

# Royal



# Gazette

## Part II Regulations under the Regulations Act

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Halifax, Nova Scotia

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### Contents

Act	Reg. No.	Page
<b>Interior Designers Act</b>		
Interior Designers Regulations .....	215/2004	436
Proclamation, S. 49, S.N.S. 2003, c. 6 .....	214/2004	435
<b>Justice Administration Amendment (2004) Act</b>		
Proclamation, S. 32(1), S.N.S. 2004, c. 6 – S. 11-13 .....	213/2004	434

### AVAILABLE SOON

The fourth issue of the 2004 subscription year of the Folio<sup>®</sup>-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, will soon be available from the Office of the Registrar of Regulations. For information or subscription please call (902) 424-6723 or visit our website at [www.gov.ns.ca/just/regulations/cd](http://www.gov.ns.ca/just/regulations/cd).

**N.S. Reg. 213/2004**

Made: October 20, 2004

Filed: October 21, 2004

Proclamation, S. 32(1), S.N.S. 2004, c. 6 – S. 11-13

Order in Council 2004-403 dated October 20, 2004  
Proclamation made by the Governor in Council  
pursuant to subsection 32(1) of the *Justice Administration Amendment (2004) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated July 8, 2004, and pursuant to subsection 32(1) of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 11 to 13 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, come into force on and not before October 20, 2004.

PROVINCE OF NOVA SCOTIA

Sgd: Myra A. Freeman

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by subsection (1) of Section 32 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, it is enacted as follows:

- 32 (1)** This Act, except Sections 3, 4, 6 and 27 to 29, comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 11 to 13 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, come into force on and not before October 20, 2004;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 11 to 13 of Chapter 6 of the Acts of 2004, the *Justice Administration Amendment (2004) Act*, come into force on and not before October 20, 2004, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be  
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Myra A. Freeman,  
Lieutenant Governor of the Province of Nova  
Scotia.

AT Our Government House in the Halifax Regional Municipality, this 20<sup>th</sup> day of October, in the year of Our Lord two thousand and four and in the fifty-third year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 214/2004**

Made: October 20, 2004

Filed: October 21, 2004

Proclamation, S. 49, S.N.S. 2003, c. 6

Order in Council 2004-404 dated October 20, 2004  
Proclamation made by the Governor in Council  
pursuant to Section 49 of the *Interior Designers Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated September 27, 2004, and pursuant to Section 49 of Chapter 6 of the Acts of 2003, the *Interior Designers Act*, is pleased to order and declare by proclamation that Chapter 6 of the Acts of 2003, the *Interior Designers Act*, come into force on and not before October 20, 2004.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by Section 49 of Chapter 6 of the Acts of 2003, the *Interior Designers Act*, it is enacted as follows:

- 49** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 6 of the Acts of 2003, the *Interior Designers Act*, come into force on and not before October 20, 2004;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 6 of the Acts of 2003, the *Interior Designers Act*, come into force on and not before October 20, 2004, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be  
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Myra A. Freeman,  
Lieutenant Governor of the Province of Nova  
Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 20<sup>th</sup> day of October, in the year  
of Our Lord two thousand and four and in the  
fifty-third year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 215/2004**

Made: October 20, 2004

Filed: October 21, 2004

Interior Designers Regulations

Order in Council 2004-405 dated October 20, 2004  
Regulations made by the Association of Interior Designers of Nova Scotia  
and approved by the Governor in Council  
pursuant to Section 43 of the *Interior Designers Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated September 27, 2004, and pursuant to Section 43 of Chapter 6 of the Acts of 2003, the *Interior Designers Act*, is pleased to approve of regulations made by the Association of Interior Designers of Nova Scotia, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 20, 2004.

**Schedule "A"**

**Association of Interior Designers of Nova Scotia**

**Certificate**

This is to confirm that the regulations attached as Schedule "A" were duly passed at a meeting of the Association of Interior Designers of Nova Scotia held on the 26<sup>th</sup> day of September, 2002.

Dated at Halifax, Nova Scotia, this 18 day of March, 2004.

