

Nova Scotia House of Assembly

Law Amendments Committee

Bill 84 Submissions of Raymond Larkin, Q.C.

1. The Province has a responsibility to its employees to treat them decently and fairly. This government and all previous governments in my time has accepted that responsibility.
2. When government re-organizes its delivery of services to the public it has a responsibility to take care to protect the employees who deliver those services. This government and all previous governments in my time have accepted the responsibility to preserve the rights of employees and to protect its employees from collateral and unintended effects of the devolution of programs and services.
3. This House, in my time, has been the guarantor of this obligation.
4. Bill 84 does not do what every previous statute devolving programs or services from government departments to arms length entities has done to protect employees who transfer with their programs and services.
5. This is not a small thing; it is a big thing. Section 12 of Bill 84 is designed to relieve the Province of any of its responsibilities to the employees of the Nova Scotia Agricultural College upon transfer of the College to Dalhousie University. It protects their job and recognizes their service. It binds Dalhousie University to their collective agreements. It allows them to continue under their Pension Plan but takes away the entitlement under the Pension Plan to a supplementary pension where this applies.

6. Previous statutes have recognized the complexity of the employment circumstances of civil servants who are governed not only by collective agreements, where they apply, but also by the *Civil Service Act* and Regulations. Some NSAC employees are excluded from collective bargaining and are not covered by collective agreements. All civil servants both union and non-union enjoy a variety rights and benefits which have accrued to them which are not protected in Section 12 of Bill 84.

7. Three clauses in particular which have been included in all of the previous devolutions of programs and services from the Departments of government to arms length entities are absent from Section 12:

- a. Provision that the designated employees are employed by the merged university on the same terms and conditions of employment as those under which the employee was employed as civil servants until changed by collective agreement or contract of employment;
- b. Benefits accumulated by the employee as a civil servant are vested in the employee and the employee is entitled to receive those benefits from the merged university.
- c. The obligations and liabilities of the Province in respect of those employees are the obligations and liabilities of the merged university, including all employee benefits and entitlements.

8. This template of protections has been a consistent feature of devolution statutes beginning with the *Queen Elizabeth II Health Sciences Centre Act*. It has its roots in two previous statutes which did not deal with civil servants but with reorganization of services and the privatization of Nova Scotia Power.

9. I will review with you the provisions of the statutes which have included the provisions absent from Bill 84 and, verbally on the particular sections in those statutes for you to consider:

- a. *Nova Scotia Privatization Act*, S.N.S. 1992, c. 8
- b. *Regional Health Boards Act*

- c. *Queen Elizabeth II Health Sciences Centre Act*, S.N.S. 1995-1996, c. 15
- d. *Community Colleges Act*, S.N.S. 1995-1996, c. 4
- e. *Health Authorities Act*, S.N.S. 2000, c. 6
- f. *Nova Scotia Business Incorporated Act*, S.N.S. 2000, c. 30
- g. *Property Evaluation Services Corporation Act*, S.N.S. 2006, c. 19
- h. *Nova Scotia Agricultural College Act*, S.N.S. 2008, c. 7

10. Each of these statutes has the three provisions which are absent from Bill 84. They all include provisions that indicate that Section 31 of the *Trade Union Act* applies to this transfer of services. They all make provision for participation in the Nova Scotia Public Service Long Term Disability Plan. They all preserve the right to participate in the Nova Scotia Public Service Superannuation Plan without the same benefits that civil servants have under the *Public Service Superannuation Act*.

11. On three occasions, certain programs and services have been devolved from the Department of Health to the District Health Authorities. Each one of those in considerably greater detail makes the same provisions which were made in the statutes which devolved programs by legislation:

- a. Public health and drug dependency – 1997
- b. Devolution of continuing care – June 5, 2009
- c. Further devolution of continuing care – December 6, 2011

12. Bill 84 stands out from all of the previous legislation and from the devolution agreements in its failure to provide the protection for government employees who are transferred to outside entities to accompany the devolution of public services or programs. The absence of these universal protections is a strong indication to Dalhousie University and to any

decision makers in legal proceedings that the legislature did not intend to protect employees to the same extent as it had previously done.

13. The only reason which has been given for the absence of these protections in the legislation is that Section 31 of the *Trade Union Act* which provides for successor rights now applies to the Provinces when it devolves programs or services. This, of course, is of no benefit to the non-union employees of NSAC who are left unprotected by this Bill. Section 31 of the *Trade Union Act* preserves the bargaining rights of the Union representing the employees and the collective agreements entered into by the Union. The committee members will have noted that all of the previous statutes include a provision that Section 31 applies to the transfer. Section 31 does not provide the specific protections included in all these statutes for employees who are transferred with the program.

14. The members of this House have previously acted as the guarantor of the responsibility of government to treat its employees fairly and decently when it reorganizes public services. There has been no rationale to deny fair and decent treatment to the civil servants employed at the Nova Scotia Agricultural College. I propose that Bill 84 be amended to add to Section 12 three additional subsections as follows:

(5) Every designated employee is employed by the merged university on the same terms and conditions of employment as those under which the employee was employed by Her Majesty in Right of the Province;

(6) Benefits accumulated by the designated employees while employed by Her Majesty in Right of the Province are vested in the employee and the employee is entitled to receive those benefits from the merged university;

(7) The obligations and liabilities of Her Majesty in Right of the Province in respect of the designated employees are the obligations and liabilities of the merged university, including all employee benefits and entitlements.

15. No rationale has been publicly expressed for the denial of continued participation of these employees in the Nova Scotia Public Service Long Term Disability Plan. All of the previous

statutes makes provision for this continued participation. I suggest that the Bill should be amended to include the same provision.

16. All of the previous statutes permit employees to continue to participate in the Public Service Superannuation Plan without the exclusion of any particular benefits. Subsection 14(2) excludes the application of provisions in the Public Service Superannuation Act for supplementary pensions from the employees of the merged university. This will reduce the pensions of qualified employees significantly. I suggest that Subsection 2 be deleted from the Bill.



Nova Scotia Power Privatization Act

CHAPTER 8

OF THE

ACTS OF 1992

amended 1994, c. 9, s. 24; 1994, c. 39; 1997, c. 3, s. 10; 1998, c. 19, s. 7;
1998, c. 18, s. 570; 2002, c. 5, ss. 17, 44, 45; 2003, c. 4, s. 24;
2010, c. 35, s. 42

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act Respecting the Privatization of the Nova Scotia Power Corporation

Short title

1 This Act may be cited as the Nova Scotia Power Privatization Act. *1992, c. 8, s. 1.*

Interpretation

2 (1) In this Act,

(a) "Company" means Nova Scotia Power Incorporated, a body corporate incorporated pursuant to the Companies Act;

(b) "Corporation" means the corporation referred to in Section 4;

(c) "Minister" means the Minister of Finance.

(2) Unless a contrary intention appears, words and expressions used in this Act have the same meaning as in the Companies Act.

- (3) The Companies Act applies to the Company as a company limited by shares except as provided otherwise by this Act.
- (4) The Securities Act applies to the Company on, from and after the sixteenth day of April, 1992.
- (5) Where there is a conflict between the Companies Act and this Act or the provisions required to be included in the memorandum of association or the articles of association of the Company pursuant to this Act, this Act or those provisions prevail. *1992, c. 8, s. 2.*

Act binds Her Majesty

3 This Act is binding on Her Majesty in right of the Province. *1992, c. 8, s. 3.*

Change of name

4 The name of the Nova Scotia Power Corporation, a body corporate established by Chapter 351 of the Revised Statutes, 1989, the Power Corporation Act, is hereby changed to "Nova Scotia Power Finance Corporation". *1992, c. 8, s. 4.*

Vesting of assets in Company

- 5 (1) Notwithstanding any enactment, on a day to be determined by the Governor in Council, the Minister may enter into transactions or cause transactions to be entered into that will, directly or indirectly, result in the vesting of any or all of the property, rights, liabilities and obligations of the Corporation, Nova Scotia Light and Power Company, Limited and Eastern Light & Power Company, Limited, as determined by the Minister, in the Company, subject to such terms and conditions as are imposed by the Minister.
- (2) Any property, rights, liabilities or obligations of the Corporation that are not vested in the Company pursuant to subsection (1) remain the property, rights, liabilities or obligations of the Corporation.
- (3) If, pursuant to subsection (1), shares of the Company are to be issued in consideration of the vesting of property and rights in the Company, the Company shall issue such number and kind of shares of the Company as, in the opinion of the Minister, are necessary to provide such consideration.
- (4) If, pursuant to this Section, debt or obligations of the Corporation are not vested in the Company, the Minister may
- (a) enter into an agreement or other arrangement with the Company, the Corporation or any other person respecting the service or discharge of any debt or obligation of the Corporation; and
 - (b) pay out of the Consolidated Fund of the Province such amounts as are necessary to service or discharge any such debt or obligation.
- (5) If an indebtedness, liability or obligation of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, or an indebtedness, liability or obligation originally incurred or assumed by the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, is assumed by the Company pursuant to this Section, the Company is directly liable to the person to whom the indebtedness, liability or obligation is due or by whom it is held as if the Company had incurred it on its own behalf, and any liability of Her

- Majesty in right of the Province, the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, with respect to that indebtedness, liability or obligation is extinguished.

(6) A preferential or other right to acquire any assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited is waived with respect to a transaction pursuant to this Section as against Her Majesty in right of the Province, the Corporation or the Company, as the case may be, and the Company shall in respect of any matter arising after the closing of the transactions, observe, fulfil and perform those preferential or other rights as the person directly liable for their observation, fulfilment or performance.

(7) A notice, consent or approval required pursuant to an enactment or agreement that relates to assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited is waived with respect to a transaction pursuant to subsection (1), and the Company shall, in respect of any other matter arising after the closing of the transactions, comply with all requirements for the giving of the notice or obtaining the consent or approval as the person directly responsible therefor.

(8) A default or breach of a covenant, representation or warranty that occurs under a document

(a) binding on Her Majesty in right of the Province, the Corporation or the Company; or

(b) relating to assets of the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited,

by reason of a vesting in the Company, pursuant to a transaction referred to in subsection (1), is waived, but such waiver is without prejudice to the rights of any person in respect of any other default or breach occurring after the closing of the transactions.

(9) A person does not have a right to compensation by reason only of the operation of subsections (5) to (8).

(10) For greater certainty, nothing in this Section means or shall be construed to mean that the Province is no longer liable for its guarantee with respect to the debt of the Corporation guaranteed by the Province and such guaranteed debt as between the Province and the bondholders shall be paid by the Corporation and not by the Company.

(11) For greater certainty, nothing in this Act means or shall be construed to mean that the Company is not liable to the Corporation for an amount equal to the debt of the Corporation guaranteed by the Province which guaranteed debt remains, pursuant to this Section, the liability of the Corporation.

(12) For greater certainty, nothing in this Section affects the rates or the rate base of the Corporation approved by the Board of Commissioners of Public Utilities prior to the coming into force of this Act and those rates and the rate base, the fixed asset segment of which rate base is hereby set at the Corporation's investment in fixed assets less accumulated depreciation as recorded in the books of the Corporation at its latest year end (March 31, 1992) plus those assets brought into service between that date and the date of the coming into force of this Act, less depreciation charged during that period, are and are deemed to be the rates and the rate base which apply to the Company at the time this Section comes into force.

(13) For greater certainty, the change of name effected by Section 4 does not affect an existing cause of

action or claim or liability to prosecution in favour of or against the Corporation or its directors or officers or any civil, criminal or administrative action or proceeding to which the Corporation or its directors or officers are parties and such cause of action or claim or liability to prosecution shall be against the Company.

(14) Nothing contained in this Act affects the commitment of the Company to purchase up to sixty-three megawatts of power from independent power producers and any commitments outstanding at the time this Act comes into force by the Company are ratified and confirmed and shall continue as if this Act had not been passed.

(15) The Company shall as a goal, and when consistent with good business practices, purchase a minimum of five per cent of its total electrical capacity from non-utility generators.

(16) Any transaction carried out pursuant to an agreement authorized by subsection (1) with the Minister is exempt from the provisions of any enactment which the agreement states does not apply to the transaction.

(17) On the day the Minister and the Company, pursuant to subsection (1), enter into an agreement with respect to a transaction, any reference in any rule, order, regulation, by-law or document to the Nova Scotia Power Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited shall, as regards any subsequent transaction, matter or thing relating to the aforesaid matters or any of them, be and be construed to be a reference to the Company unless the agreement determines otherwise. *1992, c. 8, s. 5.*

Powers of Minister

6 (1) The Minister may

(a) acquire, hold, dispose of, invest in and otherwise deal with shares and debt obligations or any security interests in the Company; and

(b) enter into any agreement or arrangement necessary for or incidental to any activity referred to in clause (a).

(2) Shares of the Company acquired by the Minister shall be registered in the name of the Minister and held by the Minister in trust for Her Majesty in right of the Province.

(3) Any dividends or other sums received by the Minister in right of, or on the disposal of, any share, debt obligation or security interest acquired by virtue of this Act shall be paid into the Consolidated Fund of the Province. *1992, c. 8, s. 6.*

Approval and filing of amended memorandum and articles

7 (1) The Company shall submit to the Minister for approval an amended memorandum of association and articles of association prepared in accordance with Section 8.

(2) Upon approval by the Minister of the amended memorandum of association and articles of association submitted pursuant to subsection (1), the Company shall file the amended memorandum and articles with the Registrar of Joint Stock Companies and the amended memorandum and articles are effective on, from and after the date of filing. *1992, c. 8, s. 7.*

Contents of amended memorandum and articles

8 (1) Notwithstanding the Companies Act, the amended memorandum of association and articles of association for the Company shall contain

(a) a provision that the primary object of the Company is to develop in the Province the use of power on an economic and efficient basis and for this purpose to engage in the Province and elsewhere in the development, generation, production, transmission, distribution, supply and use of electricity, water, sun, wind, steam, gas, oil or other products or things used or useful in the production of power and the Company shall not construct a generating plant that utilizes nuclear energy to produce electricity;

(b) provisions imposing constraints on the issue, transfer and ownership, including joint ownership, of voting shares of the Company to prevent any one person, together with the associates of that person, from holding, beneficially owning or controlling, directly or indirectly, otherwise than by way of security only, in the aggregate voting shares to which are attached more than fifteen per cent of the votes that may ordinarily be cast to elect directors of the Company, other than votes that may be so cast by or on behalf of the Minister;

(c) provisions imposing constraints on the issue, transfer and ownership, including joint ownership, of voting shares of the Company to prevent non-residents from holding, beneficially owning or controlling, directly or indirectly, otherwise than by way of security only, in the aggregate voting shares to which are attached more than twenty-five per cent of the votes that may ordinarily be cast to elect directors of the Company, other than votes that may be so cast by or on behalf of the Minister;

(d) provisions respecting the counting or prorating of votes cast in respect of any motion at any meeting of shareholders of the Company and attached to the voting shares of the Company that are held, beneficially owned or controlled, directly or indirectly, by non-residents so as to limit the counting of those votes to not more than twenty-five per cent of the total number of votes cast by shareholders in respect of that motion;

(e) provisions preventing the Company from selling, transferring or otherwise disposing of, whether by one transaction or event or several related transactions or events, all or substantially all of its assets to any one person or group of associated persons or to non-residents, otherwise than by way of security only in connection with the financing of the Company;

(f) provisions respecting the enforcement of the constraints imposed pursuant to clauses (b) and (c);

(g) provisions specifying that the head office and the principal executive offices of the Company are to be situated in the Province;

(h) a provision stating that the Company has all of the powers, rights and capacity of a natural person;

(i) provisions respecting the appointment of transfer agents to maintain the share register of the Company and provisions relating to record dates for various purposes;

(j) provisions limiting the number of the members of the board of directors of the Company who were or are former or current officers or employees of the Company or any affiliate or predecessor thereof for as long as Her Majesty in right of the Province is a shareholder in the Company;

(k) provisions authorizing the Company to issue

(i) an unlimited number of common shares, and

(ii) an unlimited number of preference shares in two classes, each of which shall have and be subject to such rights, privileges, restrictions and conditions and be issued in such series as the directors of the Company may, from time to time, by resolution filed with the Registrar of Joint Stock Companies, determine;

(l) provisions respecting the establishment of a stated capital account for each class and series of shares issued by the Company; and

(m) a provision that, in relation to the Company, "special resolution" means a resolution passed by a majority of not less than three fourths of such members of the Company entitled to vote as are present in person or by proxy at a general meeting of the Company of which notice specifying the intention to propose the resolution as a special resolution has been duly given.

(2) Without limiting the generality of clause (f) of subsection (1), the provisions referred to therein may provide for the filing of declarations, the suspension of voting rights, the forfeiture of dividends, the refusal of the issue or registration of voting shares and the sale of voting shares held contrary to the constraints and payment of the net proceeds of the sale to the person entitled thereto.

(3) Where the directors of the Company are of the reasonable opinion, from the register of members of the Company or otherwise, that a subscriber for or a transferee of voting shares of the Company would, on acquiring the shares, hold, beneficially own or control voting shares to which are attached not more than the lesser of two one-hundredths of one per cent of the votes that may ordinarily be cast to elect directors of the Company and ten thousand such votes, the directors are entitled to assume that the subscriber or transferee is not and will not be an associate of anyone else and, unless the address to be recorded in the register for the subscriber or transferee is outside Canada, that the shares will not be held, beneficially owned or controlled in contravention of the memorandum of association or articles of association for the Company.

(4) No provision imposing constraints pursuant to clauses (b) or (c) of subsection (1) applies in respect of voting shares of the Company that are held by

(a) the Minister in trust for Her Majesty in right of the Province;

(aa) NS Power Holdings Incorporated;

(b) one or more underwriters solely for the purpose of distributing the shares to the public, in which case the underwriter may not vote such shares; or

(c) any person who provides centralized facilities for the clearing of trades in securities and is acting in relation to trades in the shares solely as an intermediary in the payment of funds or the delivery of securities, or both.

(5) For the purpose of this Section, a person is an associate of another person if

(a) one is a corporation of which the other is an officer or director;

(b) one is a corporation that is controlled by the other or by a group of persons of which the other is a member;

(c) one is a partnership of which the other is a partner;

(d) one is a trust of which the other is a trustee;

(e) both are corporations controlled by the same person;

(f) both are members of a voting trust that relates to voting shares of the Company;

(g) both, in the reasonable opinion of the directors of the Company, are parties to an agreement or arrangement a purpose of which is to require them to act in concert with respect to their interests, direct or indirect, in the Company or are otherwise acting in concert with respect to those interests; or

(h) both are at the same time associates, within the meaning of any of clauses (a) to (g), of the same person.

(6) Notwithstanding subsection (5), for the purpose of this Section,

(a) where a person who, but for this clause, would be an associate of another person submits to the Company a statutory declaration stating that

(i) no voting shares of the Company held or to be held by the declarant are or will be, to the declarant's knowledge, held in the right of, for the use or benefit of or under the control of, any other person of which, but for this clause, the declarant would be an associate, and

(ii) the declarant is not acting and will not act in concert with any such other person with respect to their interests, direct or indirect, in the Company,

the declarant and that other person are not associates so long as the directors of the Company are satisfied that the statements in the declaration are being complied with and that there are no other reasonable grounds for disregarding the declaration;

(b) two corporations are not associates pursuant to clause (h) of subsection (5) by reason only that pursuant to clause (a) of subsection (5) each is an associate of the same individual; and

(c) where the directors of the Company are of the reasonable opinion, from the register of members of the Company or otherwise, that any person holds, beneficially owns or controls voting shares to which are attached not more than the lesser of two one-hundredths of one per cent of the votes that may ordinarily be cast to elect directors of the Company and ten thousand such votes, that person is not an associate of anyone else and no one else is an associate of that person.

(7) For the purpose of this Section, "control" means control in any manner that results in control in fact, whether directly through the ownership of securities or indirectly through a trust, an agreement or arrangement, the ownership of any body corporate or otherwise, and, without limiting the generality of the foregoing,

(a) a body corporate is deemed to be controlled by a person if

(i) securities of the body corporate to which are attached more than fifty per cent of the votes that may be cast to elect directors of the body corporate are held, otherwise than by way of security only, by or for the benefit of that person, and

(ii) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the body corporate; and

(b) a partnership or unincorporated organization is deemed to be controlled by a person if an ownership interest therein representing more than fifty per cent of the assets of the partnership or organization is held, otherwise than by way of security only, by or for the benefit of that person.

(8) In this Section,

(a) "assets" means assets owned or used by the Company in the development, generation, production, transmission, distribution, marketing, supply and use of electricity, water, sun, wind, steam, gas, oil or other products or things used or useful in the production of power;

(b) "corporation" includes a body corporate, partnership and unincorporated organization;

(c) "non-resident" means

(i) an individual, other than a Canadian citizen, who is not ordinarily resident in Canada,

(ii) a corporation incorporated, formed or otherwise organized outside Canada,

(iii) a foreign government or an agency thereof,

(iv) a corporation controlled by non-residents as defined in any of subclauses (i) to (iii),

(v) a trust

(A) established by a non-resident as defined in any of subclauses (ii) to (iv), other than a trust for the administration of a pension fund for the benefit of individuals a majority of whom are residents, or

(B) in which non-residents as defined in any of subclauses (i) to (iv) have more than fifty per cent of the beneficial interest, or

(vi) a corporation that is controlled by a trust described in subclause (v),

but does not include a mutual company to which subsection 427(5) of the Insurance Companies Act (Canada) applies or a company or foreign company to which subsection 427(6) of that Act applies;

(d) "person" includes an individual, partnership, corporation, government or agency thereof, trustee, executor, administrator and other legal representative;

(e) "resident" means an individual, corporation, government or agency thereof or trust that is not a non-resident;

(f) "voting share" means a share carrying a voting right under all circumstances or under some circumstances that have occurred and are continuing, and includes a security currently convertible into such a share and currently exercisable options and rights to acquire such a share or such a convertible security. 1992, c. 8, s. 8; 1998, c. 19, s. 7.

Restrictions on Company

9 The Company and its shareholders and directors shall not

(a) amend the memorandum of association or the articles of association of the Company in a manner inconsistent with this Act or the provisions that must be included in the Company's amended memorandum or articles of association; or

(b) apply for continuance of the Company in another jurisdiction. *1992, c. 8, s. 9.*

Transfer of employees

10 (1) In this Section and in Section 11, "employee" means an individual in the employment of the Corporation on the coming into force of this Section.

(2) On the coming into force of this Section, every employee

(a) ceases to be an employee of the Corporation and becomes an employee of the Company; and

(b) is employed by the Company on the same terms and conditions as to salary and benefits as those under which the employee was employed by the Corporation immediately before the coming into force of this Section.

(3) Every employee referred to in subsection (2) is and is deemed to have been employed by the Company for the same period of time that the employee was in the employment of the Corporation prior to the coming into force of this Section.

(4) For greater certainty, nothing in this Section means or shall be construed to mean that there has been a termination of the employment of an employee.

