



**House of Assembly Management Commission
Agenda**

Date: April 11, 2024
Time: 10:30 a.m.
Location: HOA Committee Room/videoconference

Televised Meeting

1. Members' Compensation Review Committee Report Briefing
2. Approval of Minutes - January 24, 2024
3. Applicability of Accessibility Legislation to House of Assembly

In Camera Meeting



**House of Assembly
Newfoundland and Labrador**

**Minutes of the House of Assembly
Management Commission**

Date: January 24, 2024

Location: HOA Committee Room

Time: 9:30 a.m.

Members Present:

Brian Warr, Deputy Speaker (Chair)

Hon. John Hogan, Government House Leader

Barry Petten, Opposition House Leader

Hon. Lisa Dempster, MHA (LIB), Cartwright - L'Anse au Clair

Craig Pardy, MHA (PC), Bonavista

Kim Hawley George, Clerk of the House of Assembly/Secretary to the Commission (A)

Other

Bobbi Russell, Principal Clerk of Committees/Director of Policy

Regrets

Hon. Derek Bennett, Speaker

Lela Evans, MHA (NDP), Torngat Mountains

Lucy Stoyles, MHA (LIB), Mount Pearl North

As required by the *House of Assembly Accountability, Integrity and Administration Act*, the Chair reported decisions from *in camera* meetings held on November 1, November 8 and November 30, 2023, and January 10, 2024. Details of decisions made at those meetings were included with the Minutes circulated to the Commission for approval and posted on the House of Assembly website.

CM 2024-002 The Commission approved the Minutes of meetings held on:

- November 1, 2023;
- November 8, 2023;
- November 30, 2023; and
- January 10, 2024.

The Speaker presented a report of rulings on allowance use, in accordance with Section 24 of the *House of Assembly Accountability, Integrity and Administration Act*. Since the last report, the Commission issued rulings to reimburse expenditures as follows:

- Placentia West - Bellevue	Jeff Dwyer	\$300.00
- Harbour Grace - Port de Brave	Pam Parsons	\$345.00
- Conception Bay East - Bell Island	David Brazil	\$139.14/\$144.25
- St. Barbe - L'Anse aux Meadows	Krista Lynn Howell	\$4479.44

As required by the *House of Assembly Accountability, Integrity and Administration Act*, financial reports of the Legislature, as well as actual expenditures of Members, were presented to the Commission for the period from April 1, 2023 to September 30, 2023.

CM 2024-003 The Commission approved the following transfer of funds:

From:

Subdivision 3.1.01.02 Office of the Chief Electoral Officer – Transportation and Communications

\$400

To:

Subdivision 8.1.01.02 Office of the Commissioner for Legislative Standards – Transportation and Communications

\$400

Adjournment: 9:41 a.m.

Brian Warr
Deputy Speaker (Chair)

Kim Hawley George
Clerk of the House of Assembly/Secretary to the Commission (A)

**House of Assembly Management Commission
Briefing Note**

Title: Application of the *Accessibility Act* to House of Assembly

Issue: Authority to proceed with drafting amendments to the *House of Assembly Accountability, Integrity and Administration Act* (HOAAIAA) to incorporate accessibility requirements in the House of Assembly and statutory offices.

Background:

- The *Accessibility Act*, SNL 2021, c.A-1.001 (Act) came into force on December 3, 2021. By virtue of section 37, the Act does not yet apply to the House of Assembly and statutory offices.
- In correspondence dated March 15, 2022, former Government House Leader, Steve Crocker, requested that the Management Commission consider the application of the Act to the House of Assembly and request any amendments to HOAAIAA, as appropriate.
- On December 28, 2023, in accordance with the Act, the Government of Newfoundland and Labrador publicly released its Accessibility Plan for 2024-2026. The Plan includes goals related to training and awareness, improved accessible communications, procurement and hiring processes, and a study of certain Government buildings.
- While the matter of application of the Act is outstanding, the Commission is advised of the following progress as it relates to matters of accessibility within the parliamentary precinct:
 - In the Fall of 2023 and the Winter of 2024, the Clerk of the House of Assembly had several meetings with officials with the Department of Transportation and Infrastructure, and the Disability Policy Office regarding accessibility improvements within the Chamber. In response to an application submitted to the Commonwealth Parliamentarians with Disabilities Fund, the House of Assembly was awarded a grant of up to 10,000 British pounds to assist with the installation of automatic doors to provide wheelchair access to the Chamber and to washroom facilities located closest to the caucus rooms within the precinct.

Analysis:

- There was no intention to exclude the House of Assembly and statutory offices from the application of the provisions of the Act. Rather, particular analysis was required before the Act was made applicable to the Legislature. Section 37 of the Act was added by amendment in committee to enable that analysis and further discussions to occur.

- As the Legislature is a separate branch of government overseen by the Speaker, the application of statutes to the Legislature must ensure that parliamentary privilege and the separation of powers between the Legislative branch and Executive branch are upheld and protected.
- The application of statutes to the House of Assembly does not always align with the organizational structure and legal framework of the Legislative branch. For example, in the context of the House of Assembly, duties and responsibilities assigned to:
 - Cabinet or Treasury Board in the Executive Branch are exercised by the House of Assembly Management Commission;
 - the Premier or Minister of a department are exercised by the Speaker;
 - a deputy minister of a department are exercised by the Clerk of the House of Assembly;
- The House of Assembly also has specific legislation which governs the administration of the Legislature (HOAAIAA). In that Act, there are provisions that set out and define the application of other Acts to the House. For example:
 - Section 46 prescribes the application of the *Financial Administration Act* to the Legislature;
 - subsection 32(6) prescribes the application of the *Public Service Commission Act*; and
 - Section 48 prescribes the application of the *Public Procurement Act*, the *Transparency and Accountability Act* and the *Conflict of Interest Act, 1995*.
- Amendments to HOAAIAA will be required to ensure the *Accessibility Act* requirements fit within the legal framework of the Legislative branch.

Legal Consultation:

Law Clerk and Parliamentary Counsel

Internal Consultation(s):

Statutory Offices

Comparison to Government Policy:

Proposed amendments to make the *Accessibility Act* applicable to the House of Assembly and the statutory offices will bring the Legislative branch in line with the Executive branch of Government.

Financial Impact:

None at this time. Future financial impacts regarding accessibility improvements required by the Legislature will be brought forward to the Commission as needed.

Options:

1. Direct staff of the House of Assembly Service to draft proposed amendments to the *House of Assembly Accountability, Integrity and Administration Act* (HOAAIAA) to incorporate accessibility requirements within the parliamentary precinct and the statutory offices, to be brought back to the Commission at a future meeting.
2. Do not issue direction to draft proposed amendments to HOAAIAA.

Current Status

- Staff of the House of Assembly Service will continue to work on accessibility improvements within the parliamentary precinct on a policy basis, and the accessibility requirements as set out in the Act would not have the force of law within the precinct.

Action Required:

- Direction of the Commission is requested.

Prepared by: Gerrie Smith/Bobbi Russell
Date: April 8, 2024

Approved by: Kim Hawley George, KC