Sgd: *Kara MacGregor*  
Kara MacGregor BAAID, NCIDQ # 013665  
Chair Legislation Committee  
Past President IDNS

**Regulations Respecting Interior Designers made  
by the Association of Interior Designers of Nova Scotia  
pursuant to Section 43 of Chapter 6 of the Acts of 2003,  
the *Interior Designers Act***

**Citation**

1 These regulations may be cited as the *Interior Designers Regulations*.

**Definitions**

2 (1) In these regulations

- [(a)] “Act” means the *Interior Designers Act*;
- (b) “APENS” means the Association of Professional Engineers of Nova Scotia;
- (c) “ASID” means the American Society of Interior Designers;
- (d) “by-laws” mean the by-laws of the Association made under Section 41 of the Act;
- (e) “competency hours standard” means a minimum of 1000 hours of qualifying practice experience or qualifying intern experience within the previous 5 years or a minimum of 500 hours of qualifying practice experience or qualifying intern experience within the previous 12 months;
- (f) “CEU credit” means credit for successful completion of a period of study, lectures or other educational programming in interior design that is accredited for continuing education purposes in accordance with the by-laws;
- (g) “education qualification” means successful completion of
  - (i) an education program in interior design of not less than 3 academic years in duration that is accredited by FIDER, or
  - (ii) prior to December 31, 2007, a full-time education program in interior design of not less than 3 academic years in duration that is not accredited by FIDER but is approved by the Board as an appropriate program;
- (h) “examination qualification” means achievement of a passing grade in all parts of the NCIDQ qualification examination;
- (i) “exercising independent professional judgment” means rendering services for which the sole compensation is payment of a disclosed fee or remuneration and which is free of financial interest in the supply of goods that may be recommended by rendering such services, and for the purposes of this definition, any person employed by or under contract for services with the

supplier of goods or with a person associated or affiliated with a supplier is considered to have a financial interest in the supply of the goods;

- (j) “FIDER” means the Foundation for Interior Design Education Research;
- (k) “full-time equivalent year” means engaged in an activity for an average of not fewer than 35 hours per week for one year, excluding vacation;
- (l) “IDC” means the Interior Designers of Canada;
- (m) “NCIDQ” means the National Council for Interior Design Qualification;
- (n) “NSAA” means the Nova Scotia Association of Architects;
- (o) “qualifying intern experience” means the number of hours engaged in the practice of interior design while exercising independent professional judgment,
  - (i) after the coming into force of the Act and these regulations, by
    - (A) an Intern member under the supervision of
      - (I) a Registered member, or
      - (II) a registered member of NSAA,in accordance with the monitoring and evaluation requirements set out in the by-laws, or
    - (B) a person who is not a permanent resident of the Province, under the supervision of
      - (I) an interior designer who meets the requirements of clause 24(1)(a), or
      - (II) a licensed architect with equivalent qualifications to those of a registered member of NSAA, and
  - (ii) before the coming into force of the Act and these regulations, by
    - (A) a person under the supervision of
      - (I) an interior designer who had the qualifications set out in clauses 12(1)(a) and 12(1)(b), or
      - (II) a registered member of NSAA, or
    - (B) a person who is not a permanent resident of the Province, under the supervision of
      - (I) an interior designer with the qualifications described in clause 24(1)(a), or
      - (II) a licensed architect with equivalent qualifications to those of a registered member of NSAA,

but does not include hours engaged in the practice of interior design by a person before that person has satisfied the education qualification or the equivalent of the education qualification for a non-resident under clause 24(1)(a); and

