

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

LAW AMENDMENTS

Thursday, March 3, 2017

Red Chamber

Bill No. 59

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Law Amendments Committee

Hon. Diana Whalen, Chairman
Mr. Terry Farrell, Vice-Chairman
Ms. Patricia Arab
Brendan Maguire
Mr. Joachim Stroink
Hon. Alfie MacLeod
Ms. Karla MacFarlane
Hon. Sterling Belliveau
Ms. Lenore Zann

In Attendance:

Mr. Gordon Hebb
Chief Legislative Counsel

WITNESSES

Mr. David Daniels
Mr. Will Brewer
Ms. Sheila Wildeman
Ms. Allison Brewer
Mr. Jim Cormier
Mr. Jordi Morgan
Ms. Tova Sherman
Mr. Ben Davis
Ms. Luc Erjavic



House of Assembly
Nova Scotia

HALIFAX, WEDNESDAY, MARCH 3, 2017

LAW AMENDMENTS COMMITTEE

9:00 A.M.

CHAIRMAN
Hon. Diana Whalen

MR. CHAIRMAN (Mr. Terry Farrell): Good morning everyone. I'm going to call this morning's proceedings of the Law Amendments Committee to order. I want to thank everyone for appearing this morning. I will just go through a few public service type announcements before we begin.

I would like to remind everyone that the Law Amendments Committee sits as a Committee of the Legislature and, as such, rules that apply to the Legislature do apply here in the Red Chamber. That means that all cellphones should be on silent. There's no restriction on members of the public using their phones, but talking on the phone, taking photographs, or recording the proceedings in any other way is prohibited.

We would also ask that members of the audience refrain from any outward shows of approval or disapproval of the proceedings. It's necessary to respect the people who are presenting and to respect the proceeding in general that members of the public remain quiet throughout.

We have circulated the agenda for today and the presenters. We've done that in large type for the benefit of the visually impaired. Because of the fluid nature of the agenda and the fact that it may change at any time right up to the time of the hearing, it was not practical to produce a Braille version, so we've done it in this fashion, and we hope that everyone is able to observe appropriately. If there are any problems with that, a member of staff or a page would be happy to assist.

The presenters who are on the schedule now are all the remaining presenters who are scheduled to present to the committee. The process of the committee at the conclusion of today may involve simply adjourning the proceeding. If that happens, the purpose of that is so that all the members of the Legislature will have a chance to give the presentations that we have heard their due attention and consideration. It doesn't mean that the committee will not resume to consider possible amendments to the bill. It just means that, due to the importance of the submissions and the nature and the volume of the submissions, all the members of the committee and the Legislature as a whole will want the opportunity to give those presentations their full care and attention before any possible amendments are considered or brought forward to the committee.

Having said that, any member of the committee does have an opportunity to speak to the bill, to the amendments, or to the presentations before the committee closes. They would also have the opportunity to make any motions that they choose to make at that time. That's just a note on process so that folks understand that the presentations today are going to be considered prior to the committee resuming and any amendments being considered.

There was a submission made to the committee last night with respect to captioning, that there was a possible problem with captioning during the screening yesterday. I would ask anyone who is watching the proceeding through live streaming, if you require captioning, to view the proceeding either on one of the Legislative Television cable TV services or through the Legislative TV website. There apparently is a problem with the captioning if you watch the Legislative TV stream through YouTube. We believe that that's why an individual came to the committee last night and said they couldn't see the captioning. We've taken some new measures that we've never entered into before to make all of this proceeding as accessible as possible for everyone. There is that one small consideration that has to be taken into account.

I will begin by reading off the agenda for this morning. We are going to continue to consider submissions on Bill No. 59, the Accessibility Act. We have eight presenters scheduled today. The first of these will appear by video conference from a remote location. That will be David Daniels. He is scheduled for nine o'clock. For 10:00 a.m., we have scheduled Sheila Wildeman, Will Brewer, Allison Brewer, and Jim Cormier. Those folks have been asked to possibly appear a little bit early, and if they are here, we will try to continue the proceeding following the presentation by Mr. Daniels in order to move things along in a slightly more efficient fashion.

Having said that, I can see Mr. Daniels in front of me. I'm going to ask him if he's prepared (Interruption)

I'm sorry; I forgot to do introductions of our committee. I apologize, Mr. Daniels. We'll begin. I'm Terry Farrell, I'm the member of the Legislature for Cumberland North and I'm the vice-chair of the committee. I'm appearing here on behalf of the Chair Honourable Diana Whalen. We'll begin with introductions to my far left, with Mr. Stroink.

[The committee members introduced themselves.]

MR. CHAIRMAN: Thank you to all the members for your introductions. Mr. Daniels, we're ready to move into your presentation and I want to congratulate you on being the first person ever to present to the Law Amendments Committee by remote video conference. Thank you for your interest in the legislation and your willingness to come forward.

We'll do a little test of the link by asking you to introduce yourself and indicate if you are presenting to the committee on behalf of any particular group or organization. Then you can begin into your 10-minute presentation with five minutes of questions by the members to follow. We'll be liberal with our interpretation of the time.

MR. DAVID DANIELS: Can you hear me?

MR. CHAIRMAN: Yes, sir, we can.

MR. DAVID DANIELS: My name is David Daniels, I'm a lawyer and I thank you for allowing me to speak to the Law Amendments Committee. I don't represent any group. For the past 10 years I've worked at Legal Aid as a volunteer and for the last eight years of those I've worked in the social justice portion of Legal Aid at the Kentville office.

I wanted to speak today briefly about the compliance and enforcement provisions in Bill No. 59 and in particular I wanted to tell you about my experiences in the Town of Wolfville in my attempts, along with John Whidden, who is also a resident, to ensure that this new building had the number of accessible units that were required by the Nova Scotia Building Code. That forms sort of my thoughts about the compliance and enforcement provisions.

This was a new building, it was built around 2014. It was a commercial building, at the time with 60 units. The plans that were approved by the town's building inspector required only one accessible unit.

Before the building was built I appeared before the town council and suggested that in fact the building required three accessible units. Being a lawyer, I sort of commented upon or presented my interpretation of the building code. Eventually I heard back from the town's CAO and was told that both the building inspector, the town's planning director and a new planner all had agreed that in fact only one accessible unit was going to be required. Eventually it turned out that John and I were correct, that in fact three accessible units were required. The building was built with only one accessible unit and in fact litigation ensued. There subsequently has been a settlement agreement and three units are now required - or actually four - but at the time three units are now required.

Because the apartment units were allowed by the town to be used as hotel units, Tourism Nova Scotia was also involved. I contacted Tourism Nova Scotia and tried to

convince them that in fact three units were required. We also raised other issues with them but to my knowledge they've never pursued any of the issues that I had raised.

Just two observations about what happened: first of all, when the building inspector determined that in fact only one unit was required, short of going to the Supreme Court and beginning a proceeding there, there was no way for me to appeal this. I thought about going to the Human Rights Commission but for various reasons, I decided not to do that.

The second observation was about what convinced the town eventually to change its mind. In fact, three units were required according to the Nova Scotia building code. That was a letter that was written by the then Provincial Coordinator of Building Inspectors - he's now retired. He had no authority to overrule the town building inspector, but because of his letter, he eventually changed the mind of certain people. I don't need to go into details, but eventually the town sort of saw what had to be done and a report was done.

I have three or four recommendations. You heard some of them yesterday, but I'll go over them. The most important one I believe wasn't discussed yesterday. I assume that the process will largely be complaint driven. Especially in rural areas, when an individual with a disability sees that there's non-compliance with the regulations that will eventually be drafted, they will complain to someone. Assuming it's the inspector - as the draft legislation now allows for an inspector - the inspector then has to decide whether or not compliance occurred. If he decides to order that a remedy be made, the owner or the entity that owns the property can appeal, but presently the complainant has no appeal process.

One of my areas of specialty is judicial review. The decision by the inspector could, in fact, be appealed by the Supreme Court, which is very slow and very expensive. So the first thing I would suggest as an important improvement to the Act would be to allow the complainant to actually appeal the decision of the inspector if, in fact, the inspector determines that there is no non-compliance.

I would suggest the best way to do this, which happens in other administrative proceedings, is to actually have the first level of appeals be done by an administrator. In the case that I described, it would have been ideal if I could appeal to the provincial building coordinator. That would have sort of cut short a lot of the problems that subsequently occurred. So that's one suggestion. Then if you want to appeal to the second level administrator, you would go to something like the URB, which I know at least two speakers - Gerry and one or two others - suggested that as sort of a hands-off tribunal.

I would also concur with the recommendation given by Gerry and others that the appeal not be done by the minister. Whether there's compliance with the regulations is not really a political decision, and it should be taken out of the hands of politicians. I have no problem with politicians, but this is not a round where they should be involved. It should be an arms-length decision.

MR. CHAIRMAN: You have just over two minutes left in your 10-minute allotment.

MR. DAVID DANIELS: Thank you very much. Finally, in my reading of the proposed bill, the inspector would just cover the provisions in the Act and the regulations. I wonder whether for efficiency's sake the inspector's mandate - or whomever you decide on to sort of enforce the rules - should be broadened to allow them to cover accessibility issues which may be dealt with in other provisions of other Acts or regulations. The obvious one is, Nova Scotia has a fairly progressive provision in its building code regarding accessibility, and perhaps the inspector under the Accessibility Act could also cover those.

Those are my thoughts and suggestions. Thank you very much.

MADAM CHAIRMAN: Thank you, sir. We'll move on to some questions by members of the committee; hopefully you can entertain those. Mr. Stroink?

MR. JOACHIM STROINK: Thank you very much for your presentation. Just a quick question on the appeals process - do you see the URB having a place or a role in this whole process?

MR. DAVID DANIELS: Yes. Again what I would suggest is that the first level of appeal would be considered an administrative appeal. So it's sort of internal to the administration of the Act. Then and only then would you move up to really a tribunal. You see this, for instance, in income assistance appeals - you first go to the administrative appeal which is internal and then you go to an arm's length tribunal. The same with CPP disability, you can sort of ask for reconsideration and then, if that doesn't work, you appeal to the Social Security Tribunal.

As one of your speakers yesterday indicated, I think the URB is particularly adept at these sort of proceedings and it doesn't seem to make sense to reinvent the wheel. So yes, I see a role for the URB.

MR. CHAIRMAN: Mr. Irving.

MR. KEITH IRVING: Thank you, David. David is one of my constituents and is a strong volunteer watchdog for issues at the municipal level.

David, we've talked about the case you've spoken about on a number of occasions. I just wondered if you would want to expand upon or give us your thoughts about the challenges with respect to enforcement, particularly in rural Nova Scotia. I think there's an issue there to be very careful and considerate about the capacities of the other 50 municipalities beyond the HRM with respect to enforcement and how we can effectively and efficiently cost-effectively ensure proper compliance amongst all 51 municipalities.

Would you like to expand a bit on your observations with respect to the ability to have skills and expertise at 51 municipal levels, with respect to enforcement?

MR. DAVID DANIELS: Sure, Keith. Yes, I think it's a real problem. I didn't say it in my presentation but both the building inspector and the director of planning who made these very poor decisions are no longer employed by the town. I think training and the skill level - I spoke to the present building inspector in the town - are very good. I think it's a real issue and the only way besides making sure that they receive adequate training - that would be the first step. I know, for instance, I think Wolfville I suspect has a fairly good process but they've also made mistakes. I don't know about other far-flung municipalities, I really can't speak about those other than Kings County.

What I would say is, a safeguard would be something like this provincial building coordinator who could be given more power or, in the case of the Act, again to have someone oversee with real expertise the municipal decision-makers.

Of course there are issues in a small town or a small municipality, people know one another - it's a real issue and I'm not sure how to address it adequately, other than to make sure there are very good appeal mechanisms.

MR. CHAIRMAN: Were you finished, Mr. Daniels?

MR. DAVID DANIELS: I was asking Mr. Irving whether that was sufficient.

MR. CHAIRMAN: We're going to ask for a question now from Mr. MacLeod.

HON. ALFIE MACLEOD: Thank you, Mr. Daniels, for your presentation. I couldn't agree with you more about taking it out of the hands of the minister and the politicians as far as the final part of the decision, but thinking out loud, I wonder what your idea and thoughts would be about having a minimum standard checklist that was put in place right across the board so that there are no gray areas - it either passes or it doesn't pass - it fits in. Then from there, if municipalities wanted to enhance that they could.

If there was a minimum checklist so that when we went right across this province regardless of where we were, this is the minimum expectation you could have, do you have any thoughts on something like that?

MR. DAVID DANIELS: Do you mean minimum expectation in terms of the regulations?

MR. ALFIE MACLEOD: For accessibility factors.

MR. DAVID DANIELS: Sure, a checklist is always a good thing. I did listen yesterday to the proceedings and there are so many different areas. I mean, when I think about accessibility, for instance, I think about wheelchair ramps (Interruption)

MR. CHAIRMAN: Go ahead, Mr. Daniels. I'm not sure what that was, but I think we can still hear you.