(5) For greater certainty and subject to this Act, the Company and the employees covered by a collective agreement are bound by the collective agreement between the Corporation and a bargaining agent as if the Company were a party to the collective agreement.

(6) For greater certainty, benefits accumulated by an employee while employed by the Corporation are continued and vested in the employee, the employee is entitled to receive those benefits from the Company and the Company shall provide those benefits to the employee.

(7) For greater certainty and subject to this Act, the Company is and is deemed to be a successor employer and the employees are and are deemed to be employees of a successor employer for the purpose of the Pension Benefits Act.

(8) For greater certainty, nothing in this Act affects any pay equity adjustments to which an employee was entitled pursuant to the Pay Equity Act immediately before the coming into force of this Section.

(9) Sections 23 to 27 of the Conflict of Interest Act does not apply in respect of members of the board of directors, officers and employees of the Nova Scotia Power Corporation, Nova Scotia Light and Power Company, Limited and Eastern Light & Power Company, Limited who became or become members of the board of directors, officers or employees of the Company. *1992, c. 8, s. 10; 2010, c. 35, s. 42.*

Pensions

11 (1) In this Section,

(a) "Act" means the Public Service Superannuation Act;

(b) "Fund" means the Public Service Superannuation Fund established pursuant to the Public Service Superannuation Act;

(c) "Plan" means the pension plan organized and administered by the Company and includes any plan in substitution therefor.

(2) The Minister is authorized to enter into an agreement to provide for the transfer from the Fund to the Plan of assets and liabilities of the Fund with respect to employees, and upon such transfer, all liabilities with respect to benefits are the liability of the Company and the Plan and any consents necessary to the transfer of assets and liabilities from the Fund to the Plan are and are deemed to be given.

(3) Any notices or consents required, including the consent of the Superintendent pursuant to the Pension Benefits Act, or any default or breach of covenant [covenant] that occurs, by reason of the transfer, are waived.

(4) The Plan shall provide employees, with respect to their period of employment with the Corporation, with the same benefits to which the employees, at the time this Section comes into force, would have been eligible pursuant to the Act as employees of the Corporation and, with respect to a period of employment with the Company, the Plan shall provide those employees of the Company with benefits no less advantageous than those in respect of which, at the time this Section comes into force, they would have been eligible were they members of the Fund.

(5) The following persons shall continue to receive benefits pursuant to the Act and payments from the Fund and not payments from the Plan:

(a) former employees of the Corporation who are receiving benefits from the Fund;

(b) former employees of the Corporation who are entitled to deferred benefits from the Fund; and

(c) spouses, dependants or other beneficiaries of individuals referred to in clauses (a) and (b).

(6) Upon the coming into force of this Section, any unfunded liabilities with respect to those persons receiving benefits pursuant to subsection (5) are, in accordance with an agreement entered into between the Minister and the Company, the liabilities of the Company and not the Fund and the Company shall reimburse the Fund for such unfunded liability in accordance with the agreement. *1992, c. 8, s. 11.*

Interpretation of Sections 13 to 16

12 In Sections 13 to 16,

(a) "Act" means the Public Utilities Income Tax Transfer Act (Canada);

(b) "federal tax rebates" means amounts paid to the Province in respect of the Company pursuant to the Act;

(c) "Fund" means the Nova Scotia Power Incorporated Tax Rebate Fund. *1992, c. 8, s. 12.*

Tax Rebate Fund

13 (1) There is hereby established in the accounts of the Province a fund to be known as the Nova Scotia Power Incorporated Tax Rebate Fund.

(2) The Minister shall hold and administer the Fund and keep a separate accounting record of the Fund. *1992, c. 8, s. 13.*

Federal tax rebates

14 (1) Money received by the Province in respect of the period following the coming into force of this Act, by way of federal tax rebates pursuant to the Act, shall be paid into the Fund.

(2) Income of the Fund accrues to the Consolidated Fund of the Province. *1992, c. 8, s. 14.*

Payments to Company from Fund

15 (1) Subject to the regulations, the Minister shall pay from the Fund to the Company for its own use and benefit all money paid into the Fund.

(2) The Minister shall certify all amounts paid to the Company in the form required by the Act so that the Company will be exempt from federal income tax thereon as provided by the Act.

(3) If, pursuant to the Act, the Province is required to repay any amount to the Government of Canada, the Minister may recover such amount from the Company as a debt due to the Province from the Company and the Minister may set off and recover such amount against and from other amounts that the Minister might otherwise cause to be paid to the Company pursuant to subsection (1) and the Minister may pay any such amount that the Province is required to repay to the Government of Canada from the Fund, or if paid from the Consolidated Fund of the Province, the Minister may, at any time thereafter, pay and transfer such amount from the Fund to the Consolidated Fund of the Province. *1992, c. 8, s. 15.*

Regulations

16 The Governor in Council may make regulations

(a) prescribing the terms and conditions on which payments may be made to the Company pursuant to Section 15;

(b) prescribing rules for the determination of any matter to be determined by the Minister;

(c) defining any expression used in but not defined for the purpose of Sections 13 to 15; and

(d) to carry out effectively the intent and purpose of Sections 13 to 15. *1992, c. 8, s. 16.*

17 repealed 1994, c. 9, s. 24.

Payments to Minister for municipalities

18 (1) In this Section,

- (a) "Minister" means the Minister of Service Nova Scotia and Municipal Relations;
- (b) "municipality" means a municipality as defined in the Municipal Government Act.
- (2) The Company is exempt from taxation by a municipality, other than deed transfer tax.
- (3) On June 1, 2003, and, subject to subsection (6), on each and every June 1st thereafter, the Company shall pay to the Minister the sum of fifteen million five hundred thousand dollars.
- (4) On January 31, 2004, and, subject to subsection (6), on each and every January 31st thereafter, the Company shall pay to the Minister the sum of fifteen million five hundred thousand dollars.
- (5) The Minister shall distribute the amounts received pursuant to subsections (3) and (4), less the amounts referred to in subsection (7), if applicable, among the municipalities in the manner determined by the Minister, after consultation with the Union of Nova Scotia Municipalities.
- (6) The amounts specified in subsections (3) and (4) shall be increased in each year by the same percentage increase as the average annual increase in the Consumer Price Index for Canada for the previous calendar year as determined by Statistics Canada.
- (7) Notwithstanding subsection (5), in each of fiscal years 2002-03, 2003-04, 2004-05 and 2005-06, the Minister shall pay two million five hundred thousand dollars from the amounts received pursuant to subsections (3) or (4) to the Minister. *2002, c. 5, s. 44; 2003, c. 4, s. 24.*

18A repealed 2002, c. 5, s. 45.

Expropriation by Company

- 19 (1) The Company may expropriate any land which the Company deems necessary or useful for the attainment of the object of the Company referred to in clause (a) of subsection (1) of Section 8.
- (2) Upon a plan and description of any land so expropriated, signed by the Chair or President, being deposited in the office of the registrar of deeds for the registration district in which the land is situated, such land shall thereupon become and remain vested in the Company.
- (3) The Expropriation Act applies to any such expropriation and the Company shall be and is deemed to be the expropriating authority for the purposes of the Expropriation Act.
- (4) Notwithstanding the Expropriation Act, lands of the Company may be expropriated by another expropriating authority only with the approval of the Governor in Council. *1992, c. 8, s. 19.*

Public Sector Compensation Restraint Act

- 20 (1) The Public Sector Compensation Restraint Act, as modified by subsection (2), applies to the Company and the officers and employees thereof.
- (2) Notwithstanding subsection (1) and the Public Sector Compensation Restraint Act, the two-year period referred to in that Act, during which increases in compensation rates and changes in

compensation plans are restricted, is completed in respect of officers and employees of the Company at the end of the two-year period or the first day of April, 1993, whichever is earlier. *1992, c. 8, s. 20.*

Mechanics' Lien Act

21 The Mechanics' Lien Act applies to the Company only in respect of construction undertaken pursuant to contracts entered into after the coming into force of this Act. *1992, c. 8, s. 21.*

Building Code Act and Planning

22 (1) In this Section,

(a) "electric distribution system" means any system, works, plant, equipment or service for the delivery, distribution or furnishing of electric energy to consumers, but does not include a power plant or a transmission line;

(b) "electric energy" in addition to its ordinary meaning includes

(i) energy associated with an electromotive force, and

(ii) power and reactive power and other electromagnetic effects associated with electric energy;

(c) "substation" means a part of a transmission line and includes equipment for transforming, compensating, switching, rectifying or inverting electric energy flowing to, over or from the transmission line;

(d) "transmission line" means a system or arrangement of lines of wire or other conductors and transformation equipment whereby electric energy, however produced, is transmitted in bulk, and includes

(i) transmission circuits composed of the conductors which transmit electric energy,

(ii) insulating and supporting structures,

(iii) substations,

(iv) operational and control devices, and

(v) all property of any kind used for the purpose of, or in connection with, or incidental to, the operation of the transmission line,

but does not include a power plant or an electric distribution system.

(2) Parts VIII and IX of the Municipal Government Act, the provisions of any Provincial land-use policies or regulations, and Provincial subdivision regulations, and any municipal planning strategy, land-use by-law or subdivision by-law do not apply where a development or subdivision is made for the purpose of a transmission line, substation or electric distribution system.

(3) The Building Code Act does not apply to the construction, repair or replacement of a transmission line, electric distribution system, power plant or substation. *1992, c. 8, s. 22; 1998, c. 18, s. 570.*

Limitation on liability

23 Any contract for the supplying by the Company of electricity is deemed to provide that the Company is not liable for damages in respect of any delay, interruption or other partial or complete failure in such supplying where such damages are caused by something which is beyond the ability of the Company to control by reasonable and practicable effort. *1992, c. 8, s. 23.*

Crown lands and watercourses

24 (1) Nothing in this Act affects or shall be deemed to affect any permission or authority granted by the Province to the Corporation to erect and maintain power lines on Crown land and such permission or authority continues in favour of the Company as if the permission or authority were in the Company.

(2) The right of the Corporation to enter land adjacent to any watercourse used in connection with the storage or flow of water for the generation of energy for the purpose of inspection and maintenance of the watercourse or any structure of the Corporation situate thereon applies to the Company and nothing in this Act affects or shall be deemed to affect those rights. *1992, c. 8, s. 24.*

Deemed effect of existing instruments

25 (1) Any instrument within the meaning of the Registry Act heretofore executed purporting to convey to the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited a fee simple estate is deemed to have vested in the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, as the case may be, and their successors and assigns, a full, absolute and indefeasible estate of inheritance in fee simple, subject only to any mortgages, judgments or easement registered on title against such estate.

(2) Any person who claims to have an interest in any of the land referred to in subsection (1) and who has not been compensated for that interest may make a claim for compensation and the provisions of the Expropriation Act, in respect of compensation, apply to that claim as if the vesting of the lands had occurred as a result of the expropriation of those lands by the Corporation, Nova Scotia Light and Power Company, Limited or Eastern Light & Power Company, Limited, as the case may be, resulting in a claim in accordance with the Expropriation Act. *1992, c. 8, s. 25.*

Electrical Installation and Inspection Act amended

26 amendment of the Electrical Installation and Inspection Act.

Electrical Power Agreement Act repealed

27 (1) Chapter 142 of the Revised Statutes, 1989, the Electrical Power Agreement Act, is repealed.

(2) Notwithstanding subsection (1), an agreement entered into pursuant to the Electrical Power Agreement Act continues in full force and effect until the agreement expires according to the terms of the agreement. *1992, c. 8, s. 27.*

Federal-Provincial Power Act amended

28 amendment of the Federal-Provincial Power Act.

Fire Prevention Act amended

29 amendment of the Fire Prevention Act .

Municipal Affairs Act amended

30 amendment of the Municipal Affairs Act .

Power Corporation Act amended

31 amendment of the Power Corporation Act .

Provincial Finance Act amended

32 amendment of the Provincial Finance Act .

Public Records Disposal Act amended

33 amendment of the Public Records Disposal Act .

Public Service Superannuation Act amended

34 amendment of the Public Service Superannuation Act .

Public Utilities Act amended

35 amendment of the Public Utilities Act.

Rural Electrification Act repealed

36 (1) Chapter 405 of the Revised Statutes, 1989, the Rural Electrification Act, is repealed.

(2) Any claims between the Province and the Company pursuant to the provisions of the Rural Electrification Act are and are deemed satisfied and released.

(3) Any property vested in the Corporation pursuant to the Rural Electrification Act is and is deemed for all purposes to be vested in the Corporation and may be transferred to the Company. *1992, c. 8, s. 36.*

Trustee Act amended

37 amendment of the Trustee Act.

Proclamation

38 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. *1992, c. 8, s. 38.*

Proclaimed - August 6, 1992
In force - August 10, 1992

An Act to Establish Regional Health Boards

(Assented to June 30, 1994)

Be it enacted by the Governor and Assembly as follows:

Short title

1 This Act may be cited as the *Regional Health Boards Act*.

Interpretation

2 In this Act,

(a) "community" means the area within which a community health board has jurisdiction;

(b) "community health board" means a community health board established pursuant to this Act;

(c) "designated hospital" means a hospital designated by the regulations;

(d) "health region" means a health region established pursuant to this Act;

(e) "hospital" means a hospital as defined in the *Hospitals Act*;

(f) "Minister" means the Minister of Health;

(g) "regional health board" means a regional health board established for a health region by the regulations.

Administration of Act

3 The Minister has the general supervision and management of this Act.

Health regions

4 (1) The Province is divided into four health regions as described in the regulations.

Name of region

(2) Each health region has such name as the regulations determine.

Regional health boards

5 (1) A regional health board may be established pursuant to the regulations for each health region.

Board is body corporate

(2) Each regional health board is a body corporate under such name as the regulations determine.

Selection of members of board

(3) The members of a regional health board shall be selected

(a) on an interim basis by the Minister where there are no regulations providing for the selection of the members; or

(b) in accordance with the regulations.

Term of office

(4) The members of a regional health board shall hold office for such terms as are provided by the regulations.

Reimbursement for expenses

(5) The members of a regional health board may, subject to the regulations, be reimbursed for reasonable expenses necessarily incurred in the performance of their duties.

Functions of board

6 (1) Subject to this Act, a regional health board shall operate and manage the designated hospitals within the health region.

Further functions

(2) A regional health board shall determine the number and type of hospitals in the health region, consistent with health-care planning for the region.

Consequences of designation of hospital

(3) Notwithstanding any special or general Act of the Legislature, upon the designation of a hospital by the regulations,

(a) all assets and liabilities of the hospital become assets and liabilities of the regional health board including all employee benefits and entitlements;

(b) all employees of the hospital become employees of the regional health board;

(c) the continuity of employment of the employees of the hospital is not broken by the designation of the hospital;

(d) notwithstanding clauses (a), (b) and (c), Section 71 of the *Labour Standards Code* does not apply with respect to employment before the designation; and

(e) subject to the *Trade Union Act*, the regional health board and the employees of the hospital, who are covered by collective agreements under the *Trade Union Act* or the *Civil Service Collective Bargaining Act*, are bound by the collective agreements as if the regional health board were a party to them.

Certain enactments ineffective

(4) The enactments designated by the regulations in respect of a designated hospital have no force or effect with respect to that hospital.

Application of compensation legislation

(5) The *Public Sector Compensation (1994-97) Act* applies to a regional health board and the employees of a regional health board except that, notwithstanding subsection 3(4) of that Act,

(a) Section 23 of that Act does not apply;

(b) the Labour Relations Board has jurisdiction to and may exercise all of its powers under the *Trade Union Act* but the total effect of any changes to collective agreements shall not increase the total cost of all compensation in respect of all employees of a regional health board to whom the collective agreements changed apply and the pay rates, as defined by the *Public Sector Compensation (1994-97) Act*, are not more than permitted by that Act; and

(c) no change shall be made in a collective agreement without the approval of the Labour Relations Board in accordance with clause (b).

Duty of Labour Relations Board

(6) In applying subsection (5), the Labour Relations Board shall treat employment of an employee as defined by clause 2(1)(k) and subsection 2(2) of the *Trade Union Act* as employment under a collective agreement, whether or not the employee was employed pursuant to a collective agreement.

Duties of board

7 A regional health board shall, where authorized by the regulations,

(a) develop regional health-service plans, including plans respecting the level and mix of health services needed in the health region and how and where these services are to be provided;

(b) rationalize institutional health services to ensure the most beneficial allocation of health resources to avoid duplication of health services and meet the needs of the health region;

(c) develop a regional health human-resources plan to ensure that the proper mix of human resources is available to support health services;

(d) fund regional health programs and services;

(e) recommend to the Minister the core programs that should be basic to the health system and be in place in each health region;

(f) participate in the development of a provincial health plan;

(g) participate in the development of tertiary and provincial health programs;

(h) participate in a provincial health-information system;

(i) conduct a regular and systematic evaluation of the regional health system; and

(j) carry out such other functions as the regulations prescribe.

Further duties of board

8 (1) A regional health board shall, where authorized by the regulations and after such consultation with the residents of the community or proposed community as the regional health board considers appropriate,

(a) establish community health boards;

(b) determine the community within which a community health board is to exercise jurisdiction;

(c) determine the method of selection of the membership of a community health board;

(d) determine the term of office for members of a community health board; and

(e) determine such other matters as the regional health board considers necessary or advisable for the proper operation of a community health board.

Prohibition from employing personnel

(2) A community health board may not employ personnel but shall utilize such personnel as are assigned to it by the regional health board.

Allocation of funds

(3) A regional health board may allocate funds to a community health board for primary health care.

Method of selecting community health boards

9 A regional health board shall, where authorized by the regulations, in co-operation with the community health boards in the health region, develop a method of selection of the members of the regional health board by the community health boards.

Use of hospital foundation funds

10 Notwithstanding any enactment, trust or agreement by which a hospital foundation is established with respect to a designated hospital, whether established before or after the designation, the foundation shall, as the foundation considers appropriate,

(a) continue to use its funds to benefit the hospital or for any other charitable purpose for which the foundation is established; or

(b) where the designated hospital is no longer operated as a hospital or no longer exists, use its funds to benefit the health-care programs of the regional health board in the area formerly served by the hospital.

Regulations

11 (1) The Governor in Council may make regulations

(a) describing a health region and determining its name;

(b) establishing a regional health board and determining its name;

(c) authorizing the development of a method and prescribing the method of selection of the members of a regional health board, including the selection of the members of a regional health board by the community health boards in the health region;

(d) prescribing the terms of office and respecting reimbursement for expenses of members of a regional health board;

(e) on or after January 1, 1995, designating hospitals for the purpose of this Act;

(f) designating enactments for the purpose of this Act;

(g) authorizing the duties and prescribing the functions of a regional health board;

(h) authorizing the establishment of a community health board, prescribing the manner of selection of the members of a community health board and, generally, respecting community health boards;

(i) prescribing core programs;

(j) requiring the reporting by regional health boards to the Minister;

(k) defining any word or expression used but not defined in this Act;

(l) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

Power to restrict application

(2) A regulation may apply to all persons or bodies or to a class of persons or bodies to whom this Act applies and there may be different regulations for different classes of such persons or bodies.

Regulations Act

(3) The exercise by the Governor in Council of the authority contained in this Section is regulations within the meaning of the *Regulations Act*.



Queen Elizabeth II Health Sciences Centre Act

CHAPTER 15

OF THE

ACTS OF 1995-96

amended 2000, c. 6, s. 112

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act to Amalgamate the Victoria General Hospital at Halifax, the Camp Hill Medical Centre, the Nova Scotia Rehabilitation Centre Corporation and the Cancer Treatment and Research Foundation of Nova Scotia to form the Queen Elizabeth II Health Sciences Centre

Short title

1 This Act may be cited as the *Queen Elizabeth II Health Sciences Centre Act*. 1995-96, c. 15, s. 1.

Interpretation

2 In this Act,

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Queen Elizabeth II Health Sciences Centre;
- (c) "director" means, except where the context otherwise requires, a member of the Board;

(d) "Interim Board" means the Special Interim Board of the Queen Elizabeth II Health Sciences Centre established September 27, 1994;

(e) "Minister" means the Minister of Health;

(f) "predecessor hospitals" means the Camp Hill Medical Centre, the Cancer Treatment and Research Foundation of Nova Scotia, the Nova Scotia Rehabilitation Centre Corporation and the Board of Commissioners of the Victoria General Hospital at Halifax. 1995-96, c. 15, s. 2.

Amalgamation

3 The Camp Hill Medical Centre, incorporated by the *Camp Hill Medical Act*, the Cancer Treatment and Research Foundation of Nova Scotia, incorporated by the *Cancer Treatment and Research Foundation Act*, the Nova Scotia Rehabilitation Centre Corporation, incorporated by the *Nova Scotia Rehabilitation Centre Corporation Act*, and the Victoria General Hospital at Halifax established by the *Victoria General Hospital Act* are hereby amalgamated and continued as a body corporate to be known as the Queen Elizabeth II Health Sciences Centre. 1995-96, c. 15, s. 3.

Objects of Corporation

4 The objects of the Corporation are to operate a hospital and any educational, research or residential facility, medical facility, diagnostic centre or other facility of that hospital, including those hospitals or treatment facilities known as the Camp Hill Medical Centre, the Cancer Treatment and Research Foundation of Nova Scotia, the Nova Scotia Rehabilitation Centre and the Victoria General Hospital at Halifax. 1995-96, c. 15, s. 4.

Corporation not Crown agent

5 (1) The Corporation is not an agent of Her Majesty in right of the Province.

Employees not Crown agents

(2) A person employed or engaged by the Corporation is not an officer, servant or agent of Her Majesty in right of the Province. 1995-96, c. 15, s. 5.

Board of Directors

6 The Corporation shall be managed by a Board of Directors. 2000, c. 6, s. 112.

7 repealed 2000, c. 6, s. 112.

Quorum

8 A majority of the directors serving at any time constitutes a quorum. 1995-96, c. 15, s. 8.

Exemption from personal liability

9 A director is not personally liable for anything done or omitted to be done or for any neglect or default in the *bona fide* exercise or purported exercise of a power conferred upon that director pursuant to this Act. 1995-96, c. 15, s. 9.

Chief administrative officer

10 There shall be a chief administrative officer of the Corporation appointed by the Board to be known as the President and Chief Executive Officer. 1995-96, c. 15, s. 10.

Powers of Corporation

11 (1) The Corporation may do such things as are necessary for, or incidental to, the attainment of its objects and the exercise of its powers and, without restricting the generality of the foregoing, may

(a) take and hold real or personal property of any and every description by donation, deed, devise, bequest, lease, gift, grant, purchase or other means and sell, lease, mortgage, hypothe-

cate or invest the same and may hold lands or tenements or an interest therein;

(b) execute and carry out any trusts respecting real or personal property that is donated, devised, bequeathed, granted, conveyed or given to the Corporation;

(c) raise or borrow money for the purposes of the Corporation and secure the repayment of the same by such form of security as is deemed suitable by the directors and, without restricting the generality of the foregoing, by the execution and delivery of mortgages of all or any part of the real or personal property of the Corporation, both present and future, or by the issue of bonds, debentures, promissory notes or hypothecation forms secured by mortgage or other charge upon all or any part of the real or personal property the Corporation, both present and future;

(d) pledge debentures as security for loans;

(e) make, accept, draw, execute, issue and endorse bills of exchange, cheques, promissory notes, hypothecation forms or such other instruments as may be found necessary or convenient;

(f) retain any investment, bequest, devise or gift in the form in which the same may come into its hands for as long as it deems proper and may invest the proceeds of the same or any part thereof and hold any real or personal property subject to and upon any trusts, terms or conditions imposed in the acquisition thereof.

