

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

LAW AMENDMENTS

Thursday, March 2, 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
Mr. 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. Elliott Richman
Mr. Frank O'Sullivan
Ms. Robin Gushue
Ms. Cynthia Carroll
Mr. Jim McDermott
Ms. Emily Duffett



House of Assembly
Nova Scotia

HALIFAX, THURSDAY, MARCH 2, 2017

COMMITTEE ON LAW AMENDMENTS

7:00 P.M.

CHAIRMAN
Hon. Diana Whalen

MR. CHAIRMAN (Mr. Terry Farrell): If the members of the committee would take their seats, please. Good evening everyone, I'd like to call this evening's meeting of the Law Amendments Committee to order.

I'm going to take a few minutes at the beginning to explain some of the rules of the proceeding. I would ask everyone at this time to please turn off your cellphones. Members of the media may use their cellphones during the proceeding, but members of the audience are asked to refrain from doing so.

Please be respectful of the proceeding at all times. The Rules of the House of Assembly apply in this Chamber during the Law Amendments Committee. That means there will be no shouting or cheering either for or against what is being said during the proceeding, or any other disorderly behaviour. I know there won't be but if by any off-chance there were, we would have to ask the person to leave. The taking of pictures by anyone other than the media is not permitted. Thank you in advance for your co-operation.

My name is Terry Farrell, I am the MLA for Cumberland North and I'm also the Vice-Chair of the Law Amendments Committee. I am sitting in the Chair this evening on behalf of our Chair, the Honourable Diana Whalen.

At this point I'm going to ask the members of the committee to introduce themselves. I'll start at my far left with Mr. Stroink.

[The members of the committee introduced themselves.]

MR. CHAIRMAN: Thank you. I would remind everyone that the agenda listing the order of the presenters is available for viewing on the small table to the left of the door, as you enter the room. Actually they are on the end of the table to Mr. Stroink's left, so they are straight ahead when you enter the room.

When your name is called please come forward and state your name and the organization, if any, that you represent. In order to allow all the scheduled speakers an opportunity to speak at a reasonable time, we will be keeping track of the length of the presentations. You'll each be permitted 10 minutes to make your presentation, followed by five minutes for receiving and answering questions from members of the committee. I'll alert you when there is one minute left to speak and when the time is up. I may interrupt you by speaking up and letting you know when your minute is up or I may just hold up my finger.

I'm going to begin by listing the first four presenters on our agenda tonight. The first will be Elliott Richman, the second presenter will be Frank O'Sullivan, the Executive Director for the Society of Deaf and Hard of Hearing Nova Scotians. The third presenter will be Robin Gushue and the fourth presenter will be Cynthia Carroll, the Executive Director of Autism Nova Scotia.

I believe we are ready to begin. If Elliott Richman is here, could you please come forward. Good evening, Mr. Richman. Thank you for coming this evening. (Interruption) I think the interpreter's microphone is working better now.

MR. ELLIOTT RICHMAN: My name is Elliott Richman. I am from the Deafness Advocacy Association of Nova Scotia.

Before I talk about Bill No. 59, I would like to begin by talking about broadband Internet access and the announcement that recently went out from the CRTC considering it a basic right. Now, broadband Internet is to be accessible to all and is considered a right - for people within the northern areas especially so, but for everybody. That will require setting up broadband cables in order for broadband Internet to work, and that would be by the year 2021 and by 2032, so that everybody would be connected to the Internet.

Who would pay for the service? That would be all of us - the provincial and federal governments, as well as public and private sectors. In the end, the cost would actually be lower. The cost for access is better than excluding people in the end. We really must not be focusing on the cost or talking about costs or who should or should not be paying for the service. So it's not considered as a cost but is considered a right for every individual. That's it. There's no argument with that.

By the way, accessibility must not be means-tested. The concept of equality before the law has already been established in the UN Convention on the Rights of Persons with

Disabilities. Canada ratified this in 2010. We also have the Charter of Rights and the Human Rights Act. Accessibility is a right on its own. So there's no argument with that either. It's as simple as that, indeed.

So what does that mean, accessibility for everyone, period? What is involved? Enforcement and standards will be put in place, and old barriers will prevent new barriers. When? Yesterday, of course. But to be realistic, how does December 31, 2025 sound - at about 11:59 p.m. that evening, to be specific?

Who will benefit from this? Everyone. Persons with disabilities can and will contribute economically, socially, artistically, and intellectually to society, as will anyone else. Who is going to pay for it? All of us: the public, the private, non-profit sectors, and the taxpayer. How much will this cost everyone? That's not relevant, actually. Accessibility is a right, just as broadband Internet is. Let me paraphrase the Honourable Joanne Bernard: the cost of inclusion is much less than the cost of exclusion. How can this be done? Through appropriate policies, procedures and, of course, funding - all to be encapsulated in enforceable standards. Bill No. 59 must be ratified and modified to reflect those basic concepts.

As things stand at the present time, Bill No. 59 requires only that a minimum of 50 per cent of the individuals on this committee be persons with disabilities, 12 voting members and four non-voting members. So conceptually, we could end up with four voting members with disabilities and four non-voting members with disabilities. With that, the bill should require a minimum of 50 per cent plus one, and those voting members need to be people with disabilities.

As well, we also need to look at quorum. The quorum should be reflective of the same numbers. Board members with a disability must be representative across disabilities, including but not limited to those with sensory, intellectual, mental, invisible, and mobility disabilities.