MR. DAVID DANIELS: When I think about accessibility, I initially think of ramps, elevators, but there were people yesterday - the autism person who spoke about autism talked about senses - deaf people. So I'm not so sure coming up with a basic checklist - it would be very difficult in a way.

I think having checklists is a very good idea, but I'm not sure - it would be difficult to prioritize what you think is the highest priority in terms of which disability, in a sense, would you go by? That's my only thought about that.

MR. CHAIRMAN: Thank you, Mr. Daniels. You've made good use of your 15 minutes. We want to thank you on behalf of the committee and the whole Legislature, in fact, once again for making this historic appearance today. You can add that to your memoir, sir, when you move on.

I'm going to take a quick roll call of the 10:00 a.m. presenters to see if we may have someone here so that we can go ahead. Sheila Wildeman, if you're here could you put up your hand? No. Will Brewer is here. Allison Brewer. Jim Cormier. We're going to take a brief 10-minute adjournment and then we will resume with the next presenter, and I believe it will be Mr. Brewer.

[9:32 a.m. The committee recessed.]

[9:53 a.m. The committee reconvened.]

MR. CHAIRMAN: Order. We're going to call the meeting of the Law Amendments Committee back to order. I believe Will Brewer has come forward to present. This is a slight adjustment to the order of proceedings, but we are starting a little bit early, prior to 10:00 a.m.

I want to welcome you here this morning, Will. I think you're acting right off the bat to raise the standard of the committee. We all usually appear in good business dress, but in my experience at the committee, you're the first one to appear in formalwear. I appreciate the consideration you've given us to do that.

Maybe what we'll do is re-do the introductions because we may have a few people here who weren't here at nine o'clock.

[The committee members introduced themselves.]

MR. CHAIRMAN: Mr. Brewer, we're going to ask you to take around 10 minutes to give your presentation, and then we'll have around five minutes for members of the committee to ask you some questions if that's okay with you.

MR. WILL BREWER: Of course.

MR. CHAIRMAN: Okay, please begin. Thank you.

MR. WILL BREWER: My name is Will Brewer. I was born with Down syndrome, which is also considered an intellectual disability in Bill No. 59. I go to Mount Saint Vincent University. I was part time in a program called MountAbility, which you can ask me questions about afterwards. I am the accessibility representative of the Mount Saint Vincent University Student Union for overseeing what students face with or without disabilities.

While reading the Nova Scotia Accessibility Act, I see I'm affected by this bill as it addresses barriers for people with disabilities. This is important because as a man with a disability face, barriers to employment such as discrimination, small stipends from the government that don't cover tuition costs, expenses such as food, clothing, transportation and education. Don't mind me if I'm not staring at you all the time, just so you know, because I am sort of doing both.

MR. CHAIRMAN: You're doing a great job and your notes seem to be working well for you, so however you feel comfortable.

MR. WILL BREWER: My worry is that the Accessibility Act is more for people with physical than intellectual disabilities. I worry that by lumping cultures of disability such as Down Syndrome together with people with physical disabilities will mean no solid foundation of public understanding and awareness of people with intellectual disabilities.

The foundation is necessary to have effective human rights legislation. One of the stories I would like to share is of when I was younger. I filled out a form for getting in a program - with my mother at home - and one of the questions on the form said, do you have a disability? I said, no, mom, I do not. Actually what I meant by that, I don't have one. What I meant to say by that story is that disability is a personal thing and not something that can be addressed by lumping everyone together under the Accessibility Act.

I would like to thank Minister Bernard and most of you here as well that I consider a supporter and a friend. Thank you for giving me an opportunity to speak to the Accessibility Act.

MR. CHAIRMAN: Thank you, Mr. Brewer. I hope you have time for some questions for members of the committee.

MR. WILL BREWER: I'm all ears.

MR. CHAIRMAN: Ms. Mancini will begin.

MS. MARIAN MANCINI: Thank you for coming here to present this morning. I don't know if you had a chance to listen to the presentations yesterday, but what I'm hearing from you when you talk about disability being a personal thing is it's really about trying to talk about people's attitudes about disability generally. Some people have suggested that when we're looking at removing barriers we need to think about not in terms of disabilities but have it a broad approach so that accessibility is good for everybody. So if it's a person in a wheelchair who's using a ramp, it's useful for a person who has a baby in a stroller as well. Is that kind of the concept that you're getting at when you told the story about your mom?

MR. WILL BREWER: That was about me, actually, that story. What I meant is that most people would rather not describe their disability and they find it personal, because I know a few people, which I can't remember their names, and they said I'd rather not answer the question.

MS. MARIAN MANCINI: So you consider it's a privacy issue for you as well.

MR. WILL BREWER: Yes, but I don't mind actually telling people what my disability is, even though I'm not a physical one - I am an intellectual one.

MR. CHAIRMAN: We'll move to Mr. Jessome.

MR. BEN JESSOME: You referred to the fact that you are the accessibility rep for the Mount Saint Vincent Students' Union.

MR. WILL BREWER: Yes.

MR. BEN JESSOME: I'm curious as to whether there is work that you've done there or that the council has done there that might add value to what we're doing here today.

MR. WILL BREWER: Just recently we had an election. Right now I'm in transition. As of May 1st, I will be actually working.

MR. BEN JESSOME: Okay, excellent. Is there anything that you plan to do right out of the gate?

MR. WILL BREWER: I've actually been thinking of doing a campaign. I don't have it on me right now because it's on my phone. I'm thinking of a let's spread the word kind of thing about what accessibility means to you.

MR. BEN JESSOME: Excellent. Education is very important. Thank you.

MR. CHAIRMAN: Ms. MacFarlane.

MS. KARLA MACFARLANE: Thank you so much, Will, for being here and making your presentation. It's great to have you here. When you speak about intellectual disabilities, can you specifically name or give us a few suggestions on how this particular bill can be improved to address those?

MR. WILL BREWER: Are you asking what it means?

MS. KARLA MACFARLANE: Earlier, you indicated that you felt this piece of legislation was dominantly around physical disabilities, so I'm wondering if you could give us some recommendations or suggestions on how we can improve the bill to address intellectual disabilities.

MR. WILL BREWER: Once I get out of transition, we can meet up and talk more.

MS. KARLA MACFARLANE: Love to, thank you.

MR. CHAIRMAN: Mr. Stroink.

MR. JOACHIM STROINK: Thank you, Mr. Brewer, for coming. May I call you Will? I feel like I know you more as Will than as Mr. Brewer.

Will, I guess there's a huge stigma that's associated with intellectual abilities. For some people it's not as obvious - for people like myself and yourself or other people with intellectual disabilities.

I guess what I'm asking you is, do you feel that this bill and this conversation will deal with and help with the stigma by creating more awareness of other forms of disabilities? Do you feel that this bill is a great starting point for Nova Scotia to start dealing with the stigma associated with that?

MR. WILL BREWER: To answer both of your questions, I actually do have something. I don't know how this will answer your question, but I find that in the bill there's more of a physical voice than an intellectual voice. Actually I wouldn't even mind being you. For example, I wouldn't mind sitting in committee like you are and having an intellectual young man, or gentleman, I should say, have a voice on that committee.

MR. JOACHIM STROINK: Thank you very much, Will. I will take that back to the committee and see where we can go with that.

MR. WILL BREWER: Does that answer your question?

MR. JOACHIM STROINK: Yes, it does, thank you.

MR. CHAIRMAN: I want to thank you once again, Mr. Brewer, for coming this morning and for providing your very helpful presentation.

I've been advised that Legislative TV is having a problem with the captioning, and they've asked that we adjourn the committee for a short time to allow them to sort that through. We will adjourn for a short time, five minutes or so, in order to restore that capability.

[10:03 a.m. The committee recessed.]

[10:09 a.m. The committee reconvened.]

MR. CHAIRMAN: Order. I understand that our technical difficulties have been resolved, and we're going to resume our presentations. I'll review the remaining 10 o'clock presentations. They are Sheila Wildeman, Allison Brewer, and Jim Cormier. If Sheila Wildeman is here, I will ask her to come forward.

Good morning, Ms. Wildeman. I will ask you to begin by introducing yourself and any organization or group that you're here representing. You can then launch into your 10-minute presentation, and we'll allow five minutes at the end for questions.

MS. SHEILA WILDEMAN: I'm not representing any organization, but I'm going to speak to my association with a few and support for them.

I teach at Dalhousie Law, and I've been on faculty since 2004. My primary area of research is in mental health law and policy. I suppose my view of the bill is informed by my concerns in my work with systemic discrimination around mental health law and policy. I'm particularly concerned about the over-reliance in Nova Scotia on institutionalization and incarceration as a response to psycho-social disability and intellectual disability. I've really come at it from that perspective.

When I last appeared here in November on this bill, I rode sidecar to my mentor in equality law, Dianne Pothier, who passed away not long ago. When I was hired at Dalhousie in 2004, that's really when that mentorship began. I was teaching equality law, and she was my teacher in so many ways. One of the best compliments that I ever got from Dianne, and her giving compliments was actually fairly rare - she had high standards - was her saying that when we were here giving our presentation last time, I had done the heavy lifting, and she just got to rant.

What Dianne talked about when she was here was the lack of supports, and financial supports in particular, for accessing assistive devices, the sorts of devices that would enable her and others simply to read a bill like this one. The sorts of rants that Dianne tended to enter into in these kinds of contexts were informed by a lifetime of experience of exclusion and barriers and also of the work that it took her and others to continually confront and overcome those barriers. It was a lifetime of acute analysis of disability-based injustice.

I'm here speaking as an ally of Dianne and others, as an academic, and also as a citizen who is committed to human rights.

Since I was here last November, I've had some involvement with the folks who took leadership and drafted the important principles that were given to you yesterday, I think, by the Bill No. 59 Community Alliance. I endorse those principles. I encourage you to follow through with involvement with that active community of advocates.

I took specific involvement along with a few others - Archie Kaiser, Dianne Pothier, Gerry Post, and Barb LeGay - in drafting a preamble and set of purposes that captured a lot of our central concerns about this bill and the aspirations that it should reflect. That's on the last page of the handout that I gave you. Archie Kaiser also included it yesterday. It's titled Preamble and Purposes, and I'll speak to that just a little bit as I turn to some of my comments on the bill.

There are really four principles that I think you need to keep in mind as you revisit the bill. I do think that it should be fundamentally overhauled and revisited. The first goes to the purposes and the principles informing it. You need to ensure that the Act is grounded in clear purposes, and the purpose of achieving accessibility should be grounded in clear commitments to human rights principles, along with that overarching commitment to eliminating barriers and to achieving accessibility. That is itself a core human rights principle.

An Act of this sort also needs to commit to creating independent inclusive entities responsible for identifying, raising awareness about, and eliminating barriers. The independence is key there. It also needs to provide independent effective enforcement, including the potential for an appeal to an independent tribunal. That's in the Ontario model. Last, it should build in transparency, more transparency than is there, relating to monitoring, public reporting, and accountability measures.

Just starting with the principles, the current purposes section is very weak. Government's commitment to accessibility is very weakly-stated. I'll talk a little bit about how that should be amended.

The purpose of this section is confusing, it gives the impression that the reach of the legislation is restricted to public sector bodies whereas that's not. If you read the bill more closely, it's not the intention of the bill.

The purpose of this section should state a clear commitment to accessibility and should acknowledge the depth of historical and ongoing disability-based discrimination in Nova Scotia, giving rise to the urgency of this bill. The principle section should place, again like I said, specific emphasis on fundamental human rights protections and, in particular, we focused in our Purposes and Preambles document on the principles, the human rights principles articulated in the Convention on the Rights of Persons with Disabilities, particularly those framed around accessibility and inclusion.

This should include, and it's reflected again in the document I gave you, concerns for access to justice - that's Article 13 of the CRPD, concerns reflected in the CRP Article

19 and I think this goes in some way to the presentation we just heard. It goes to the right to live in the community with choices equal to others and with access to a range of supports, enabling independent living in the community on equal terms with others.

Article 20 of the CRPD goes to mobility guarantees and that would include facilitating access to quality mobility aids, assistive devices and technologies and the rest. These fundamental guarantees we've tried to build into the preamble to inform the aspirations of a bill like this. That's what I wanted to say about the preambles and purposes. They are currently weak and they need to be strengthened.

Around the development and enforcement of accessibility standards there's also a number of important changes that need to be made. We've made this, and others have made this comment I think throughout these proceedings, there's too much concentration of powers and discretion in the minister around developing, proposing, reviewing and enforcing compliance with accessibility standards. We need more transparency and accountability in the bill. In order to do that, we need some independence.

There are a variety of examples of over-concentration of ministerial control in the document I gave you. It runs from about Sections 13 to 20 of the bill. Obviously I can't go into detail, but there's a couple of things I wanted to pick out from the sections around developing accessibility standards.

One thing, and you've heard it before but I want to say it again, is the focus on economic impact assessment for standards in Section 22(2). It's out of step with human rights commitments to require an economic impact analysis for all proposed accessibility standards in this manner, in particular where the analysis is detached from human rights principles in the way that it is in this bill. It really gives the sense that economics comes first, which is just not the human rights approach to accessibility.