- (p) “qualifying practice experience” means the number of hours engaged in the practice of interior design while exercising independent professional judgment,
  - (i) after the coming into force of the Act and these regulations, by
    - (A) a Registered member in accordance with the Act and these regulations, or
    - (B) a person who is not a permanent resident of the Province and who is an interior designer who meets the requirements of clause 24(1)(a), and
  - (ii) before the coming into force of the Act and these regulations, by
    - (A) a person who, at the time of performing the services, met the requirements of clauses 12(1)(a) and 12(1)(b), or
    - (B) a person who is not a permanent resident of the Province and who, at the time of performing the services, met the requirements of clause 24(1)(a).
- (2) In the Act and these regulations
  - (a) “conduct unbecoming an interior designer” means acts or omissions outside the practice of interior design but which nevertheless negatively reflect upon the profession of interior design as a whole and upon the interior designer’s suitability to be a member;
  - (b) “professional incompetence” means the lack of ability to integrate and apply the knowledge, skills and judgment when engaged in the practice of interior design that, having regard to all the circumstances, is required to practise safely and ethically in a given practice setting;
  - (c) “professional misconduct” means conduct or acts relevant to the practice of interior design that, having regard to all the circumstances, would be reasonably regarded by members of the Association as disgraceful, dishonourable or unprofessional, and, without limiting the generality of the foregoing, may include
    - (i) contravention of the Act or the regulations,
    - (ii) failing to maintain any standards of professional conduct,
    - (iii) failing to uphold the code of ethics adopted by the Association,
    - (iv) knowingly contravening the *Building Code Act* or regulations made under that Act,
    - (v) knowingly contravening any federal, provincial or municipal law, regulation or by-law relating to the construction of and non-structural alterations to the interior area of a structure designed for human habitation, and
    - (vi) failing to reply to any letter received from the Registrar, complaints committee or hearing committee related to the professional conduct or competence of a member.

**Membership classes**

**3** The members of the Association are those persons who are entered on the Register of the Association in any one or more of the following classes:

- (a) Registered Class;
- (b) Intern Class;
- (c) Inactive Class;
- (d) Allied Class;
- (e) Non-Resident Registered Class;
- (f) Student Class;
- (g) Retired Class;
- (h) Honorary Class; and
- (i) Fellow Class.

**Membership duration and qualifications**

**4 (1)** Membership granted in any year expires on December 31 of that year.

- (2)** Each applicant must satisfy the qualifications and requirements of the membership class to which membership is being sought regardless of whether the application is for membership or renewal of membership.

**Membership Director to determine whether applicant qualifies**

**5** The Board member holding the position of Membership Director must determine whether an applicant for membership meets the criteria for the class of membership sought.

**Membership application**

**6** A person who applies for registration in any class other than Honorary Class must

- (a) submit to the Registrar a completed application on a form prescribed by the Board together with all supporting documents;
- (b) satisfy the Registrar that the applicant is the person named in any diploma or documentation submitted in support of the application;
- (c) provide any additional information and proof that the Registrar requests to determine that the person satisfies all conditions prescribed for the class of membership sought;
- (d) proof of the insurance coverage required by Section 37, and [*sic*]
- (e) pay the prescribed fee.

**Decision regarding application**

**7 (1)** If a person applies to be registered as a member of the Association and it appears to the Registrar that the applicant



- (a) meets all requirements for registration in a class of membership as are set out in the regulations; and
- (b) has satisfied the requirements of Section 6;

the Registrar must refer the application and all supporting documentation to the Membership Director, who must make a decision and deliver a notice stating their decision and the reasons for the decision to the Registrar within 30 days after the date of the application.

- (2) For the purposes of these regulations, the date of application is the later of
  - (a) the date that the completed application form is received by the Registrar;
  - (b) the date that payment of the prescribed fees is made to the Registrar; and
  - (c) the date that all required documents, information and proof are delivered to the Registrar.
- (3) The Registrar must promptly deliver a copy of the decision to the applicant.
- (4) The Registrar must enter into the Register the name and class of membership of the applicant upon receipt of a decision of the Membership Director approving the application.

#### **Appeal of decision of Membership Director**

**8** A person affected by a decision of the Membership Director with respect to their registration may appeal, in writing, to the Board within 30 days after the date that the person receives the decision and the Board may reconsider the decision of the Membership Director and may

- (a) direct the Registrar to enter the applicant's name in the Register under the class of membership as determined by the Board;
- (b) adjourn further consideration of the application pending completion by the applicant of an educational program or qualifying intern experience or provision of other information identified by the Board as required for a successful application; or
- (c) direct the Registrar to refuse the registration of the applicant if the Board is not satisfied that the applicant meets the criteria for the class of membership sought.