Like everyone else, we look forward to further consultation on the bill before third reading. Thank you for your time.

MR. CHAIRMAN: Thank you very much, Mr. Richman.

MR. ELLIOTT RICHMAN: I hope I didn't run out of time.

MR. CHAIRMAN: You did very well, sir. I would ask you to stay around for some questions from the members of the committee, if that's okay with you.

MR. ELLIOTT RICHMAN: Yes, certainly.

MR. CHAIRMAN: We will begin with Mr. Belliveau.

HON. STERLING BELLIVEAU: Thank you very much, Elliott, for your presentation. Early in your presentation, you made reference to broadband Internet access. You said that CRTC recently declared that this basic service should be across Canada. Here in Nova Scotia, all parties have committed to 100 per cent coverage of Internet access. I can assure you that there are regions, particularly in southwest Nova Scotia, that do not have that 100 per cent access, yet other areas in northern Nova Scotia do.

The point I'm trying to make here is, do you have those fears that Bill No. 59 may be similar? I'm using Internet service as an example. My concern is, do you feel that this could be a patchwork? If we do not get Bill No. 59 right, there may be some different businesses exempt. I just want you to make reference to the broadband scenario and see if you have similar concerns.

MR. ELLIOTT RICHMAN: The similarity between the two is the basic concept that both of those are considered a right, not a privilege, not a benefit. It's not really that concerning in regard to the piecemealing. Well, I guess yes, I can agree with that point, that we don't want to see piecemealing. So when we look at the Internet as provided piecemeal by different providers that don't have complete access, similarly, if accessibility is provided in pieces, it will not then be complete accessibility for everybody. So yes, I would agree with that.

MR. CHAIRMAN: Ms. MacFarlane.

MS. KARLA MACFARLANE: I want to thank Mr. Richman for coming here today. I know he was here all day with us, and I really appreciate that. You indicated, Mr. Richman, that you wanted to see further consultation. I'm curious as to what that looks like to you, if you can identify individuals or organizations or groups that you want to have further consulted on this.

MR. ELLIOTT RICHMAN: Everyone. This bill impacts everyone, so we all should have the opportunity to consult. There is no group or organization or person who cannot be or should not be involved in it. The answer is everyone and anyone. Does that help?

MR. CHAIRMAN: Mr. Horne.

MR. BILL HORNE: Thank you, Mr. Richman, for being here this evening. I listened to you very closely and made a couple of notes here that I believe are important to be asked about. You feel that everybody should be paying, to a certain extent, for this accessibility issue. I'm just wondering, do you have any ideas on how much people should pay or how it would be broken up into economics for people?

MR. ELLIOTT RICHMAN: Well as with many presenters prior to myself and their messages this afternoon, the cost is not an issue. You cannot put a price on who can vote and who cannot vote, so you cannot put a price either on who has broadband and who does not. For example, the federal government will be investing up to \$750 million in the next

five years, even if the federal government is in an affordable position. So I don't really have an answer for how much.

My point is that accessibility is not just government's responsibility. It's not just the private sector's responsibility. It's not just one group's responsibility. It's everyone's. It is everyone's in partnership.

MR. CHAIRMAN: Thank you, Mr. Richman. That was an excellent use of your 15 minutes. I would like to thank you for spending your time here today and for taking the time to present to our committee.

MR. ELLIOTT RICHMAN: Thank you. I will be here again tomorrow morning.

MR. CHAIRMAN: Our next presenter is Frank O'Sullivan. Good evening, Mr. O'Sullivan. If you would like to begin by identifying yourself and the organization that you're here representing, then you could begin your 10-minute presentation followed by five minutes of questions.

MR. FRANK O'SULLIVAN: Thank you for the opportunity to present here to the Law Amendments Committee. My name is Frank O'Sullivan, and I'm here as a deaf individual, as the executive director of the Society of Deaf and Hard of Hearing Nova Scotians, and also as a member of the Bill 59 Community Alliance.

First of all, I would like to commend the government for looking at establishing accessibility legislation. Once the bill is passed, we will be the third province across Canada to look at disability or accessibility legislation.

Over the past two years, a lot of work has been done in developing the framework and the content of this legislation. Across Nova Scotia, there were meetings and extensive consultations which resulted in many excellent recommendations.

This legislation does have its flaws though, and the flaws will be a barrier to the success of this legislation. Some issues have already come up earlier this afternoon, and I don't need to go back to convey those issues again, but I will discuss a few points.

Once the legislation has been achieved, it will impact all areas of society. Clear deadlines and intentions need to be established. The government should take a very active and creative role and provide incentives to support.

It's important that the disability community be part of the consultation involved in creating standards for the implementation, monitoring and the enforcement of standards under the Act, and that we have a leadership role within this.

Many deaf individuals within Nova Scotia, including myself, experience a wide range of barriers throughout our daily life. I've also been fortunate to witness the positive

impact on quality of life when barriers are removed. Access would include sign language interpreters, CART services as we see here, access to communication in digital format, and real-time captioning.

Bill No. 59, when it is eventually passed, will go a long way to reducing those barriers and increasing access for everyone. We have the ability to become a model across Canada and worldwide with the passing of this legislation. However, it is imperative that we take time to revise this legislation. As Mike Holmes says in Holmes on Homes, we need to get it right.

Thank you for your time.