MR. CHAIRMAN: A minute and a half.

MS. SHEILA WILDEMAN: A minute and a half, okay, that's fine. I also wanted to note Section 33, the bit about the minister making a proposed accessibility standard publicly available. It seems like there's transparency built in there but there's not actually. When I read it as closely as I'm able, it seems to me that this refers to a standard proposed by the minister, which is a stage after the minister decides whether or not to accept the recommendation of the advisory board. So it's quite possible that the way this bill is written that a board goes to all the trouble of devising a standard, gives it to the minister and it never is even made public. So it's fundamental to my mind that an important democratic deficit transparency problem is there that all that work could be suppressed and not lead to the sort of deliberation that I think it should.

I also wanted to say a last thing on the advisory process. I see that the statute mandates that standard development committees be remunerated but it says nothing about that in relation to board members. That, to my mind, is a gap, that these folks are going to

be doing important work, including half of that Advisory Board that is to be made of persons with disabilities and remuneration should be built into the Act.

You've already heard from others around enforcement and the need for independent enforcement and to move away from this awful sort of politicization of enforcement where it's ultimately the minister who decides about financial penalties. That's a real problem and I support what you see in the Bill 59 Community Alliance principles about mandating that an appeal to an independent tribunal be effected under the Act. That's Ontario's model. They leave open, under the Act, which tribunal it's going to be. I think they've actually even moved that tribunal a couple of times.

MR. CHAIRMAN: Mr. MacLeod.

HON. ALFIE MACLEOD: I was listening to your concerns. Yesterday, I had thrown out the idea that maybe what we need in this bill is what I refer to as a sunset clause. In three or four years or whatever the time frame, this legislation has to come back to and be looked at by the government to make sure that it's actually doing what it was set out to do so that there is a sort of check and balance instead of putting a piece of legislation in place - which we have in the past - that's been on the books for years, but nobody ever checks to see if it's doing what it was meant to do. I think in this situation some kind of check like that would be very helpful to what we're trying to accomplish as a community.

MS. SHEILA WILDEMAN: Absolutely, you need to have mandatory reviews of the statute's effectiveness. Then it goes to how those reviews are going to be done and who is going to do them. Certainly, in Ontario they do have those regularized periodic reviews.

I think in Archie Kaiser's document yesterday, he suggested that the first review be done after four years, and then every five years after that. I agree with that. I think that's absolutely important.

I was also going to say, and this goes to who is going to do the reviews and who is monitoring this stuff, that you've got the accessibility directorate that's created under this Act. It seems to have a lot of power, but it's left open. On resourcing that directorate and giving it very strong powers and giving it independence, I would actually recommend considering giving that directorate independence comparable to the Canadian Human Rights Commission, which is actually comparable to judges. Yes, they have limited-term appointments, but they are removed on a standard of good behavior and on joint address. That's Parliament.

It has to be independent. Why? Because it's monitoring the way that government and government entities are complying with this fundamentally transformative legislation. I think that's really important. I also think the directorate should be a kind of central clearing house for educating and responding to public inquiries, including from business, around how we do this, how we promote accessibility. So that directorate could be important both for monitoring and also educating.

MR. CHAIRMAN: Ms. Mancini.

MS. MARIAN MANCINI: Thank you for coming again. Your comments were really helpful from the last session. I read your handout from that very carefully.

I'm hearing you today, and I'm looking at the preamble and purposes that you've presented, which are in no way similar to what is already in the existing or proposed legislation. I'm looking at your comments about essentially the concentration of power to the minister. Those clauses are Clauses 13 to 20. I'm also seeing your reference other clauses in there that you mentioned, Section 26 and Section 36. For time's sake, I can't get into them. Also, you talked about compliance and enforcement, and those are fairly big sections as well, Sections 52, 53, and 62. Can we save this?

MS. SHEILA WILDEMAN: I noted that my colleague Archie Kaiser was quite clear saying there are so many changes to make that you should start from scratch. I'm a little bit on the fence there in that I do not want this bill to die. That's my first priority. I don't want it to exist as it does, but I also don't want the default to be to do nothing. So I leave it in a sense to you folks to figure out if you are able to fundamentally renovate the bill in the ways that have been presented to you repeatedly, or if it requires starting with a new one. I'm going to hold off on that point except to say that, yes, it would require fundamental revisions in the way that we've described.

MR. CHAIRMAN: Thank you for your presentation this morning. We appreciate your attendance. Our next presenter is Allison Brewer.

Good morning, Ms. Brewer. If you could, please begin your presentation by introducing yourself and any group that you may be representing here today. We'll ask you to take 10 minutes for your presentation, and we'll leave five minutes for questions following that.

MS. ALLISON BREWER: My name is Allison Brewer, and I chair the Halifax Nova Scotia Down Syndrome Society. I'm making this submission as an individual and as the mother of Will Brewer - a man who, as you've heard, was born with Down Syndrome. I could speak on behalf of the board, but my journey with Will has been more personal. I think he addressed that issue as well, that these journeys are personal. So I would rather speak to the committee as an individual rather than from my experience at the board level.

I would like to thank all of you for being here today, and I would like to thank Minister Bernard and the members of her committee who worked so hard to put the Act together. I'm aware of how much effort goes into it, but it's important that we get it as close to right as possible. I appreciate that the Law Amendments Committee has given those people affected by the Act an opportunity to provide the government with crucial information.

I agree with many of the previous submissions that contend that there are a number of reasons why the Act fails. For instance, while the Act calls for the minister to raise awareness of how people with disabilities are disabled by barriers, the government has cut funding to the organizations set up to do just that. So unless the minister plans to do it on her own, that could be revisited.

Apart from that observation, I won't go into the shortcomings of the Act in any detail simply because the whole thing for me is a non-starter. How, I wonder, can you have an Act respecting accessibility in Nova Scotia when the definition of disability is so broad as to include persons with intellectual, mental, sensory and physical disabilities? There are worlds of difference among those categories, and this particular piece of legislation doesn't adequately address those disparate needs. Clearly there can be crossover, but on its face, there are only loose parallels.

This is not meant to be a matter of dueling disabilities. People with physical and sensory disabilities face barriers and challenges that desperately need to be addressed, but their challenges are different from those faced by people with intellectual disabilities. That's what I'm here to talk about.

For instance, while it may not be common to see people with physical disabilities gainfully employed or in positions of power, it's not out of the question. It isn't impossible to conduct the business of a Member of Parliament or a Member of the Legislative Assembly from a wheelchair. In fact, Franklin D. Roosevelt conducted the business of the Oval Office from a wheelchair and was thought to be one of America's best Presidents of all time. It's sad to say, however, that never in our history or the history of the United States has someone with a disability, such as Down Syndrome, been elected to political office. It is, in fact, uncommon to see someone with an intellectual disability working in offices in Nova Scotia at the municipal, provincial, or federal level, let alone in the private sector.

I have a couple of examples of how the legislation fails to address those differences, even within the current government system, and this is where it gets personal. When my son Will and I moved to Halifax from Fredericton eight years ago, we went to the Public Service Commission to register Will for employment within the government under its employment equity initiative. Despite a screening process that included a personal interview, Will began receiving job postings for positions such as office clerks and secretaries, positions that could be adapted to accommodate someone with a physical disability or visual or hearing impairment. For Will, those kinds of jobs were and are out of the question.

Will is currently enrolled as a student at Mount Saint University through its MountAbility program. MountAbility is an audit program designed to offer a university education to people who have an intellectual, developmental, or learning disability who wouldn't otherwise meet the criteria for admission. It's done in partnership with the Department of Labour and Advanced Education's Post-Secondary Disability Services.

Everything I know that's wrong with Bill No. 59 is reflected in our experience with that program. The problems are not at the university level; they come straight from government.

As case and point, Will was happily accepted into the program but faced a hefty bill of over \$500 for tuition and textbooks for one four-month long semester to audit a history course. For a man who lives in a group home and receives a government stipend of \$115 per month, that kind of cost is out of the question. It might be said it's out of the question for most students but Will has no reasonable expectation of meaningful employment when he finishes university, simply because of his particular disability.

The government funding amount these students have access to is the same whether someone has a physical, sensory or intellectual disability. Again, by way of example, I know two young men who met the criteria for the funding and support offered under the post-secondary disability services and both completed university. One is now in an administrative position at Dal University and the other is a practising chiropractor living in British Columbia. Will, despite all his talents, will never find himself in the workforce at that level and will never be in a position to repay the expenses he incurs while going to university.

This, I remind you, is a program that comes straight out of the Department of Labour and Advanced Education. I'm afraid that until the Government of Nova Scotia shifts its thinking about the differences between person with intellectual and mental disabilities and those with physical and/or sensory disabilities, the implementation of any legislation designed to attempt to address those disparate needs is doomed to fail at the outset. That is respectfully submitted by me, Allison Brewer.

MR. CHAIRMAN: Thank you very much, Ms. Brewer. I hope you have some time for questions from the committee. Ms. MacFarlane.

MS. KARLA MACFARLANE: Thank you so much for attending today and your words of wisdom. I'm just curious, we've been here yesterday, as you know, and time and time again we're hearing that this bill seems to be directed more to the physical challenges and lacking those intellectual, mental, and sensory challenges.

It just came to me, I'm just wondering, do you think that maybe there's two bills here?

MS. ALLISON BREWER: I've given that quite a bit of thought and I don't know if both couldn't be contained within the one bill. It's interesting that you use the word 'challenges' because the language of the bill is 'barriers'. When I think of barriers, I think of inaccessible spaces, that don't have wheelchair ramps. I don't see Will as having so many barriers as he does challenges and that's what I don't feel the bill represents.

MS. KARLA MACFARLANE: That's interesting that you say that because right here on my paper I put a question, I had 'barrier/challenges' because they are different. I think if we are to combine them we have to identify that they are different, though. So I was just curious, I'm thinking that maybe two bills may be in need here. I just want your opinion, thank you.

MS. ALLISON BREWER: Yes, two bills and also a shift in thinking within the government because, definitely, lumping all those together is inherent in government thinking here.

MR. CHAIRMAN: Mr. Stroink.

MR. JOACHIM STROINK: I kind of want to go back to Karla's comment - and thank you for your presentation. I like the idea of changing the wording into 'challenges' and putting that into the bill. I'm just wondering, for the wording of definition of intellectual disabilities, is there one word that can cover everything or should we go through every disability and identify each one into the bill? I'm trying to get a sense of whether we can keep it in one bill instead of spreading it out, by identifying them all and then changing 'barriers' to 'challenges'?

MS. ALLISON BREWER: I don't know if changing 'barriers' to 'challenges' would address the problem, I think they are two separate things. When I think about physical disabilities, there are a number of barriers to accessing services, accessing housing, and all that kind of thing. So I don't know if there would be any one word that would cover all of those barriers or any one word that would cover all of the challenges that would be faced by someone with an intellectual disability.

MR. JOACHIM STROINK: So if you put 'barrier' and 'challenges' - I'm just trying to keep it in one bill but it's on a broader perspective. I think the strength by a group together is way stronger than two separate individuals and that's kind of what I'm trying to say here, that if we split it then it is diluting the process and diluting the bill and if we're all working together, we're stronger as one.

MS. ALLISON BREWER: It also slows down the process by years.

MR. JOACHIM STROINK: I think slowing it down or doing what we need to do and ensure we get it right is what's happening here. I think your words are not lost on this whole conversation so thank you.

MS. ALLISON BREWER: No problem. Just to recap what we were just discussing, I think if the two words 'barriers' and 'challenges' were used in the Act and if there was a little bit more weight put to the challenges faced by people with intellectual disabilities, I think that would go a long way, I know, towards satisfying our community. I'd like to think I'm part of Will's community so I use the word 'our' as an inclusive term.

MR. CHAIRMAN: We'll go back to Ms. MacFarlane.

MS. KARLA MACFARLANE: Earlier in your presentation, Allison, you indicated there have been funding cuts to different groups. I don't mean to put you on the spot but can you give us names of any of those groups right now?

MS. ALLISON BREWER: I know one, for instance - the Nova Scotia Association for Community Living, I believe, lost about one-third of its funding. If you're going to go into the community and look at an organization that works very hard to raise awareness, that would be one of them. I could be wrong, I don't think that funding was ever reinstated. I know it was a real blow to the organization when it happened.

MR. CHAIRMAN: Thank you very much for appearing this morning, Ms. Brewer, for your helpful and thoughtful presentation.

MS. ALLISON BREWER: Thank you for your time.

MR. CHAIRMAN: The next presenter is Jim Cormier. I'm just going to briefly review the 11:00 a.m. presenters - we may be just a slight bit ahead and I may call on one of them to come forward if we finish in advance: Jordi Morgan, Tova Sherman and Ben Davis.

Good morning, Mr. Cormier. We'll ask you to begin by introducing yourself and the organization that you are here to represent, and ask you to present for 10 minutes and hopefully stay around for five minutes for questions afterwards.