Assignable securities

(2) Bonds, debentures and other securities issued pursuant to this Act may be made assignable, free from any equities between the Corporation and person to whom the securities were issued. 1995-96, c. 15, s. 11.

By-laws

12 The Corporation may make by-laws, rules and regulations with respect to the conduct and management of the affairs of the Corporation and the exercise of the powers otherwise conferred by this Act including, without limiting the generality of the foregoing,

(a) determining or establishing a procedure to determine the representative of the medical staff of the Corporation on the Board;

(b) the calling of meetings of the Board;

- (c) the making of by-laws for the appointment of such officers, boards and committees as are deemed necessary;
 - (d) the delegation to officers and committees of such powers and duties as the Board deems necessary;
 - (e) the procedure to be followed at meetings of the Board and of the committees;
 - (f) the appointment, removal, functions and duties of the medical staff, officers, agents and servants of the Corporation;
 - (g) the management and administration of the Corporation and training schools and institutions associated therewith;
 - (h) by-laws governing the medical staff in connection with the medical and surgical work of the Corporation and institutions and facilities associated with the Corporation,
- and of all matters and things connected therewith. 1995-96, c. 15, s. 12.

Tax exemption

13 The Corporation is exempt from taxation pursuant to any Act of the Legislature. 1995-96, c. 15, s. 13.

Execution of documents

14 Any deed, mortgage, trust deed, lease, assignment of mortgage, bond, debenture, promissory note, bill of exchange or other documents or security that in the course of business may have to be executed by the Corporation may be signed by the Chair or Vice-chair and the Secretary, or by any officer of the Corporation or officer or director of the Corporation that the Corporation may authorize in that behalf by resolution, regulation or by-law, and the seal of the Corporation is only necessary on such documents as would be required to be sealed by private individuals. 1995-96, c. 15, s. 14.

Auditor

15 (1) The Board may appoint an auditor to audit the accounts of the Corporation.

Qualifications

(2) An auditor appointed by the Board shall be either the Auditor General or an accountant licensed pursuant to the *Public Accountants Act*.

Audit expenses

(3) The expenses of the audit shall be payable by the Corporation as part of the cost of administration of the Corporation. 1995-96, c. 15, s. 15.

Regulations

16 (1) The Governor in Council, after consultation by the Minister with the Corporation, may make regulations

- (a) defining any word or expression used in this Act and not defined in this Act;
- (b) respecting any matter or thing that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations Act

(2) The exercise of the authority contained in this Section is regulations within the meaning of the *Regulations Act*, 1995-96, c. 15, s. 16.

Interpretation of Section

17 (1) In this Section,

- (a) "Board of the Victoria General" means the Board of Commissioners at the Victoria General Hospital at Halifax or the Interim Board;
- (b) "employee at the Victoria General" means a person employed at the Victoria General Hospital at Halifax immediately before this Act comes into force and
 - (i) appointed in accordance with the *Civil Service Act* as an officer or employee required by the Board of the Victoria General for the proper conduct, management and operation of the Hospital,
 - (ii) employed by the Board of the Victoria General or by the Minister as provided for by the Governor in Council, or
 - (iii) otherwise employed by the Board of the Victoria General or the Minister.

Effect of coming into force of Act

(2) On the coming into force of this Act,

- (a) every employee at the Victoria General ceases to be a person appointed in accordance with the *Civil Service Act* and becomes an employee of the Corporation;
- (b) each bargaining unit in the civil service that includes employees of the Corporation is and is deemed to be two separate bargaining units, namely,
 - (i) a non-civil service bargaining unit composed of the members of the bargaining unit who are employees of the Corporation, and
 - (ii) the civil service bargaining unit composed of the members of the bargaining unit who are not employees of the Corporation,

and the collective agreements so affected are deemed to be amended accordingly and shall be given effect as if the bargaining units were always separate;

- (c) the *Civil Service Act* and regulations made pursuant thereto and the *Civil Service Collective Bargaining Act* do not apply to employees of the Corporation;

(d) policies and procedures applicable to civil servants do not apply to employees of the Corporation except to the extent that they are adopted by the Corporation;

(e) subject to clauses (a) and (b) and notwithstanding clauses (c) and (d), every employee of the Corporation who was an employee at the Victoria General is employed by the Corporation on the same or equal terms and conditions as to salary and benefits as those under which the employee was an employee at the Victoria General and until changed by collective agreement or contract of employment; and

(f) the Corporation and the employees of the Corporation covered by a collective agreement concluded pursuant to the *Civil Service Collective Bargaining Act* and their bargaining agent are bound by the collective agreement as if the Corporation were party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the *Trade Union Act* by a bargaining agent certified pursuant to that Act.

"benefits" defined

(3) In clause (2)(e), "benefits" means benefits contained in a collective agreement or contract of employment.

Deemed employment

(4) Every employee of the Corporation who was an employee at the Victoria General is deemed to have been employed by the Corporation for the same period of employment that the employee was credited with as an employee at the Victoria General.

Rights preserved

(5) For greater certainty,

(a) nothing in this Section means or shall be construed to mean that there has been a termination of the employment of an employee at the Victoria General; and

(b) benefits accumulated by an employee at the Victoria General during the period of employment that the employee was credited with as an employee at the Victoria General are vested in the employee, and the employee is entitled to receive those benefits from the Corporation.

Disability benefits

(6) Subject to any applicable collective agreement or contract of employment, the Corporation shall provide long-term disability benefits for the employees at the Victoria General who were members of the Nova Scotia Public Service Long-Term Disability Plan immediately before the coming into force of this Act, such benefits to be the same as or equal to the benefits under the Plan, and the assets and liabilities of the Plan in respect of the employees at the Victoria General shall be transferred to the Corporation. 1995-96, c. 15, s. 17.

"employee at a predecessor hospital" defined

18 (1) In this Section, "employee at a predecessor hospital" means a person employed by

- (a) the Camp Hill Medical Centre;
- (b) the Cancer Treatment and Research Foundation of Nova Scotia;
- (c) Nova Scotia Rehabilitation Centre Corporation; or
- (d) the Interim Board,

immediately before this Act comes into force but does not include a person employed by the Interim Board at the Victoria General Hospital at Halifax.

Effect of coming into force of Act

(2) On the coming into force of this Act,

- (a) every employee at a predecessor hospital becomes an employee of the Corporation; and
- (b) every employee of the Corporation who was an employee at a predecessor hospital immediately before the coming into force of this Act is employed by the Corporation on the same terms and conditions as to salary and benefits as those under which the employee was an employee at a predecessor hospital and until changed by collective agreement or contract of employment.

"benefits" defined

(3) In clause (2)(b), "benefits" means benefits contained in a collective agreement or contract of employment.

Deemed employment

(4) Every employee of the Corporation who was an employee of a predecessor hospital is deemed to have been employed by the Corporation for the same period of employment that the employee was credited with as an employee at a predecessor hospital.

Rights preserved

(5) For greater certainty,

- (a) nothing in this Section means or shall be construed to mean that there has been a termination of the employment of an employee at a predecessor hospital; and
- (b) benefits accumulated by an employee at a predecessor hospital while employed at a predecessor hospital are vested in the employee, and the employee is entitled to receive those benefits from the Corporation. 1995-96, c. 15, s. 18.

Application of Labour Standards Code

19 Notwithstanding any other provision of this Act, Section 71 of the *Labour Standards Code* does not apply to a period of employment that an employee was credited with as an employee at a predecessor hospital or as an employee at the Victoria General as defined by clause 17(1)(b). 1995-96, c. 15, s. 19.

Trade Union Act transferee

20 (1) For greater certainty, the Corporation is a transferee for the purpose of Section 31 of the *Trade Union Act* and, without limiting the generality of the foregoing,

- (a) the Corporation is bound by successor rights as determined pursuant to the *Trade Union Act*; and
- (b) subject to the *Trade Union Act*, the Corporation and the employees of the Corporation, who are covered by collective agreements, are bound by the collective agreements as if the Corporation were a party to them.

Application of compensation legislation

(2) The *Public Sector Compensation (1994-97) Act* applies to the Corporation and members and employees of the Corporation except that, notwithstanding subsection 3(4) of that Act,

- (a) Section 23 of that Act does not apply;
- (b) the Labour Relations Board may exercise all of its powers under the *Trade Union Act* but the total effect of any changes to collective agreements shall not increase the total cost of all compensation in respect of all employees to whom the collective agreements changed apply and the pay rates, as defined by the *Public Sector Compensation (1994-97) Act*, are not more than permitted by that Act; and
- (c) no change shall be made in a collective agreement without the approval of the Labour Relations Board in accordance with clause (b).

Deemed seniority

(3) Where the Labour Relations Board, in applying subsection (1) or (2), determines that those employees, of the Corporation, who were not previously included in a bargaining unit of a predecessor hospital or a civil service bargaining unit that included employees at the Victoria General as defined by clause 17(1)(b) are to be included in a bargaining unit of the Corporation, those employees are deemed to have seniority credits with the Corporation equal to the employment service they had or were credited with as employees at the predecessor hospital or as employees at the Victoria General as defined by clause 17(1)(b).

Rights unaffected

(4) The right of an employee of a predecessor hospital or of an employee at the Victoria General as defined by clause 17(1)(b) to employment with the Corporation in a bargaining unit position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee is deemed to have seniority credits with the Corporation equal to the service that the employee was credited with as an employee at the predecessor hospital or as an employee at the Victoria General as defined by clause 17(1)(b).

"employee" defined

(5) In subsections (3) and (4), "employee" means an employee as defined in Section 2 of the *Trade Union Act* but, for greater certainty, does not include those described in subsection 2(2) of that Act.

Additional Labour Relations Board members

(6) Where, in the opinion of the Minister of Labour, the workload of the Labour Relations Board requires additional members, the Governor in Council may, in addition to the Vice-chair appointed pursuant to subsection 16(4) of the *Trade Union Act*, appoint additional members and vice-chairs to the Labour Relations Board for such period of time as is set out in the appointment.

Effect of appointment on quorum

(7) An appointment pursuant to subsection (6) does not increase the quorum of the Labour Relations Board. 1995-96, c. 15, s. 20.

Interpretation of Section

21 (1) In this Section,

(a) "employee at the Victoria General" means an employee at the Victoria General as defined in clause 17(1)(b) who, immediately before this Act comes into force, was an employee within the meaning of the *Public Service Superannuation Act*;

(b) "Fund" means the Public Service Superannuation Fund established pursuant to the *Public Service Superannuation Act*;

(c) "Plan" means a pension plan established by the Corporation either independently or in co-operation with other hospitals under the Nova Scotia Association of Health Organizations Pension Plan.

Deemed employment

(2) Notwithstanding anything in this Act, until and including March 31, 1998,

(a) each employee at the Victoria General is deemed to continue to be a person employed in the public service of the Province for all purposes of the *Public Service Superannuation Act* and service in the employment of the Corporation is deemed to be service in the public service of the Province;

(b) the Corporation shall deduct from the salary of each employee at the Victoria General such amount as is directed by the Governor in Council to be deducted from the salary of employees in the public service of the Province and shall pay the same to the Minister of Finance, and such amounts when so received shall be paid into and form part of the Fund; and

(c) where by the *Public Service Superannuation Act* a matching payment is directed to be made into the Fund by the Government or the Minister of Finance or where by that Act a superannuation allowance or other sum is directed to be paid out of the Consolidated Fund of the Province, then, in respect of an employee at the Victoria General, the payment, superannuation allowance or other sum shall be paid by the Corporation and shall form part of the annual expenses of the Corporation.

Continued employment

(3) On and after April 1, 1998, all employees at the Victoria General continue to be employees within the meaning of the *Public Service Superannuation Act* unless they elect, in writing in the form approved by the Superintendent of Pensions, to become members of the Plan.

Effect of not making election

(4) Where an employee of the Corporation does not make an election pursuant to subsection (3), clauses (2)(a), (b) and (c) continue to apply with respect to that employee after the expiry of the time for making the election.

Effect of becoming Plan member

(5) Where an employee at the Victoria General elects pursuant to subsection (3) to become a member of the Plan,

(a) for the purpose of determining the eligibility of the employee to a deferred superannuation allowance under the *Public Service Superannuation Act*, service with the Corporation is to be recognized; and

(b) for the purpose of determining the eligibility of the employee to a pension under the Plan, service under the *Public Service Superannuation Act* is to be recognized. 1995-96, c. 15, s. 21.

Successor employer

22 The Corporation is a successor employer for purposes of the *Pension Benefits Act*. 1995-96, c. 15, s. 22.

Rights and obligations of predecessors

23 For greater certainty,

(a) all right, title and interest of the predecessor hospitals in any real or personal property or otherwise is vested in the Corporation; and

(b) the obligations and liabilities of the predecessor hospitals are the obligations and liabilities of the Corporation including all employee benefits and entitlements. 1995-96, c. 15, s. 23.

Abolition of Interim Board

24 (1) The Interim Board is abolished.

Ratification and confirmation of Board actions

(2) All actions by the Interim Board are hereby ratified and confirmed.

Indemnity of directors

(3) The directors of the Interim Board shall be indemnified by the Corporation for any liability that they incurred as members of the Special Interim Board. 1995-96, c. 15, s. 24.

Camp Hill Medical Centre Act repealed

25 (1) Chapter 50 of the Revised Statutes, 1989, the *Camp Hill Medical Centre Act*, is repealed.

Cancer Treatment & Research Foundation Act repealed

(2) Chapter 55 of the Revised Statutes, 1989, the *Cancer Treatment and Research Foundation Act*, is repealed.

N.S. Rehabilitation Centre Corporation Act repealed

(3) Chapter 316 of the Revised Statutes, 1989, the *Nova Scotia Rehabilitation Centre Corporation Act*, is repealed.

Victoria General Hospital Act repealed

(4) Chapter 491 of the Revised Statutes, 1989, the *Victoria General Hospital Act*, is repealed. 1995-96, c. 15, s. 25.

Proclamation

26 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1995-96, c. 15, s. 26.

Proclaimed (ss. 1-5, s. 6 [with

the exception of clause

6(1)(d) and ss. 6(3) and

(4)] and ss. 7-25) - February 27, 1996

In force (ss. 1-5, s. 6 [with

the exception of clause

6(1)(d) and ss. 6(3) and

(4)] and ss. 7-25) - February 27, 1996

Proclaimed clause 6(1)(d) - December 17, 1996

In force clause 6(1)(d) - December 17, 1996



This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2002 Crown in right of Nova Scotia. Created January 14, 2002. Send comments to legc.office@gov.ns.ca.



Community Colleges Act

CHAPTER 4

OF THE

ACTS OF 1995-96

amended 2002, c. 31, s. 13; 2010, c. 2, ss 93-95

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act Respecting Collège de l'Acadie and the Nova Scotia Community College

Short title

1 This Act may be cited as the Community Colleges Act. 1995-96, c. 4, s. 1.

PART I (Sections 2 to 49) repealed 2002, c. 31, s. 13.

PART II

NOVA SCOTIA COMMUNITY COLLEGE

Interpretation of Part

50 In this Part,

- (a) "auditor of the College" means an auditor appointed pursuant to Section 73;
- (b) "Board" means the Board of Governors of the College;
- (c) "College" means the Nova Scotia Community College established pursuant to this Part;

- (d) "College certificate" means a certificate granted by the Board;
- (e) "College diploma" means a diploma granted by the Board;
- (f) "Minister" means the Minister of Education and Culture;
- (g) "predecessor College" means the Nova Scotia Community College as it existed prior to the coming into force of this Part, but does not include the predecessor Collège as defined in Section 2;
- (h) "President" means the President of the College;
- (i) "program of study" means a group of courses that leads to the granting of a College diploma or College certificate;
- (j) "student" means a person enrolled in the current academic year as a student of the College;
- (k) "students' association" means a students' association of the College. *1995-96, c. 4, s. 50.*

Nova Scotia Community College

51 There is hereby established a body corporate to be known as the Nova Scotia Community College. *1995-96, c. 4, s. 51.*

Functions of College

52 The College is a post-secondary institution and is responsible for enhancing the economic and social well-being of the Province by meeting the occupational training requirements of the population and the labour market of the Province and, without restricting the generality of the foregoing, the College may

- (a) offer education and training and related services for full and part-time students;
- (b) provide education and training and related services to governments, corporations and other bodies and persons consistent with the mandate of the College, on terms and conditions the College considers appropriate;
- (c) participate in joint programs with respect to education and training and related services developed and delivered in conjunction with other post-secondary institutions and educational bodies. *1995-96, c. 4, s. 52.*

Powers of Minister respecting appointments

53 (1) The Minister may

- (a) appoint a person or a committee to review and evaluate any program or service offered by the College, the mandate of the College or any other matter relating to the development, content or delivery of a program or service by the College;
- (b) appoint a person to examine, inspect or audit the financial condition, administrative condition or any other matter related to the management and operation of the College;

(c) recommend the appointment of an administrator of the College pursuant to Section 82.

(2) For the purpose of subsection (1), a person or committee appointed by the Minister has the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act and may examine and inspect any records, documents and things in the possession or under the control of the College and make any inquiries the person or committee thinks appropriate.

(3) A person having custody of records, documents or things referred to in subsection (2) shall make them available to the person or committee appointed by the Minister at the time they are requested.
1995-96, c. 4, s. 53.

Duties of Board

54 (1) In this Section,

(a) "suspension" means the removal of one or more sections of a program of study for a definite or indefinite period or permanently;

(b) "transfer" means to move a program of study from one campus of the College to another campus of the College.

(2) The Board shall

(a) establish programs of study for the College consistent with the mandate of the College; and

(b) establish guidelines for the establishment, expansion, suspension or transfer of any program of study, service or facility of the College to ensure the orderly growth and development of the College.

(3) The programs of study and the guidelines referred to in subsection (2) shall be approved by the Minister. *1995-96, c. 4, s. 54.*

Delegation of powers by Minister

55 The Minister may delegate to any person or body of persons any of the powers, duties and functions conferred or imposed on the Minister pursuant to this Part. *1995-96, c. 4, s. 55.*

Board of Governors

56 (1) There shall be a Board of Governors of the College consisting of

(a) two students of the College elected by the students of the College;

(b) one academic staff member of the College elected by the academic staff members of the College;

(c) one administrative staff member of the College elected by the administrative staff members of the College;

(d) one support staff member of the College elected by the support staff of the College;

(e) not fewer than five and not more than seven persons nominated by the Minister; and

(f) not fewer than five and not more than seven persons appointed by the Board.

(2) The Board is the governing body of the College.

(3) When making appointments to the Board pursuant to clauses (1)(e) and (f), the Minister and the Board shall take into consideration the desirability of achieving on the Board an equitable representation of the diversity of educational and community interests served by the programs and services of the College.

(4) Before making appointments to the Board pursuant to clause (1)(e), the Minister shall request from the academic staff members of the College the name of an academic staff member to be considered for appointment to the Board by the Minister.

(5) When making appointments pursuant to clause (1)(f), the Board shall appoint members from a list of nominations put forward to the Board by a nominating committee of the Board.

(6) The majority of the members of the nominating committee referred to in subsection (4) shall be persons who are not members of the Board.

(7) In addition to the persons referred to in subsection (1), the President is an ex officio non-voting member of the Board.

(8) The members of the Board appointed pursuant to clause (1)(a) shall be appointed for a term of one year and all other members of the Board shall be appointed for a term not to exceed three years.

(9) A member of the Board continues to hold office after the expiry of the member's term until the member is re-appointed, the member's successor is appointed or a period of three months has expired, whichever first occurs.

(10) A member of the Board appointed pursuant to subsection (1) may be re-appointed but shall not hold office for more than two consecutive terms.

(11) The Board may fill a vacancy on the Board by appointing a person to fill the unexpired term of office of the former member and an appointment pursuant to this subsection is not a term of office for the purpose of subsection (9).

(12) Where a person appointed to the Board pursuant to clause (1)(a), (b), (c) or (d) ceases to be a student or an employee of the College, that person ceases to be a member of the Board.

(13) Notwithstanding subsection (11), a student appointed pursuant to clause (1)(a) who graduates before the expiration of their term of office on the Board, may remain a member of the Board until the expiration of the term of office.

(14) Where a member of the Board fails to attend three consecutive regular meetings of the Board without an excuse acceptable to the Board, the member's appointment shall be revoked by the Board.

(15) A vacancy on the Board does not impair the ability of the Board to act.

(16) Notwithstanding anything contained in this Section, the Minister shall appoint the first Board.
1995-96, c. 4, s. 56.

Reimbursement for expenses only

57 No member of the Board and no member of a committee is entitled to be reimbursed for that member's service as a member of the Board or a committee of the Board but each member of the Board or a committee of the Board is entitled to actual and reasonable expenses necessarily incurred as a member of the Board or a member of a committee, in accordance with a policy adopted by the Board. *1995-96, c. 4, s. 57.*

Quorum

58 A majority of the members of the Board constitutes a quorum. *1995-96, c. 4, s. 58.*

Chair, vice-chair and officers

59 (1) The Board shall annually elect at its first meeting from among its members a chair and a vice-chair.

(2) A person appointed pursuant to clause 56(1)(a), (b), (c) or (d) and the President are not eligible to be elected as the chair or vice-chair of the Board.

(3) A person elected as the chair or vice-chair of the Board may be re-elected to that position.

(4) In the case of the absence or incapacity of the chair or vice-chair or, where there is a vacancy in either of those offices, the Board may designate one of its members, other than a person appointed pursuant to clause 56(1)(a), (b), (c) or (d), to act as chair or vice-chair, as the case may be, on an interim basis.

(5) The chair of the Board shall only vote in the event of a tie.

(6) The Board shall appoint such officers as the by-laws of the Board may provide.

(7) Notwithstanding anything contained in this Section, the Minister shall appoint the first chair of the Board. *1995-96, c. 4, s. 59.*

President

60 (1) The Board shall appoint and determine the terms and conditions of employment of a President who shall be the chief executive officer of the College.

(2) Subject to the direction of the Board, the President is responsible for the general management and direction of the College including

(a) the policies, programs and services of the College;

(b) the business affairs of the College; and

(c) such other matters as may be delegated by the Board to the President.

(3) The term of office of the President shall not exceed five years and the President may be re-appointed.

(4) The process adopted by the Board for the appointment, review and removal of a President is subject to the approval of the Minister. *1995-96, c. 4, s. 60.*

Meetings

61 (1) The Board may make by-laws respecting the calling of its meetings, notice to Board members and the public and the conduct of business at meetings, and generally regulating the conduct of its business and affairs.