MR. CHAIRMAN: Thank you very much, Mr. O'Sullivan. That was a good wrap-up. I hope you have some time for questions from the members of our committee.

MR. FRANK O'SULLIVAN: Sure, yes.

MR. CHAIRMAN: I'm looking around, and I'm thinking that your presentation was of such a quality that you've satisfied all the members, and they don't have any questions.

MR. FRANK O'SULLIVAN: Very good, then.

MR. CHAIRMAN: Thank you very much for attending, sir.

At this time, I'm going to announce the next four presenters, which are all of the remaining presenters for this evening. Next we'll have Robin Gushue, and if Robin's here, perhaps you could come forward while I'm doing this. After Robin will be Cynthia Carroll - the executive director of Autism Nova Scotia - Jim McDermott, and Emily Duffett.

Good evening, Ms. Gushue, perhaps you could begin by identifying yourself and the guests that you've brought with you.

MS. ROBIN GUSHUE: Sure. Good evening, my name is Robin Gushue, and this is my daughter Olivia. She's got a big smile for everybody here tonight. Olivia is six years old, and she has spastic quadriplegic cerebral palsy. I'm here tonight to speak on her behalf in regard to Bill No. 59.

As I mentioned, Olivia has cerebral palsy. That's a neurological condition that affects her muscle function and control. When she's excited, everything starts flailing. Olivia is physically disabled and relies on the use of a wheelchair for mobility. She is solely dependent upon myself and my husband. Although Olivia has a physical condition that has its challenges, she is a lively, happy child, as you can see, with an infectious smile. She enjoys going to parks, watching her big brother play hockey at the rink, and participating

in various family outings like hiking on our local trails here and going out for dinner at restaurants.

Like I said, we are a family that enjoys being active in our community. With that, we like to make sure that Olivia has every opportunity to participate. Frequently, however, we are met with barriers that prevent Olivia from accessing opportunities.

Like I mentioned, we love going to parks. Olivia is a child. She wants to be able to swing on the swings like her sister and brother. We found that there are many parks around here that don't have accessible swings for her. She's in a wheelchair. It would be great to see climbers and play areas at parks that accommodate accessibility for wheelchair use.

Another barrier is a lack of fully accessible washrooms in public venues. Oftentimes, we struggle to find establishments that contain these restrooms. We get in the habit of calling ahead to make sure that an accessible facility is offered.

Usually, if there is an accessible restroom, it's a large stall with a toilet and assistive rail, and at times, a baby change station. That being said, Olivia is six years old. She can't use a baby change station to be changed on. She needs to have her dignity preserved.

What we would like to see is an accessible facility that provides for those needs. Those needs could be addressed by implementing devices such as mobile table units that can support the weight of up to a full-sized adult and a mobile lift unit which would assist caregivers with safely lifting our children and our clients from their wheelchair to the mobile table. That would be greatly beneficial. Because these assistive devices are not offered in today's accessible restrooms, like myself, many families are forced to change our children on the floors of public bathrooms or to take them out to our accessible vans and change them on the floors of our vans. This is not acceptable. It does not preserve their dignity.

As a mother to a disabled child, I would hope that Bill No. 59 will drastically raise the accessibility standard, by addressing and eliminating barriers like the lack of fully accessible restrooms and public venues and implementing more parks that are fully accessible for kids like Olivia. Hopefully, it will guide our community towards social equality and obtaining a fully inclusive society.

I welcome the day that I can walk into a rink, a shopping centre, movie theatre, museum or restaurant with my family and know that all my daughter's needs are fully met. Thank you tonight for allowing me to speak. I really appreciate this and hopefully everything will move in the right direction.

MR. CHAIRMAN: Thank you, Ms. Gushue and thank you to Olivia for coming as well. It was a pleasure to get to meet her. We may have some questions for you if that's okay?

MS. ROBIN GUSHUE: Sure, yes that's fine.

MR. CHAIRMAN: Ms. Lohnes-Croft.

MS. SUZANNE LOHNES-CROFT: Hi, we met earlier and had a chat so I'm quite familiar with your situation. Have you found any parks here in Nova Scotia - or at least in the HRM which is probably more accessible for you - that are wheelchair-friendly and meet some of your daughter's needs?

MS. ROBIN GUSHUE: We actually visited the Oval. We just moved here in August, we're a military family that has been posted to the community so we're still exploring the HRM area. My kids love the Commons, the Oval. We were really saddened to see that there were no accessible swings, although the ground is nice and level and we can get a wheelchair on there. There was no area for her to be able to get into the climber area or to participate so we had to transfer her. She would ride with us down the slide with my husband or have to sit on one of our laps for the swing. She is six years old, it can become uncomfortable. She wants to be independent as much as she can be.

MS. SUZANNE LOHNES-CROFT: Any school playgrounds in your area that you can find some accessibility?

MS. ROBIN GUSHUE: The school playground is currently not accessible. She can get around in her wheelchair, but she can't participate with the others.

MS. SUZANNE LOHNES-CROFT: No sandboxes at her level and whatnot?

MS. ROBIN GUSHUE: No.

MR. CHAIRMAN: Mr. Horne.

MR. BILL HORNE: Thank you for presenting tonight and also having Olivia with you. Just a point that you might want to remember. A lot of trails that are being developed - the Trans Canada Trails in particular - I know that some in my area are wheelchair-accessible and they can go for many kilometres so eventually it could be hooked up all across Nova Scotia and right across Canada. That's one of the important parts of the Trans Canada Trails, to have wheelchair accessibility.

