

**SUBMISSION TO THE LAW AMENDMENTS COMMITTEE;
BILL 59. Accessibility Act, Nov 2, 2016**

WENDY LILL

First, I would like to say how important Accessibility Legislation is for the people of our province and extend thanks to the many who have worked hard on making this a reality over many years. It has been a long time coming. All the more reason to get it right. There are many important concerns which need to be addressed before Bill 59 goes forward. Here are my concerns:

1/ The Pace: I am concerned with the pace with which Bill 59 is being moved through the Legislative process. The Law Amendments committee is meeting tomorrow morning to hear public comments on this long and complex Bill introduced on Thursday of last week. That is extremely short notice for any document to be digested but in this case, there has been no plain language equivalent or Braille version provided. This is a complicated legal document and people need adequate time to digest it. They need to meet and discuss it and understand its implications to their lives. I spoke with someone today who would like to be part of the Law Amendments process but needs a week to line up Access-a-bus transportation! I'm sure you'll agree the predicament facing this person speaks volumes about both the need for this Legislation but also the need to get it right. My concern is that Bill 59 is being rushed to Third Reading without giving adequate time for this important stage of the democratic process. It is important to make this part of the process truly accessible to those it's intended to benefit. I strongly urge your government take the necessary time to produce a consultative process on this vital piece of legislation that suits the community it is aimed to serve.

2. The legislation is weak – There are many examples where it falls short of similar legislation in Ontario (2005) and Manitoba (2013) but the main failure is lack of ambition. The goal set out in Bill 59 is to “improve accessibility” while the legislation it is supposedly modeled on have “achieving accessibility” – by 2025 in the case of Ontario and 202

in Manitoba – as their purpose. There is a world of difference, as “improved accessibility” could be achieved with a few more

3. The consultation process has been distorted – Seventeen months after release of the Advisory Panel report on which this legislation is based the government has brought in a bill badly distorting the work of the panel. Although business interests were well represented on the panel and its various sub-committees this legislation has introduced a significant change in focus, one that makes disability rights subject to economic considerations. This focus is evident in the preamble to the legislation:

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

This concern about economics also appears in section 22, where it states that an accessibility standard must include an economic impact assessment. The Minister of Community Services highlighted this business-friendly tone when she introduced Bill 59 for Second Reading. “What we are saying is that Nova Scotia is open for business. It is not about creating barriers for business or communities...we want to set standards to reduce barriers, and we also do not want to create unnecessary red tape. Government understands the need to harness the potential of all Nova Scotians so we can renew our labour force, expand our markets and secure a strong economic future. We are working with businesses through partners such as the Canadian Federation of Independent Business to ensure that the framework fits with their perspective.”

4. Panel advice ignored - The panel recommended that because of the need to break free from the custodial/welfare model that has dominated that department, DCS should not take the lead on legislation. Not only was this advice ignored, the result is legislation that increase the power of the Minister of community Services.

5. Legislative Process Flawed – In releasing the Panel Report in June 2015 the Minister said legislation would come forward in the fall of

2016. Why so much time was required to essentially produce a watered-down version of what has been in place in Ontario and Manitoba for some time is a mystery. However, right on schedule the legislation was announced in the Throne Speech when the fall session began October 13th. For the next three weeks the house essentially killed time with the throne speech debate, looking at a possible Nov. 10 adjournment date. That the government would introduce the legislation with as little as one week remaining in the sitting is deplorable, at least.

5. Disabled Persons Commission, - Gone without explanation. The panel made no recommendation on the Disabled Persons commission. It did say, however that "At a basic level, similar to Manitoba's Accessibility for Manitobans Act, it is important that the Nova Scotian legislation does not diminish the obligations of people or entities with respect to people with disabilities under any other statute, including, more specifically, the Nova Scotia Human Rights Act.

However, Section 70 of Bill 59 would axe the DPC, leaving a weaker disability lens within government. In Section 10 (1) (b) of the proposed legislation the Accessibility Directorate is give a somewhat similar role to that of DPC in terms of addressing broader disability-related initiative. But board compositions are different with the addition of representatives of "stakeholder groups" that will be subject to the accessibility standards. (This is consistent with the Ontario and Manitoba legislation) In addition, under the DPC Act, there is a ministerial co-ordinating committee to which the Commission reports and interacts. It is made up of the Minister of Community Services, the Minister of Health and Fitness, the Minister of Advanced Education and Job Training, the Minister of Municipal Affairs and the Minister responsible for housing. Together, the Commission and the Co-ordinating committee were mandated under Section 10 to "facilitate the planning and development of services and programs for disabled persons" by (a) co-ordinating plans, policies and programs presented by the departments and (b) developing plans, policies and programs for and with disabled persons. The Co-ordinating committee of ministers is paralleled in the new legislation by four non-voting board members whose absence from meetings of the Directorate's board does not affect quorum. The absentee ministers represent Transportation and

Infrastructure Renewal, Business, Regulatory Affairs and Municipal Affairs.

Axing the Disabled Persons Commission without consultation or explanation may in fact lead many to see Bill 59 as a move AWAY from a government "with a disability lens" – the exact opposite to what is intended in this bill.

For all of the above reasons, I again strongly urge the government to not rush Bill 59 forward to Third Reading without taking the necessary time to produce a consultative process on this vital piece of legislation that suits the community it is aimed to serve.