MR. JIM CORMIER: Thank you, I appreciate the opportunity to come and address the committee. Again, my name is Jim Cormier. I am the Atlantic Director for the Retail Council of Canada. We represent about 45,000 storefronts from coast to coast. We are one of the largest industry associations in the country and representing just the retail sector we represent everyone from your small, independent, main-street retailer up through to the large national and international chain retailers. We have the grocery sector as well and also online retail. We don't represent all retailers but we represent a good chunk of them. We are the largest private-sector employer in every single province, including this one.

With regards to this legislation, to be honest with you, I'm not a lawyer, I'm not a legislative expert. That said, our retailers have been very clear in stating that from a corporate social responsibility side but also strictly from a money-making point of view, accessibility brings more people into stores and that usually results in better sales.

We've been supportive of these processes. We were supportive when Minister Whalen brought in the Service Dog Act, in fact we spoke in support of that at the bill launch. We're generally supportive of this legislation. It's enabling legislation, we understand there are those who would like to see some changes to it. Again, we don't have

strong opinions on it with regards to some of the details. That said, I guess we could categorize it that we would ask for two things for the committee to consider.

One is the fact that we do represent small retailers. There are a lot of small retailers that are on your main streets throughout Nova Scotia. Those small retailers are often in very old infrastructure, they often don't own the building, they are renting. At times if there is ever a need to make changes to those buildings, it can be difficult for those small, independent retailers.

If there were any sort of demands on changes to those buildings, we'd simply ask that there be some flexibility. We also ask that government would consider putting in a program of some sort that could allow funding to help those changes to occur. Then beyond that, for the larger retailers, of which I represent most of them, most of them are already in accessible buildings. They are usually in newer buildings. Obviously they still have their own accessibility challenges and areas that they want to improve upon but, for the most part, it's not the same. For those members they simply would ask the committee to consider the benefits of harmonization.

These members have stores in Nova Scotia but they also have stores right across the country. When it comes to big retail, harmonization is always the key. There are best practices that have been developed in other provinces. I'll leave it to you folks to consider those other provinces but I know Ontario and Manitoba are two examples where our members, because of their presence, especially in a larger province like Ontario, they've also developed the training programs to respond to the demands of the legislation that has already been passed and implemented there.

We have training videos, we have different policies that have been developed. It's always problematic for large retail when they have to reinvent the wheel in every single province. If it's something that you need to go it alone, that can be understandable, but in this case we feel that if there are best practices that are there we would encourage you to continue along that front for the simple reason that again, it allows us to take some of the best practices that have been developed and implement them here.

Again, I know you've been hearing from a lot of folks. I don't have a whole lot else to add, other than the fact that generally as a business association we like enabling legislation, due to the fact that it then allows stakeholder consultation to occur, where you can put some meat around the different aspects of the legislation.

We understand the concerns that have been raised. We'd say that we're willing to be an active participant in whatever stems from this. If there are continuing consultations, if there are stakeholder committees that have to be struck following the passage of enabling legislation, we would like to be part of the process due to the fact that we do serve the public and we are such a large employer in the province. Thank you.

MR. CHAIRMAN: Thanks very much, Mr. Cormier. We'll move on to some questions from members of the committee. Mr. Belliveau.

HON. STERLING BELLIVEAU: Thank you very much, Jim. I certainly like your approach of your presentation. You suggested that 44,000 independent storeowners that you represent . . .

MR. JIM CORMIER: It's 45,000 storefronts. The bigger retailers obviously have a lot of storefronts.

MR. STERLING BELLIVEAU: In your comments basically to me - I took some notes here quickly - you want to be a willing participant or player in this process. You mentioned earlier in your presentation that some of your business associates are in old structures and you want to work with the present government and to establish this new bill. To me this issue is, how is this going to be addressed?

You alluded to the fact that you need to work with the industry to create incentives or programs to make these adjustments. I'm looking at older buildings here now and we earlier heard presenters talk about just four years ago how the building codes have changed. I know there's a lot of buildings out there that are a lot older than four years.

My question to you is, what do you have, do you have anything in mind of incentive programs how you can help your associates to address some of these needs?

MR. JIM CORMIER: I think that at the risk of passing the buck, I'd rather leave that to those who are more in the building management sector, given the fact that so many of our small retailers are not owning their buildings, they are simply renters. We're simply worried over the fact that if their costs go up, there is a trickle-down effect, and that can be problematic.

Look at the infrastructure even here in downtown Halifax. Correct me if I'm wrong, but I believe you're from down Shelburne way. In a lot of the other older communities in Nova Scotia, their main streets, where are a lot of small retail is, were built at a time when accessibility wasn't much of a consideration.

That said, our smaller retailers recognize the fact that they need to get as many bodies into the store as possible, and so they are willing participants in this process. But my smaller retailers are not my large retailers - at the risk of naming names. The larger retailers have the resources that they can invest. Small independent retailers often do not. So if it does get to a point where it's very prescriptive - whether it be because it's a human rights issue, or it's simply a government initiative - all we ask is that there be recognition of the fact that small businesses in particular would need help. If the government was able to assist, especially in a monetary way, that would be appreciated.

MR. CHAIRMAN: We'll go to Mr. Rankin.

MR. IAIN RANKIN: Thank you for your presentation today. I'm just wondering, given that you're the director of the organization with lots of members, is there anything that the organization does - aside from legislation - on a proactive level that tries to engage with every operator on this level of accessibility, even from a level of just having the discussion or any kind of non-formal committees around what the business community can do to make our businesses more accessible? The reason why I ask that is because you're focusing on your small businesses. There are large businesses that aren't accessible. They have capacity to invest now without this legislation.

So I'm just wondering, do you have that discussion with your members? Can you provide any examples of any progress in recent years with that?

MR. JIM CORMIER: To be honest with you, most of our larger retailers have made those physical investments. I'm sure you could always point to certain stores that maybe are not as accessible as others. That said, they've taken great efforts over the last number of years across Canada to reduce as many barriers as they can.

Now they've even moved on to some of the other challenges that are accessibility barriers. It's not so much the physical barrier as it is having a greater sensitivity in training at the retail level. That again comes back to some of the training programs that have been developed now in Ontario educating the retail workforce. If there is an individual who comes into the store, there may not be a physical barrier preventing them from getting in the store and moving around the store, but maybe they need assistance like someone to go around with them to help them in getting product off the shelves.

There's any number of issues like where all it takes is a little bit of training and sensitivity, and you can take a situation where that individual may not feel comfortable coming in to purchase product in your store to then, with a little bit of assistance, all of a sudden, they're a paying customer and a happy customer. Again, some of these programs have been developed. That's simply why we ask that if we don't have to reinvent the wheel in every single province, that would be helpful.

Back to your specific question though too, beyond that, we have had the folks who were involved in drafting the accessibility legislation in last year, I believe. We have a retail stakeholder committee that meets in Truro about four times a year, and they were in to address our committee. Our members were obviously very much aware of this legislation when it was coming down the pipe. There was a great deal of consultation, and we commend the government for that. It was an opportunity for them to ask some very pointed questions about what this will mean for them.

Again, when it comes to any legislation, we're never going to love every aspect of it, but generally we felt that this has been a positive process. We're interested in seeing a piece of legislation come through that is balanced and that enables business to continue to function but does so in such a way that it welcomes as many people as possible. Again,

retail is a cutthroat business and - I see you understand - they want to get as many people into the stores as possible because if they don't do it, then their competitor will.

MR. CHAIRMAN: Ms. Mancini.

MS. MARIAN MANCINI: Many of the presenters who came before us looked at some sections in this current draft. They were concerned about the number of times it made reference to economic factors being considered and the language is pretty strong in it, like a standard must include an economic impact.

I don't think I saw the same type of language in Manitoba and Ontario, those two statutes - I might be wrong on that - but the presenters raised a point that in human rights legislation inherent in that there is an undue hardship consideration that's always given, which I take to mean that in a business that may be facing some extraordinary challenges - we heard an example, if a B and B, a small business, something like that - that principle could be applied as sort of an escape clause, I guess.

I guess my question to you is this - I think you've had some reach into Ontario and Manitoba you mentioned, so you've had some experience in working with that legislation, Do you think that undue hardship principle will satisfy or be kind of a safety net for the smaller retailers, and is the other language needed?

MR. JIM CORMIER: Again, due to the fact that to be honest with you, I haven't delved into it, especially where we're treading into a legal area and given that my comments here are representing an entire retail sector, I'm going to be very careful on that one and just simply state that our members are very cognizant of the fact that there is opposition to the current bill.

I represent an industry association and the fact that there is recognition of the economic impact that this could have, both positively and potentially negatively on certain businesses, we recognize that. I'm simply going to leave it as, we like the legislation as it is. If the Legislature is so inclined that they wish to make amendments, obviously we'd be willing to look at them. All we're interested in at the end is ensuring that we get as accessible a situation as possible to welcome people into our stores.

MR. CHAIRMAN: Thank you very much for your attendance, Mr. Cormier. You've made good, full use of your 15 minutes and we appreciate that.

We are going to move on to our 11 o'clock presentations. I'll review them once again. The first is Jordi Morgan, the second is Tova Sherman, the third is Ben Davis and we've had a late addition, we'll have a fourth presenter, Luc Erjavec. I will give him an opportunity to correct my pronunciation of his name when his turn comes up.

Mr. Morgan, if you'd like to begin by identifying yourself and the group you represent and we'll ask you to present for 10 minutes and hopefully follow up with five minutes of questions. Thanks for starting a couple of minutes early, we appreciate that.

MR. JORDI MORGAN: In our world 10 minutes early is on time. I have some printed copies of this and for your following along or for the record as well. I very thoughtfully left my large print at the office but I'll try and get through this with my glasses here.

My name is Jordi Morgan, I am the Vice-President, Atlantic, for the Canadian Federation of Independent Business. I want to thank the minister and the members of the committee for the opportunity to speak to Bill No. 59. I would like to begin by commending the work of the community, which is obviously well represented here today, and the officials at DCS as well who have worked so hard on this legislation.

I was reminded, while developing this presentation, of Theodore Roosevelt's comments that "Nothing in the world is worth having or worth doing unless it means effort, pain, difficulty . . ." and no kind of life is worth leading if it's always an easy life. Perhaps there are no people more cognizant of this than those in this room whose lives this legislation is designed to improve.

While the context may vary somewhat, as small business owners our members also understand this view. The Canadian Federation of Independent Business represents the interests of 5,200 small and medium-size businesses across Nova Scotia in all sectors of our economy.

Many small business owners believe there is great value in Bill No. 59. There are many small business owners who have faced their own barriers to participation in the economy due to differing abilities. Many small business owners are leaders and innovators in this area as there are inherent benefits to business for full and effective participation of all people in our society.

Today I will not be addressing the merits or the deficiencies of this bill. There will be another great many witnesses who today, either through experience or study, are able to provide a far more compelling case on why this legislation is required and its benefits to society. I'm confident they will illustrate the policy need and how that need relates to the relevant policy goals.

My intent is to represent the interests of small business. Our concern is not so much with the "why" but the "how" of this legislation being implemented. I have only one area of focus today and that is to encourage the government to uphold its own policy on regulation in the application of this legislation.

Regulation is necessary in any society. It provides the framework for social interaction and conducting business. Business is well served by a robust and clear

regulatory environment. However, when regulation is excessively burdensome in time or cost or complexity it becomes a drag on the economy. The Atlantic Provinces at this point can ill afford further drag on its economic performance. With a shrinking and aging population, we are already facing some very stark choices.

CFIB voiced strong support for the current government's Regulatory Accountability and Reporting Act, which established and provided authority for the Premier's Charter of Governing Principles for Regulation. Because there has been alignment on the intent of this effort, mirror legislation has been passed in all four Atlantic Provinces, and we've given ample credit to the Premier of Nova Scotia who has spearheaded this effort, gaining support from his counterparts throughout the region.

We've been seeing consistent effort applied to reduce trade barriers between provinces and other actions as recent as this week to eliminate redundant regulatory impediments. In fact, CFIB recently presented an award to Nova Scotia's Chief Regulatory Officer and his staff for work in this area.

CFIB is supportive because we believe Nova Scotia and all Atlantic Canada could create a better climate for small business if it follows through on the principles outlined in the Premier's charter.

I want to remind the committee - especially those on the government side - of some of the principles that are articulated in the Premier's charter. Forgive me if I'm citing chapter and verse, but I think it's required. The preamble says, ". . . regulation can distort markets, unduly burden citizens, businesses and governments, and impede economic growth. Given this, regulation should never be an instrument of first resort, and should be deployed only when necessary and where there is clearly no better policy alternative."

In its Statement of Fundamental Intent on Regulation, the charter says:

"1. The Government will regulate to achieve its policy objectives only

- a. having demonstrated that satisfactory outcomes cannot be achieved by alternative self-regulatory or non-regulatory approaches;
- b. where analysis of the costs and benefits demonstrates that the regulatory approach is superior by a clear margin to alternative, self-regulatory or non-regulatory approaches;
- c. where the regulation and the enforcement framework can be implemented in a fashion which is demonstrably proportionate, accountable, consistent, accessible, targeted and predictable . . .