MS. ROBIN GUSHUE: That's wonderful.

MR. CHAIRMAN: Ms. Mancini.

MS. MARIAN MANCINI: I just wanted to ask you how you would sort of transpose your comments here to the actual legislation. I don't know if you were here for the day or not . . .

MS. ROBIN GUSHUE: I wasn't.

MS. MARIAN MANCINI: There have been a lot of comments generally, concerns about the legislation not being able to maybe deliver what people really want to see. I'm just wondering if you had an opportunity to look at it. I'm just suggesting some of the issues that did come up, issues about using language for accessibility of saying we need to improve as opposed to achieve it, and disability rights being subject to economic considerations, which is also in the bill and just a general concern that the disability rights are being subjected to economic considerations here. I don't know if you would have a comment to make on that, in light of your presentation.

MS. ROBIN GUSHUE: I don't know if I'm qualified to answer that. All I would say is I think that we need more input from the community in order to improve upon that and if cost is a barrier or if I'm answering your question correctly here, from what I can pertain, I think that cost shouldn't be a barrier.

I think when I addressed accessible public washrooms, if you were to go out in the community and you needed to utilize a public facility and they advertised a public washroom, you would expect to find a toilet and a sink. But my daughter can't use the accessible restrooms in public right now because they don't meet her needs. I think that's an important thing we need to address here, aside from costs. I think we have to figure out a way to get around that. I hope I've answered what you've asked.

MS. MARIAN MANCINI: You did, thank you.

MR. CHAIRMAN: Mr. Belliveau.

HON. STERLING BELLIVEAU: Thank you Robin. I'm going to ask the question that everybody doesn't dare to ask. I know Olivia loves to go to the hockey rink and that's where my question is going. The question I'm going to ask that nobody dares to ask is, does Olivia have a favorite NHL hockey player? (Laughter) I'll give you some time to think about that.

MS. ROBIN GUSHUE: Her brother loves the Ottawa Senators so she would support his NHL pick.

MR. STERLING BELLIVEAU: My question is regarding when Olivia goes to hockey rinks. I spent some time there, as many Nova Scotians do, and they're not very accessible for people with disabilities. When Olivia goes to the local hockey rink, are there accommodations made for her to view the events?

MS. ROBIN GUSHUE: Yes, actually. My son plays for the TASA Hurricanes here in St. Margaret's Bay. The St. Margaret's Centre has done a fantastic job actually with offering accessible options. There is an elevator that can take us to the second floor viewing

area. There is an accessible area in the rink that we have no problem taking her wheelchair in and she can participate and we sit with all the other parents to watch the game.

There was an issue with their accessible washroom, and I actually did bring it forth to the centre, and they were unaware. A lot of the times it's because we're unaware. If you don't have a member in your family or somebody in your community that is directly impacted, it's hard to understand their needs unless it's brought forth. We addressed it and they are now considering looking into that, so that's a plus.

We've been to many rinks in this area now and if there was not an accessible viewing area, they actually built ramps to bring you up to the glass. I thought that was great. Some of the rinks are ancient; it's really hard to expect that they're going to be able to put in an elevator and have a whole seating area. But the fact that the effort is made there - that your family can view it comfortably - is fantastic.

MR. CHAIRMAN: Mr. MacLeod.

HON. ALFIE MACLEOD: That was a dangerous question to ask. (Laughter) Just from listening to your presentation, I'd like your opinion on this. Education of the general public is as important as the legislation itself because if people do not understand the challenges or nobody explains the challenges to them, then indeed it's hard for them to meet them. I'm just wondering what your thoughts are about an education program for people or arenas or centres.

MS. ROBIN GUSHUE: Speaking from my daughter's point of view, I've gone into her school and started at the youngest level that you can possibly educate. I have six- and seven-year-olds that I've gone in to talk about accessibility on their level.

I think in society it's really important to maybe have a member on a staff or a board that can do a reach-out to community members and say, we want to make this more of an accessible-friendly facility, how do we do that? For example, with my son's hockey team - I'm not sure if it starts with conversations within that board or community, to reach out to parents.

Being new to this area, one thing I love about Nova Scotians - they want to talk to you. Everywhere that we've gone - actually, for example, just last weekend we were shopping at the local Home Depot and Olivia needed to utilize a restroom facility, and I asked, "Do you have an accessible washroom?" I spoke to an employee who went out of her way to take the table out of their staff room, set it up in the accessible washroom to make sure that Olivia's needs were met. But the conversation didn't end there. I spoke to the store manager, I spoke to the other employees and it was recognized.

I think we have to talk more to each other and not be afraid to discuss disability. It's not a dirty word, but you would be amazed with how many people in society - especially when I have Olivia, they're afraid to ask, "How can we help you? How can we

make this better?" So I have learned that I have to speak for her. I have to start those conversations, and I think more of us have to do that. How do we start that conversation? We're starting it now and I think it has to continue.

MR. CHAIRMAN: Mr. Stroink.

MR. JOACHIM STROINK: Thank you very much for your presentation. I'm very fortunate. I represent the riding of Halifax Chebucto and we do have wonderful accessible playgrounds so I'd love for you to come. We can meet there and you can walk me through, if this playground is an example of what you are looking for. That will give me a good sense of what I can take back to the committee and to my colleagues to see. I'll ask my HRM councillors to be part of that conversation so they can see that. I'll make sure we connect.