#### **Setting down hearing for appeal**

**9** Upon receipt of an appeal under Section 8, the Board must

- (a) set a date for the hearing of the appeal to be held not later than 60 days after the date that the Board receives the written notice of the appeal;
- (b) serve written notice of the date, time and place for the hearing of the appeal upon the applicant; and
- (c) advise the applicant of their right to appear before the Board and to be represented by counsel at the expense of the applicant.

#### **Registrar to enter in Register**

**10** The Registrar must enter into the Register the name and class of membership of an applicant in accordance with any direction of the Board under Section 8.

**Persons to hear appeal and appeal final**

- 11 (1)** The Membership Director and any other member of the Board who has taken part in any consideration of the subject matter with the Membership Director must not hear an appeal under Section 8.
- (2)** The Board's decision in any appeal under Section 8 is final and binding and is not subject to any further appeal.

**Registered member**

- 12 (1)** A person may be entered or renewed in the Register in the Registered Class of membership if the person
- (a)** satisfies the education qualification and the examination qualification or was a registered member under the former Act in good standing at any time between February 25, 1994, and the date the Act came into force;
  - (b)** has completed a sufficient number of full-time equivalent years of qualifying intern experience, not being fewer than 3 years, that, when added to the number of academic years duration of that person's education qualification, exceeds a total of 7 years;
  - (c)** has completed the minimum number of CEU credits required under the by-laws;
  - (d)** has qualifying practice experience and qualifying intern experience for a total of not less than the competency hours standard;
  - (e)** is of good character and adheres to the code of ethics and standards of the Association;
  - (f)** is in good standing with respect to the payment of membership fees and other fees prescribed by the Association;
  - (g)** is covered by professional liability insurance as required by Section 37; and
  - (h)** is a permanent resident of the Province, or is temporarily resident outside the Province and was a permanent resident of the Province within 5 years of the date of their application or renewal.
- (2)** A person who is entered in the Register in the Registered Class is a Registered member.

**Exceptions to Registered Class membership criteria**

- 13** If an applicant for the Registered Class of membership meets all of the requirements of Section 12 except that the applicant ceased to satisfy clause 12(1)(d)
- (a)** more than 5 years before the application, but did satisfy clause 12(1)(d) fewer than 10 years before the application, the applicant may be registered as a Registered member if the applicant in the 12 months immediately preceding the date of application completed 1/10 of 1 CEU credit for each month since the applicant ceased to satisfy clause 12(1)(d), to a maximum of 3 CEU credits; or
  - (b)** more than 10 years before the application, the applicant may not be registered as a Registered member unless the applicant rewrites and successfully completes the NCIDQ qualification examination.

**Registered Class membership entitlements**

**14** A Registered member is entitled to

- (a) receive notice of and attend general meetings of the Association;
- (b) serve on committees and hold an office in the Association;
- (c) receive notice of special events and such other information as the directors may decide to send to members generally from time to time;
- (d) be nominated as director or officer or both;
- (e) vote at general meetings of the Association; and
- (f) use the seal issued to the member under Section 30 of the Act in accordance with Sections 18 and 31 of the Act and with the by-laws.

**Intern member**

**15 (1)** A person may be entered or renewed in the Register in the Intern Class of membership if the person

- (a) is engaged in the practice of interior design under the supervision of a Registered member or a registered member of NSAA;
- (b) satisfies the education qualification;
- (c) satisfies the examination qualification or undertakes, in writing, to
  - (i) apply for and commence writing the NCIDQ qualification examination within 12 months of the time when the person's qualifying intern experience meets the requirements of clause 12(1)(b), and
  - (ii) satisfy the examination qualification within 5 years of having been accepted by NCIDQ to write the NCIDQ qualification examination;
- (d) is in good standing with respect to the payment of membership fees and other fees prescribed by the Association; and
- (e) is of good character and adheres to the code of ethics and standards of the Association.