2. There is a general presumption that regulation should not impose costs and obligations on business, social enterprises, individuals and community groups unless a robust and compelling case has been made to do so.”

It’s also our opinion that the Charter got it right in stating that when regulation is being considered:

“2. Regulation should be the only effective and necessary way to meet the policy need

- a full range of regulatory and non-regulatory instruments and options is identified (e.g. do nothing; educate; improve information sharing; use the market; use financial or other incentives; self-regulate; voluntary codes of practice)
- regulation is shown to be clearly and demonstrably superior to other alternatives
- other alternatives are shown not to be effective in achieving a satisfactory outcome
- assessment of alternatives is based on best available evidence.”

The Charter continues, and I’ll condense just in light of time constraints. I’m sure you can all read this at your leisure. But I do want to highlight a couple of key areas of concern. It states:

“4. Regulation should be accountable

- the costs and burdens of regulation are measurable
- the impact of regulation is assessed before it is adopted and outcomes are monitored afterward . . .

5. Regulation should be accessible and easy to comply with . . .

- regulation does not introduce unnecessary complexity by duplicating legislation or conflicting or overlapping with other regulations, requirements or forms already in place.”

For example, as we know, there are already existing municipal bylaws and some provincial regulations dealing with some of the issues this Act is designed to address. Care should be taken to eliminate overlap in order to encourage compliance.

Finally, any regulation brought forth under this Act should consider economic impact. As the Charter prescribes, regulation should promote “a fair and competitive market economy” and, most significantly in our mind, presume “the measured cost or burden of new regulation is at least offset by a reduction in the cost or burden of existing regulation.”

Any Act of government is designed to articulate the priorities of that government. It is clear from the Act itself and the communication from government around this Act that this is indeed a priority. In this circumstance, a case is clearly being made for a regulatory framework around accessibility, and I say again, we have no objection to its policy goals, but the government cannot simply ignore the fact that it will create a cost burden. We know this because the case is being made by many of the Act’s proponents that costs should not really matter, as this is an issue of human rights.

It’s our contention that if the government is sincere about applying the Premier’s principles, work must now begin to look for offsets in other areas of regulation to mitigate what is already a burdensome environment. If the provisions of the Charter are not met within the application of this Accessibility Act, our members will be deeply disappointed. It’s our position that government has made progress in this area, but it must take the necessary steps to offset the compliance burden of this legislation for business.

The purpose of this entire regulatory exercise, in the words of the Premier, is to make Nova Scotia the best regulatory environment in Canada. If these are to be more than just words, then hard work must be done to adhere to the spirit and the words articulated in those governing principles and truly respect the needs of all Nova Scotians. That’s my presentation.

MR. CHAIRMAN: Thank you, sir. I hope you have time for some questions. Mr. Belliveau.

HON. STERLING BELLIVEAU: Thank you very much, Jordi, for your presentation. From that same chair yesterday, we heard testimony from the Bill 59 Community Alliance. They actually reached out to your organization, the Canadian Federation of Independent Business, and tried several times to contact your particular office, made several calls, yet the calls were not returned. Can you give us some insight into why those calls were not returned?

MR. JORDI MORGAN: No, I have no record of that. I’ll go back and check, but I have no record of any contact being made by that group.

In fact, after the initial consultation was done, the first report on this Act, it was up to us to actually reach out to the minister in order to get a meeting with the minister to get a better understanding of where this was in the process. The minister had not reached out to us. We did subsequently get a meeting. In fact, the last time this was in front of the Legislature we were invited to come down and talk, or at least be here in support of the

legislation that was going through. Subsequent to that appearance, we heard nothing more from the minister or her office on this until we were aware that the bill was being reintroduced.

Our phones are still working. My email address has not changed. I can't explain to you why any group would not be able to call our organization or get in touch with it.

MR. CHAIRMAN: Mr. Stroink.

MR. STERLING BELLIVEAU: Mr. Chairman, can I have just one quick interjection?

MR. CHAIRMAN: We're trying to rotate the questions between the caucus and give them one each. That has been our practice.

MR. JORDI MORGAN: I'm happy to speak with any group, Mr. Belliveau.

MR. CHAIRMAN: Mr. Stroink.

MR. JOACHIM STROINK: Thank you very much for your presentation, Jordi. I guess first off, that's why Fred Crooks is involved in this whole process. It would be irresponsible if this government did not engage the Office of Regulatory Affairs. To insinuate that that's not happening or that that's not going to occur is wrong.

I also want to be very clear, as a past CFIB member, I think part of your responsibility is to work with the Bill 59 Community Alliance, which are right behind you. I encourage you today to sit down and have a conversation with them regarding this because there are great suggestions where CFIB can work together with this bill. One of them would be to go out to the members and see how we can work together to make sure that this Accessibility Act benefits your business - not hinders your business, benefits your business.

One of the things that was a great idea yesterday was going back to commercial taxes and asking, how do we use commercial taxes - instead of paying them, how do we retrofit our businesses? Those are suggestions that I think you can lead and champion within your organization, the CFIB, and with the Bill 59 Community Alliance. Working together I think you'll be stronger than working on your own.

MR. JORDI MORGAN: Is that a question?

MR. JOACHIM STROINK: It's just a comment, a statement.

MR. JORDI MORGAN: As an organization, it's our responsibility to represent our members' interests. As I said, we've been supportive of the government's regulation. I make no insinuation that either Fred Crooks or his group is not or has not or is not willing

to do this. My point is that, as this goes through and as this bill comes into force, we are simply asking the government to adhere to the principles of the Charter.

As you know, we've been very supportive of what the government is doing around this. We would suggest that if the government is going to do this, the one-for-one principles that are integrated into the Charter be adhered to, that they actually make some accommodation.

I just want to make another point. I think our members can embrace this and will embrace this as this goes forward, but not if it's done in such a way that this is seen as either punitive, overly burdensome, or costly - in a way that they don't see it as an advantage overall. It's not just an advantage to them. Our members are great contributors to the community at large, whether it be through philanthropic efforts or whether it be community involvement at all different levels. We're representative of the population.

What we're saying is, understand that there are costs, recognize that, and find ways to mitigate those costs in such a way that this will be embraced and will not be something will be seen as having been foisted upon them.

I agree with you. I think that we have a role to play in helping work together with these communities and with the government. As I said, I reached out to the minister on this. This was not something we did not want to be involved in. We were involved with AODA to some respect. In Manitoba, as well, we made contributions to this. We want to contribute to the conversation, so that it is a smoother process. That's consistently what I've been trying to articulate to the minister.

MR. CHAIRMAN: We're going to have to move to Ms. MacFarlane, for 45 seconds.

MS. KARLA MACFARLANE: Thank you so much for being here today. Our time is limited. I am curious - I believe that everyone has to be involved, and it was stated many times yesterday by many presenters that there need to be more consultations and more people involved.

You did mention that you believe there has to be some kind of offset. I know you have been aware of this bill. I'm just wondering if you could perhaps elaborate a little bit on that. There were suggestions yesterday that, maybe in the first year, the business owner would have a tax deduction of such and such, and then in the second year, they would have another tax deduction. I'm just wondering what your thoughts are on that. What kind of offsets are you thinking about?

MR. JORDI MORGAN: Well it's not for me to be prescriptive on whether or not that should be done through the tax framework or if it should be done through programming. It's up to government how it's done. Our primary concern is to ensure that

the principles around the charter on regulation are adhered to and that there is not additional burden created here.

I will tell you that the federal government has had programs in place in the past. I'm reticent to restrict this. This is not just about building ramps or doors. This is a much larger thing. This is about ensuring that people with varying abilities are able to fully contribute as employees, as consumers. I mean, it's a much broader picture than just ramps.

The consideration that has to be given here is how these things are implemented. The federal government had a program where you had to apply. First you had to go out - you get your quotes for accessibility provisions that you're making in your workplace. You had to apply. You couldn't get a response back for three months. We went through this process with an owner and then to find out the federal government has actually stopped applications on it.

What we're saying is, if you're going to do this, make sure that it's not a red tape nightmare for people to participate - that the compliance efforts are smooth, that they're seamless, and that people in businesses find this a comfortable and engaging process as opposed to just another red tape nightmare that they have to wade through in order to be compliant so they don't get fined.

The attitudes around government compliance on regulation in this province are not good. The studies that have come out of the regulatory affairs unit there will show you that businesses - it ranges anywhere from frustration to fear. So we're saying, if you want business to be engaged and you want businesses to embrace this, then you cannot add to the regulatory burden. We're hoping that this is done in such a way that our business members will be - that their thoughts, their hopes, and their concerns are taken into consideration in the implementation of it. Again, the "why" is not the issue; the "how" is the issue.

MR. CHAIRMAN: Thank you, Mr. Morgan. You made good use of your time and you did get a little bit extra as a reward for starting early.

HON. STERLING BELLIVEAU: Mr. Chairman, on a point of order. I was engaged with the earlier presenter. I asked a direct question and I tried to interject to get more information on that point. My point of order is that a member of the Community Alliance handed me a text message here from Mr. Morgan and I'll read it: Sorry, I cannot talk right now. Call back later.

I just want to give that information because that was from a text to a Community Alliance member on Bill No. 59. It was directed towards Mr. Morgan, and I asked a question and I appreciate your . . .

MR. CHAIRMAN: I don't know that that's actually an appropriate point of order. It is a point of information and the information is part of the record and I thank you for that.

We are going to move on to the next presenter, Tova Sherman. Good morning, thank you for attending to provide your input today. You may begin by identifying yourself and any group or organization that you may represent, and we'll hear you for 10 minutes and follow that up with five minutes of questions.

MS. TOVA SHERMAN: Thank you for having me today. I am Tova Sherman. I'm the founding director of reachAbility association - a group that has been committed to this community for the last 17 years, specifically in equalizing the playing field for all our citizens, with a focus on disability.

I'm also a person who lives with disability. I live with a mental illness, a cognitive disability, and I'm very proud to be able to sit here today and tell you that most of all I love this province. I love living here. I love being here. I love getting to talk to you, and as any of you know me, you know I like to talk to anyone.

I'm specifically proud to be in this field because I believe that we are all living with a disability. Whether it was yesterday, today, or tomorrow, there is no one in this room or in the business associations who will not have to experience and accommodate the issue of disability. I think if we all look at the fact that everyone in this room, if not experiencing it, loves someone deeply who has experienced barriers, I feel we can move forward.

There are a tremendous amount of advocates who have spoken to you. I'm not going to actually sit here and tell you why persons with disabilities deserve access to the same buildings as everyone else, why people with mental illness deserve to have a service dog to help them with their anxiety. You don't have to just be visually impaired.

I'm here actually to talk about the fact that there are going to be challenges for employers. I think it's fascinating that I get to follow a representative of the employment community because although I'm here to speak on behalf in many ways of their requirements, I in fact don't necessarily agree with some of the perspectives that preceded me.

Most important, I think we have to remember that we are all equal and equality is not about being special. I don't believe in special accommodation. I don't believe in special ramps, special dogs. I believe that we equalize the playing field any way we can. That includes how we support employers. I have some of the most successful employment programs in this country for persons with disabilities. I have been told that, and I am proud of it.

I am also one of the foremost disability awareness trainers across Canada. I train in Ontario, Vancouver, and Alberta, and of course I am very proud to train and provide

disability awareness to Elections Nova Scotia and many businesses right here. In fact I am the only Gold Seal trainer for the construction association in the area of mental wellness and inclusion of our populations.

I feel I can speak to a number of things. Because there are so many advocates, I will focus on the fact that we must provide tools to the employers to better understand and integrate persons with disabilities. What I mean by that is not necessarily money. It's awareness. It's knowledge. It's a toolbox to use. I place over 100 people a year living with disabilities - with an average of five years on income assistance - in jobs. I work on employer panels. I'm on government panels. I'm all over the place. What I see is people wanting to do the right thing but being unsure of what that means.

My goal in developing diversity awareness training across Canada was to provide those very tools to those people. I've passed out a package to all of you, which I encourage you to look at at your convenience, that talks a little bit about the work that reachAbility Nova Scotia has been doing across Canada towards inclusion of persons with disabilities.

Employers want to do the right thing because employers are people too. We're all just people. If we provide that toolbox, if we provide a commitment to new knowledge development, something I've been doing for years because it just makes sense - as part of this bill, we must put in a consultation piece, not monies available to put in a ramp. That's somebody else's argument. I'm here to talk about information, reality, fact versus myth - the fact that accommodation isn't that difficult, the fact that being kind to each other is often very simple.

People who know me know that I'm not known to be politically correct. That's probably because I'm on the ADHD spectrum, and I talk a little bit ahead of myself. I'm okay with that. I can live with it. What I want you to know is that I am all about dignity. Dignity plain and simple is our motto at reachAbility. All we're trying to do is make sure that everyone, including employers, gets a fair break on this.