I would like you to see this playground because the play structures are wheelchair accessible, the swings are beautiful basket swings that kids can lay in and swing. I'll connect with you and we'll go for a visit.

MS. ROBIN GUSHUE: That would be wonderful, thank you.

MR. CHAIRMAN: Ms. Gushue, thanks very much for coming this evening. Thanks for bringing Olivia. It has been a long day and her smile picked us up and will help us get through the rest of the evening.

MS. ROBIN GUSHUE: Wonderful, thank you so much.

MR. CHAIRMAN: Cynthia Carroll. Good evening Ms. Carroll. If you'd like to take a seat, the Page can hand those out for you, if you'd like. If you'd like to begin by introducing yourself and the organization you represent and you could have your 10-minute presentation and five minutes for questions.

MS. CYNTHIA CARROLL: Great, thank you. My name is Cynthia Carroll, I'm the executive director of Autism Nova Scotia. I'm also the current Chair of the Canadian Autism Spectrum Disorders Alliance which is a national alliance of over 150 autism organizations across the country. I also had the fortune of being one of the members of the minister's advisory panel and the recommendations for the development of what is now known as Bill No. 59.

I wanted to do a head nod to all the presenters before myself - I definitely agree with some of the things they're chatting around. One of the things I wanted to bring to the committee's attention was the fact that this accessibility legislation is an historic moment in time for Nova Scotia and I do want to commend, as previous speakers have, the provincial government for taking the lead on this. However, I do want to caution the Law Amendments Committee to be thoughtful, to make sure we get this important piece of legislation right.

When we're considering individuals in Nova Scotia living with autism, I want to talk a little bit about sensory accommodations. Really what that means is, we have a lot of accommodations in the room here tonight. We have space to allow for wheelchairs to participate, we've got the CART service, but when you're talking about autism spectrum disorder it's a neuro-developmental condition. What that means is there are many challenges that come with this disorder and some of those challenges can be invisible.

When people ask, what is autism, we say it's a different way in which your brain works and functions. It can mean that you need two people to go to the corner store or it could mean you are a university professor. Research indicates that 95 per cent of people with autism actually have a sensory processing disorder. What that means is things such as fluorescent lighting is very problematic, it flickers at a very high rate. Loud sounds can be very challenging. Even in this room it would be very difficult for an individual with autism to participate in this committee meeting because the lights in here are so bright that it would almost be intolerable - in fact, it would cause pain.

When you are considering things within Bill No. 59 and you are talking about language and definitions, and we talked a lot about this around the advisory panel as well - it's ensuring that not only are we using plain language in the bill that people understand but the language is clear and broad enough to be inclusive for all, including people with sensory disabilities like autism.

We see this all the time. It affects things like primary health care. Even having an individual access primary health care and going into a crowded waiting room is very difficult. They are not able to access health care, many individuals because of that reason, if there isn't a quiet area that is offered that is low stimulation. Those are things to consider.

We also have accessibility. The family that just recently spoke around accessible playgrounds and going to rinks - many children with all disabilities, and we certainly see this on the autism spectrum as well, even accessing recreation in our communities, ensuring that we consider rural, remote and urban areas in Nova Scotia in this bill. Right now, recreation is not fully accessible. We're getting better, but families can often only access two weeks of recreation in Nova Scotia if they need accommodation support.

If I have a child who is not on the spectrum or may not have a disability or has limited accommodation support, they can access recreation for eight weeks in the summer. But right, now there's only two weeks available if you need accommodation. These are the things that we need to be considerate of when we're considering things like built-in environment, accessibility to services, spaces, and all of that.

In addition to the uniqueness, perhaps, of the sensory considerations of autism, I want to state to the committee that Autism Nova Scotia stands united with the disability community around principles behind what a disabilities Act or accessibility Act should look like in Nova Scotia, setting very clear timelines that are reasonable within the legislation. Someone mentioned earlier that it applies to all. Accessibility legislation is not

just about physical. It needs to include mental, sensory, communication, learning, and intellectual disability, and mental health conditions.

This Act really needs to set the bar, and it needs to supersede all other legislation that could potentially provide lesser protections for persons with disabilities. Otherwise, there will always be that question, which Act take precedence over the other.

We need to ensure that the Act removes barriers and that it champions accessibility as well in the workplace. We talked a lot about education. Education is absolutely key for this, openness and transparency and community consultation. We're only beginning. The standards are going to be the next big step in this process. We need to get that bill right and the language in that bill right and fully inclusive.

We talked about enforceability, and I'm sure the Act is. We need to ensure that there is independence at arm's length from the government, that there isn't bias when we're looking at accessibility and implementation of an accessibility Act, and that the Act is made real through all regulations.

The Act needs to set policy. Finally, the Act needs to have a real force and real effect. We hear people talking about that each time they get up to the microphone.

I want to thank the committee for taking the time to hear my presentation and know that the community feels strongly about working together, collaboratively with government, to make sure we get this right and that Nova Scotia actually becomes a leader in the country in this area.

MR. CHAIRMAN: Thank you, Ms. Carroll. I hope you have time for some questions. Ms. Mancini.