**(2)** A person who is entered in the Register in the Intern Class is an Intern member.

**Exceptions to Intern Class membership criteria**

- 16 (1)** Despite clause 15(1)(a), a person who is not practising interior design may be admitted as an Intern member for 1 year after the date of their first application under Section 6 for membership in the Intern Class in order to obtain employment or a contract for their services and obtain the qualifying intern experience necessary to satisfy the requirements of clause 12(1)(b).
- (2)** Despite clause 15(1)(c), an Inactive member who undertakes to write or re-write and successfully complete all parts of the NCIDQ qualification examination within 5 years of their application under Section 6 for membership in the Intern Class may be admitted as an Intern member during the 5 years immediately after the date of their first application allowed under this subsection for membership in the Intern Class.

**Time limits pertaining to NCIDQ qualification examination**

- 17 (1)** If an Intern member has not been accepted to write and has not commenced writing the NCIDQ qualification examination within 12 months of the time when the Intern member's qualifying intern experience meets the requirements of clause 12(1)(b), the Intern member will be suspended as an Intern member and is not eligible for membership in the Intern Class until they have been accepted to write and have commenced writing the NCIDQ qualification examination.
- (2)** If an Intern member does not successfully complete the NCIDQ qualification examination within 5 years of first being accepted by NCIDQ to write it, the Intern member will be suspended as an Intern member and is not eligible for membership until they have successfully completed the NCIDQ qualification examination, at which time they will be eligible to apply to be a Registered member.

**Intern Class membership entitlements**

- 18 (1)** An Intern member is entitled to
- (a) receive notice of and attend general meetings of the Association;
  - (b) serve on committees of the Association; and
  - (c) receive notice of special events and such other information as the directors may decide to send to members generally from time to time.
- (2)** An Intern member is not entitled to vote at general meetings or hold office as a director or officer of the Association.
- (3)** An Intern member is entitled to practise interior design if the Intern member is doing so under the supervision of a Registered member or a registered member of the NSAA and in that capacity the Intern member is entitled to receive and collect such remuneration for practising as is agreed upon by the Registered member or the registered member of the NSAA.

**Inactive member**

- 19 (1)** A person may be entered or renewed in the Register in the Inactive Class of membership if the person
- (a) is not engaged in the practice of interior design;
  - (b) was a Registered member under these regulations or under the former Act or both for a minimum of 12 consecutive months;
  - (c) is in good standing with respect to the payment of membership fees and other fees prescribed by the Association;
  - (d) is covered by professional liability insurance required by Section 37;
  - (e) is of good character and adheres to the code of ethics and standards of the Association; and
  - (f) is a permanent resident of the Province, or is temporarily resident outside the Province and was a permanent resident of the Province within 5 years of the date of application or renewal.
- (2)** A person who is entered in the Register in the Inactive Class is an Inactive member.

**Inactive Class membership entitlements**

**20 (1)** An Inactive member is entitled to

- (a) receive notice of and attend general meetings of the Association;
- (b) serve on committees of the Association; and
- (c) receive notice of special events and such other information as the directors may decide to send to members generally from time to time.

**(2)** An Inactive member is not entitled to vote at general meetings or hold office as a director or officer of the Association.

**Inactive Class membership limited to 5 years**

**21** A person may be entered in the Register in the Inactive Class for not more than 5 consecutive years.

**Allied member**

**22 (1)** A person may be entered or renewed in the Register in the Allied Class of membership if the person

- (a) is not engaged in the practice of interior design other than activities described in Section 3 of the Act;
- (b) is engaged in
  - (i) full-time or part-time teaching or directing interior design programs at post-secondary schools, colleges or universities, or
  - (ii) manufacturing or supplying furnishings, materials or services related to interior design;
- (c) satisfies the education qualification;
- (d) is in good standing with respect to the payment of membership fees and other fees prescribed by the Association; and
- (e) is of good character and adheres to the code of ethics and standards of the Association.