I don't like words like "burden" very much because I don't see "burden" as being the key phrase. I'm very sensitive to verbiage, mainly because of dignity. I think what we need to talk about is tools - tools for employers, tools for people in the community who want to be more inclusive but fear it, information so that they know when they hire someone with mental illness, they don't have to be afraid. One in four Canadians is afraid of being in the same room as someone with a mental illness. Quite frankly, as someone who lives with one, let me tell you, I'm lot of fun, I'm a great cook, and you would probably enjoy me.

My message today is, we need to start with the reality that this is not a special accommodation. This is not a special anything. This is an opportunity to equalize the playing field. If we don't provide new knowledge and education to the people who are being asked to work with the clients I work with every single day, then we're missing the boat. I have never actually been involved in any of the consultations until this point. I would

love to be. I have offered myself up probably one too many times. But I do wish to let you know that as a public speaker across Canada, as a diversity awareness trainer in this country, and as a very proud Nova Scotian born and raised, I only wish to be here to tell you that the advocates who want to include people are doing it because we're trying to equalize it for you, for me, for all our children. That involves also being cognizant of the fact that with new knowledge and education, so many of the myths about cost and fears would be completely gone.

My job is to go across this country and do just that. I'm proud to be here in Nova Scotia when they call me from Alberta and say, we need you; or when Bell Canada needs front-line customer-facing information on inclusion training. They are calling Nova Scotia. Let's be proud of who we are and of every citizen. There is no burden as long as we create knowledge alongside the bill, to better educate and provide opportunities for everyone to simply get it.

I also wish to encourage consideration of aligning potentially with federal efforts. I'm very interested, and I've been involved in some of the discussions with our new Minister of Sport and Persons with Disabilities. Don't get me started, but I will say that it's a very exciting time in Canada.

I think that reachAbility just simply wants you to know that we are here, we are a player across Canada when it comes to inclusion. I have been involved in Ontario with the Act. I'm familiar because I have to train there, and I only wish to provide you the perspective that without new knowledge as a key piece you'll keep talking about dollars when ultimately we could see the dollars not be the biggest issue if we actually educated people on what inclusion means. It's so much more than a ramp and it's so much less than they think.

I really believe in one thing and one thing only and that is win, win, win. When we pass this bill, employers and businesses must win. The community as a whole must win, and this province being one of the provinces with the highest percentage of not just persons who self-identify as disability per capita, but also of seniors, centenarians - very exciting stuff.

Let's make sure everyone is welcome everywhere and let's remove the fear. The only way to do that is with knowledge - to utilize and build a tool box for everyone involved so they're speaking from fact and not from fear. Ladies and gentlemen, that is truly win, win, win. Thank you.

MR. CHAIRMAN: Thank you for your very engaging presentation.

MS. TOVA SHERMAN: I do it for a living, it's okay. Usually they pay me.
(Laughter)

MR. CHAIRMAN: Okay. Time for some questions. Ms. Mancini.

MS. MARIAN MANCINI: I really think it interesting that you presented immediately after Mr. Morgan because I was going to ask him a question about a quote he made and certain language he used, but I'm just going to ask you about it. This morning in allNovaScotia he made this comment that, ". . . this government must develop offsets, especially for small business, to ensure . . ." these businesses are not ". . . loaded down with punitive compliance burden, red tape and cost."

Over the last few days we've been talking a lot about how we need to create an attitude shift in our community around accessibility, and his language seems to characterize it as punitive and that if we make things accessible it will be punitive and it will be a burden and red tape and full of costs, but you're saying - if I think I got your presentation right - that through knowledge and education, many of these concerns about costs will be alleviated. Can you just talk a little bit more?

MS. TOVA SHERMAN: I'd love to. I just wanted to say that first and foremost this is the language that has been used and been in our vernacular forever. I don't bother with people saying the words. I don't get attached too much, but I will say when I talk about training one of the words I keep hearing is "sensitivity." I don't believe in sensitivity training - the assumption then being that people are insensitive.

I believe in awareness training. I call all of the work I do "inclusion awareness" because with awareness comes ability to use the verbiage correctly, to understand it's not that scary to be in a room with Tova. She's a little pushy, but ultimately a lovely woman, and that's really the role. My role is to be a first-person voice, but also to be an expert, and I truly and genuinely believe that with knowledge, training, and access for people to understand - I'm going to be very honest with you. When I worked with the Construction Association in Gold Seal training, that wouldn't be traditionally the most inclusive community in terms of thinking. Maybe we sometimes think of them as being a little behind in terms of getting it and all of that, but the truth is once we have the conversation people are like, oh, that's it - that's what we're talking about? That's what it means and that's what I should do and what are some of those tips?

That's all I would have to do because people only know what they see. Let me be very clear to this committee, we learned about disability from four simple sources: our family - and usually it's some secret we're not supposed to tell about; our school yard where somebody is always being picked on. I'm not saying it was me but it was tough. Also, in the media - they're only going to tell the sensational stories. Ultimately, movies - come on, it's only that one in a million. That's what gets made.

So all this information is being provided. If we do not have a commitment to provide alternative and reality-based facts, rather than media and supposed ideas that come from a long time ago, we're going to be stuck in the same place because we're not going to have the buy-in that I believe this bill needs from all the community. That's my role.

MR. CHAIRMAN: Ms. Lohnes-Croft.

MS. SUZANNE LOHNES-CROFT: I'm glad to hear you say there aren't barriers. What tools are there for young people with disabilities accessing employment?

MS. TOVA SHERMAN: First of all, their first resource is me. I don't mean to be silly, but I'm sincere. I presently have 12 youth in my office today who have all been living with quite severe issues, and every one of those youth is going to go to employment because I don't give them a choice. I work very hard to let people know they are cared about, they are valued.

Let me tell you, the first thing I ask people when they arrive at my office, especially youth, is what they're good at. Do you know what they always say? "Nothing." Not "I don't know" - I would prefer that - but "nothing." So reachAbility created a program right in the door that says, you are valuable, and let's prove it to you. Until you believe you have these skills, how could you possibly sell that to an employer?

My job in the reachAbility side is to provide the youths with disability this access point. Then I go on the employers' side and say, don't panic - this is going to be awesome. This person is going to be so grateful and committed, and I'm going to show you some of the simplest things you need to do to make this an inclusive place. It's not going to blow the roof off, and you're not going to lose your business, and guess what? You probably live with a disability because the majority of successful entrepreneurs in North America, according to *Harvard Business Review*, are people with disabilities. They are creative thinkers - outside the box.

They key is to educate ourselves and those around us to understand that them is us and us is them, and who are we talking about but ourselves and the people we love the most? We start with that, and then we move to the facts. We are able to take a youth with a disability who says, "I'm good at nothing," and I'm able to see that person today working. I visit them every month on the job for almost a year, and if they fall off the train, I have a sustainability officer who grabs them, and brings them back, gets them back. That's why I have some of the best results in this country when it comes to disability and employment and why the employers come back. They've said to me, and I would not use this term myself, but it's take a quote, that often people are left like babies on a doorstep, and I don't know what to do.

My job is to make sure I never hear that again. Our job is to make sure they have the resources they need to stop being afraid and to realize that we're talking about them, because them is us and us is them.

MR. CHAIRMAN: Ms. Sherman, thank you very much. That was an impressive amount of education in a scant 15 minutes. We appreciate your appearance before the committee here.

MS. TOVA SHERMAN: That's it? I thank you for your time, and the committee. I'm available.

MR. CHAIRMAN: Our next presenter is Ben Davis. Good morning, sir. If you would, begin by identifying yourself and any organization you are representing. We'll hear from you for 10 minutes, with five minutes of questions to follow.

MR. BEN DAVIS: First, I would like to say that's a tough act to follow. My name is Benjamin Davis. I am with the MS Society, and I serve in the capacity as the president of our Atlantic division, as well as national vice-president of government relations.

MR. CHAIRMAN: Mr. Davis, I'm sorry to interrupt you at this point, but I did have a point of procedure that I wanted to raise before you began. That was to remind all members of the audience that there is no photography or other filmmaking during the proceeding. That's only for accredited members of the media.

I apologize for interrupting. If you could start over again, please, Mr. Davis.

MR. BEN DAVIS: Sure, from the top. Benjamin Davis, MS Society, I'm the president of our Atlantic division and also national vice-president of government relations. Thank you for the opportunity to be here.

The MS Society provides services to people with MS and their families, and funds research to find the cause and cure for this disease. We have a membership of 17,000 and are the only national voluntary organization in Canada that supports both MS research and services.

MS, as you may know, is a chronic often disabling disease of the central nervous system. Since that includes the brain, spinal cord and optic nerve, MS can affect vision, memory, balance, mobility and many other things. It is the most common neurological disease affecting young adults in Canada. Most people with MS are diagnosed between the ages of 15 and 40. The unpredictable effects of MS are physical, emotional, and financial, and last for the rest of their lives.

MS impacts all Canadians, not only the affected individuals but also their families who come together to manage the realities of MS. Canada has the highest rates of MS in the world. Here in Nova Scotia, we have some of the highest rates in the country. Consequently, it is often referred to as Canada's disease.

The MS Society is pleased to provide this submission to the Government of Nova Scotia's Law Amendments Committee on behalf of Nova Scotians living with MS and their family members who are affected by MS. We thank the committee for allowing us to be consulted and the government for showing leadership and engaging with Nova Scotians regarding accessibility legislation.

We believe this proposed bill is a positive step forward to improving awareness and attitudes about accessibility and disability in Nova Scotia, and to ensuring that detailed legislation will be well-researched, thought-out, deliberate in its capabilities, and enforced.

There are considerations in discussing accessibility and determining what the proposed legislation should include. You've heard many of that over the last two days, I realize. The MS community, however, is particularly qualified to advise in this regard, as many of the issues surrounding the broader themes of accessibility and disability are everyday experiences for people living with MS, and their families.

First, the unpredictability and episodic yet progressive nature of MS makes it particularly challenging, not only in accessing the built environment, but also in accessing care and supports, and more specifically, access to quality medical care and treatments, reliable public transportation, education and counselling, workplace accommodations, and general everyday things that many of us take for granted.

In terms of some proposals for inclusion in legislation, we see this bill as a good beginning and hope that detailed and distinct regulations will be developed, and that the regulations and standards will be readily adopted and, most importantly, enforced. Below are some of the issues that are important to people with MS in relation to this proposed bill.

First, inclusive broad definitions of disability and barrier. The proposed bill has established inclusive definitions of disability and barrier. We want to ensure the committee understands that any regulations born out of this bill should include and protect all Nova Scotians with disabilities, whether they are visible or invisible, and whether they are permanent or episodic. It's that episodic nature that I want to underscore with this committee in particular to ensure that is included in the definition.

This definition needs to absolutely include the notion of the changing dynamic of disability, which is the case for individuals living with progressive neurological diseases like MS.

Accessibility, as we know, means barrier-free. An accessible workplace or goods or services are ones in which people with disabilities can fully participate to the extent of their individual abilities. "Barrier" should mean anything that prevents a person with a disability from fully participating in all aspects of society because of a disability.

New regulations should address all kinds of accessibility barriers such as physical barriers in the built environment, inside and outside of buildings; communication barriers, technology barriers, information barriers, transportation, attitude, and legal and policy and bureaucratic barriers on health, income, employment, and disability programs.

In terms of the built environment, MS is a complicated disease that has a major impact on quality of life of all those affected by it. The day-to-day uncertainty that many people with MS experience often causes a significant loss to quality of life. To maintain independence, people affected by MS must be able to participate fully in their communities and have access to public buildings, housing, and transportation.

Accessibility issues are a significant factor in maintaining and ensuring a positive quality of life for people affected by MS and similar diseases.

The MS Society hosted a quality of life survey in 2013 and heard from approximately 6,000 Canadians affected by MS. We heard that accessible buildings - particularly for programs and services such as restaurants, fitness programs, and recreation centres is an area that presents a significant gap for people with MS.

Additionally, building codes only apply to new buildings and larger renovations, leaving many existing structures inaccessible. Considerations such as the use of interlocking brick, uneven walkways, and poorly designed stores create daily challenges for those with restricted mobility.

Building codes govern accessibility through minimum standards that are not highly specific. So many issues fall through the cracks such as height of sinks, towels, soap dispensers, et cetera, and the location of wheelchair-accessible doors and ramps, which may be quite inconvenient.

These issues have a significant impact on a person's daily life - their ability to get around and stay active in their community, ultimately having a negative impact again on their quality of life.

Access to quality medical care. As I stated above, the unpredictable nature of MS means that people living with the disease can face physical, emotional, and financial challenges for most of their lives. MS impacts all Canadians - not only the effect on individuals, but also their families. These realities make it particularly challenging accessing services and supports throughout one's life.

People with MS who can't work have trouble getting by on the limited financial assistance offered under current government programs. Many people with MS cannot qualify for disability-related public or private insurance programs because eligibility - back to definition - is obtained through employment or is a workplace benefit and many people impacted by MS in the prime of their lives are no longer able to maintain employment.

Finding information about programs and services is also consistently problematic. We also have heard that people with MS want to live at home and not be a burden on family and friends. They want to be active participants in their communities. However, we heard that accessing services to maintain this independence can be difficult.