MS. MARIAN MANCINI: I just wanted to go to one aspect that you raised. You discussed the built environment. Currently in the Act under the definition, it means a building, a structure, or a premises. Actually, back in November, when we were at Law Amendments Committee, I think it was Mr. Post who made a submission on this, saying essentially that that language was too limited and ambiguous. He proposed a change to it that would say built environment means the physical structures of communities, including buildings, structures, infrastructure such as streets and sidewalks, parks, and recreational facilities.

I may be putting you on the spot a little bit, but I'm just wondering, would you concur with that, essentially, that it's a more broad definition that we should be looking at?

MS. CYNTHIA CARROLL: Yes, I would definitely concur with that. I think that if we really are serious about making this an accessibility Act and being inclusive, we need to broaden the definition outside of a physical building, yes.

MS. MARIAN MANCINI: Just on another definition issue here, you indicated that you were part of the advisory panel. I'm assuming that at some point you were engaged in discussions about the actual definition of a disability.

MS. CYNTHIA CARROLL: Yes.

MS. MARIAN MANCINI: Okay, all right.

MR. CHAIRMAN: Mr. MacLeod. Sorry, we're just going to try to stick to one question for each caucus and then if we have more time, I'll come back.

HON. ALFIE MACLEOD: You say you were on the committee that did the consultation process, and we heard earlier today that was a good process. It went a long way and the information that you brought back and the bill that resulted from that didn't mirror each other very well. That's why we're here today.

My question is - you already gave this information and the bill didn't reflect it - how are we going to be sure that the information that's being presented today is going to be reflected in the new bill that is required to meet the needs of the communities that you've seen represented here all day by other people? You were on the committee, you've seen how it worked, you brought the information back and you've seen the end product. I'm very curious as to how you felt when you saw the end product and where your hopes are today in the new product.

MS. CYNTHIA CARROLL: Actually, I could ask you that question in government. How are you going to ensure that the voices of the community truly get reflected?

I hate to say that this is the first time the community has experienced this. The great thing about consultation is when you go out, you hear all the information that you need. There has been a lot of media lately. We are really good at writing reports in Nova Scotia - and not just Nova Scotia, all provinces to be honest. We have great solid recommendations that are thought out, they've been researched. Families come and share their experiences. It's not easy for a family to come out and share their experience, and they need to be listened to.

My concern and sometimes frustration is, I always continue to move forward with hope that we're going to turn a chapter and truly lead; that's what brings me here today. You're right, that was a really good committee, a diverse committee - business was at the table. If you're talking about who needs to be involved - everyone needs to be involved. You need to have employers involved. You need to have the business sector involved. You need to have disability groups involved. You need to have parents involved. Transportation needs to be involved. We need to have - and we did have - vast consultations.

What we need is for the government to sit down and really, truly listen, and really get it right. That's what I was saying to caution - not to push something forward that is so

historic. The community has been waiting. Not just the disability community. I would argue all Nova Scotians have been waiting for true accessibility. This does affect all Nova Scotians.

MR. CHAIRMAN: Mr. Stroink.

MR. JOACHIM STROINK: I know you're incredibly busy right now with an autism conference happening at the World Trade and Convention Centre, so thank you for squeaking out a bit of time and joining us today.

My question for you is on the definition of disability. As it sits right now, do you feel that it covers the sensory aspect of a disability or is it too broad, or does that need to be added in specifically under sensory?

MS. CYNTHIA CARROLL: I would like to see sensory added in.

MR. JOACHIM STROINK: Okay, thank you.

MR. CHAIRMAN: Do you want to finish up, Ms. Mancini, or are you done?

MS. MARIAN MANCINI: I'm going to ask you just one question quickly. Was there a report that was made public from the advisory committee?

MS. CYNTHIA CARROLL: Yes, so the committee finished its reports and they were rolled into a larger report. My understanding is that it was provided back to the minister and then it was taken and turned into a somewhat more public document. I don't know if all of the aspects of the reporting - I'm trying to remember now. It has been a little bit of time so I do apologize for that. I do think it is available.

Each group chaired a subcommittee and so there are actually four subcommittee reports as well on the different areas that were discussed within - at that time - potential legislation.

MR. CHAIRMAN: Ms. Carroll, thank you very much for your excellent presentation and for answering our questions.

The next presenter is Mr. Jim McDermott. Following Mr. McDermott will be Emily Duffett.

Good evening, sir. Please begin by identifying yourself and any group that you represent.

MR. JIM MCDERMOTT: Hello, my name is Jim McDermott. I am a deaf individual, and I live here in the wonderful city of Halifax. I have been living here in Nova Scotia for 31 years. I was in Ontario before that. I live here in Nova Scotia facing some

barriers, but I enjoy the province. I am the president of the Nova Scotia Cultural Society of the Deaf. We promote and advocate for a positive image in regard to showing successful deaf individuals.

Not many individuals like you see deaf individuals, so we have our work cut out for us to show who we are and that deaf people are okay. We are great people. We have skills, talents, and abilities. Many of you may not have seen that. But employment is not provided, and there is a lack of employment within our community.

The interesting thing is that I have attended many breakfast meetings in the past, in 2010 and 2011. These were meetings with provincial representatives. The business community and leaders are there. We've talked about our frustrations and our concerns in regard to barriers. Again and again, they seem to listen, but action does not always happen.

This morning, I was checking on my computer for a quote that I used as a theme for our breakfast meeting about whether we feel included and inclusive. The theme we had for this breakfast was, Partnership for Access Awareness Nova Scotia, are we doing that?