**(2)** A person who is entered in the Register in the Allied Class is an Allied member.

**Allied Class membership entitlements**

**23 (1)** An Allied member is entitled to

- (a) receive notice of and attend general meetings of the Association;
- (b) serve on committees of the Association; and
- (c) receive notice of special events and such other information as the directors may decide from time to time.

**(2)** An Allied member is not entitled to vote at general meetings or hold office as a director or officer of the Association.

- (3) Work performed in accordance with clause 22(1)(b) does not qualify as qualifying practice experience or qualifying intern experience for registration in the Registered Class or in the Intern Class.

**Non-resident Registered member**

- 24 (1) A person may be entered or renewed in the Register in the Non-resident Registered Class who
- (a) is a member in good standing in the interior design association recognized by IDC or ASID for the jurisdiction in which they reside in the class of membership that has qualifications and requirements that substantially meet or exceed the qualifications and requirements of clauses 12(1)(a) and 12(1)(b) for the Registered Class of membership, or who resides in a jurisdiction in which there is no interior design association recognized by IDC or ASID but who satisfies all qualifications and requirements of clauses 12(1)(a) and 12(1)(b) for the Registered Class of membership;
  - (b) has completed the minimum number of CEU credits required under the by-laws;
  - (c) has qualifying practice experience and qualifying intern experience for a total of not less than the competency hours standard;
  - (d) is of good character and adheres to the code of ethics and standards of the Association;
  - (e) is in good standing with respect to the payment of membership fees and other fees prescribed by the Association;
  - (f) is covered by professional liability insurance as required by Section 37; and
  - (g) is not a permanent resident of the Province.
- (2) A person who is entered in the Register in the Non-resident Registered Class is ~~an~~ [a] Non-Resident Registered member.

**Certificate of Non-resident registration**

- 25 (1) The Registrar must issue to each Non-resident Registered member a Certificate of Non-resident Registration.
- (2) The member must attach the Certificate of Non-resident Registration provided to the member under Section 30 of the Act to technical submissions prepared or issued by the member for use in the Province in accordance with Section 18 and subsection 31(2) of the Act and with the by-laws.

**Non-resident Class membership entitlements**

- 26 (1) A Non-resident Registered member is entitled to
- (a) receive notice of and attend general meetings of the Association;
  - (b) serve on committees of the Association; and
  - (c) receive notice of special events and such other information as the directors may decide to send to members generally from time to time.
- (2) A Non-resident Registered member is not entitled to vote at general meetings or hold office as a director or officer of the Association.

**Student member**

- 27 (1)** A person may be entered or renewed in the Register in the Student Class of membership who
- (a) is enrolled in an education program in interior design of not less than 3 academic years in duration that is accredited by FIDER; or
  - (b) is enrolled in a full time program in interior design of not less than 3 academic years in duration that is not accredited by FIDER but that is approved by the Board as an appropriate program, and who applies for student membership before December 31, 2005.
- (2)** A person who is entered in the Register in the Student Class is a Student member.

**Student member ceases to be member upon graduation**

- 28** A Student member ceases to be a Student member upon graduation from their educational institution and if they wish to continue as a member they must re-apply to the Association for an appropriate category of membership.

**Student Class membership entitlements**

- 29 (1)** A Student member is entitled to
- (a) receive notice of and attend general meetings of the Association;
  - (b) serve on committees of the Association; and
  - (c) receive notice of special events and such other information as the directors may decide to send to members generally from time to time.
- (2)** A Student member is not entitled to vote at general meetings or hold office as a director or officer of the Association.

**Retired member**

- 30 (1)** A person may be entered or renewed in the Register in the Retired Class
- (a) who was formerly a Registered, Inactive or Allied member under these regulations or under the former Act or both for a minimum of 5 consecutive years;
  - (b) who is no longer engaged in the practice of interior design or in an activity which qualifies for Allied membership;
  - (c) whose written request to be reclassified as a Retired member has been approved by the Board;
  - (d) who is in good standing with respect to the payment of membership fees and other fees prescribed by the Association;
  - (e) who is covered by professional liability insurance as required by subsection 30(2); and
  - (f) who is of good character and adheres to the ethical standards of the Association.
- (2)** A person who applies for membership in the Retired Class must undertake to maintain the professional liability insurance specified in Section 37 for a period of 2 years after they are entered in the Register in the Retired Class and must maintain the insurance for the 2-year period.