(2) By-laws of the Board made pursuant to subsection (1) shall be open to examination by the public during the normal office hours of the College.

(3) Subject to subsection (4), all meetings of the Board shall be open to the public and no person shall be excluded from a meeting except for improper conduct as determined by the Board.

(4) Nothing in this Section prevents the members of the Board from meeting in private to discuss matters related to personnel, the acquisition, sale, lease and security of property, labour relations, legal opinions and other similar matters. *1995-96, c. 4, s. 61.*

Management and control of College

62 Subject to this Part, the Board has the power to manage and control the College and its property, revenue, business and affairs. *1995-96, c. 4, s. 62.*

Duties of Board

63 (1) The Board shall

(a) provide programs of study and related services consistent with the mandate of the College;

(b) provide for the granting of certificates and diplomas;

(c) determine policies with respect to the organization, administration and operation of the College and determine policies not inconsistent with the guidelines referred to in Section 54 with respect to programs of study of the College;

(d) ensure that the business and affairs of the College are conducted in accordance with this Part;

(e) evaluate programs of study on a regular basis in accordance with guidelines approved by the Minister;

(f) be responsible, in respect of the expenditures by the Board, for the operation of the College from the funds provided and for accounting for those expenditures;

(g) meet at least four times each year and hold any other meetings that the Board considers appropriate;

(h) prepare and maintain full and accurate records of its proceedings, transactions and finances;

(i) develop and adopt conflict of interest guidelines for members of the Board and employees of the College;

- (j) establish a public tender and procurement policy;
 - (k) establish a fair hiring policy;
 - (l) establish a performance-evaluation system for employees of the College;
 - (m) establish a policy to prevent harassment and discrimination of students and employees of the College;
 - (n) subject to the approval of the Minister, establish an admissions policy for the College;
 - (o) with the approval of the Governor in Council, establish a tuition policy for the College and a schedule of tuition fees;
 - (p) establish, by by-law, procedures for the appointment of members of committees, including the chair of a committee;
 - (q) establish a policy for the reimbursement of expenses incurred by members of the Board and committees of the Board;
 - (r) make available publications of the programs of study, admission requirements and fees of the College;
 - (s) publish an annual academic report that includes student information respecting enrollment, attrition, graduation and graduate employment placement and such other information as the Minister requires;
 - (t) develop and maintain a multi-year operating plan and a multi-year capital plan; and
 - (u) at least every five years, conduct a special organizational and operational review of the College in accordance with guidelines approved by the Minister.
- (2) In establishing policies and by-laws of the College, the Board shall ensure, to the extent reasonable, that such policies and by-laws are consistent with the principles and goals of employment and educational equity. *1995-96, c. 4, s. 63.*

Powers of Board

64 The Board may

- (a) establish, suspend or transfer to another campus of the College a program of study in accordance with guidelines established pursuant to Section 54;
- (b) establish extension programs and courses other than programs of study;
- (c) provide for the discipline of students with the power to expel, suspend, fine or levy assessments for damages done to property;
- (d) provide, and facilitate the providing of, scholarships and bursaries to students;
- (e) prescribe fees, other than tuition fees for programs of study;

- (f) subject to the Government Records Act, make by-laws with respect to the preservation, destruction or disposal of records of the College;
- (g) act as a trustee of any money or property given in any manner for the support of the College or its students;
- (h) authorize the establishment of a charitable foundation, as defined in the Income Tax Act (Canada), to benefit, directly or indirectly, the College and its students;
- (i) co-operate with any college, university, school or other institution, body or person to achieve the mandate of the College;
- (j) enter into agreements for the purpose of performing its duties or exercising its powers pursuant to this Part;
- (k) by by-law, establish a procedure for the signing of cheques and other documents by mechanical or other means;
- (l) do any other thing that the Board considers necessary or advisable to carry out the mandate of the College. 1995-96, c. 4, s. 64.

Powers of Minister

65 (1) Subject to the approval of the Governor in Council and to the Finance Act, the Minister, on behalf of Her Majesty in right of the Province, may, for the purpose of establishing, maintaining, assisting, expanding, constructing or equipping facilities of the College,

- (a) purchase or otherwise acquire, hold, improve and maintain any real and personal property and lease, sell or convey the same for such consideration and on such conditions as the Minister deems proper;
 - (b) construct, improve, renovate, alter, add to, repair, extend, provide services for, move or remove any building, chattel or other thing;
 - (c) purchase or otherwise acquire control of a facility from any person on such terms and in such manner as the Minister deems proper;
 - (d) transfer to the College any real or personal property on such conditions as the Minister deems proper;
 - (e) do such things and exercise such powers as the Minister deems desirable to carry out the intent and purpose of this Part.
- (2) Such sums as are authorized by subsection (1) may be chargeable to or paid out of the Capital Account, the Special Reserve Account or the Revenue of the Province for any year or years.
- (3) Subject to the approval of the Governor in Council, the Minister may, for and on behalf of Her Majesty in right of the Province, execute all necessary agreements or other instruments whatsoever deemed necessary or desirable to carry out the intent and purpose of this Part.
- (4) The Board is bound by agreements entered into by the Minister prior to the coming into force of this

Part which, in the opinion of the Minister, are necessary or desirable to carry out the intent and purpose of this Part. *1995-96, c. 4, s. 65; 2010, c. 2, s. 93.*

Property

66 (1) The Board may

(a) purchase, lease or receive as a gift or otherwise any real or personal property that it considers necessary for the efficient operation of the College;

(b) sell, lease or otherwise dispose of any of its property that it considers to be no longer necessary for the purpose of the College.

(2) The Board shall manage, insure, maintain, repair, alter or improve any property of the College and may construct or erect on property of the College any buildings, structures or any other improvements.

(3) Where property is owned by Her Majesty in right of the Province and used by the College for the purpose of the College, the Board shall assess the need for new buildings and repairs or alterations to existing buildings and make recommendations to the appropriate Government department.

(4) Where property owned by Her Majesty in right of the Province is, in the opinion of the Board, no longer required for the purpose of the College, the Board shall notify the Minister.

(5) Where a building owned by the College and used for the purpose of the College is sold or partially or completely destroyed, the College shall pay the proceeds of any sale or insurance recovery into a special reserve fund and that fund shall only be used by the College for capital projects.

(6) The Board may enter into an agreement with a department of Government whereby the College assumes responsibility for the maintenance, repair, alteration or improvement of property of Her Majesty used for the purpose of the College.

(7) Where property of Her Majesty in right of the Province is transferred to the College to be used for the purpose of the College, all liabilities and obligations with respect to that property are the liabilities and obligations of the College. *1995-96, c. 4, s. 66.*

Program advisory committees

67 (1) The Board may establish program advisory committees for one or more programs of study offered at the College to be comprised of members appointed by the Board.

(2) The duty of a program advisory committee is to advise the Board and make recommendations to the Board regarding programs of study and new programs of study and perform such other functions as are determined by the Board. *1995-96, c. 4, s. 67.*

Campus advisory and other committees

68 (1) The Board may establish advisory committees for one or more campuses of the College to be comprised of members appointed by the Board.

(2) The duty of an advisory committee is to assist the Board to ensure that the campuses of the College

are meeting the needs of the communities and regions they serve and perform such other functions as are determined by the Board.

(3) The Board may establish other committees that the Board considers necessary for the management and operation of the College. *1995-96, c. 4, s. 68.*

President as committee member

69 The President is an ex officio, non-voting member of all committees established by the Board. *1995-96, c. 4, s. 69.*

Fiscal year of Board

70 The fiscal year of the Board is the same as the fiscal year of the Province. *1995-96, c. 4, s. 70.*

Annual estimates

71 (1) Before the beginning of each fiscal year, the Board shall prepare an annual estimate of all sums that are required for the lawful purposes of the College for the fiscal year.

(2) The annual estimate referred to in subsection (1) shall be consistent with the multi-year operating and capital plans of the College.

(3) The Board shall submit its annual estimate to the Minister for approval in the form and at the time determined by the Minister.

(4) The Minister may approve the annual estimate submitted pursuant to subsection (3) or may, after consultation with the Board, amend the estimate, and the Board shall adopt the annual estimate as approved or amended by the Minister. *1995-96, c. 4, s. 71.*

Annual report

72 (1) The Board shall, at the end of each fiscal year, prepare and submit to the Minister, by a date determined by the Minister, an annual report of the operations of the College during the preceding fiscal year and the report shall include audited financial statements of the College and any other information that the Minister requests.

(2) Upon receipt of the annual report referred to in subsection (1), the Minister shall table the report in the House of Assembly or, if the Assembly is not then sitting, with the Clerk of the Assembly. *1995-96, c. 4, s. 72.*

Auditor

73 The Board shall annually appoint a person who is a licensed public accountant or a firm in which a member is a licensed public accountant to be the auditor of the College and the auditor shall make all examinations that are, in the opinion of the auditor, necessary to enable the auditor to report accurately on the financial statements of the College and on the state of the financial affairs of the College. *1995-96, c. 4, s. 73.*

Accounts

74 The Board may establish and maintain accounts in the name of the College with a bank, trust or loan company, credit union or other similar financial institution. *1995-96, c. 4, s. 74.*

Investments

75 (1) Subject to subsections (2) and (3), the Board may, for the sound and efficient management of any money of the College, establish and adhere to investment policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments and loans to avoid undue risk of loss and to obtain a reasonable return.

(2) The Governor in Council may make regulations prescribing or prohibiting the investment of money and prescribing investments or classes of investments in which such money may be invested for the sound and efficient management of any money of the College.

(3) Nothing in this Section permits the Board to invest money received under a trust in investments that are expressly forbidden by the instrument, if any, creating the trust.

(4) For the purpose of receiving, holding, managing or applying any devised, bequest or trust under or arising out of the Will of James Barclay Hall, late of Lawrencetown in the County of Annapolis, the Board is deemed to be a trustee of the Nova Scotia College of Geographic Sciences, which facility is hereby continued as a campus of the College. *1995-96, c. 4, s. 75.*

Borrowing

76 (1) Subject to the approval of the Minister, the College may, from time to time, borrow or raise money for operating purposes by way of overdraft, line of credit, loan or otherwise upon the credit of the College.

(2) The terms and conditions of a temporary loan, overdraft or line of credit shall be determined by resolution of the Board.

(3) The payment of principal and interest on temporary borrowings pursuant to this Section may be guaranteed by Her Majesty in right of the Province on such terms as may be approved by the Governor in Council. *1995-96, c. 4, s. 76.*

Further borrowing powers

77 (1) Subject to the approval of the Governor in Council, the College may

(a) raise money by way of loan on the credit of the College and issue notes, bonds, debentures or other securities;

(b) sell or otherwise dispose of notes, bonds, debentures or other securities for such sums and at such prices as are considered expedient;

(c) raise money by way of loan on any securities;

(d) pledge or hypothecate any securities as collateral security.

(2) The powers conferred on the College pursuant to subsection (1) may be exercised

- (a) only for the repayment of notes, bonds, debentures or other securities issued by the College; or
- (b) in cases to which clause (a) does not apply, only to the extent permitted by this Part or an Act of the Legislature.
- (3) When securities are pledged or hypothecated by the College as security for a loan that is later paid off, the securities are not thereby extinguished but are still alive and may be re-issued and sold or pledged as if the former pledging had not taken place.
- (4) Notes, bonds, debentures and other securities authorized pursuant to this Section shall be in a form, bear a rate or rates of interest and be payable as to principal, interest and premium, if any, in the currency of a country or countries, at times and places and in the amounts and manner and on any other terms and conditions that the Board, with the approval of the Governor in Council, may determine.
- (5) Notes, bonds, debentures and other securities authorized pursuant to this Section shall
 - (a) be sealed with the seal of the College;
 - (b) together with any coupons, be signed by the chair of the Board and one other member of the Board; and
 - (c) be countersigned by an officer appointed by the Board for that purpose.
- (6) The seal of the College may be engraved, lithographed, printed or otherwise mechanically reproduced on a note, bond, debenture or other security, and the signature of the chair of the Board and the member of the executive committee on a note, bond, debenture or other security may be engraved, lithographed, printed or otherwise mechanically reproduced and has the same effect as if manually affixed, and any such signature is for all purposes valid and binding on the College, notwithstanding that a person whose signature is so reproduced has ceased to hold office.
- (7) A recital or declaration in a resolution or the minutes of the Board authorizing the issue or sale of notes, bonds, debentures or other securities, to the effect that the amount of notes, bonds, debentures or other securities is so authorized and is necessary to realize the net sum authorized or required to be raised by way of loan, is conclusive evidence of that fact. *1995-96, c. 4, s. 77.*

Crown guarantee

- 78 (1) The payment of the principal, interest and premium, if any, of any notes, bonds, debentures or other securities issued by the College, may be guaranteed by Her Majesty in right of the Province on such terms and in a form and manner as may be approved by the Governor in Council.
- (2) A guarantee pursuant to subsection (1) shall be signed by the Minister of Finance or such other officer or officers as may be designated by the Governor in Council and, on its being signed, Her Majesty in right of the Province is liable for the payment of the principal, interest and premium, if any, of the notes, bonds, debentures and securities guaranteed, according to the terms of the guarantee.
 - (3) The signature of the Minister of Finance or of an officer or officers for which provision is made in subsection (2) may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically reproduced signature of such a person is for all purposes valid and binding on Her Majesty in right of the Province, notwithstanding that any person whose signature is so reproduced has ceased to

hold office. 1995-96, c. 4, s. 78.

Payments by Minister

79 (1) The Minister may make payments to the College out of money appropriated by the Legislature for that purpose.

(2) Payments made to the College pursuant to subsection (1) are financial assistance for the purpose of the Auditor General Act and are subject to audit by the Auditor General. 1995-96, c. 4, s. 79.

Students' association

80 (1) For each campus of the College there may be a students' association to provide for the administration of the affairs of the students of the campus.

(2) The use of the name of the College or a campus of the College in the name of an incorporated students' association is subject to the approval of the Board. 1995-96, c. 4, s. 80.

Student activity fees

81 (1) A students' association may set student activity fees.

(2) The College may collect student activity fees and require the payment of the fees before registering a student.

(3) Student activity fees collected pursuant to subsection (2) shall be paid to the students' association of the campus to which the fees apply.

(4) A students' association shall apply the fees received pursuant to subsection (3) to the provision and promotion of such social, educational and recreational activities and services for the benefit of students as the association considers advisable. 1995-96, c. 4, s. 81.

Appointment of administrator by Government

82 (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as administrator of the College if

(a) the Board takes up a practice or tolerates a situation incompatible with the mandate of the College or this Part;

(b) in the opinion of the Minister, financial or significant operational problems exist with respect to the College; or

(c) in the opinion of the Minister, it is otherwise in the public interest to do so.

(2) The administrator appointed pursuant to subsection (1) shall be paid the remuneration and expenses that the Governor in Council determines and payment shall be made out of the funds of the College. 1995-96, c. 4, s. 82.

Effect of appointment

83 (1) On the appointment of an administrator pursuant to this Part, the appointments of the members of the Board terminate.

(2) During the period of the administrator's appointment, the administrator is the sole member of the Board and, in the name of the Board, may exercise the powers and perform the duties of the Board.

(3) The administrator shall act in accordance with any directions given by the Minister.

(4) The President is subject to the direction of the administrator.

(5) Where the office of President is or becomes vacant during the appointment of an administrator, the requirement to appoint a President is suspended, and while the office of President is vacant, the administrator shall perform the duties and exercise the powers otherwise vested in the President. *1995-96, c. 4, s. 83.*

Disestablishment of Board

84 (1) The Governor in Council may, on the recommendation of the Minister, order the disestablishment of the Board on terms and conditions, and with a disposition of assets and liabilities, that the Governor in Council deems appropriate.

(2) On disestablishment of the Board pursuant to subsection (1),

(a) all the rights and property of the Board become the rights and property of Her Majesty in right of the Province; and

(b) all debts and obligations of the Board become debts and obligations of Her Majesty. *1995-96, c. 4, s. 84.*

Execution of documents

85 Documents required to be in writing and to which the Board is a party are properly executed if the corporate name is witnessed by the signatures of

(a) the chair of the Board or another person authorized by the Board; and

(b) an officer of the College authorized by the Board. *1995-96, c. 4, s. 85.*

Immunity from liability

86 (1) No action or other proceeding for damages lies or shall be instituted against the Board, a member of the Board, the President or an officer or employee of the College or an agent of the College for an act or omission done in good faith in the execution or intended execution of any power or duty pursuant to this Part or the regulations.

(2) No action or other proceeding for damages lies or shall be instituted against the President, a member of the Board or any person acting under the direction of the President or a member of the Board for a debt, liability or obligation of the College or the Board.

(3) No action or other proceeding for damages lies or shall be instituted against the College, the Board

or any member of the Board or an administrator, officer or employee of the College, in respect of an act or omission of a student or students, whether organized as a students' association or not, arising out of any association or activity organized, managed, controlled or done, in whole or in part, by a student or students. 1995-96, c. 4, s. 86.

Transitional provisions respecting employees except teachers

87 (1) In this Section, "employee at the predecessor College" means a person employed at the predecessor College and appointed in accordance with the Civil Service Act or employed by the Minister, excluding teachers employed under a collective agreement in force under the Teachers' Collective Bargaining Act.

(2) On the coming into force of this Section,

(a) every employee at the predecessor College ceases to be a person appointed in accordance with the Civil Service Act or a person employed by the Minister and becomes an employee of the College;

(b) each bargaining unit in the civil service that includes employees of the College is and is deemed to be two separate bargaining units, namely

(i) a non-civil service bargaining unit composed of the members of the bargaining unit who are employees of the College, and

(ii) a civil service bargaining unit composed of the members of the bargaining unit who are not employees of the College,

and the collective agreements so affected are deemed to be amended accordingly and shall be given effect as if the bargaining units were always separate;

(c) the Civil Service Act and regulations made pursuant to that Act and the Civil Service Collective Bargaining Act do not apply to employees of the College;

(d) policies and procedures applicable to civil servants do not apply to employees of the College, except to the extent that they are adopted by the College;

(e) subject to clauses (a) and (b) and notwithstanding clauses (c) and (d), every employee of the College who was an employee at the predecessor College is employed by the College on the same or equal terms and conditions as to salary and benefits as those under which the employee was an employee at the predecessor College and until changed by collective agreement or contract of employment; and

(f) the College and employees of the College covered by a collective agreement concluded pursuant to the Civil Service Collective Bargaining Act and their bargaining agent are bound by the collective agreement as if the College were party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the Trade Union Act by a bargaining agent certified pursuant to that Act.

(3) In clause (2)(e), "benefits" means benefits contained in a collective agreement or contract of employment.

(4) Every employee of the College who was an employee at the predecessor College is deemed to have

been employed by the College for the same period of employment that the employee was credited with as an employee at the predecessor College.

(5) For greater certainty,

(a) nothing in this Section means or shall be construed to mean that there has been a termination of employment of an employee at the predecessor College; and

(b) benefits accumulated by an employee at the predecessor College during the period of employment that the employee was credited with as an employee at the predecessor College are vested in the employee and the employee is entitled to receive those benefits from the College. *1995-96, c. 4, s. 87.*

Transitional provisions respecting teachers

88 (1) In this Section, "teacher" means a person employed at the predecessor College by the Minister under a collective agreement in force under the Teachers' Collective Bargaining Act.

(2) On the coming into force of this Section,

(a) every teacher ceases to be an employee of the Minister and becomes an employee of the College;

(b) the Teachers' Collective Bargaining Act does not apply to employees of the College;

(c) subject to this Section, every teacher is employed by the College on the same or equal terms and conditions as to salary and benefits as those under which the teacher was an employee of the Minister immediately before the coming into force of this Section and until changed by collective agreement; and

(d) the College, teachers and the bargaining agent for teachers are bound by the collective agreement concluded pursuant to the Teachers' Collective Bargaining Act as if the College were party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the Trade Union Act by a bargaining agent certified pursuant to that Act.

(3) In clause (2)(c), "benefits" means benefits contained in a collective agreement or contract of employment.

(4) Every teacher of the College who was an employee at the predecessor College is deemed to have been employed by the College for the same period of employment that the teacher was credited with as an employee of the Minister.

(5) For greater certainty,

(a) nothing in this Section means or shall be construed to mean that there has been a termination of employment of a teacher at the predecessor College; and

(b) benefits accumulated by a teacher while employed by the Minister at the predecessor College are vested in the teacher and the teacher is entitled to receive those benefits from the College. *1995-96, c. 4, s. 88.*

Further transitional provisions

89 (1) For greater certainty, the College is a transferee for the purpose of Section 31 of the Trade Union Act and, without limiting the generality of the foregoing,

(a) the College is bound by successor rights as determined pursuant to the Trade Union Act; and

(b) subject to the Trade Union Act, the College and persons previously employed at the predecessor College under collective agreements, are bound by the collective agreements as if the College were a party to those agreements.

(2) The Public Sector Compensation (1994-97) Act applies to the College and members and employees of the College except that, notwithstanding subsection 3(4) of that Act,

(a) Section 23 of that Act does not apply;

(b) the Labour Relations Board may exercise all of its powers under the Trade Union Act but the total effect of any changes to collective agreements shall not increase the total cost of all compensation in respect of all employees to whom the collective agreements changed apply and the pay rates, as defined by the Public Sector Compensation (1994-97) Act, are not more than permitted by that Act; and

(c) no change shall be made in a collective agreement without the approval of the Labour Relations Board in accordance with clause (b).

(3) Where the Labour Relations Board, in applying subsection (1) or (2), determines that those employees, of the College, who were not previously included in a bargaining unit that includes employees at the predecessor College are to be included in a bargaining unit of the College, those employees are deemed to have seniority credits with the College equal to the employment service they had with the predecessor College or that they were credited with as employees at the predecessor College.

(4) The right of an employee at the predecessor College to employment with the College in a bargaining unit position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee is deemed to have seniority credits with the College equal to the service that the employee was credited with as an employee at the predecessor College.

(5) In subsections (3) and (4), "employee" means an employee as defined in Section 2 of the Trade Union Act but, for greater certainty, does not include those described in subsection 2(2) of that Act.

(6) Where, in the opinion of the Minister of Labour, the workload of the Labour Relations Board requires additional members, the Governor in Council may, in addition to the Vice-chair appointed pursuant to subsection 16(4) of the Trade Union Act, appoint additional members and vice-chairs to the Labour Relations Board for such period of time as is set out in the appointment.

(7) An appointment pursuant to subsection (6) does not increase the quorum of the Labour Relations Board. 1995-96, c. 4, s. 89.

Section 71 of Labour Standards Code

90 Notwithstanding any other provision of this Part, Section 71 of the Labour Standards Code does not apply to a period of employment with the predecessor College. 1995-96, c. 4, s. 90.