We need to look at including solutions in accessibility legislation so that people with MS and people with disabilities can have equitable access to a continuum of appropriate high-quality housing, care, and treatment options. This includes increasing investments and comprehensive home care for people with long-term, chronic health conditions such as MS; creating a range of age-appropriate housing and care options for people who cannot remain at home; funding rehab services in the community such as

physio, occupational health, et cetera; and ensuring that people with MS have timely access to affordable treatments and supplies.

Lastly, transportation. Based on our survey results we heard that finding transportation services to allow people to function independently and participate in their communities is also a challenge for Nova Scotians. There are many gaps in daily transportation services. This lack of day-to-day transportation has a significant impact on people's abilities to attend medical appointments, maintain employment, volunteer, and participate socially in their communities, thus again affecting their quality of life.

In conclusion, this bill should require the provincial government to create all the mandatory, enforceable accessibility standards needed to lead Nova Scotia to full accessibility. It should create a prompt, effective, and open process for developing and reviewing accessibility standards. Government departments and organizations and private companies must be told in clear, specific terms what to do and when to tear down barriers and to avoid creating new ones.

Accessibility plans should be developed in consultation with the wider disability community. Examples of what these plans should include are: regular reporting on the measures taken to identify, prevent, and remove barriers that disable people; measures that will be taken in the period covered by the plan to identify, prevent, and remove the barriers; and measures that are in place to assess the effect on accessibility for persons disabled by barriers with new policies, activities, or initiatives as they're undertaken.

To be successful there must be resources to accompany the bill and must set out timelines for regulations, guidelines for implementation and strict enforcement protocols, as well as require periodic independent reviews of progress. There should not be delays in implementation of enforcement while educating the public on accessibility. There should be interim processes and measures developed and implemented while the regulations are being developed to promote accessibility.

Improving accessibility is needed to create an equitable and fair playing field for all Nova Scotians living with disabilities. We look forward to seeing the creation of comprehensive and detailed regulations that will improve the quality of life for those living with any form of disability. This legislation, along with effective implementation and enforcement, will improve awareness and attitudes about accessibility and disability in Nova Scotia and be inclusive of all people with disabilities, including episodic which, of course, is a key piece for people affected by MS. Thank you.

MR. CHAIRMAN: Thank you, sir. That was exactly 10 minutes, to the second. Mr. MacLeod is going to have a question. Mr. MacLeod.

HON. ALFIE MACLEOD: Thank you very much for your presentation. I actually live with somebody who has MS and am very familiar with a lot of what you had to say. I think the key message that I've heard from you today and from a number of presenters over

the course of the last day and a half has been about education and communication to the general public as to what can be sometimes embarrassing - why people do some of the things they do.

I know I've gone with my wife a couple of times, and I'll use her as an example and she's going to shoot me when I get home. She will be walking and holding on and she will be a little bit unsteady and people think she's loaded. So the education of what's going on with people when they have a disease and what are some of the things that could be expected - and it's not just MS. I think the message we got from everybody here was we need to educate the public better. I can tell you that over my last day and a half here I have been educated a lot and there's a lot more we need to learn.

I guess I really don't have a question as much as the very fact that we need to do more to educate people and the different groups need to do more work within themselves to help educate people as to where these challenges are and how we address them.

One of the biggest things - and the presenter before you mentioned it - is attitude. I'm going to get shot when I go home for saying this, but my wife has the best attitude of anybody I've ever met with this disease. She is always smiling and laughing. She is usually happier when I am in Halifax than when I am at home. I don't know what that means. (Laughter) I'm just saying that the attitude and helping the people understand themselves, as well as educating the public, is a very important part of what needs to happen as we progress through this legislation.

You can't legislate common sense, but you can inform people of what is taking place and why it happens. I'm sorry, Mr. Chairman. I sort of got off track there a little bit. But I do appreciate what you had to say, and I just hope that everybody who is here on the committee, in government, and in the general public will just listen to the fact that we have to educate ourselves more about what's going on with this issue.

MR. BEN DAVIS: I'm in full agreement.

MR. CHAIRMAN: Mr. Irving.

MR. KEITH IRVING: Thank you very much. Maybe to follow-up on Mr. MacLeod's comments, I'm just wondering if you have any advice for us, as a province, with respect to the issues of education. Education through a legislative bill is easy to get lost, I guess. The role in our society of doing this education work, is that best done by advocacy groups like yours, or are there other tools you have in mind for us to enhance our education of Nova Scotians on these important issues of accessibility?

MR. BEN DAVIS: I would say two things. First, I would say the bill is the appropriate first step. But looking at the province and looking at folks behind me and others who have been here, there are a lot of people who are engaged in this work. I would say that a coordinated approach with all of our partners - advocacy groups and patient-focused

groups like the MS Society and others, together with the province and the private sector - will move this along. I don't mean to sound cliché with an easy, one-line answer, but a coordinated effort is going to move the needle where it needs to go.

MR. CHAIRMAN: Thank you very much, Mr. Davis, for coming today.

Our last presenter of the day is Luc Erjavec. As I said earlier, we'll ask you to begin by introducing himself and the organization he represents and instructing us on the correct pronunciation of your name.

MR. LUC ERJAVEC: That was perfect. I hate being the last person standing between you guys and lunch. I apologize; I don't have a formal presentation. I've been out of the province for the last week, and I thought it was important that I come to speak about this issue because of the impact on my members.

I am the Atlantic Canadian representative for Restaurants Canada. We represent the owners and operators of over 30,000 member establishments across the country - restaurants, bars, hotels, all types of food service.

It's interesting discussing this bill about accessibility and accommodation because that's our business. That's what we do as restaurant owners. We want to accommodate everybody, and we want to meet everyone's needs to the best of our abilities. We'll serve the person who comes in by themselves or the 30-person baseball team. We'll accommodate the person who has a nut allergy that could kill them, a vegan, or someone who wants a steak. That's our business. The last thing we want to do in our business is turn someone away, so we try to the best of our ability. Is there more we can do? Absolutely. I think it's important, when people talk about working together and communication, that that is ultimately the first step.

When I look at this legislation, I like the idea of it being enabling legislation. The reason I like that is because it gives us time to get it right. We're a few years behind Ontario and Manitoba when it comes to this issue, and we can learn from some of their mistakes. I think using them as a model works, but there are some difficulties with that legislation for my members. Particularly in Ontario right now, as we're coming to closer timelines, there's some real challenges for our business.

I really like the idea of education. There's so much more we can do. Tova was there earlier speaking about education. We've worked with her in terms of our employees. A few years ago, we weren't looking for people with disabilities for employees, and we learned a lot as an industry. I have many members - the hundreds she talked about, a lot of them are my members who have some great employees as a result of the co-operation between different organizations. We weren't tapping this resource years ago so that's very important.

Then more importantly on the customer side when we talk about education. The gentleman before us is talking about using interlocking stone versus a brick. You know what? The restaurant operators are in the business of operating restaurants - they don't know that it would be better to use this type of material. So there are things we can do and I think we have to take the time, we have to work with whatever groups are possible to get it right because we don't want to turn this customer away.

I like the idea when we look at regulations of having a staged rollout. We have a building code for new builds - it's quite easy for us to meet the standards. If we're setting up a new restaurant in Bayers Lake, it's easy. It gets a little tougher when it's a restaurant in an old historic building with a narrow storefront and a narrow door, and those are the challenges we face. We don't want to have a barrier, but we're trying to operate our businesses, and I don't know how familiar you are with some of the historic legislation. We can't change the colour of the paint on the door so how do we accommodate all these needs?

I don't have the answers, but I think we have to take our time and get it right because these are some of the questions we have to ask - accessibility versus historic preservation. We're in a business of operating restaurants and you as legislators - I just think there are some considerations you make.

Also with some of the modifications - particularly to older buildings, we don't own our buildings. In a lot of cases you're leasing a property. What we're starting to see in areas of Ontario, particularly in the older sections where you may have a narrow storefront and the bathroom is in the basement, the restaurants are choosing not to go there now. I don't think that's the aim that we want to hollow out historic areas, but I just think it's things we have to talk about.

I don't have the magic bullet. I guess what I'd ask you as legislators - I think there are no absolutes in this world. We want to serve all our customers. We want to have great employees - and we do have great employees. I just think, take a little time, get it right. We need a lot of education. We need flexibility because every site is not the same. Bayers Lake is not downtown Halifax and a 300-year-old building - and just a little time to get it right because I dare say most restaurant operators are not even aware that these hearings are going on right now, but what you decide now could impact them.

So let's take our time, let's learn from what other provinces are doing, and whatever we do, have a little bit of flexibility because every situation is completely different. I think I'll stop there.

MR. CHAIRMAN: Thank you, sir, and we have some questions. Mr. Rankin.

MR. IAIN RANKIN: I do appreciate the frankness of your comments, but I do think operators of restaurants and the private sector do have a responsibility when they purchase a property that it needs to be accessible. Given that there are other provinces like Ontario

and Manitoba that have this legislation, I think they should recognize that this is coming. It's going to be coming across the country and we're well behind in the years.

Whether it's Bayers Lake, which is next to my area, which is a newer area, or if it's an historic property, everyone has a right to go into these buildings. So if you purchase a building, I don't think it's always up to government to provide the incentives in order to bring that building to an accessible level. You made an investment, you should know that it should be accessible to people.

Are you telling members in advance - what kind of communication do you have with your members across the country about their investments in opening a new restaurant? I would think that you would be advocating on behalf of - if you buy a building that's not accessible, it's coming. There's going to be a time where this country is fully accessible and that's the direction this province is going.

Every restaurant in this country should be accessible today. That time is coming and I think there should be a wake-up call to not only the restaurant association but across the private sector, that they have a role to play. If they're buying buildings that are older and dated, sometimes they need to make an investment to make sure that that happens.

Don't get me wrong - and again, I appreciate the frankness of your comments - I understand that there's costs involved but there's great return on investment, and some of these buildings are cheaper because they're older.

I think this legislation will show the value in the market when this passes, that if you have an accessible building, there's value there. If you don't have an accessible building when this bill passes, maybe it's not as valuable. The time is coming that we need to send that signal to the private sector.

MR. LUC ERJAVEC: I guess that speaks to my comments about education. It's one more issue that operators have to be aware of. It's a little challenging for a business, for someone buying a business now to think what future laws are going to be. That's why I think legislation with staged rollouts makes more sense because is it fair to change the landscape to a business owner when they've already bought the building and said now we're adding this on top of it? Probably not. Going in with your eyes open and knowing you have to do this, this, and this, that makes more sense. That tends to work better in Ontario and in Manitoba.

There has to be some sort of grandfathering because in the end, as a business operator, you want to accommodate your customers to the best of your ability, but at some point you can't. It doesn't matter if it's a menu item or the size of a group, you don't want to say I can't accommodate you, but sometimes it's a tough decision - you don't want to do it but you just can't physically do it to work within the model of your business.

MR. CHAIRMAN: Mr. Belliveau.

HON. STERLING BELLIVEAU: Thank you very much, Luc. I always try to find some humour in my daily events but I can't help but - in your comments you said you may be one of the presenters in the timing of your presentation here, you suggested that you may be standing between the MLAs and dinner. To me, that kind of leads into one of my favourite quotes, that if you're not at the table, you may be on the menu. There have been a lot of presentations here over the last day and a half and the emphasis on getting this right, and that's something you alluded to.

My question is, are you confident that the restaurant industry has been thoroughly consulted? We've heard a lot of discussion around older buildings and that's one of my main concerns here. I know that there appears to be a willingness to get this right, so do you feel confident that your industry has been thoroughly consulted?

MR. LUC ERJAVEC: I guess for where we are in the process, we've been consulted on the enabling legislation and I think that's the right process. Things change continuously and that's why it's better to do a lot of the finer prescriptive things through legislation. That's why I think you're doing the right thing, to be less prescriptive in legislation to allow the flexibility of changing markets, changing demographics, there could be a legal challenge, it could be whatever.

I think that's the right process so I'm comfortable with enabling legislation. There's going to be a lot more work in terms of the legislation. If you're talking about buses or taxi cabs, drill deep with those industries; if you're talking about schools or other issues, drill deep with the people impacted. I think that's what I just want to ensure, that we have a process. When it comes to public spaces, drill deep with us, as the restaurant industry. There's not a one size fits all in terms of legislation. It's going to be different for public transportation versus restaurants versus hospitals versus schools. I just think that following a process step by step is a better way to do it.

MR. CHAIRMAN: Mr. MacLeod.

HON. ALFIE MACLEOD: I've sat here before, and you've made presentations before. I remember when the smoking ban was put in place, and you had a lot of concerns about what was going to happen to your industry during that point in time and what regulations would be put in place. I don't see very many restaurants closed because of the smoking ban. So I'm just wondering how that would relate. That was legislation that was put forward that was pretty specific in what its goals were - not very different from what we're asking this legislation to do as far as washrooms, accessibility and other things.

The roof didn't fall in on us with that piece of legislation. I'm just curious as to how you think this one is a little different.