- (3) A person who is entered in the Register in the Retired Class is a Retired member.

**Retired Class membership entitlements**

31 (1) A Retired member is entitled to

- (a) receive notice of and attend general meetings of the Association;
- (b) serve on committees of the Association; and
- (c) receive notice of special events and such other information as the directors may decide to send to members generally from time to time.

- (2) A Retired member is not entitled to vote at general meetings or hold office as a director or officer of the Association.

**Application for previous class of membership**

32 A Retired member may apply to the Board to be reinstated in their previous membership class but must satisfy all requirements for membership in that membership class.

**Honorary member**

33 (1) A person may be entered or renewed in the Register in the Honorary Class who

- (a) has rendered distinguished service to art or industry, particularly to the interior design profession and its greater recognition or betterment, and has been appointed as an Honorary member by the Board; or
- (b) has been recognized as an Honorary member of IDC and has been recommended by the Board of Directors of IDC as an Honorary member.

- (2) A person who is entered in the Register in the Honorary Class is an Honorary member.

**Honorary Class membership entitlements**

34 (1) An Honorary member is entitled to

- (a) serve on committees of the Association; and
- (b) receive notice of special events and such other information as the directors may decide to send to members generally from time to time.

- (2) An Honorary member is not entitled to vote at general meetings or hold office as a director or officer of the Association.

**Fellow member**

35 (1) A person may be entered or renewed in the Register in the Fellow Class who

- (a) at the time of appointment is a Registered member and has been a Registered member, a registered member under the former Act or a registered member in the society that was continued by the former Act for a minimum combined period of 25 years;
- (b) has rendered distinguished service to the profession of interior design and its greater recognition or betterment, and whose service has been recognized as such by the Board; and



- (c) satisfies all qualifications and requirements for the Registered Class of membership.
- (2) A person who is entered in the Register in the Fellow Class is a Fellow member and a Registered member.

**Fellow Class membership entitlements**

36 A Fellow member is entitled to all the rights, privileges and limitations of a Registered member as set out in Section 14.

**Mandatory liability insurance**

37 Registered, Non-resident Registered, Inactive and Retired members must, for the periods specified in these regulations for their respective membership classes, obtain and maintain insurance policies naming them as insureds from insurers acceptable to the Board with minimum limits of \$250,000 commercial general liability coverage and \$250,000 errors and omissions liability coverage and must provide proof of such coverage at the time of application for or renewal of membership and at any other time on the request of the Registrar.

**Liability insurance for government employees**

- 38 (1) Registered and Non-resident Registered members who are employed by the Federal or Provincial government and who do not practise interior design outside the scope of their employment must submit proof of employment to be exempt from the mandatory liability insurance.
- (2) If any government requires that a Registered member or Non-resident member who is employed by it obtain general liability or errors and omissions liability insurance, the member must provide proof of the insurance coverage required of a Registered member.

**Discipline of members**

- 39 (1) A complaint to the Registrar under Section 23 of the Act must be in writing.
- (2) The Registrar must refer every complaint received under Section 23 of the Act to a complaints committee, or if no complaints committee has been appointed, must request that the Board appoint a complaints committee for the purpose of investigating the complaint.

**Composition of complaints committee**

- 40 (1) The Board must appoint a complaints committee in accordance with Section 24 of the Act.
- (2) The complaints committee may be either a standing committee or one appointed from time to time on an *ad hoc* basis.

**Complaints committee procedure**

- 41 The complaints committee to which a complaint has been referred for investigation must
- (a) notify the member whose conduct or capacity is the subject of the complaint and give a maximum of 30 days for the member to submit, in writing, to the complaints committee any explanations or representations the member may wish to make concerning the matter;
  - (b) consider the representations of the complainant and the member relating to the complaint; and
  - (c) examine all records and other documents, in addition to the representations referred to above, that the complaints committee, in its sole discretion, believes should be examined.