(a) such employee at the predecessor College is deemed to continue to be a person employed as a

teacher for all purposes of the Teachers' Pension Act;

(b) the College shall deduct from the salary of each employee at the predecessor College such amount as is directed by the Governor in Council to be deducted and shall pay the same to the Minister of Finance, and such amounts when so received shall be paid into and form part of the Fund; and

(c) where by the Teachers' Pension Act a matching payment is directed to be made into the Fund by the Government or the Minister of Finance or where by that Act a pension or benefit or other sum is directed to be paid out of the General Revenue Fund of the Province, then, in respect of an employee at the predecessor College, the payment, pension or benefit or other sum shall be paid by the College and shall form part of the annual expenses of the College. *1995-96, c. 4, s. 93; 2010, c. 2, s. 95.*

Membership in Superannuation Plan

94 A person who becomes an employee of the College, on or after the coming into force of Sections 92 and 93, is a member of the Public Service Superannuation Plan unless that person is a teacher as defined in the Teachers' Pension Act, in which case, that person is a member of the Teachers' Pension Plan and Sections 92 and 93 apply mutatis mutandis. *1995-96, c. 4, s. 94.*

Membership in pension plan

95 (1) Notwithstanding Sections 92, 93 and 94, where, after July 31, 1998, in accordance with an agreement between the College and bargaining agents representing employees of the College, the College establishes a pension plan for the employees of the College

(a) a person who becomes an employee of the College after July 31, 1998, is a member of the pension plan;

(b) all employees of the College on July 31, 1998, who are members of the Public Service Superannuation Fund continue to be employees within the meaning of the Public Service Superannuation Act unless they elect, in writing in the form approved by the Superintendent of Pensions, to become members of the pension plan; and

(c) all employees of the College on July 31, 1998, who are members of the Teachers Pension Fund continue to be members of the Teachers' Pension Fund unless they elect, in writing in the form approved by the Superintendent of Pensions, to become members of the pension plan.

(2) Where an employee of the College does not make an election pursuant to clauses (1)(b) or (c), Sections 92, 93 and 94 continue to apply with respect to that employee after the expiry of the time for making the election.

(3) Where an employee at the College elects pursuant to subsection (1) to become a member of the pension plan,

(a) for the purpose of determining the eligibility of the employee to a deferred superannuation allowance or deferred pension under the Public Service Superannuation Act or the Teachers' Pension Act, as the case may be, service with the College is to be recognized; and

(b) for the purpose of determining the eligibility of the employee to a pension under the pension plan, service under the Public Service Superannuation Act or the Teachers' Pension Act, as the case may be, is

to be recognized.

(4) The College is a successor employer for purposes of the Pension Benefits Act. *1995-96, c. 4, s. 95.*

Powers of Minister pending appointment of Board

96 Notwithstanding anything contained in this Part, until the first Board is appointed pursuant to this Part, the Minister shall exercise all of the powers and duties of the Board under this Part. *1995-96, c. 4, s. 96.*

Regulations

97 (1) The Governor in Council may make regulations

(a) defining any word or expression used but not defined in this Part;

(b) the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. *1995-96, c. 4, s. 97.*

PART III

REPEAL AND PROCLAMATION

Nova Scotia Community College Act repealed

98 Chapter 495 of the Revised Statutes, 1989, the Nova Scotia Community College Act, is repealed. *1995-96, c. 4, s. 98.*

Proclamation

99 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. *1995-96, c. 4, s. 99.*

Proclaimed (Except ss. 39 to 47 and 87 to 95) - April 2, 1996
In force (Except ss. 39 to 47 and 87 to 95) - April 1, 1996

Proclaimed ss. 87 to 95 - January 7, 1997
In force ss. 87 to 95 - January 7, 1997





Health Authorities Act

CHAPTER 6

OF THE

ACTS OF 2000

amended 2001, c. 49, ss. 6-8; 2004, c. 4, s. 114; 2005, c. 20; 2007, c. 10, s. 4

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act to Provide for Community Health Boards and District Health Authorities and Respecting Provincial Health-care Centres

Short title

1 This Act may be cited as the Health Authorities Act. 2000, c. 6, s. 1.

Interpretation

2 In this Act,

- (a) "board of directors" means the board of directors of a district health authority;
- (b) "Capital District Health Authority" means the district health authority for the Capital Health District;
- (c) "Capital Health District" means the health district referred to in subsection 4(2);
- (d) "community" means the area for which a community health board has been established or continued pursuant to this Act;
- (e) "community health board" means a community health board established or continued pursuant to this

Act;

(f) "community health plan" means a plan for community-based health services and the improvement of the health of the community that is to be considered by a district health authority in the development of health-services business plans;

(g) "community-based health services" means health-care services that can be provided to people in their communities and includes health education, health promotion, disease prevention, mental-health services, emergency health services, addiction services, public-health services, home care, long-term care, rehabilitation services, palliative-care services and treatment for illness and injury in relation to primary care;

(h) "district health authority" means a district health authority established for a health district by the regulations and includes the Nova Scotia Hospital and a provincial health-care centre except where provided otherwise in this Act;

(i) "foundation" means a foundation established by any enactment, trust or agreement with respect to a hospital;

(j) "health district" means a health district established pursuant to this Act;

(k) "health services" include services provided through hospitals and other health-care institutions, public-health services, addiction services, emergency health services, mental-health services, home-care services, long-term care and such other health services as the Minister may from time to time prescribe;

(l) "hospital" means a hospital as defined in the Hospitals Act;

(m) "IWK" means the Izaak Walton Killam Health Centre;

(n) "Minister" means the Minister of Health;

(o) "provincial health-care centre" means a hospital referred to in Section 65;

(p) "Queen Elizabeth II" means the Queen Elizabeth II Health Sciences Centre;

(q) "regional health board" means a regional health board established pursuant to the Regional Health Boards Act that is repealed by this Act;

(r) "voting member" means a member of a board of directors appointed pursuant to clause 11(a). 2000, c. 6, s. 2; 2001, c. 49, s. 6.

Supervision and management of Act

3 The Minister is responsible for the general supervision and management of this Act. 2000, c. 6, s. 3.

DISTRICT HEALTH AUTHORITIES

Health districts

4 (1) The Governor in Council may, by the regulations, designate one or more areas of the Province as a

health district under the name determined by the Governor in Council in those regulations.

(2) One health district, to be called the Capital Health District, shall include the locations of the Nova Scotia Hospital, the IWK and the Queen Elizabeth II. *2000, c. 6, s. 4; 2001, c. 49, s. 8.*

Alteration of areas

5 (1) The Governor in Council may, by the regulations, alter the boundaries of a health district.

(2) The Governor in Council may, by the regulations, annex the whole or any part of a health district to another health district. *2000, c. 6, s. 5.*

District health authorities

6 (1) The Governor in Council may, by the regulations, establish a district health authority to govern and manage the delivery of those health services in a health district for which it has been made responsible pursuant to this Act.

(2) Each district health authority is a body corporate under the name determined by the Governor in Council in the regulations.

(3) The district health authority for the Capital Health District shall be called the Capital District Health Authority. *2000, c. 6, s. 6.*

Reorganization

7 The Governor in Council may divide, amalgamate with another district health authority or reconstitute a district health authority established pursuant to this Act in accordance with the regulations. *2000, c. 6, s. 7.*

Powers of authority

8 A district health authority has the capacity and, subject to this Act, the rights, powers and privileges of a natural person. *2000, c. 6, s. 8.*

Relationship with Crown

9 (1) A district health authority is not an agent of Her Majesty in right of the Province.

(2) A person employed or engaged by a district health authority is not an officer, servant or agent of Her Majesty in right of the Province.

(3) Nothing in subsection (2) affects the application of the Public Service Superannuation Act to any person. *2000, c. 6, s. 9.*

Board of directors

10 (1) The administration, management, general direction and control of the affairs of a district health authority are vested in a board of directors for that authority appointed by the Minister.

(2) The persons who from time to time are appointed to the board of directors of a district health authority are the members of the corporation. *2000, c. 6, s. 10.*

Constitution of board

11 A board of directors consists of

(a) the number of voting members specified in the regulations respecting the district health authority,

(i) one third of whom shall be appointed by the Minister, and

(ii) two thirds of whom shall be appointed by the Minister from among persons nominated by community health boards pursuant to Section 52; and

(b) such number of non-voting members as the Minister may appoint. *2000, c. 6, s. 11.*

Chair

12 The chair of a board of directors shall be appointed by the Minister from among the voting members of the board. *2000, c. 6, s. 12.*

Disqualification

13 (1) No person is qualified to be nominated or to serve as a member of a board of directors who is a member of

(a) the House of Commons or the Senate of Canada;

(b) the House of Assembly;

(c) a council of a regional municipality, an incorporated town or a municipality of a county or district; or

(d) a school board.

(2) Subject to subsection (3), no more than three of the maximum permitted number of voting members of a board of directors may be individuals who hold office or employment in the service of the district health authority or any hospital or service operated by the authority or who have privileges at any hospital in the health district.

(3) Where the regulations respecting a district health authority provide for more than twelve voting members on a board of directors, the Minister may provide in the regulations made by the Minister that more than three of the voting members may be individuals who hold office or employment in the service of the authority or any hospital or service operated by the authority or who have privileges at any hospital in the health district. *2000, c. 6, s. 13.*

Term of office

14 (1) The members of a board of directors hold office for the term provided by the regulations respecting the district health authority or, where the regulations do not specify the term, for the term provided in their appointments.

(2) Notwithstanding subsection (1), members of a board of directors hold office until such time as their successors are appointed, even if such appointments do not occur until after their terms of office have expired.

(3) The Minister may, where the Minister considers there is cause or incapacity, remove or suspend any member of a board of directors and may re-appoint, reinstate or replace that member, whether the member's term has expired or not. *2000, c. 6, s. 14.*

Restriction on payments to members

15 (1) Subject to subsection (2), members of a board of directors shall not receive any honoraria or other remuneration for their activities as members.

(2) Subject to the regulations and to any more restrictive policy adopted by a board of directors, the members of the board may be reimbursed by the district health authority for the reasonable expenses necessarily incurred by them in the performance of their duties. *2000, c. 6, s. 15.*

Quorum

16 A majority of the voting members appointed to a board of directors is a quorum of the board. *2000, c. 6, s. 16.*

Effect of vacancy

17 A vacancy in the membership of a board of directors does not impair the ability of the remaining members to act. *2000, c. 6, s. 17.*

Public forums

18 A board of directors shall conduct at least two public forums in the health district in each year for the purpose of providing information on the operations and activities of the district health authority and seeking input from the public. *2000, c. 6, s. 18.*

Objects of district health authority

19 The objects of a district health authority are

(a) to govern, plan, manage, monitor, evaluate and deliver health services in a health district in accordance with this Act and any other enactment in order to

(i) maintain the most beneficial allocation of health-care resources,

(ii) avoid duplication of health services, and

(iii) meet the needs of the health district,

having regard to policies, directives and standards established pursuant to this Act; and

(b) to endeavour to maintain and improve the health of the residents of the health district. *2000, c. 6, s. 19.*

Duties of district health authority

20 A district health authority shall

- (a) determine priorities in the provision of health services in the health district and allocate resources accordingly;
 - (b) implement the health-services business plan for the health district approved pursuant to Section 59;
 - (c) recommend to the Minister which health services should be available in all health districts;
 - (d) identify to the Minister those organizations or persons that should be responsible for the delivery of the health services referred to in clause (c);
 - (e) participate in the development of and implementation of Provincial health policies and standards, Provincial health-information systems, Provincial human-resource plans for the health system and other Provincial health-care system initiatives;
 - (f) provide information to the public about health care and the health-care system and the operations and activities of the authority; and
 - (g) carry out other such responsibilities as the Minister may assign or as are prescribed by regulations.
- 2000, c. 6, s. 20.*

Duty to report

21 (1) A district health authority shall, in the form and with the content required by the Minister, provide to the Minister

- (a) monthly and quarterly financial statements;
 - (b) audited year-end financial statements and any management letters issued by auditors;
 - (c) such information as is required by the Minister for the purpose of the monitoring and evaluation of the quality, accessibility and comprehensiveness of health services; and
 - (d) such other reports as are required by the Minister.
- (2) A district health authority shall prepare, in relation to each fiscal year, an annual report that includes
- (a) the audited financial statements of the authority for that fiscal year; and
 - (b) a report on the results achieved by the authority with respect to any performance objectives established for the authority, including those established in an approved health-services business plan for that fiscal year.
- (3) A district health authority shall submit the annual report referred to in subsection (2) to the Minister no later than September 1st following the end of the fiscal year to which it relates.
- (4) The Minister shall table the annual report in the House of Assembly within fifteen days after

receiving it or, if the Assembly is not then sitting, within fifteen days after the Assembly next sits.

(5) The Minister may, from time to time, establish different deadlines for the provision of the reports, statements, letters and other information required pursuant to subsections (1) to (3) and may extend any of the deadlines. *2000, c. 6, s. 21.*

Ministerial by-laws

22 (1) The Minister shall make by-laws with respect to the conduct and management of the affairs of a district health authority including, without limiting the generality of the foregoing, by-laws

- (a) respecting the appointment, removal, functions and duties of officers, agents and servants of the authority;
- (b) establishing standing and special committees of the board of directors;
- (c) respecting the delegation of powers and duties to officers and committees;
- (d) designating banking authorities and signing officers;
- (e) respecting the conflict of interest of members;
- (f) governing the calling of meetings of the board and the rules of procedure at such meetings; and
- (g) respecting the management and administration of the board and associated institutions.

(2) Subject to the approval of the Minister, the board of directors for a district health authority may amend by-laws made respecting that authority pursuant to subsection (1). *2000, c. 6, s. 22.*

Ministerial by-laws

23 The Minister shall make by-laws

- (a) respecting the granting, variation, suspension and revocation of medical staff privileges; and
- (b) establishing a Provincial Appeal Board that shall make final decisions respecting the granting of credentials, privileges and membership in the medical staff of the board generally, including, without limiting the generality of the foregoing, the granting, variation, suspension of such privileges or membership and the discipline of members of the medical staff. *2000, c. 6, s. 23.*

District health authority by-laws

24 (1) Subject to the approval of the Minister, a district health authority may make by-laws respecting medical staff including, without limiting the generality of the foregoing, by-laws respecting

- (a) the membership of a medical advisory committee;
- (b) categories of physician privileges;
- (c) the duties and functions of senior medical officers appointed by the authority; and

(d) the rules and regulations governing medical staff.

(2) Where there is a conflict between by-laws made pursuant to Section 23 and by-laws made pursuant to subsection (1), those made pursuant to Section 23 prevail.

(3) Where the district health authority has not made by-laws pursuant to subsection (1), the Minister may, if the Minister considers it advisable, make the by-laws referred to in that subsection.

(4) Where the Minister makes by-laws pursuant to subsection (3), the district health authority may amend those by-laws subject to the approval of the Minister.

(5) Where, on the coming into force of this Act, by-laws respecting the matters referred to in Section 23 and subsection (1) have been made by

(a) the Nova Scotia Hospital;

(b) the Queen Elizabeth II;

(c) the IWK;

(d) the Cape Breton Regional Hospital;

(e) the Glace Bay Healthcare System Corporation;

(f) the New Waterford Consolidated Hospital Commission; or

(g) the Northside Harbor View Hospital,

those by-laws remain in effect until such time as they are replaced with other by-laws by regulations made pursuant to clause 84(1)(j).

(6) Notwithstanding subsection 22(2) and subsection (1), the Minister may revoke and replace any of the by-laws made pursuant to Sections 22 and 23 and subsection (1), either in whole or in part.

(7) For greater certainty, by-laws made pursuant to subsection 24(2) and subsection (1) have no effect until approved by the Minister. *2000, c. 6, s. 24; 2001, c. 49, s. 8.*

Committees

25 (1) A board of directors may establish advisory and other committees to assist the board in carrying out its responsibilities, including any committees it considers necessary to ensure adequate opportunity for consultation and participation by the public with respect to health services provided by the district health authority.

(2) Committee members need not be members of the board of directors. *2000, c. 6, s. 25.*

Exemption from personal liability

26 No member of a board of directors is personally liable for anything done or omitted to be done or for any neglect or default in the bona fide exercise or purported exercise in good faith of a power conferred

upon the member by this Act. 2000, c. 6, s. 26.

Fiscal year

27 The fiscal year of a district health authority begins on April 1st and ends on March 31st in the following year. 2000, c. 6, s. 27.

Powers with respect to property

28 (1) A district health authority may, for the purpose of providing health services in the health district,

- (a) acquire, hold, operate and maintain real and personal property; and
- (b) subject to this Act, lease, sell or convey any real or personal property.

(2) Where a district health authority determines that real property formerly owned by a hospital is no longer useful for the purpose of the authority, the authority shall convey the real property, subject to any lien, mortgage or other charge to which it was subject when acquired by the authority pursuant to this Act, to any municipalities, foundations, trustees or other group or person to whom the property would have been transferred upon the dissolution of the hospital but for this Act.

(3) The property of a district health authority is exempt from taxation pursuant to any Act of the Legislature. 2000, c. 6, s. 28.

Further powers

29 A district health authority may

- (a) execute and carry out any trusts respecting real or personal property that is donated, devised, bequeathed, granted, conveyed or given to the authority;
- (b) make, accept, draw, execute, issue and endorse bills of exchange, cheques, promissory notes, hypothecations or other instruments necessary or convenient in the conduct of the business of the authority;
- (c) subject to this Act and to the Trustee Act, invest money received by it;
- (d) subject to this Act, erect, maintain, improve, repair or alter buildings for its purpose;
- (e) retain any investment, bequest, devise or gift in the form in which it comes into its hands for as long as it considers proper and may invest the proceeds;
- (f) subject to this Act, hold any real or personal property subject to and upon any trusts, terms or conditions imposed in the acquisition of it. 2000, c. 6, s. 29.

Restriction on expenditures

30 A district health authority shall not make any expenditure for the acquisition of capital items unless the acquisition is provided for in a capital plan in a health-services business plan approved pursuant to Section 59 or has the prior written approval of the Minister. 2000, c. 6, s. 30.

Further restriction on expenditures

31 (1) A district health authority shall not plan for or, in any fiscal year, incur or make expenditures that will result in the total of operating expenditures and capital expenditures from revenue exceeding the total of its revenues from all sources in that fiscal year.

(2) Notwithstanding subsection (1), an amount in excess of revenue may be expended in a fiscal year for operating expenditures and capital expenditures if the district health authority has entered into an agreement with the Minister providing that the amount will be replaced during the following fiscal year.

(3) Where operating expenditures, including capital expenditures, from revenue for a fiscal year exceed total revenue from all sources for that year, the resulting deficit as shown on the annual financial statements of the district health authority for that fiscal year shall be recovered, no later than the end of the fiscal year following the fiscal year in which the deficit occurred, by a reduction in expenditures or an increase in revenue, or both. *2000, c. 6, s. 31.*

Treatment of surplus

32 Where a district health authority realizes a budget surplus at the end of a fiscal year, the Minister may authorize the authority to retain all or a part of the surplus on such terms and conditions as the Minister considers appropriate. *2000, c. 6, s. 32.*

Restriction on borrowing

33 (1) A district health authority may not borrow except in accordance with subsection (2) or the provisions of a health-services business plan approved pursuant to Section 59 or with the prior written approval of the Minister.

(2) A district health authority may borrow to cover the working capital requirements of the annual current expenditure of the authority included in the budget contained in the health-services business plan for the year, approved pursuant to Section 59, or with the prior written approval of the Minister.

(3) Any borrowing carried out by a district health authority is on the account of the Province except for borrowing for working capital, which is the responsibility of the authority. *2000, c. 6, s. 33.*

Auditor

34 (1) A board of directors shall appoint a person or firm licensed as a public accountant pursuant to the Public Accountants Act to be the auditor of the district health authority.

(2) A board of directors may, with the consent of the Auditor General, appoint the Auditor General to be the auditor of the district health authority on such terms as to compensation as the board and the Auditor General may agree.

(3) The auditor shall report to the board of directors on all accounts and funds administered by the board and all accounts and funds where the control is apparent or implied in the board.

(4) The audited statements of the district health authority shall contain the information and be in the form required by the Minister.

(5) The audited statements and the auditor's report shall be filed with the board of directors and the Minister on or before July 1st in each year or such other date as the Minister may approve.

(6) The auditor shall report any management letter and any communication detailing weaknesses in internal control, deficiencies in management information systems or other areas requiring attention for improvement, including all audit reports and the auditor's observations and recommendations to management relating to the audit activity, to the board of directors and to the Minister. 2000, c. 6, s. 34.

Rights of auditor

35 (1) The auditor shall have access at all times to the books, accounts and records of the district health authority and is entitled to require from the employees of the authority such information and explanations as may be necessary for the performance of the auditor's duties.

(2) The employees of a district health authority shall promptly provide access, information and explanations to the auditor when requested. 2000, c. 6, s. 35.

Power of Minister to order audit or review

36 (1) The Minister may at any time direct an audit or review of a district health authority or any program, facility or service of an authority by a person appointed by the Minister.

(2) The person appointed by the Minister to make an audit or review shall, for that purpose, have free access to all health records, books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the district health authority. 2000, c. 6, s. 36.

Audit committee

37 (1) A board of directors shall annually appoint an audit committee.

(2) The responsibilities of an audit committee include

- (a) detailed review of the financial statements of the district health authority with the auditor;
- (b) evaluation of internal control systems and any management letter with the auditor;
- (c) review of the conduct and adequacy of the audit;
- (d) such other matters as may be prescribed by the board of directors;
- (e) such matters arising out of the audit as may appear to the committee to require investigation; and
- (f) such additional matters as may be prescribed as duties of an audit committee. 2000, c. 6, s. 37.

COMMUNITY HEALTH BOARDS

Continuation of existing boards

38 (1) The community health boards established pursuant to the Regional Health Boards Act are continued and shall serve as community health boards pursuant to this Act.

(2) The Minister shall, after consulting community health boards, determine which of the continued community health boards mentioned in subsection (1) shall operate under each district health authority.

(3) For the purpose of subsection (2), the Minister may determine that a continued community health board operates under more than one district health authority. *2000, c. 6, s. 38.*

Power to establish boards

39 (1) A district health authority may establish community health boards in addition to those continued pursuant to Section 38.

(2) The district health authority shall, subject to any guidelines and criteria established by the Minister in the regulations, appoint the initial members of a community health board established pursuant to subsection (1) after such consultation with the residents of the community as the authority considers appropriate.

(3) One third of the initial membership shall be appointed for a term of two years, one third shall be appointed for a term of three years, and the remaining one third shall be appointed for a term of four years. *2000, c. 6, s. 39.*

Membership

40 There shall be a minimum of nine and a maximum of fifteen members of a community health board unless otherwise prescribed in the by-laws for the district health authority. *2000, c. 6, s. 40.*

Qualification for membership

41 Each member of a community health board shall be ordinarily resident within the boundaries of the community. *2000, c. 6, s. 41.*

Terms of office

42 (1) Subsequent members of a community health board, whether continued pursuant to Section 38 or established pursuant to Section 39, shall serve a term of three years and shall be selected under an open and transparent selection process determined by the community health board in accordance with guidelines and criteria established by the Minister in the regulations.

