the things I did hear was the concern about the consultation process. As most around this table know, I live with a person who uses a wheelchair on a regular basis and there are a lot of challenges for travel for individuals.

I just wonder - I've heard the theme that we need to get it right, we need to be sure that it's right, so my question is; not only should the bill be stayed but maybe we should be going around to different parts of the province and actually hearing from individuals who can't come to Halifax, certainly who can't come on such short notice.

I think if the goal is to make sure that the bill is working for people who have disabilities that maybe should put that as part of the motion.

MADAM CHAIRMAN: Again, I appreciate your comments here today and that doesn't preclude what you're saying. One thing I would say is we heard earlier that there was extensive consultation and a really good advisory report that we received so maybe we need to go back to that and have a good look at that, too. I'm sure that was done across the province because it was mentioned that there were 11 sessions. I think we could look at what was done there and certainly consider other consultation that is needed. What I heard was the bill wasn't looked at as it was drafted, there was a gap of 16 or 17 months.

We have a motion on the floor. Could I go back to the motion, please. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried. Thank you very much. Oh, Ms. Mancini.

MS. MARIAN MANCINI: Thank you, Madam Chairman. I did want to put forward a motion as well because I think we heard loud and clear about the lack of notice. I would like to - hopefully I can get some wording here - that prior to the bill coming back to the House, that it's ensured that the bill will be translated into braille, that there will be a version in plain language and that there be seven clear days notice provided - I think I'm thinking about it if it ever came back to Law Amendments Committee that there would be at least seven days notice on that.

MADAM CHAIRMAN: Ms. Mancini, I'd like to ask that we defer your motion - not vote on it or defeat it but just defer it, only because I'm not sure of the time frame. What we've heard today is people would like us to take a lot of time and that may be the direction we go. I'd like to just defer that motion until we come back to Law Amendments Committee. Can we do that?

MS. MARIAN MANCINI: Thank you.

MADAM CHAIRMAN: Yes, and we'll probably be sitting again this week, definitely, and you can work on the wording as well. We certainly take your point and I think it's a good one.

So we have that motion and with that, what I'd like to propose is a five-minute break as we've been here all morning, so we'll come back. We have two more bills on our agenda today. Thanks.

[12:55 p.m. The committee recessed.]