MR. LUC ERJAVEC: I think you have two premises that are not quite accurate. First of all, we don't say this legislation is a bad thing. As I said, I was involved with Anne

on this. I think what we would like to do is share our experiences of what is happening in other jurisdictions to have maximum benefit with minimal negative impact.

The second part is, we do have numbers to say - I'm not going back to fight old wars, but there are a lot of businesses that were hurt by that and closed. I'll end on that point.

MR. CHAIRMAN: Ms. Mancini.

MS. MARIAN MANCINI: I just wanted to talk to you a little bit. You're pleased about it being enabling legislation, and you want to talk about time to get it right. You also mentioned that you seem to have some familiarity with Ontario and Manitoba. Both of those statutes do have - Ontario I think is a 2025, and I think it's earlier in Manitoba 2023 maybe. It seems to be working. What do you think you need in terms of a timeline?

MR. LUC ERJAVEC: I think using and mirroring similar timelines. Talking to my colleagues in Ontario in particular, the industry learned a lot. The first part was coming up with a plan, and all of a sudden it built awareness within the industry. There were a lot of easy fixes, for lack of a better term. When operators learned they could accommodate customers better by doing this or this or this for minimal costs, they implemented them right away, and it worked.

I just think of the bigger challenges. I think they would be the minority of restaurants. The vast majority would be those unique historic buildings, with narrow entrances and bathrooms in the basement. So then maybe there can be some discussion with the health department to say, maybe you don't need two washrooms, you can use only one washroom. That's where I think there has to be a lot of discussion with everyone involved, the health regulators, the accessibility regulators, and the historic people. I think there has to be the flexibility for all of these people to come together. One has this absolute rule, one has this absolute rule, and one has this absolute rule. Maybe there is a little bit of tweaking where we could all come up with a solution that works for everyone.

Is it absolute for this or this or this? Probably not, but it meets the spirit, the principle, and accommodates as many as possible.

MR. CHAIRMAN: Thank you very much, Mr. Erjavec for appearing today and for your helpful, informative submissions. That concludes the evidence of witnesses that the committee will be considering with respect to Bill No. 59.

I do want to start off by reiterating a point of procedure that I raised this morning. Regardless of the outcome at the committee today, Bill No. 59 will remain on the order paper, which is the agenda of business for the Legislature. The committee has a number of courses of action open to it today in considering the bill. One of them is simply to adjourn the proceedings to a future day, the proceedings of the committee are ongoing.

If that is to occur, no one should take from that that means the bill is not being further considered. Quite to the contrary, that would be a further opportunity for all members of the committee and all members of the Legislature to fully review and consider all the evidence, all the submissions, both written and verbal and in other forms, that have been received by the committee.

The bill will remain on the order paper of the House, regardless of the outcome of the proceedings today, whether it is adjourned or whether there is some other determination. I just want to make sure that everyone who is listening today understands that particular point. Mr. MacLeod.

HON. ALFIE MACLEOD: Thank you, Mr. Chairman, for that clarification. At this point I would like to make a motion and the motion has been circulated to those in the room at the table.

I so move that Bill No. 59 be sent to the Department of Justice to be examined and redrafted, aligned with the four principles put forward by a large number of advocacy groups in our province, keeping in mind the cost to Nova Scotia private service suppliers, and more specifically:

(1) Bill No. 59 fulfills government's promise of equity for all Nova Scotians and to end discrimination against people with disabilities and remove existing barriers and prevent new ones from being put in place;

(2) The bill applies to public and private services, facilities, transportation and communication, incorporates a broad and forward-looking definition of disability, and accords people with disabilities a central role in creating and implementing the Act;

(3) The bill creates and enforces standards that adhere to the principles of universal design and includes standards for assistive technologies in accessibility services and discourages arbitrary exemptions; and

(4) The bill contains meaningful deadlines, employs incentives to advance the purpose of the Act, accepts and investigates complaints, enforces compliance with penalties and does not subordinate fundamental human rights to cost-benefit analyses, requires governments to be mindful when purchasing accessible goods and services, and harmonizes it with other legislation that is in place in this House. So be it.

MR. CHAIRMAN: Thank you, Mr. MacLeod. Is there any discussion on the motion? Mr. Rankin.

MR. IAIN RANKIN: With due respect to my colleague, I'm not ready to vote on an amendment or a motion at this time and, as is my right as a committee member, I'd like to move that that motion be deferred. I don't disagree with the points, particularly those four points, but I do think that given that that motion was drafted and sent to our committee

members this morning, before we heard the submissions today, I think with respect to everything that we heard today that I want to digest this information.

I have some stuff to read here and I think we need to look at everything that was submitted in a holistic, thorough, comprehensive manner. So at this time I move that that motion be deferred to a later date.

MR. CHAIRMAN: Okay, there is a motion on the floor by Mr. MacLeod and it has been followed by a motion to defer, by Mr. Rankin. I am advised by the Clerk that with respect to the motion to defer, there will be no debate on that motion, so I'm going to call the question with respect to the motion to defer Mr. MacLeod's motion.

Would all those in favour of the motion to defer please say Aye. Contrary minded, Nay.

The motion to defer Mr. MacLeod's motion is carried.

Is there any further discussion in committee today? Ms. Mancini.

MS. MARIAN MANCINI: Yes, thank you, Mr. Chairman. I would like to put forward a motion. I so move that the committee adopt the resolution put forward by the Bill 59 Community Alliance. We all received a copy of that yesterday, it's on a green sheet in your materials, and I will read it:

Be it resolved that the preamble purpose and principles presented by the Bill 59 Community Alliance be adopted and presented to the Department of Justice as the framework and redrafting guide for Bill No. 59, an Act Respecting Accessibility in Nova Scotia, and that in redrafting Bill No. 59, the Department of Justice consult with the Nova Scotia disability community.

Attached to that were the - I don't think I need to read them, unless I get direction in that regard.

MR. CHAIRMAN: No, I won't require that. Discussion on that motion? Mr. Rankin.

MR. IAIN RANKIN: Again I'm going to invoke my privileges as a committee member to defer that motion. We've heard more submissions since that came forward as a motion, so I do want to look at all the submissions. The staff who are in the room have a right to look at it. I do want to bring it back to the caucus for further discussion. There are good things mentioned in that motion. Consultation, some of that has happened. I think government is showing a willingness to respond, by moving this into the Department of Justice. There's appetite from government to continue to listen and continue to review all submissions, including the submissions from today, which came after that motion.

MR. CHAIRMAN: As with the previous motion, there is no debate on the motion to defer, so I will call the question on the motion to defer consideration of Ms. Mancini's motion. All those in favour of the motion to defer please signify by saying Aye. Contrary minded, Nay.

Is there further business before the committee today? Ms. Mancini.

MS. MARIAN MANCINI: Yes, just briefly, Mr. Chairman, we've heard so much over the last couple of days and in November with regard to this. It's clear that we all need to take the materials back and review them and discuss it with our caucuses.

I just wonder, perhaps just for clarification for the guests in the room, is there a timeline that the committee is prepared to put forward so that we could know when we would meet again or when they will be reconvening to consult with people in the community? Do we have any kind of framework that we could perhaps help people with so that they don't feel they are leaving here today and just saying well, are we ever coming back?

MR. CHAIRMAN: Technically, I think the committee will reconvene at the call of the Chair. There are so many aspects. There's been so much information that has been provided over the last two days. There are so many aspects to the consideration of this bill that will need to be considered in determining how to move forward that, as Vice-Chair today, I don't feel comfortable putting a firm timeline on that.

For the members of the disability community and others who have come forward over the last two days, I can assure them that it will be done in a timely manner and in a considerate fashion of their wishes and concerns. That's my position on it at this point, as Vice-Chair, keeping in mind that I am not the Chair of the committee.

Mr. MacLeod.

HON. ALFIE MACLEOD: I'm wondering again, for clarification purposes, if we could go over the procedure again on what will take place from here forth. In particular, if there are changes that come back to the Law Amendments Committee, and the public sees them for the first time, will the public get an opportunity to speak to the revised bill, or what's going to happen?

Just for clarification purposes, for that the people who are leaving here today, would you give them an understanding of the process, as you know it to be, of how the bill will move forward from this point?

MR. CHAIRMAN: The usual process is that a call is put out for submissions by members of the public. The submissions are all taken into consideration in a number of different ways - some of them with the department that has put forward the bill, some of

them within other areas of government and, ultimately, by members of the Legislature as a whole. So it is a complex proceeding.

I want to remind the member and the other members of the public here today that we have stepped outside of the usual bounds of the committee, in terms of accessibility and other factors that have opened up consideration of this bill in a different way than any bill that has previously been brought forward before. I think that's evidence of a willingness to hear and consult and consider, and it will be done in a broad fashion. I think it will take into consideration all the submissions that have been heard and the will of the people who have come before the committee.

Ms. Mancini.

MS. MARIAN MANCINI: Mr. Chairman, there was a lot of discussion about the Access and Fairness for All Nova Scotians, Report and Recommendations. I would put a motion forward but I'm not sure if that might be a public document or if it's in an electronic form that's accessible. I don't know if we know that or not. If it isn't, I would like to put forward a motion that the Access and Fairness for All Nova Scotians, Report and Recommendations, and all community reports that supported the writing of that document be made available to the committee members.

MR. CHAIRMAN: If I could have just a moment to consult with counsel on that, please.

Ms. Mancini, was that document tabled before the committee, to your knowledge?

MS. MARIAN MANCINI: To my knowledge, it wasn't and I think I've sat in on pretty well everything.

MR. CHAIRMAN: Do you have it in your possession?

MS. MARIAN MANCINI: No, I don't.

MR. CHAIRMAN: On a point of order with respect to that, Ms. Mancini, the document itself, to my understanding, is not within the control of the committee. I don't see where that falls within the jurisdiction of the committee to direct anyone outside of the scope of the committee to do anything with that document. We're here to consider the submissions that have been brought before us and to bring those forward.

I'll give you an opportunity to respond to the comments that I just made but I think we have an issue of order here that your motion might fall outside the jurisdiction of the committee or the scope of what we're capable of doing.

MS. MARIAN MANCINI: Mr. Chairman, I don't think there is any argument over the fact that the document has been referred to frequently throughout the proceedings. What

if I could amend the motion so that it would say that the committee chair would make inquiries about making the Access and Fairness for All Nova Scotians, Report and Recommendations, and all committee reports available to the committee?

MR. CHAIRMAN: Why wouldn't you just do a freedom of information request?

MS. MARIAN MANCINI: It would certainly be easier.

MR. CHAIRMAN: Okay, let's keep the business of the committee on the record. Mr. Stroink.

MR. JOACHIM STROINK: It's very simple to find. If you google it, you'll come up right away on the Internet. I think that's a great starting point and you can find all the information you need there.

MS. MARIAN MANCINI: Yes, it's just that it has come to my attention that attached to that there are a lot of community reports and I don't think they would be in that document, so I'm looking for the reports and the community reports, along with the report and recommendations.

MR. CHAIRMAN: Is there further discussion at this point? Mr. Rankin.

MR. IAIN RANKIN: If I understand the motion correctly, it's basically so that all committee members can get access to that information and if it's attaining more information for committee members, I'll support the motion.

MR. CHAIRMAN: I'm going to take a five-minute adjournment before we deal with the question on the motion.

[12:14 a.m. The committee recessed.]

[12:17 p.m. The committee reconvened.]

MR. CHAIRMAN: Order. We'll call the committee back to order. We have a motion and an amendment to that motion on the floor, and the question has been called by Mr. MacLeod, so I'm going to call the vote on the motion and the amendment to the motion. Would all those in favour of the amended motion please signify by saying Aye. Contrary minded, Nay.

The motion is carried.

Is there further business? Mr. MacLeod.

HON. ALFIE MACLEOD: Just one more clarification, and it's more for the people who are watching the proceedings than ourselves. When Mr. Rankin made the motion to

defer our motion, there was no debate. I wonder if you could explain to the viewing audience just how that comes about because some people would not understand why there was no debate.

MR. CHAIRMAN: I'm going to refer that to Mr. Hebb to explain that more fully. That was done on the advice of Mr. Hebb. My understanding is that the motion to defer the discussion on a motion is a very particular type of motion. Mr. Hebb.

MR. GORDON HEBB: The motion that you made, Mr. MacLeod, is certainly debatable, but when the debate began, Mr. Rankin moved a motion of deferral. A motion of deferral is not debatable, so there would be an immediate vote on that. Your motion is still before the committee, and when the committee meets again, the motion will then be open to discussion by the committee.

MR. CHAIRMAN: So that would apply to both motions that were deferred.

Mr. MacLeod.

HON. ALFIE MACLEOD: I thank you, Mr. Hebb, for that. I just wanted people to understand why there was no debate on that particular motion because we debate everything else.

MR. CHAIRMAN: And my earlier comments apply to everything that is before the committee. These things remain on the agenda, not just of the committee, but of the Legislature. This is a committee of the Legislature, and Bill No. 59 is a live item on the order paper of the House.

Is there any further business before the committee today? Hearing none, we will adjourn to resume at the call of the Chair. Thank you, everyone, for attending.

[The committee adjourned at 12:20 p.m.]