(2) and (3) repealed 2007, c. 10, s. 4.

2000, c. 6, s. 42; 2007, c. 10, s. 4.

Boundaries

43 A district health authority may, subject to the Minister's approval, determine or alter the boundaries of the community for which a community health board is responsible. *2000, c. 6, s. 43.*

Chair

44 A community health board shall select its chair from among its members. *2000, c. 6, s. 44.*

Restriction

45 A community health board shall not govern or manage the delivery of health services. 2000, c. 6, s. 45.

No corporate status

46 A community health board is not a body corporate. 2000, c. 6, s. 46.

Reimbursement of members

47 Subject to the regulations and to any more restrictive policy adopted by the district health authority, the members of a community health board may be reimbursed by the authority for the reasonable expenses necessarily incurred by them in the performance of their duties. 2000, c. 6, s. 47.

Duties

48 A community health board shall

- (a) foster community development that encourages the public to actively participate in health planning and service delivery;
- (b) construct a community profile that identifies the deficiencies and strengths of the community with respect to factors that affect health, including income and social status, social support networks, education, employment, physical environments, inherited factors, personal health practices and coping skills, child development and health services in the community;
- (c) prepare and maintain an inventory of community-based health services delivered in the community;
- (d) assess community health needs and community-based health services in relation to those needs;
- (e) subject to the approval of the district health authority, make by-laws;
- (f) provide such other advice and assistance that the district health authority requests;
- (g) manage, or assist in the management of, community development grants on behalf of the Minister or the district health authority, or with the approval of the Minister or the district health authority; and
- (h) perform such other functions as the Minister may authorize in the regulations. 2000, c. 6, s. 48.

Advisory committees

49 A community health board may establish advisory committees. 2000, c. 6, s. 49.

Power to provide certain services

50 (1) The district health authority shall provide a community health board with administrative support services and technical health-planning support services.

(2) The district health authority may enter into contracts with any person for the purpose of subsection

(1). 2000, c. 6, s. 50.

Exemption from personal liability

51 No member of a community health board is personally liable for anything done or omitted to be done or for any neglect or default in the bona fide exercise or purported exercise in good faith of a power conferred upon that member of the community health board by this Act. 2000, c. 6, s. 51.

Nominating committee

52 (1) Whenever requested to do so by the Minister, the community health boards in a health district shall strike a nomination committee including the chair or designate of each community health board for the purpose of preparing a list of nominees for appointment to the board of directors of the district health authority pursuant to subclause 11(a)(ii), and shall submit the list of nominees to the Minister by the date requested.

(2) In selecting nominees, the nomination committee shall use an open and transparent process in accordance with guidelines and criteria established by the Minister in the regulations, and shall have regard to the need for broad representation of communities in preparing the list of nominees.

(3) The Minister may request the nominating committee struck pursuant to subsection (1) to prepare and submit lists of additional nominees where the Minister considers it necessary to have a larger group of nominees to consider.

(4) This Section does not affect the Minister's power to appoint the full membership of a board of directors on an interim basis pursuant to subsection 63(4). 2000, c. 6, s. 52.

Power to dissolve

53 Subject to the approval of the Minister, a board of directors may dissolve a community health board in the health district if the board of directors considers it appropriate and two thirds of those voting members who are present and voting at a special meeting held for the purpose of dissolving the community health board vote in favour of the dissolution. 2000, c. 6, s. 53.

COMMUNITY HEALTH PLANS

Duty to develop plan

54 (1) A community health board shall develop a community health plan for each fiscal year of the district health authority, provide it to the district health authority of the health district and support the implementation at the community level of those components of the community health plan that are incorporated into the health-services business plan approved pursuant to Section 59.

(2) The community health plan shall include

(a) recommended priorities for the delivery of community-based health services;

(b) a demonstration that the recommended priorities have been established through community consultation;

(c) provisions identifying and making recommendations for the elimination of any unnecessary duplication of health services between district health authorities; and

(d) a list of the initiatives recommended by the community health board for the improvement of the health of the community.

(3) For the purpose of assisting the community health board to make recommendations pursuant to clause (2)(a), the district health authority shall make available to the community such information that will assist the community health board in assessing the financial feasibility of implementing the recommendations. *2000, c. 6, s. 54.*

Further duties respecting plans

55 A district health authority shall ensure that community health plans are developed by community health boards and considered in the preparation of the health-services business plan. *2000, c. 6, s. 55.*

HEALTH-SERVICES BUSINESS PLANS

Health-services business plans

56 (1) Each district health authority shall prepare a health-services business plan for each fiscal year.

(2) The health-services business plan prepared by each district health authority is subject to the approval of the Governor in Council and shall not be implemented until the Governor in Council has approved it.

(3) A health-services business plan shall include

(a) a district health services component covering the level and mix of health services needed in the health district and how and where health services are to be provided in the district;

(b) a district human resources component for district health services to ensure the availability of a proper mix of human resources to support health services;

(c) a district financial component to ensure the application of available financial resources to achieve district objectives and deliver health services;

(d) a community health board support and development component outlining the district health authority's plan to support the activities of the community health boards; and

(e) a capital plan that shall include

(i) a facilities management plan,

(ii) an explanation of the manner in which the capital that is proposed to be acquired relates to the delivery of health services, and

(iii) a description of capital items that the district authority intends to acquire or otherwise deal with, whether under the authority's budget or through donations given or purchases made by foundations.

(4) A health-services business plan shall demonstrate that the district health authority has considered the community health plans provided to it and, where the health-services business plan does not provide for implementation of elements of a community health plan, shall set out the reasons for those elements not being recommended for implementation.

(5) In considering whether to recommend approval of a proposed health-services business plan, the Minister shall have regard to the matters set out pursuant to subsections (3) and (4). *2000, c. 6, s. 56.*

Right of Minister to comment

57 (1) A proposed health-services business plan shall be submitted to the Minister for comment as required by the Minister.

(2) Comments from the Minister on the proposed health-services business plan shall be forwarded to the district health authority within thirty days after the date it is received by the Minister. *2000, c. 6, s. 57.*

Duty to submit final plan

58 Each district health authority shall submit a final health-services business plan to the Minister for approval within thirty days after the date it receives comments from the Minister pursuant to subsection 57(2). *2000, c. 6, s. 58.*

Approval of plan

59 (1) The Minister may recommend that the Governor in Council approve the health-services business plan, or approve the plan with such amendments and conditions as the Minister recommends, or may refuse to recommend the plan for approval.

(2) Where the Minister refuses to recommend a health-services business plan, the Minister shall provide reasons and the district health authority shall submit for approval a plan that addresses the problems identified by the Minister.

(3) The Governor in Council may approve a health-services business plan recommended by the Minister for approval or for approval with amendments and conditions.

(4) The Minister shall inform each district health authority if the health-services business plan has been approved, approved with amendments or not approved, as the case may be, and, where an authority is not so informed by March 31st immediately preceding the fiscal year for which the plan was prepared, the authority may expend funds not exceeding one half of the total operating expenditures provided in its plan for the previous fiscal year before the plan is approved by the Governor in Council. *2000, c. 6, s. 59.*

MINISTER'S DUTIES AND POWERS

Duties

60 In addition to the other duties contained in this Act, the Minister shall

(a) be responsible for the strategic direction of the health-care system including the development, implementation and evaluation of Provincial health policy;

- (b) develop or ensure the development of standards for the delivery of health services;
- (c) monitor, measure and evaluate the quality, accessibility and comprehensiveness of health services;
- (d) conduct financial and human-resource planning;
- (e) administer the allocation of available resources for the provision of health services; and
- (f) establish requirements for information systems used in the health-care system. *2000, c. 6, s. 60.*

Powers

61 The Minister may

- (a) determine the health services to be provided by the district health authorities and the associated funding levels;
- (b) require the district health authorities to prepare, in addition to the health-services business plan, such plans, including human-resource plans and information management and information technology plans, as the Minister considers appropriate;
- (c) determine the organization and internal management of district health authorities and may determine
 - (i) organizational structures and management responsibilities,
 - (ii) appropriate levels of administrative services,
 - (iii) the percentage of the total budget administered by district health authorities that can be spent on administrative expenses;
- (d) subject to any enactment or an accounting policy of the Province, specify any accounting practices and principles that must be followed by district health authorities in the administration of their finances. *2000, c. 6, s. 61.*

Power to delegate

62 The Minister may delegate to the Deputy Minister of Health or any employee of the Department of Health, the power or duty conferred or imposed on the Minister pursuant to subsection 21(1), Sections 30, 31 and 33, subsection 34(4), Sections 36 and 60, clauses 61(b), (c) and (d) and Section 64. *2000, c. 6, s. 62.*

Official administrator

63 (1) The Minister may dismiss the members of a district health authority if the authority has requested the appointment of an official administrator to replace the authority or if the Minister considers that

- (a) the authority has contravened an agreement with the Minister;
- (b) the authority has ceased to function;

- (c) the authority has failed, or is about to fail, to pay any of its other debts or liabilities whatsoever when due;
 - (d) the authority has failed to comply with any order of the Minister or the Minister's delegate;
 - (e) the authority is not properly exercising its powers or carrying out its duties; or
 - (f) it is in the public interest to dismiss the members of the authority.
- (2) Where the Minister dismisses the members of a district health authority, the Minister shall appoint an official administrator to take the place of the board of directors.
- (3) An official administrator appointed under this Section
- (a) has all of the powers and authority of the district health authority;
 - (b) shall perform all of the duties of the authority; and
 - (c) shall be paid the salary and expenses as determined by the Minister at the cost of the authority.
- (4) When the Minister considers that an official administrator is no longer required, the Minister shall provide for the appointment of new members to the district health authority. *2000, c. 6, s. 63.*

Power of Minister to give binding directions

64 Notwithstanding the duties and powers provided to district health authorities pursuant to this Act, the Minister may give binding directions to a district health authority with respect to any matter the Minister considers relevant to the exercise of the Minister's powers or discharge of the Minister's duties under this Act, including directions for the purpose of

- (a) establishing priorities and guidelines for the authority to follow in the exercise of its powers;
- (b) co-ordinating the work of the district health authority with the objectives and strategic direction of the health-care system in the Province in order to achieve the best possible results and to avoid duplication of effort and expense;
- (c) ensuring the achievement of Provincial objectives and health services; and
- (d) ensuring the proper discharge by the authority of its duties and powers regarding the boundaries, composition, membership, formation and support of community health boards. *2000, c. 6, s. 64.*

PROVINCIAL HEALTH-CARE CENTRES

Designation of centres

65 The IWK and the Queen Elizabeth II are provincial health-care centres. *2000, c. 6, s. 65; 2001, c. 49, s. 8.*

Duties of centre

66 (1) A provincial health-care centre shall continue to plan, manage, monitor and evaluate the delivery of the specialized health services it is delivering at the time this Act comes into force and shall deliver such other specialized health services for which it is made responsible pursuant to this Act.

(2) A provincial health-care centre shall deliver health services in the health district in which it is located and elsewhere in accordance with the health-services business plan referred to in Section 69. *2000, c. 6, s. 66.*

Board of directors

67 (1) Notwithstanding the Nova Scotia Hospital Act, and the Queen Elizabeth II Health Sciences Centre Act, the Minister shall appoint the same persons to be the members of the board of directors of the Capital District Health Authority, the members of the Board of Management of the Nova Scotia Hospital and the members of the Board of Directors for the Queen Elizabeth II and the chair of the board of directors of the Capital District Health Authority shall be the chair of the Board of Management of the Nova Scotia Hospital and the chair of the Board of Directors for the Queen Elizabeth II.

(2) Notwithstanding the Izaak Walton Killam Health Centre Act, the Minister may appoint the same persons who are appointed to be members of the board of directors for the Capital District Health Authority to be the members of the Board of Directors for the IWK and, in that case, the chair of the board of directors of the Capital District Health Authority shall be the chair of the Board of Directors of the IWK. *2000, c. 6, s. 67; 2001, c. 49, ss. 7, 8.*

Criteria for appointments

68 The Minister shall, when making appointments pursuant to subclause 11(a) and Section 67 have regard to the Provincial scope and mandates of the Nova Scotia Hospital, the Queen Elizabeth II and the IWK. *2000, c. 6, s. 68; 2001, c. 49, s. 8.*

Duty to prepare and submit plan

69 (1) The Capital District Health Authority, the Nova Scotia Hospital and the provincial health-care centres shall prepare and submit a joint health-services business plan in accordance with Sections 56 to 59 that provides for the delivery of both community-based health services and specialized health services by the provincial health-care centres.

(2) For greater certainty, the preparation of the joint health-services business plan referred to in subsection (1) fulfils the obligation of the Capital District Health Authority to prepare and submit a health-services business plan pursuant to Sections 56 to 59. *2000, c. 6, s. 69.*

Exclusion from definition

70 (1) A provincial health-care centre and the Nova Scotia Hospital are not district health authorities for the purpose of Sections 4 to 10, 19, 28, 38 to 51, 53 to 55 and 71 to 81.

(2) Unless the Minister makes the appointments referred to in subsection 67(2), the IWK is not a district health authority for the purpose of Sections 11 to 17 and Section 52. *2000, c. 6, s. 70; 2001, c. 49, s. 8.*

TRANSITIONAL PROVISIONS

Consequences when boundaries coincide

71 Where the boundaries of a health district are the same as the boundaries of a health region established pursuant to the Regional Health Boards Act that is repealed by this Act,

- (a) all assets and liabilities of the regional health board established for that health region, including all employee benefits and entitlements, become the assets and liabilities of the district health authority for the health district;
- (b) all employees of the regional health board become employees of the district health authority;
- (c) the continuity of employment of the employees of the regional health board is not broken by the effect of clause (b);
- (d) the district health authority is substituted for the regional health board with respect to any agreement to which the board was a party;
- (e) every employee of the district health authority who was an employee of a regional health board immediately before the coming into force of this Act is employed by the district health authority on the same terms and conditions as to salary and benefits as those under which the employee was an employee at the regional health board and until changed by collective agreement or contract of employment;
- (f) every employee of the district health authority who was an employee of a regional health board is deemed to have been employed by the district health authority for the same period of employment that the employee was credited with as an employee of the regional health board;
- (g) benefits accumulated by an employee at the regional health board while employed at the regional health board are vested in the employee and the employee is entitled to receive those benefits from the district health authority;
- (h) the district health authority is a transferee for the purpose of Section 31 of the Trade Union Act and, without limiting the generality of the foregoing,
 - (i) the district health authority is bound by successor rights as determined pursuant to the Trade Union Act, and
 - (ii) subject to the Trade Union Act, the district health authority and the employees of the district health authority, who are covered by collective agreements, are bound by the collective agreements as if the district health authority were a party to them; and
- (i) the district health authority is a successor employer for the purpose of the Pension Benefits Act. 2000, c. 6, s. 71.

Consequences of inclusion of health region

72 Where the boundaries of a health district encompass a part of a health region established pursuant to the Regional Health Boards Act that is repealed by this Act,

- (a) all assets and liabilities of the regional health board established for that health region that relate to that part of the health region, including all employee benefits and entitlements, become the assets and

liabilities of the district health authority for the health district, subject to the determination of the Minister of any question about what is an appropriate allocation of assets and liabilities among district health authorities for health districts replacing parts of the health region;

(b) all employees of the regional health board who are employed in that part of the health region become employees of the district health authority subject to the determination of which district health authority is the appropriate employer for the employees by

(i) agreement between authorities and employees where the employees are not represented by unions,

(ii) agreement between authorities and unions, or

(iii) an order of a court or other tribunal with jurisdiction to deal with the matter;

(c) the continuity of employment of the employees of the regional health board is not broken by the effect of clause (b);

(d) the district health authority for the health district is substituted for the regional health board with respect to any agreement to which the board was a party in relation to the part of the health region that the health district encompasses and, in the case of any agreement other than an employment or collective agreement, the Minister shall determine which authority is substituted for the board for each such agreement and may direct one of the authorities to carry out the agreement on behalf of the others according to terms determined by the Minister;

(e) every employee of a district health authority determined pursuant to clause (b) who was an employee of a regional health board immediately before the coming into force of this Act is employed by that district health authority on the same terms and conditions as to salary and benefits as those under which the employee was an employee at the regional health board and until changed by collective agreement or contract of employment;

(f) every employee of a district health authority determined pursuant to clause (b) who was an employee of a regional health board is deemed to have been employed by that district health authority for the same period of employment that the employee was credited with as an employee of the regional health board;

(g) benefits accumulated by an employee at the regional health board while employed at the regional health board are vested in the employee and the employee is entitled to receive those benefits from the district health authority determined pursuant to clause (b);

(h) the district health authority determined pursuant to clause (b) is a transferee for the purpose of Section 31 of the Trade Union Act and, without limiting the generality of the foregoing,

(i) the district health authority is bound by successor rights as determined pursuant to the Trade Union Act, and

(ii) subject to the Trade Union Act, the district health authority and the employees of the district health authority, who are covered by collective agreements are bound by the collective agreements as if the district health authority were a party to them; and

(i) the district health authority is a successor employer for the purpose of the Pension Benefits Act.

2000, c. 6, s. 72.

Effect of vesting or insurance

73 The vesting of any asset of the regional health board in a district health authority pursuant to Section 71 or 72 does not void any policy of insurance with respect to the asset, including public liability policies, and the authority is deemed to be the insured party for the purpose of any such policy. 2000, c. 6, s. 73.

Consequences of designation

74 (1) Where the Cape Breton Regional Hospital, the Glace Bay Healthcare System Corporation, the New Waterford Consolidated Hospital Commission and the Northside Harbor View Hospitals are designated by the regulations, notwithstanding any special or general Act of the Legislature,

(a) those hospitals are dissolved and the assets and liabilities of those hospitals, including all employee benefits and entitlements and any assets and liabilities acquired by those hospitals collectively carrying on operations under the name "Cape Breton Healthcare Complex", become the assets and liabilities of the district health authority for the health district in which those hospitals are located;

(b) all employees of those hospitals, including any persons employed by those hospitals collectively carrying on operations under the name "Cape Breton Healthcare Complex", become the employees of the district health authority referred to in clause (a);

(c) the continuity of employment of the employees referred to in clause (b) is not broken by the designation of those hospitals;

(d) every employee of the district health authority who was an employee of a hospital designated by the regulations immediately before the coming into force of this Act is employed by the district health authority on the same terms and conditions as to salary and benefits as those under which the employee was an employee at the hospital and until changed by collective agreement or contract of employment;

(e) every employee of the district health authority who was an employee of a hospital designated by the regulations is deemed to have been employed by that district health authority for the same period of employment that the employee was credited with as an employee of the hospital;

(f) benefits accumulated by an employee of a hospital designated by the regulations while employed at the hospital are vested in the employee and the employee is entitled to receive those benefits from the district health authority;

(g) the district health authority is a transferee for the purpose of Section 31 of the Trade Union Act and, without limiting the generality of the foregoing,

(i) the district health authority is bound by successor rights as determined pursuant to the Trade Union Act, and

(ii) subject to the Trade Union Act, the district health authority and the employees of the district health authority, who are covered by collective agreements, are bound by the collective agreements as if the district health authority were a party to them; and

(h) the district health authority is a successor employer for the purpose of the Pension Benefits Act.

(2) Where the hospitals referred to in subsection (1) are designated by the regulations, notwithstanding any special or general Act of the Legislature, the district health authority referred to in clause (1)(a) is substituted for those hospitals with respect to any agreement to which those hospitals were parties, including any agreements entered into by those hospitals collectively carrying on operations and contracting under the name "Cape Breton Healthcare Complex". 2000, c. 6, s. 74.

Certain consequences of Act coming into force

75 (1) In this Section,

(a) "Board of the Nova Scotia Hospital" means the Board of Management of the Nova Scotia Hospital;

(b) "employee at the predecessor Hospital" means a person employed at the Nova Scotia Hospital immediately before this Act comes into force and

(i) appointed in accordance with the Civil Service Act as an officer or employee required by the Board of the Nova Scotia Hospital for the proper conduct, management and operation of the Hospital,

(ii) employed by the Board of the Nova Scotia Hospital or by the Minister as provided for by the Governor in Council, or

(iii) otherwise employed by the Board of the Nova Scotia Hospital or the Minister;

(c) "Hospital" means the Nova Scotia Hospital after the coming into force of this Act;

(d) "predecessor Hospital" means the Nova Scotia Hospital before the coming into force of this Act.

(2) On the coming into force of this Act,

(a) every employee at the predecessor Hospital ceases to be a person appointed in accordance with the Civil Service Act and becomes an employee of the Hospital;

(b) the continuity of employment of the employees of the predecessor Hospital is not broken by the effect of clause (a);

(c) the Civil Service Act and regulations made pursuant thereto and the Civil Service Collective Bargaining Act do not apply to employees of the Hospital;

(d) every employee at the predecessor Hospital is employed by the Hospital on the same terms and conditions of employment as those under which the employee was employed by the predecessor Hospital until changed by collective agreement or contract of employment;

(e) every employee at the predecessor Hospital is deemed to have been employed by the Hospital for the same period of employment that the employee was credited with as an employee at the predecessor Hospital;

(f) benefits accumulated by an employee while employed at the predecessor Hospital are vested in the

employee and the employee is entitled to receive those benefits from the Hospital;

(g) the Hospital is bound by a collective agreement concluded pursuant to the Civil Service Collective Bargaining Act in relation to the employees at the predecessor Hospital as if it were a party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the Trade Union Act by a bargaining agent certified pursuant to that Act;

(h) for greater certainty, the Hospital is a transferee for the purpose of Section 31 of the Trade Union Act and, without limiting the generality of the foregoing, the Hospital is bound by successor rights as determined pursuant to the Trade Union Act;

(i) each employee of the Hospital who was an employee within the meaning of the Public Service Superannuation Act before this Act came into force and each employee at the predecessor Hospital in a bargaining unit whose collective agreement provided for participation in the Public Service Superannuation Plan before the coming into force of this Act is deemed to continue to be a person employed in the public service of the Province for all purposes of the Public Service Superannuation Act and service in the employment of the Hospital is deemed to be service in the public service of the Province;

(j) subject to any applicable collective agreement or contract of employment, each employee at the predecessor Hospital who was covered by the Nova Scotia Public Service Long Term Disability Plan before this Act came into force or was included in a bargaining unit whose collective agreement provided for long term disability benefits under the Nova Scotia Public Service Long Term Disability Plan is deemed to continue to be a person to whom the Nova Scotia Public Service Long Term Disability Plan applies; and

(k) the obligations and liabilities of the predecessor Hospital in respect of those employees are the obligations and liabilities of the Hospital, including all employee benefits and entitlements. *2000, c. 6, s. 75.*

Effect on privileges of physicians

76 (1) Subject to subsection (2), upon the establishment of a district health authority, all physicians, who at the time of the establishment of the authority held hospital privileges at a hospital in the health district, continue to hold the same hospital privileges for that hospital only until such time as the privileges would otherwise expire, subject to any limitations to which the hospital privileges were subject and subject to the right of the authority to vary, revoke or suspend hospital privileges in accordance with its by-laws.