Let me show you this, and I'll show everyone in the audience. The paper says 2010 theme for Partnership for Access Awareness Nova Scotia, Valuing People Equals Inclusive Communities. Valuing people, that is everybody.

As a Nova Scotian, do I feel included? Do I feel it's inclusive? Do I feel like an equal partner, an equal individual? No. Worse, this afternoon, I wanted to check the live feed of this afternoon's discussions and proceedings. I checked online, checked off closed captioning, and there was nothing there. I wanted to know what was going on this afternoon. I would like to know what different people's comments were this afternoon, what they were saying. I had no idea because it was not accessible to me. What did Gerry Post say this afternoon? I wanted to know what he said, and I was not able to access the information. It is 2017, but I was not able to access that. I would like information as well, to learn, for knowledge and enjoyment, but that was not able to happen. If we had an interpreter on the screen maybe, or the Internet, it would have been wonderful, but there was nothing there. I was not able to enjoy the proceedings that were taking place this afternoon.

That is not the only thing I was disappointed about. Two years ago, the new public library opened on Spring Garden Road. People attended the great opening of our new library. The ribbon-cutting happened with many presentations. There was not one interpreter. Everybody was congratulating. Everybody was sharing in the excitement. I wanted to be able to do that too. But again, how can I enjoy and celebrate our city when I feel that I'm not included?

One thing I did appreciate recently was a new bus service. Metro Transit added signs, visual notifications, with regard to the stops. I have wanted this information in a visual way for many years. Other cities across Canada have started to implement the visual

notifications on their transit systems - Ottawa, Vancouver. For a long time, Halifax did not have that, but with advocating and discussions it has finally happened. So now on the Metro bus we now have visual notifications. I do appreciate that, but for any other individual - seniors - they may need to know where the next stop is. The visual notification actually is a benefit for everybody, not just those who have hearing loss, who are deaf, but for everybody who accesses the transit system.

As the deaf community, we want access to communication, access to information, and how that access happens - whether it be captioning, interpreting or making sign language in a vlog, so that we have an English transcript, but it's important to know that for the elections we see a transcript but within our deaf community we would like to see it done in American sign language so we can see the English in ASL, in our language, so we can understand and we can feel part of the dynamic - we can be part of the team, we can be part of this wonderful city and province.

But we always seem to be the last to know what's going on. We have to ask friends to tell us what's going on. We have to look in the newspaper, and then we discuss it with our deaf community afterwards. We would like to share in the information real time like everybody else receives - that we get the same information, the same message just like everybody else at the same time. Announcements - everything is crucial, it impacts us, but we always seem to be the last to know, and that's just not acceptable.

Really basics - access to communication is what we require. How that access is provided with captioning, with interpreters, with an interpreter on a screen, whichever it may be.

I appreciate you listening to my comments here this evening. There will be no other individuals that come but thank you for your time.

MR. CHAIRMAN: Thank you, Mr. McDermott. I would comment on your presentation with respect to the captioning of the proceeding. I believe that it was to be available throughout and I'm not sure what kind of malfunction may have led to that, but I do apologize on behalf of the committee and staff for any interruption in that service.

MR. JIM MCDERMOTT: It was not provided. I think it was probably more like - because it was a live feed - I think there needs to be parameters established before going ahead with any proceedings in live form. So I think the captioning within that, it needs to be checked throughout, so any information that does go out, whether it be - on YouTube we have captioning, we click the captioning and it's not there. So somebody needs to look at the technical aspect of that and to make sure that there are captionings there for any videos that are produced and provided.

MR. CHAIRMAN: I agree with you, sir, and your concerns are noted. I hope you have some time for questions from the committee beginning with Mr. Belliveau.

HON. STERLING BELLIVEAU: Thank you very much for presenting. The chairman brought up my question. I learned something very valuable the other day. My impression is that the livestream is rolling, the cameras are rolling, the interpreters are here - and I learned something that this is not real time getting out to your community. I guess what I wanted to ask is just a clarification on that comment because I was startled by it.

If this technical glitch gets corrected, are you comfortable with where this particular bill is trying to get?

MR. JIM MCDERMOTT: I checked with the live feed. I did leave comments on the live feed and they'd say, we will check back with you in 14 days. Hello? This proceeding is happening right now, not in 14 days. That's just unacceptable. So who that individual is to contact, I don't know. It did not state on the screen where to call or who to contact with any technical difficulties. There was nothing in that regard. Fourteen days later, after these proceedings - that will be old news by that point, and I've then lost my access to the information.

MR. CHAIRMAN: Ms. Lohnes-Croft.

MS. SUZANNE LOHNES-CROFT: You made a very significant point when you mentioned the notifications on the bus. You said everyone benefits from those notifications. I would like to commend you for making that remark.

I even know from our church, which is a historic church. We have all sorts of regulations about where we can put ramps and how we can make adjustments for accessibility. When we first put in our ramp, everyone was terrified to use it. Now, everyone uses it. Everyone accesses it. It makes our whole building accessible.

I think you made a very strong point that should go forward, that everyone benefits from accessibility, not just people with disabilities. Would you agree?