**Decisions of complaints committee**

- 42 The complaints committee must, within 90 days of notifying the member against whom the complaint has been lodged,
- (a) if, in the opinion of the complaints committee the complaint is frivolous or otherwise unworthy of pursuing, dismiss the complaint; or
  - (b) if, in the opinion of the complaints committee, the complaint is not frivolous or otherwise unworthy of pursuing, deal with the complaint by
    - (i) if, in the opinion of the complaints committee, it is appropriate, attempting to mediate or appoint a mediator to reach a consensual resolution of the complaint,
    - (ii) cautioning the member,
    - (iii) with the consent of the member, entering into a settlement agreement that includes an admission of a disciplinary violation and specified disposition including any of the sanctions, penalties and remedial measures described in subsection 26(2) of the Act, or
    - (iv) referring the matter to a hearing committee for adjudication.

**Notification of decision and referral to hearing committee**

- 43 (1) The complaints committee must immediately notify the complainant, the member and the Registrar in writing of its determination and its reasons.
- (2) If the complaints committee refers the complaint to a hearing committee, the Registrar must request that the Board appoint a hearing committee.

**Composition of hearing committee**

- 44 (1) Within 30 days of the date that a request from the Registrar to appoint a hearing committee is received, the Board must appoint a hearing committee to adjudicate the complaint or complaints pursuant to Section 25 of the Act.
- (2) Members of the hearing committee must not have taken part before the hearing in any investigation or consideration of the subject matter of the hearing, and must not communicate directly or indirectly in relation to the subject matter of the hearing with the person or with any party or representative of a party, except upon notice to, and with an opportunity for both parties to participate.

**Parties to hearing proceedings**

- 45 In proceedings before a hearing committee, the Association and the member whose conduct is the subject of the complaint are the parties to proceedings.

**Hearing open to public**

- 46 A hearing must be open to the public unless the hearing committee orders that the public be excluded from a hearing or any part of it because the hearing committee is satisfied that financial or personal matters may be disclosed at the hearing that are of such a nature that the desirability of avoiding public disclosure of those matters in the interest of any person affected or in the public interest outweighs the desirability of holding the hearing in public.

**Rights of member subject to complaint**

- 47 The hearing committee must give the member whose conduct is the subject of the complaint

- (a) at least 14 days notice of the date, time and place for the hearing;
- (b) an opportunity to inspect all documents that will be produced as evidence at the hearing, in advance of the hearing; and
- (c) the right to present evidence and witnesses and cross-examine witnesses and be represented by counsel.

**Oral evidence recorded**

**48** Oral evidence taken before the hearing must be recorded and, if a party files a notice of appeal or requests a copy of the transcript, the Registrar must order a transcript of the recording to be prepared and furnished to that party at that party's expense.

**Hearing committee may make findings of fact and orders**

**49** After considering the complaint and having afforded the member an opportunity to answer the complaint at a hearing, the hearing committee must make findings and orders pursuant to Section 26 of the Act.

**Hearing committee fine amount**

**50** If the hearing committee orders the imposition of a fine on a member under clause 26(2)(e) of the Act, the fine may be in an amount not exceeding \$10,000.00.

**Board and committees may set procedures**

**51** Subject to the Act, these regulations and the by-laws, the complaints committee, the hearing committee and the Board may set their own procedures.

**Confidentiality of disciplinary proceeding records**

**52** Any complaints committee and any hearing committee, all members of the Association and all employees, agents and consultants of the Association having knowledge of or involved with the keeping of any records relating to, or the conduct of, any disciplinary proceedings must maintain total confidentiality unless disclosure in the course of carrying out their duties is required by law or by the Act, these regulations or the by-laws.

**Certificate as *prima facie* proof**

**53** A certificate of or purporting to be signed by the Registrar or other officer of the Board stating that a person named therein was or was not registered as a member in a class of membership under the Act and these regulations at a time or during a period stated in the certificate is *prima facie* evidence in any court of that fact without proof that the person signing it is the Registrar or an officer of the Board.