(2) Subsection (1) does not apply to privileges at the IWK, the Queen Elizabeth II or the Nova Scotia Hospital. *2000, c. 6, s. 76; 2001, c. 49, s. 8.*

Use of funds

77 Notwithstanding any enactment, trust or agreement by which a foundation is established with respect to a hospital, the foundation shall, as the foundation considers appropriate,

(a) continue to use its funds to benefit the hospital or for other charitable purpose for which the foundation is established; or

(b) where the hospital is no longer operated as a hospital or no longer exists, use its funds to benefit the health services of the district health authority responsible for the area formerly served by the hospital subject to the terms of any trusts relating to the use of those funds. 2000, c. 6, s. 77.

Effect of membership not complying with limits

78 Notwithstanding Section 40, where a community health board continued pursuant to Section 38 consists of a number of members that does not comply with the limits referred to in Section 40, the board may continue to operate with that number of members until the district health authority adjusts the number of members by appointing more members or fewer members to produce compliance with that Section. 2000, c. 6, s. 78.

GENERAL

Audited financial statement

79 A foundation that uses its funds to benefit a district health authority or a hospital located in the health district for which that authority is established shall annually provide that authority with copies of its audited year-end financial statements. 2000, c. 6, s. 79.

District health authorities as hospitals

80 District health authorities are hospitals for purpose of Sections 60 and 61 of the Evidence Act. 2000, c. 6, s. 80.

Conflict with other enactments

81 Notwithstanding Section 5 of the Hospitals Act, in the event of a conflict between this Act or the regulations and any enactment respecting a hospital, this Act and the regulations prevail. 2000, c. 6, s. 81.

District health authorities as hospitals

82 District health authorities are hospitals for the purpose of the Health Protection Act, the Revenue Act, and for the application of the Sales Tax Act. 2000, c. 6, s. 82; 2004, c. 4, s. 114.

Exemption from Hospitals Act

83 Section 19 of the Hospitals Act does not apply to a district health authority. 2000, c. 6, s. 83.

Regulations

84 (1) The Governor in Council may make regulations

- (a) designating one or more areas of the Province as a health district and determining its name;
- (b) determining or altering the boundaries of a health district;
- (c) establishing a district health authority and determining or changing its name;

- (d) establishing additional district health authorities and determining their names;
 - (e) annexing the whole or any part of a health district to another health district;
 - (f) providing for the dissolution of a district health authority and all matters consequent to the dissolution;
 - (g) providing for the dissolution, division, amalgamation or reconstitution of a district health authority for the purpose of Section 7 including regulations
 - (i) prescribing its membership and the manner of appointment of members,
 - (ii) naming or renaming it, and
 - (iii) vesting in it such powers, rights, privileges, functions and duties as the Governor in Council considers advisable;
 - (h) prescribing services to be made available to every resident of the Province;
 - (i) prescribing the number of voting and non-voting members on the board of directors of each district health authority;
 - (j) revoking the corporate and medical staff by-laws made prior to the coming into force of this Act for the hospitals referred to in subsection 24(5) and replacing them with by-laws made pursuant to Sections 22 to 24;
 - (k) prescribing the terms of office of members of a district health authority;
 - (l) prescribing a procedure for removing a member of a district health authority;
 - (m) respecting the reimbursement for expenses of members of a district health authority or a community health board;
 - (n) prescribing responsibilities of a district health authority;
 - (o) designating hospitals for the purpose of this Act;
 - (p) authorizing the duties and prescribing the functions of a district health authority;
 - (q) defining any word or expression used but not defined in this Act;
 - (r) further defining any word or expression used in this Act;
 - (s) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) The Minister may make regulations
- (a) prescribing the reporting requirements for any borrowing of funds;

(b) establishing guidelines and criteria respecting the selection and appointment of members of a community health board;

(c) respecting the number of voting members of a board of directors who hold office or employment in the service of the authority or any hospital or service of the authority or who have privileges at any hospital in the health district for the purpose of subsection 13(3);

(d) establishing guidelines and criteria respecting the selection of nominees for appointment to the boards of director of district health authorities.

(2A) The Minister shall make regulations

(a) designating for the purpose of this subsection organizations that transport people with disabilities who have been determined to be eligible for Community Transportation Assistance Program funding or funding in substitution for the Program;

(b) designating for the purpose of this subsection parking fees and other parking costs at facilities of health authorities; and

(c) notwithstanding any enactment, exempting designated organizations from designated parking fees and other designated parking costs.

(3) A regulation of the Governor in Council or of the Minister may apply to all persons or to a class of persons to whom this Act applies and there may be different regulations for different classes of persons.

(4) Regulations applicable to district health authorities apply to provincial health-care centres in the same manner unless the application of the regulation to a provincial health-care centre is specifically excluded in the regulation.

(5) The exercise by the Governor in Council of the authority conferred by subsection (1) and the exercise by the Minister of the authority conferred by subsection (2) or (2A) are regulations within the meaning of the Regulations Act. 2000, c. 6, s. 84; 2005, c. 20, s. 1.

Dissolution of Bayview Memorial Hospital Society

85 Bayview Memorial Hospital Society, incorporated pursuant to the Societies Act, is dissolved. 2000, c. 6, s. 85.

Dissolution of Strait-Richmond Area Hospital Society

86 The Strait-Richmond Area Hospital Society, incorporated pursuant to the Societies Act, is dissolved. 2000, c. 6, s. 86.

The Aberdeen Hospital Act repealed

87 Chapter 91 of the Acts of 1950, The Aberdeen Hospital Act, is repealed. 2000, c. 6, s. 87.

Act re All Saints Springhill Cottage Hospital repealed

88 Chapter 196 of the Acts of 1893, An Act to incorporate the All Saints Springhill Cottage Hospital

Corporation of the Diocese of Nova Scotia, is repealed. 2000, c. 6, s. 88.

Act re Annapolis General Hospital repealed

89 Chapter 93 of the Acts of 1939, An Act to Incorporate Annapolis General Hospital, is repealed. 2000, c. 6, s. 89.

Cape Breton Regional Hospital Act repealed

90 Chapter 6 of the Acts of 1988, the Cape Breton Regional Hospital Act, is repealed. 2000, c. 6, s. 90.

Cobequid Multi-Service Centre Act repealed

91 Chapter 2 of the Acts of 1978-79, the Cobequid Multi-Service Centre Act, is repealed. 2000, c. 6, s. 91.

Colchester Hospital Commission Act repealed

92 Chapter 98 of the Acts of 1950, the Colchester Hospital Commission Act, is repealed. 2000, c. 6, s. 92.

Dartmouth Hospital Commission Act repealed

93 Chapter 120 of the Acts of 1975, the Dartmouth Hospital Commission Act, is repealed. 2000, c. 6, s. 93.

Act re Digby General Hospital repealed

94 Chapter 137 of the Acts of 1925, An Act to Incorporate the Digby General Hospital, is repealed. 2000, c. 6, s. 94.

Act re Eastern Memorial Hospital repealed

95 Chapter 97 of the Acts of 1947, An Act to Incorporate the Eastern Memorial Hospital, is repealed. 2000, c. 6, s. 95.

Eastern Shore Memorial Hospital Commission Act repealed

96 Chapter 98 of the Acts of 1974, the Eastern Shore Memorial Hospital Commission Act, is repealed. 2000, c. 6, s. 96.

Glace Bay Healthcare System Act repealed

97 Chapter 6 of the Acts of 1993, the Glace Bay Healthcare System Act, is repealed. 2000, c. 6, s. 97.

Act re Guysborough Memorial Hospital repealed

98 Chapter 81 of the Acts of 1946, An Act to Incorporate "Guysborough Memorial Hospital", is repealed. 2000, c. 6, s. 98.

Hants Community Hospital Act repealed

99 Chapter 64 of the Acts of 1992, the Hants Community Hospital Act, is repealed. 2000, c. 6, s. 99.

Health Services Association of the South Shore Act repealed

100 Chapter 7 of the Acts of 1993, the Health Services Association of the South Shore Act, is repealed. 2000, c. 6, s. 100.

Highland View Regional Hospital Act repealed

101 Chapter 126 of the Acts of 1973, the Highland View Regional Hospital Act, is repealed. 2000, c. 6, s. 101.

Hospitals Act amended

102 amendment of the Hospitals Act.

Act re Inverness Consolidated Memorial Hospital repealed

103 Chapter 106 of the Acts of 1974, An Act to Incorporate Inverness Consolidated Memorial Hospital, is repealed. 2000, c. 6, s. 103.

Act re Kentville Hospital Association repealed

104 Chapter 162 of the Acts of 1928, An Act to Incorporate the Kentville Hospital Association, is repealed. 2000, c. 6, s. 104.

Act re Lillian Fraser Memorial Hospital repealed

105 Chapter 94 of the Acts of 1951, An Act to Incorporate the Lillian Fraser Memorial Hospital, is repealed. 2000, c. 6, s. 105.

Act re Musquodoboit Valley Memorial Hospital repealed

106 Chapter 134 of the Acts of 1948, An Act to Incorporate Musquodoboit Valley Memorial Hospital, is repealed. 2000, c. 6, s. 106.

New Waterford Consolidated Hospital Act repealed

107 Chapter 100 of the Acts of 1959, the New Waterford Consolidated Hospital Act, is repealed. 2000, c. 6, s. 107.

Act re North-Cumberland Memorial Hospital repealed

108 Chapter 98 of the Acts of 1951, An Act to Incorporate North-Cumberland Memorial Hospital, is repealed. 2000, c. 6, s. 108.

Act re North Victoria Cottage Hospital repealed

109 Chapter 66 of the Acts of 1943, An Act to Incorporate the North Victoria Cottage Hospital, is repealed. 2000, c. 6, s. 109.

Northside Harbor View Hospital Act repealed

110 Chapter 311 of the Revised Statutes, 1989, the Northside Harbor View Hospital Act, is repealed. 2000, c. 6, s. 110.

Nova Scotia Hospital Act amended

111 amendment of the Nova Scotia Hospital Act.

Queen Elizabeth II Health Sciences Centre Act amended

112 amendment of the Queen Elizabeth II Health Sciences Centre Act.

Act re Queens General Hospital Association repealed

113 Chapter 108 of the Acts of 1936, An Act to Incorporate The Queens General Hospital Association, is repealed. 2000, c. 6, s. 113.

Regional Health Boards Act repealed

114 Chapter 12 of the Acts of 1994, the Regional Health Boards Act, is repealed. 2000, c. 6, s. 114.

Roseway Hospital Act repealed

115 Chapter 104 of the Acts of 1977, the Roseway Hospital Act, is repealed. 2000, c. 6, s. 115.

Act re Sacred Heart Hospital repealed

116 Chapter 105 of the Acts of 1962, An Act to Incorporate Sacred Heart Hospital, and in the French Language Hôpital Du Sacre-Coeur, is repealed. 2000, c. 6, s. 116.

South Cumberland Memorial Hospital Act repealed

117 Chapter 144 of the Acts of 1975, the South Cumberland Memorial Hospital Act, is repealed. 2000, c. 6, s. 117.

Act re St. Martha's Hospital repealed

118 Chapter 117 of the Acts of 1972, An Act to Incorporate St. Martha's Hospital, is repealed. 2000, c. 6, s. 118.

Act re St. Mary's Memorial Hospital repealed

119 Chapter 84 of the Acts of 1946, An Act to Incorporate St. Mary's Memorial Hospital, is repealed. 2000, c. 6, s. 119.

Act re Soldiers' Memorial Hospital repealed

120 Chapter 107 of the Acts of 1921, An Act Respecting "The Soldiers' Memorial Hospital, Middleton", is repealed. 2000, c. 6, s. 120.

Sutherland-Harris Memorial Hospital Act repealed

121 Chapter 111 of the Acts of 1903, the Sutherland-Harris Memorial Hospital Act, is repealed. 2000, c. 6, s. 121.

Act re Twin Oaks Memorial Hospital repealed

122 Chapter 93 of the Acts of 1945, An Act to Incorporate Twin Oaks Memorial Hospital, is repealed. 2000, c. 6, s. 122.

Act re Victoria County Memorial Hospital repealed

123 Chapter 109 of the Acts of 1947, An Act to Incorporate Victoria County Memorial Hospital, is repealed. 2000, c. 6, s. 123.

Western Kings Memorial Hospital Act repealed

124 Chapter 227 of the Acts of 1920, the Western Kings Memorial Hospital Act, is repealed. 2000, c. 6, s. 124.

Act re Westwood General Hospital Association repealed

125 Chapter 152 of the Acts of 1929, An Act to Incorporate the Westwood General Hospital Association, is repealed. 2000, c. 6, s. 125.

Yarmouth Regional Hospital Act repealed

126 Chapter 91 of the Acts of 1963, the Yarmouth Regional Hospital Act, is repealed. 2000, c. 6, s. 126.

Proclamation

127 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2000, c. 6, s. 127.

Proclaimed - December 21, 2000
In force (except ss. 21,
31, 54-59, 69 and 114) - January 1, 2001
In force (ss. 21, 31,
54-59, 69 and 114) - April 1, 2001



This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2009 Crown in right of Nova Scotia. Created June 24, 2009. Send comments to legc.office@gov.ns.ca.



Nova Scotia Business Incorporated Act

CHAPTER 30

OF THE

ACTS OF 2000

amended 2010, c. 35, s. 41

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act to Establish Nova Scotia Business Incorporated

Short title

1 This Act may be cited as the Nova Scotia Business Incorporated Act. 2000, c. 30, s. 1.

Interpretation

2 In this Act,

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means Nova Scotia Business Incorporated;
- (c) "Department" means the Department of Economic Development;
- (d) "financial assistance" includes assistance by way of loan, loan guarantee, payroll rebate, the purchase or guarantee of bonds, debentures, notes or other debt obligations and the purchase or acquisition of any common or preferred shares or other equity securities including, but not limited to, venture capital investments;
- (e) "Minister" means the Minister of Economic Development;

(f) "Nova Scotia Fund" means the Nova Scotia Business Fund;

(g) "Principal Share" means the Principal Share issued pursuant to this Act. 2000, c. 30, s. 2.

Act does not apply

3 This Act does not apply to a business excluded by the regulations. 2000, c. 30, s. 3.

Supervision and management

4 The Minister has the general supervision and management of this Act and the regulations. 2000, c. 30, s. 4.

Nova Scotia Business Incorporated

5 There is hereby established a body corporate to be known as Nova Scotia Business Incorporated. 2000, c. 30, s. 5.

Management of Corporation

6 The management and control of the affairs of the Corporation is vested in a Board of Directors and the Board may, subject to this Act, exercise the powers of the Corporation. 2000, c. 30, s. 6.

First Board

7 (1) The first Board consists of

(a) the Deputy Minister of Economic Development; and

(b) up to twelve members appointed by the Governor in Council.

(2) The Governor in Council shall designate one of the members of the Board appointed pursuant to clause (1)(b) to be the Chair of the first Board.

(3) Each member of the first Board appointed by the Governor in Council serves for such term, not exceeding four years, as determined by the Governor in Council. 2000, c. 30, s. 7.

Board members

8 (1) Where the term of any member of the Board appointed by the Governor in Council or elected pursuant to this Act expires or any such member ceases to be a member of the Board or is unable to act prior to the expiration of the member's term of office, the Board may, subject to subsection (4), fill the vacancy by election in accordance with the by-laws of the Corporation.

(2) The Board shall determine the term of office for all members elected pursuant to subsection (1), such term not to exceed four years.

(3) No person may be appointed or elected to the Board for more than two consecutive terms.

(4) No person may be elected to or may serve as a member of the Board unless that person is first

approved for election to the Board by the holder of the Principal Share.

(5) The holder of the Principal Share may, in exceptional circumstances, remove a member of the Board elected pursuant to this Act.

(6) Appointments to the Board pursuant to Section 7 and elections to the Board pursuant to this Section shall take into consideration geography, size of business and business sectors. *2000, c. 30, s. 8.*

Effect of vacancy

9 A vacancy on the Board does not impair the right of the remaining members to Act. *2000, c. 30, s. 9.*

Quorum

10 Seven members of the Board constitutes a quorum. *2000, c. 30, s. 10.*

Remuneration and expenses

11 Each member of the Board is entitled to receive such remuneration and such reasonable expenses as determined by the Governor in Council. *2000, c. 30, s. 11.*

Chair

12 Upon the expiry of the term of the Chair of the first Board, the Chair shall be that member of the Board elected as Chair by the members of the Board. *2000, c. 30, s. 12.*

Officers

13 (1) The Board shall appoint a person who is not a member of the Board to be the President and Chief Executive Officer of the Corporation and may assign to that person such duties as the by-laws of the Corporation may determine.

(2) Subject to the by-laws of the Corporation, the Board may appoint such other officers as it from time to time deems necessary. *2000, c. 30, s. 13.*

Status of Board and Corporation

14 (1) The Board is a department for the purpose of the definition of "department" in the Conflict of Interest Act and, for greater certainty, Section 22 of that Act applies to the members of the Board.

(2) The Corporation is a public body as defined in the Freedom of Information and Protection of Privacy Act and, for greater certainty, that Act applies to the Corporation. *2000, c. 30, s. 14; 2010, c. 35, s. 41.*

Object of Corporation

15 The object of the Corporation is to promote economic development in the Province through

- (a) business development, retention and expansion;
- (b) the establishment of new businesses in the Province; and

(c) trade development and expansion,

in accordance with strategic directions established by the Department and the strategic plan of the Corporation. 2000, c. 30, s. 15.

Powers of Corporation

16 (1) The Corporation may

(a) receive, acquire, take, hold, mortgage, sell, convey or otherwise dispose of or deal with real and personal property and any interest therein;

(b) subject to the regulations, render financial assistance that, in the opinion of the Board, will encourage, sustain, improve or develop business in the Province;

(c) undertake trade activities and programs to develop and strengthen trading relationships with traditional and new domestic and international partners;

(d) subject to the approval of the Governor in Council, make by-laws as it deems necessary for the effective attainment of its objects and the exercise of its powers and for the internal control, management and administration of the Corporation;

(e) employ and contract with such persons and corporations as it may from time to time require for the purpose of carrying out its objects and duties;

(f) levy fees related to the rendering of financial and other assistance pursuant to this Act;

(g) do such matters and things as may be necessary or incidental for the effective attainment of its objects and the exercise of its powers.

(2) Except as otherwise provided in this Act or from time to time by order of the Governor in Council, the Corporation has all the powers of a company incorporated pursuant to the Companies Act.

(3) Subject to subsection (4), the Corporation may not, without the prior written consent of the holder of the Principal Share,

(a) distribute any of its property in specie among its shareholders;

(b) amalgamate or merge with one or more other companies;

(c) continue itself in a jurisdiction other than the Province or change its head office or registered office;

(d) enter into any compromise or arrangement with its creditors or any class of creditors or its shareholders or any class of its shareholders;

(e) allot or issue shares in its capital stock;

(f) borrow money, finance or re-finance the Corporation or give security;

(g) appoint, remunerate or remove its chief executive officer, its chief financial officer or its chief

operating officer;

(h) declare or pay dividends on the common shares of the Corporation; or

(i) consolidate, convert, subdivide, exchange, cancel or otherwise alter or reorganize the share capital of the Corporation.

(4) The holder of the Principal Share may waive the requirement contained in subsection (3) for its prior written consent.

(5) A waiver pursuant to subsection (3) may be given with respect to a specific activity or transaction or with respect to one or more classes of activities or transactions and may be given subject to such terms and conditions as the holder of the Principal Share determines.

(6) Any consent pursuant to this Section is not effective until it is evidenced by an instrument in writing that is addressed to the Corporation, to the attention of the secretary or such other officer as the holder of the Principal Share determines, and that is signed by the Minister or such other person as the Minister designates in writing from time to time.

(7) The Corporation shall not

(a) sell all or substantially all of its business or assets;

(b) wind up or dissolve or surrender its certificate of incorporation; or

(c) carry out any involuntary act of bankruptcy or make a general assignment for the benefit of its creditors or other acknowledgment of insolvency or make any application pursuant to the Bankruptcy and Insolvency Act (Canada) or the Companies Creditors Arrangements Act (Canada) or any similar legislation. 2000, c. 30, s. 16.

Fiscal year

17 The fiscal year of the Corporation is the same as the fiscal year of the Province. 2000, c. 30, s. 17.

Capital stock

18 (1) The Governor in Council may, by order, declare that the Corporation has a capital stock in the amount set out in the order divided into such number of shares and of such value as set out in the order.

(2) Where an order is made pursuant to subsection (1),

(a) the Corporation has capital stock in the amount set out in the order divided into the number of shares set out in the order, each share having the value set out in the declaration; and

(b) the capital stock consists of

(i) Class A common voting shares in such number as determined in the order,

(ii) Class B non-voting shares in such number as determined in the order, and

(iii) one share, to be known as the "Principal Share".

(3) No more than seventy-five per cent of the Class A common voting shares shall be beneficially owned by any person or persons other than Her Majesty in right of the Province.

(4) No Class A common voting share shall be beneficially owned in whole or in part by any person not ordinarily a resident of the Province.

(5) The Principal Share shall be beneficially owned by Her Majesty in right of the Province. *2000, c. 30, s. 18.*

Increase in capital

19 The capital stock of the Corporation may be increased, from time to time, by the Governor in Council. *2000, c. 30, s. 19.*

Continuation of Development Fund

20 The Nova Scotia Business Development Corporation Fund established pursuant to the Business Development Corporation Act is continued as the Nova Scotia Business Fund. *2000, c. 30, s. 20.*

Transfers to Fund

21 The Governor in Council, upon the recommendation of the Board, may from time to time transfer to the Nova Scotia Fund such amounts as are considered necessary for the purpose of this Act and may charge the same to Capital Account, Special Reserve Account or Revenue of the Province for any year or years. *2000, c. 30, s. 21.*

Treatment of repayments and recoveries

22 On the coming into force of this Act, repayments and recoveries in respect to sums previously loaned by and outstanding to the Nova Scotia Business Development Corporation shall be paid into the Nova Scotia Fund and may be reloaned by the Corporation. *2000, c. 30, s. 22.*

Guarantee is charge

23 Any guarantee of a loan made pursuant to this Act is a charge upon the Nova Scotia Fund in the amount of the guarantee from time to time authorized. *2000, c. 30, s. 23.*

Treatment of repayment or recovery

24 Any repayment or recovery made in respect of any transaction out of the Nova Scotia Fund shall be credited to the Fund. *2000, c. 30, s. 24.*

Exemption from taxation

25 The Corporation, its property and assets are not subject to taxation. *2000, c. 30, s. 25.*

Tax assessment

26 (1) A person, firm or association that occupies real property of the Corporation shall be assessed and rated for taxes pursuant to the Assessment Act in respect of that property for the municipal fiscal year 2000-01 and each subsequent municipal fiscal year, but the property itself is not liable.

