

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

MINUTES

A meeting of the House of Assembly Management Commission was held in the Red Room, Province House, on Wednesday, August 14, 2013 at 9:00 a.m.

Present were the following members of the Commission: Ms Becky Kent, Hon. Frank Corbett, Hon. Maurice Smith, Q.C., Ms Pam Birdsall, Hon. Michel Samson, Hon. Chris d'Entremont, Mr Andrew Younger, Annette M. Boucher, Q.C. (Assistant Clerk) and Hon. Gordie Gosse, who acted as Chair. Absent was Mr Neil Ferguson, Chief Clerk. Also present was Gordon D. Hebb, counsel to the Commission, and Deborah Lusby, Director of Administration, Office of the Speaker.

1) Barrier Free amendments to the *House of Assembly Management Commission Regulations*

The Chair of the Commission called the meeting to order and noted that the sole item on the agenda was consideration of amendments to the *House of Assembly Management Commission Regulations* that had been distributed electronically in advance of the meeting to the members of the Commission. He informed members that they had the option to consider the amendments as a package or separately.

It was moved by Hon. Frank Corbett and seconded by Mr Andrew Younger that the following amendments to the *House of Assembly Management Commission Regulations* as circulated be approved as a package:

1. Subsection 3(1) is amended by adding immediately after clause (b) the following clause:

(ba) "barrier-free requirements" means the barrier-free access and design requirements applicable to offices under the *Nova Scotia Building Code Regulations*, as amended from time to time.

2. Subsection 3(3) is amended by adding "clause 19B(2)(b) and" immediately before "subsections".

3. Subsection 19(1) is amended by striking out "as the Department may have available space in a building owned or primarily occupied by the Government of the Province".

4. Subsections 19(3) to (8) are repealed and the following subsections substituted:

(3) The space must comply with the barrier-free requirements as provided in Section 19A.

(4) No member may be reimbursed for constituency office accommodation expenses for constituency office space that does not comply with the barrier-free requirements as provided in Section 19A except as permitted under that Section.

5. The *House of Assembly Management Commission Regulations* are further amended by adding immediately after Section 19 the following Sections:

Barrier-free requirements

19A (1) The constituency office space of a member who is elected at or after the next general election must comply with the barrier-free requirements within 12 months after the member is elected.

(2) Notwithstanding subsection (1), where a member

(a) is elected at the next general election;

(b) was a member immediately before that election; and

(c) is continuing to occupy constituency office space used by the member immediately before that election,

the space must comply with the barrier-free requirements within 36 months after the member is elected.

(3) Where the constituency office space of a member, or the office space that a member proposes to occupy as constituency office space, does not comply with the barrier-free requirements, the Commission may, after consultation with the Department of Transportation and Infrastructure Renewal, waive compliance with the barrier-free requirements to the extent that the Commission considers the non-compliance to be merely technical in nature.

(4) Notwithstanding subsections (1) and (2), temporary constituency office space that does not comply with the barrier-free requirements may be leased for a member for up to 12 months if

(a) the member prepares a compliance plan using the Department of Transportation and Infrastructure Renewal as a resource, setting out how the member will, within 12 months of the

date of the plan, arrange for constituency office space that complies with the barrier-free requirements;

(b) the member files the compliance plan with the Speaker's Administration Office;

(c) the Speaker, after consultation with the Department, determines that the compliance plan is likely to result in the member being able to arrange for constituency office space that complies with the barrier-free requirements; and

(d) the space is leased on a month-to-month basis.

(5) Where the constituency office space of a member who files a compliance plan with the Speaker's Administration Office fails to comply with the barrier-free requirements within 12 months of the date of the plan, the member must provide the Speaker with an explanation of why the compliance plan did not work and, where the Speaker, after consultation with the Department of Transportation and Infrastructure Renewal, finds the explanation to be reasonable, the member may file another compliance plan under subsection (4).

(6) A compliance plan that is filed with the Speaker's Administration Office is a public document and must be posted on the House of Assembly's website.

Leasing requirements

19B (1) The agreed rent for constituency office space must be at fair market rates for similar space in the area, which must be confirmed in writing by the Department of Transportation and Infrastructure Renewal.

(2) A lease contract for constituency office space must

(a) be prepared between "Her Majesty the Queen in right of the Province of Nova Scotia, represented by the Honourable the Speaker of the House of Assembly" and the owner of the office space or an authorized agent of the owner; and

(b) subject to subsection (3), stipulate that the lease is terminable within three months after the member ceases to be a member.

(3) A lease contract that does not comply with clause (2)(b) may be entered into if required to obtain constituency office space that complies with the barrier-free requirements.

(4) A member who was not a member in the preceding session of the House must utilize the previous member's constituency office if the office

was built or leased under a lease that does not comply with clause (2)(b), unless the office is in a location that is, in the opinion of the Speaker, unsuitable for the new member.

6. Subsection 20(2) is repealed and the following subsection substituted:

(2) Subject to subsection 19B(4) and notwithstanding subsection (1), a member may operate a constituency office from the member's residence in the member's constituency if permitted under Section 19A, but is not entitled to claim reimbursement by way of rent or charge for the use of the space in, or the cost of any renovations to, the member's residence.

7. Subsection 43(3) is amended by adding "19A, 19B" immediately after "19".

CARRIED

The meeting adjourned at 9:05 a.m.

These minutes were approved by the Management Commission on December 19, 2013.

Certified

Speaker

Chief Clerk