MR. JIM MCDERMOTT: I absolutely agree, yes. Any public announcement at any place, for example the Scotiabank Centre, for any event - there's a lot of announcements that happen, and we're unsure. We want to know what's going on as well. There is no visual information, no notification. If we had to leave the Scotiabank Centre, I would have no idea. I want to know what's going on myself just like anybody else. Asking other individuals who can't always communicate with me does not fit the bill. There needs to be a visual form of notification somehow somewhere. To have no notifications whatsoever when we are looking for that information is just not acceptable. It needs to be everywhere.

MR. CHAIRMAN: That appears to be all of our questions, Mr. McDermott. I want to thank you very much for being here this evening and for making those excellent points and bringing those things to our attention.

MR. JIM MCDERMOTT: I wish I had been able to participate this afternoon. Thank you for your participation here this evening.

MR. CHAIRMAN: Emily Duffett is next. Good evening, Ms. Duffett. Thank you for coming this evening.

MS. EMILY DUFFETT: Good evening. Thank you for having me.

MR. CHAIRMAN: If you would like to begin by identifying yourself and indicating if you're here representing a particular group, then we would love to hear your presentation and possibly ask you some questions.

MS. EMILY DUFFETT: My name is Emily Duffett, and I have been debating which hat I would like to wear as I present to you this evening. As you can see, I don't really have anything written. I find I do better off the cuff. I've presented to many of you before in caucus presentations.

I've been wondering, do I present as Chair of the National Educational Association of Disabled Students, as a young professional working in the disability community, as a volunteer within the disability community, or - and you'll notice I pointedly left this till last - as a person who needs accessibility within this province as a wheelchair user? I came to the conclusion that it's important to present from all of these positions because, in my way of thinking, this legislation must take into account all aspects of life for whoever it is serving.

As has already been established, accessibility is not just for those with disabilities who "need it." It's for everyone. Physical accessibility is for people with strollers, people with heavy loads in their arms and that kind of thing, or for people who may learn in a different way and what have you. For years, my joking definition of accessibility has been, if you can get through the front door, it doesn't matter if you can get anywhere else. I've had that happen many times, as I'm sure many people have.

I think back to many years ago, when I first went into a wheelchair. This young fellow, probably about six or seven years old, asked his mother about my wheelchair, and she equated it to his shiny new bike and how that helped him go faster. To me that just normalizes it, as much as I hate that word.

I think that's what we have to do. As I said before, we have to make people aware of the needs and the issues, but also to see the positive aspects of the contribution people with disabilities make in this province. We are one fifth of the population, and that's only going to increase with the aging demographic. We must keep in mind how it impacts all aspects of life and how we keep those standards in place.

I've been doing a lot of work lately on youth with disabilities. I spearheaded and facilitated a youth living with disabilities leadership forum two years ago now. It doesn't

seem like that long. Through that, it was amazing to hear what these youth had to say, to have the chance to have their voice heard, which I know you've done with the consultations.

We need more opportunities like that, more leadership opportunities. To feel like your voice is valued and heard, I think that's the biggest thing for anyone. It should just feel as if you belong. It doesn't sound like much, but it is huge.

Another big aspect - and I'm jumping around, I apologize - is education. I was one of those people who would have fallen through the cracks. In Grade 4, I was tested at a Grade 1 level or below. The school told my parents that was not an issue. I have to wonder if that was because I had a pre-existing disability or if that's just because the school system is so overburdened with people who need help. But I sit before you today with a master's degree, actually focusing on employment for persons with disabilities here in this province. Yet it took me three years to find a job. Yes, that's the climate of the province. I know it's hard for anyone. But when you have a disability, there's an added layer. You have to consider whether the place is accessible, whether you can get accommodations, how you will be received by your co-workers, and a whole host of other things.

Having said all that, I don't want to ramble on. I think the message I want to leave you with today is that I commend the government for undertaking this step, this legislation. As presented before, we do need the standards, we do need definitions in place and all that stuff, but we also need to realize and think beyond the legislation. We need to think about the people that it is serving. That is not just the people with disabilities. It is the entire Nova Scotia population. Thank you.

MR. CHAIRMAN: Thank you, Ms. Duffett. I hope you have time for some questions because I believe we have some. Ms. Mancini.

MS. MARIAN MANCINI: Thank you, Emily, for coming. I noticed that when you talked about the aging demographic, you looked right at me, though. Don't think I didn't notice that. (Laughter)

I really like what you're saying. It's a theme that's coming up but not constantly, the idea that everyone benefits from accessibility, whether you need it or not. I'm just wondering about your views on this, but when I was getting ready for this, I saw some language, and I wasn't familiar with it, so I just checked it out a little bit. One of them is this concept of a universal design. That's something you are familiar with. It talks about providing the same means of use to all users. The idea is that nobody is stigmatized by removing the barrier or doing whatever has been done to improve accessibility.

Actually, it's in Ireland, from my limited research on it, that they've made some advancements in that, and in their Disability Act, they actually included a definition for universal design. You're nodding so I'm assuming that - is that concept the one that you are essentially promoting when you speak about that accessibility for everyone?

MS. EMILY DUFFETT: Yes, definitely. It's very important to lay that ground work because once you have that ground work in place you can build off of it and expand and to be able to dig deeper as you go. To have that universal design really allows for that base line to be established.

MR. CHAIRMAN: Thank you, Ms. Duffett. I believe you've answered all of our questions. That concludes the business of the committee for this evening. I would like to thank everyone for attending.

We stand adjourned until 9:00 a.m. tomorrow morning.

[The meeting adjourned at 8:15 p.m.]