(2) Notwithstanding subsection (1), a person, firm or association who occupies an incubator mall or part thereof that is designated as such by the Corporation for the purpose of this Act, is exempt from taxation under the Assessment Act in respect of the mall or part thereof so designated.

(3) The Corporation may designate an incubator mall that is owned by the Corporation or a part thereof for the purpose of subsection (2). *2000, c. 30, s. 26.*

Effect of mortgage, pledge or charge

27 Notwithstanding any provision of this Act or any special or general Act, no mortgage, pledge or charge against the real and personal property of the Corporation is or is deemed to be a mortgage, pledge or charge against any real and personal property of Her Majesty in right of the Province. *2000, c. 30, s. 27.*

Powers of Minister of Finance and Auditor General

28 The system of accounting and the books and records of the Corporation are subject to the approval of the Minister of Finance and to audit by the Auditor General or a person designated by the Auditor General. *2000, c. 30, s. 28.*

Financial statements and reports

29 (1) The Corporation shall, not later than June 30th in each year, prepare and submit to the Minister a financial statement setting forth, as a minimum, the assets and liabilities of the Corporation, the receipts and expenditures of the Corporation for the previous fiscal year, together with a report concerning the work of the Corporation during the previous fiscal year, and such report shall be tabled by the Minister at the next sitting of the House of Assembly.

(2) In addition to the report referred to in subsection (1), the Corporation shall provide a report, in conjunction with the Department and other stakeholders, assessing on an annual basis the Province's economic development competitiveness as measured against other jurisdictions to identify and regularly re-evaluate the Province's economic development strengths and weaknesses. *2000, c. 30, s. 29.*

Strategic plan

30 On or before September 30, 2001, the Corporation shall submit to the Minister for approval a five-year strategic plan, including estimates of budgetary requirements, for the operation of the Corporation, and including a detailed business plan for the fiscal year 2002-03. *2000, c. 30, s. 30.*

Business plans

31 On or before September 30, 2002, and annually thereafter as required by the Minister, the Corporation shall submit to the Minister for approval a detailed business plan for the following fiscal year including estimates of budgetary requirements. *2000, c. 30, s. 31.*

Evaluation and strategic plan

32 (1) Within six months after the end of the 2005 fiscal year, and every five years thereafter, the Corporation shall submit to the Minister a detailed evaluation of its activities compared against the previous five-year strategic plan, including any recommendations for modifications to the mandate of the Corporation.

(2) In addition to the evaluation referred to in subsection (1), the Corporation shall, within the same time periods referred to in subsection (1), submit to the Minister for approval a five-year strategic plan for the continued operation of the Corporation. 2000, c. 30, s. 32.

Status of Corporation and employees

33 (1) The Corporation is not an agent of Her Majesty in right of the Province.

(2) A person employed or engaged by the Corporation is not an officer, servant or agent of Her Majesty in right of the Province. 2000, c. 30, s. 33.

Regulations

34 (1) The Governor in Council may make regulations

- (a) prescribing the manner in which applications for financial assistance may be made;
- (b) prescribing the terms and conditions upon which financial assistance may be provided;
- (c) limiting the amount of any financial assistance;
- (d) prescribing the manner in which and conditions upon which persons may sell or transfer any asset, equipment or product in respect of which a loan has not been fully repaid;
- (e) prescribing or limiting the size or type of assets, equipment or products for or in respect of which financial assistance may be provided;
- (f) prescribing the terms, conditions or circumstances under which the Board in its discretion may extend, defer, adjust or compromise the repayment of financial assistance or the terms or conditions of any financial assistance;
- (g) fixing rates of interest on loans;
- (h) respecting the security for obtaining or receiving financial assistance;
- (i) prescribing the purposes for which financial assistance may be provided;
- (j) respecting the records to be kept by persons to whom financial assistance has been provided;
- (k) for the examination and audit of records and accounts and for the inspection of any premises, plant, assets, product or equipment in respect of which financial assistance has been provided;
- (l) prescribing commercial, business or other activities that qualify and are deemed to qualify for the purpose of this Act and the regulations;

- (m) respecting any matter authorized by this Act to be done by regulation;
 - (n) defining any word or expression used but not defined in this Act;
 - (o) deemed necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. *2000, c. 30, s. 34.*

Order for disposition of certain assets

35 The Governor in Council may make an order providing for the disposition of the assets and obligations of the Nova Scotia Business Development Corporation. *2000, c. 30, s. 35.*

Effect of reference

36 A reference in any enactment, resolution or order in council or in any document or instrument of any kind to the Nova Scotia Business Development Corporation shall be read and construed as a reference to the Corporation. *2000, c. 30, s. 36.*

Designated persons

37 (1) In this Section,

- (a) "designated person" means an employee at the Department who is determined by the Minister to become an employee of the Corporation;
 - (b) "employee at the Department" means a person employed in the Department immediately before this Act comes into force, and who was appointed in accordance with the Civil Service Act.
- (2) On the coming into force of this Act, the Minister may determine who is a designated person.
- (3) Every designated person becomes an employee of the Corporation and ceases to be a person appointed in accordance with the Civil Service Act.
- (4) The continuity of employment of a designated person is not broken by the effect of this Section.
- (5) The Civil Service Act and the regulations made pursuant to that Act and the Civil Service Collective Bargaining Act do not apply to a designated person.
- (6) Every designated person is employed by the Corporation on the same or equal terms and conditions of employment as those under which the employee was employed as an employee by the Department until changed by collective agreement or contract of employment.
- (7) Every designated person is deemed to have been employed with the Corporation for the same period of employment that the employee was credited with as an employee at the Department.
- (8) Benefits accumulated by a designated person while employed at the Department are vested in the designated person, and the designated person is entitled to receive those benefits from the Corporation.

(9) The Corporation is bound by a collective agreement concluded pursuant to the Civil Service Collective Bargaining Act in relation to the designated person as if it were a party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the Trade Union Act by a bargaining agent certified pursuant to the Trade Union Act.

(10) For greater certainty, the Corporation is a transferee for the purpose of Section 31 of the Trade Union Act and, without limiting the generality of the foregoing, the Corporation is bound by successor rights as determined pursuant to the Trade Union Act.

(11) Each designated person who was an employee within the meaning of the Public Service Superannuation Act before this Act came into force and each designated person at the department in a bargaining unit whose collective agreement provided for participation in the Public Service Superannuation Plan before the coming into force of this Act is deemed to continue to be a person employed in the public service of the Province for all purposes of the Public Service Superannuation Act and service in the employment of the Corporation is deemed to be service in the public service of the Province.

(12) Subject to any applicable collective agreement or contract of employment, each designated person who was covered by the Nova Scotia Public Service Long Term Disability Plan before this Act came into force or was included in a bargaining unit whose collective agreement provided for long term disability benefits under the Nova Scotia Public Service Long Term Disability Plan is deemed to continue to be a person to whom the Nova Scotia Public Service Long Term Disability Plan applies.

(13) The obligations and liabilities of the Department in respect of designated persons are the obligations and liabilities of the Corporation, including all employee benefits and entitlements.

(14) Notwithstanding anything contained in this Section, Section 71 of the Labour Standards Code does not apply to a period of employment that an employee was credited with as an employee at the Department or as an employee appointed in accordance with the Civil Service Act, 2000, c. 30, s. 37.

Public Service Act amended

38 amendment of the Public Service Act, 2000, c. 30, s. 38.

Repeal

39 Chapter 49 of the Revised Statutes, 1989, the Business Development Corporation Act, is repealed. 2000, c. 30, s. 39.

Repeal

40 Chapter 5 of the Acts of 1994, the Economic Renewal Act, is repealed. 2000, c. 30, s. 40.

Proclamation

41 Sections 14 and 15, clauses 16(1)(a) to (c) and (e) to (g), subsections 16(2) to (6), Section 17 and Sections 19 to 32 and 36 to 40 come into force on such day as the Governor in Council orders and declares by proclamation. 2000, c. 30, s. 41.

Proclaimed (ss. 14, 15,
16(1)(a)-(c), (e)-(g), (2)-(6),

17, 19, 25-32, 37, 38) - July 26, 2001
In force - July 30, 2001

Proclaimed (ss. 20-24, 36) - November 6, 2001
In force - November 6, 2001

Proclaimed (ss. 39, 40) - November 6, 2007
In force - November 6, 2007



This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2011 Crown in right of Nova Scotia. Created September 27, 2011. Send comments to legc.office@gov.ns.ca.



**Université Sainte-Anne -
Collège de l'Acadie
Act**

**Loi sur
l'Université Sainte-Anne -
Collège de l'Acadie**

CHAPTER 31

CHAPITRE 31

OF THE

DES

ACTS OF 2002

LOIS DE 2002

amended 2005, c. 29

modifié par 2005, ch. 29

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

AVERTISSEMENT - La version électronique de cette loi a été préparée pour l'usage personnel du lecteur seulement. Toute reproduction à des fins commerciales de cette version, tant dans sa forme actuelle que sous toute autre forme, est formellement interdite. La mise en forme de la présente version électronique peut différer de la version officielle imprimée; là où l'exactitude est critique, veuillez consulter les sources officielles.

**An Act to Integrate
Université Sainte-Anne
and
Collège de l'Acadie**

**Loi portant regroupement
de l'Université Sainte-Anne
et du Collège de l'Acadie**

Short title

Titre abrégé

1 This Act may be cited as the Université Sainte-Anne - Collège de l'Acadie Act. 2002, c. 31, s. 1.

1 La présente loi peut être citée : Loi sur l'Université Sainte-Anne - Collège de l'Acadie. 2002, ch. 31, art. 1.

Interpretation

2 In this Act,

(a) "Board" means the Board of Governors of the Université-Collège;

(b) "Collège" means the Collège de l'Acadie established by the Community Colleges Act;

(c) "Minister" means the Minister of Education;

(d) "Université" means the Université Sainte-Anne continued by the Université Sainte-Anne Act;

(e) "Université-Collège" means Université Sainte-Anne and Collège de l'Acadie as integrated and continued by this Act. 2002, c. 31, s. 2.

Interprétation

2 Dans la présente loi :

a) « Conseil » désigne le Conseil des gouverneurs de l'Université-Collège;

b) « Collège » désigne le Collège de l'Acadie constitué par la loi intitulée Community Colleges Act;

c) « Ministre » désigne le ministre de l'éducation;

d) « Université » désigne l'Université Sainte-Anne maintenue en existence par la Loi de l'Université Sainte-Anne;

e) « Université-Collège » désigne l'Université Sainte-Anne et le Collège de l'Acadie regroupés et maintenus en existence par la présente loi. 2002, ch. 31, art. 2.

Integration

3 (1) Université Sainte-Anne, a body corporate and politic pursuant to the Université Sainte-Anne Act, and the Collège de l'Acadie, a body corporate pursuant to the Community Colleges Act, are integrated and continued as a body corporate and politic under a single board of governors and having the name Université Sainte-Anne.

(2) Every Act of the Legislature respecting Université Sainte-Anne, including, without restricting the generality of the foregoing, the Université Sainte-Anne Act, applies to the Université-Collège.

Regroupement

3 (1) L'Université Sainte-Anne, personne morale reconnue par la Loi de l'Université Sainte-Anne, et le Collège de l'Acadie, personne morale reconnue par la loi intitulée Community Colleges Act, sont regroupés et maintenus en existence en une personne morale relevant d'un conseil des gouverneurs unique et dénommée Université Sainte-Anne.

(2) Toute loi de la Législature concernant l'Université Sainte-Anne, et notamment la Loi de l'Université Sainte-Anne, s'applique à l'Université-Collège.

(3) For greater certainty,

(a) the Université-Collège is not an agent of Her Majesty in right of the Province; and

(b) a person employed or engaged by the Université-Collège is not an officer, servant or agent of Her Majesty in right of the Province. 2002, c. 31, s. 3; 2005, c. 29, s. 2.

Responsibility, rights, powers and privileges

4 (1) The Université-Collège is a post-secondary institution and is primarily responsible for enhancing the economic and social well-being of the Acadian and francophone population by providing comprehensive courses of study for post-secondary education, professional and technical training, adult basic education, continuing education and related services.

(2) Subject to this Act, the Université-Collège has all of the rights, powers and privileges that the Université and the Collège had immediately before the coming into force of this Act.

(3) For greater certainty, the Université-Collège has all the usual powers, privileges and functions exercised by a university or a college, including the power of conferring degrees, diplomas and certificates in every faculty and program. 2002, c. 31, s. 4.

Language of administration

5 (1) Subject to subsection (2), the language of administration and operation of the Université-Collège shall be French.

(3) Il est précisé pour plus de certitude ce qui suit :

a) l'Université-Collège n'est pas un mandataire de Sa Majesté du chef de la Province;

b) une personne employée ou engagée par l'Université-Collège n'est ni un dirigeant, ni un préposé, ni un mandataire de Sa Majesté du chef de la Province. 2002, ch. 31, art. 3; 2005, ch. 29, art. 2.

Responsabilité, droits, pouvoirs et privilèges

4 (1) L'Université-Collège est un établissement postsecondaire dont la responsabilité première est de promouvoir le bien-être économique et social de la population acadienne et francophone en offrant des programmes d'études complets de niveau postsecondaire, ainsi que des services de formation professionnelle et technique, d'éducation de base aux adultes et d'éducation permanente et des services connexes.

(2) Sous réserve de la présente loi, l'Université-Collège jouit des droits, pouvoirs et privilèges qui étaient reconnus à l'Université et au Collège immédiatement avant l'entrée en vigueur de la présente loi.

(3) Il est précisé pour plus de certitude que l'Université-Collège jouit des pouvoirs, privilèges et attributions habituels exercés par une université ou un collège, y compris le pouvoir de décerner des grades, diplômes et certificats dans chaque faculté et pour chaque programme. 2002, ch. 31, art. 4.

Langue d'administration

5 (1) Sous réserve du paragraphe (2), le français est la langue d'administration et de fonctionnement de l'Université-Collège.

(2) When the circumstances warrant the use of English, the Université-Collège shall use English. 2002, c. 31, s. 5.

(2) Au besoin, l'Université-Collège utilise la langue anglaise. 2002, ch. 31, art. 5.

Board of Governors

Conseil des gouverneurs

6 (1) There shall be a Board of Governors of the Université-Collège consisting of

6 (1) Il est constitué un Conseil des gouverneurs de l'Université-Collège, lequel est composé :

(a) such number of persons as provided by the by-laws adopted from time to time by the Board, and having such qualifications as and elected or appointed as set out in such by-laws; and

a) des personnes dont le nombre est fixé par règlements administratifs du Conseil, ces personnes ayant les qualités y prévues et étant élues ou nommées en conformité avec eux;

(b) two persons appointed by the Minister.

b) de deux personnes nommées par le Ministre.

(2) Notwithstanding subsections (1) and 13(1) and Section 14, until the Board is appointed or elected pursuant to subsection (1), the Board consists of

(2) Malgré les paragraphes (1) et 13(1) et l'article 14, et jusqu'à ce qu'il soit composé conformément au paragraphe (1), le Conseil se compose des personnes suivantes :

(a) six persons appointed by the Board of Directors of the Université;

a) six personnes nommées par le Conseil d'administration de l'Université;

(b) six persons appointed by the Board of Governors of the Collège, two of whom must be members of that Board pursuant to clause 8(1)(e) of the Community Colleges Act;

b) six personnes nommées par le Conseil des gouverneurs du Collège, dont deux sont membres du Conseil par application de l'alinéa 8(1)e) de la loi intitulée Community Colleges Act;

(c) one representative from and elected by the faculty of the Université and one representative from and elected by the academic staff of the Collège;

c) un représentant issu du corps professoral de l'Université, élu par lui, et un représentant du personnel enseignant du Collège, élu par lui;

(d) one representative from and elected by the non-academic staff of the Université and one representative from and elected by the non-academic staff of the Collège;

d) un représentant issu du personnel non enseignant de l'Université, élu par lui, et un représentant issu du personnel non enseignant du Collège, élu par lui;

(e) one representative from and elected by the students of the Université and one representative from and elected by the students of the Collège;

e) un représentant issu de la population étudiante de l'Université, élu par elle, et un représentant issu de la population étudiante du Collège, élu par elle;

(f) one representative appointed by the Alumni Association of the Université; and

(g) one person appointed by the Minister of Education for Prince Edward Island. 2002, c. 31, s. 6.

By-laws

7 (1) The Board of Governors of the Université-Collège may make such by-laws as are not inconsistent with this Act or any other law of the Province for the management and conduct in all respects of the business and affairs of the Université-Collège and the exercise of the powers of the Board.

(2) The Board shall undertake a review of any existing by-laws in place at either the Université or the Collège with a view to determining their ongoing applicability to the Université-Collège.

(3) Notwithstanding any existing by-law in place at either the Université or the Collège, new by-laws and amendments or replacements of existing or new by-laws are effective when approved by a resolution passed by a majority of the members of the Board or such higher proportion of members of the Board as is determined by a by-law made by the Board after the coming into force of this Act. 2002, c. 31, s. 7.

No action lies

8 (1) No action or other proceeding for damages lies or shall be instituted against the Board, a member of the Board, the President or an officer, employee or agent of the Université-Collège for an act or omission done in good faith in the execution or intended execution of any power or duty pursuant to this Act.

f) un représentant nommé par l'Association des anciens de l'Université;

g) une personne nommée par le ministre de l'éducation de l'Île-du-Prince-Édouard. 2002, ch. 31, art. 6.

Règlements administratifs

7 (1) Le Conseil peut prendre des règlements administratifs qui ne sont pas incompatibles avec la présente loi et avec toute autre loi de la Province concernant la gestion et la conduite des activités et des affaires internes de l'Université-Collège et l'exercice des pouvoirs du Conseil.

(2) Le Conseil procédera à la révision de l'ensemble des règlements administratifs courants de l'Université et du Collège pour déterminer s'ils peuvent s'appliquer à l'Université-Collège.

(3) Nonobstant tout règlement administratif en cours à l'Université ou au Collège, les nouveaux règlements administratifs de même que toute modification ou remplacement d'un règlement administratif courant ou nouveau prennent effet dès leur approbation par résolution adoptée à la majorité des membres du Conseil ou par une proportion supérieure des membres du Conseil que le Conseil aura déterminée par règlement administratif après l'entrée en vigueur de la présente loi. 2002, ch. 31, art. 7.

Abri de toute forme de poursuite

8 (1) Le Conseil, les membres du Conseil, le président, les dirigeants, les employés et les mandataires de l'Université-Collège sont à l'abri de toute forme de poursuite ou procédure en dommages-intérêts pour les actes accomplis ou omis de bonne foi en exerçant ou en voulant exercer les pouvoirs ou les fonctions prévus par la présente loi.



Property Valuation Services Corporation Act

CHAPTER 19

OF THE

ACTS OF 2006

amended 2010, c. 2, s. 139

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act to Establish the Property Valuation Services Corporation

Short title

1 This Act may be cited as the Property Valuation Services Corporation Act. *2006, c. 19, s. 1.*

Interpretation

2 In this Act,

- (a) "Assessment Services" means the Assessment Services Division of Service Nova Scotia and Municipal Relations;
- (b) "Board" means the Board of Directors of the Corporation, unless the context requires otherwise;
- (c) "Corporation" means the Property Valuation Services Corporation;
- (d) "Crown" means Her Majesty in right of the Province;
- (e) "director" means a member of the Board, unless the context requires otherwise;
- (f) "independent member" means a member of the Board or Transitional Board who is not a member of

a municipal council, an employee of a municipal council, the Executive Director of the Union of Nova Scotia Municipalities or the Deputy Minister of Service Nova Scotia and Municipal Relations;

(g) "minister" means a member of the Executive Council;

(h) "Minister" means the Minister of Service Nova Scotia and Municipal Relations;

(i) "municipality" means a regional municipality, a town or a municipality of a county or district, within the meaning of the Municipal Government Act;

(j) "Transitional Board" means the Assessment Services Transitional Board created by a letter of agreement between the Minister and the Union of Nova Scotia Municipalities in June 2006 and continued by this Act. 2006, c. 19, s. 2.

TRANSITIONAL BOARD

Transitional Board continued

3 (1) The Transitional Board is hereby continued as a body corporate to be known as the Assessment Services Transitional Board.

(2) The Transitional Board is accountable to the Minister and to the Board of Directors of the Union of Nova Scotia Municipalities.

(3) It is the responsibility of the Transitional Board to

(a) advise the Minister and the Board of Directors of the Union of Nova Scotia Municipalities respecting policy matters related to assessment services;

(b) undertake research and recommend programs respecting assessment matters;

(c) review and advise respecting the financial requirements of Assessment Services;

(d) determine the operating and capital budgets of the Corporation for the fiscal year commencing April 1, 2007;

(e) establish a preliminary three-year operating plan and a preliminary five-year capital plan for the Corporation;

(f) determine the initial operating policies of the Corporation, subject to this Act, including policies respecting the internal administration of the Corporation, organizational design, human resources plan, communications, information technology strategy, initial Board policies and by-laws, legal and financial services and provision of corporate services; and

(g) negotiate transitional matters subject to this Act and the memorandum of understanding provided for in this Act, including protocols respecting continued provision of any overhead services, information technology, legal and administrative services, data sharing and any other matters that, in the opinion of the Transitional Board, ought to be dealt with.

(4) The Transitional Board has the power to bind the Corporation. 2006, c. 19, s. 3.

Reimbursement and remuneration of members of Transitional Board

4 (1) Members of the Transitional Board shall be reimbursed for expenses necessarily incurred as part of their duties as members of the Transitional Board at the same rates prescribed by the Union of Nova Scotia Municipalities for its Executive.

(2) Members of the Transitional Board may be remunerated at a rate determined by the Transitional Board.

(3) Reimbursement and remuneration of the Transitional Board shall be paid by the Province from the Assessment Services budget. *2006, c. 19, s. 4.*

Quorum

5 A majority of the members of the Transitional Board is a quorum. *2006, c. 19, s. 5.*

Committees

6 (1) The Transitional Board has the authority to create committees and the same authority to adopt by-laws as the Board.

(2) By-laws are effective when approved by a resolution passed by a two-thirds majority of the members of the Transitional Board, including a majority of those members who are elected municipal officials, or such higher proportion of members of the Transitional Board as is determined by a by-law made by the Transitional Board after the coming into force of this Act. *2006, c. 19, s. 6.*

Members of Transitional Board become directors of Board

7 (1) Effective April 1, 2007, the members of Transitional Board become directors, and the Transitional Board ceases to exist.

(2) The term of office of a member of the Transitional Board who is a municipal employee, or on the Transitional Board by reason of being a former president of the Union of Nova Scotia Municipalities or a current or former President of the Association of Municipal Administrators, ends upon new appointees becoming directors on December 1, 2007.

(3) The term of office of a member of the Transitional Board or the Board who is a member of a municipal council ends upon new appointees becoming directors on December 1, 2008.

(4) The term of office of an independent member of the Transitional Board who becomes a director ends on December 1, 2008.

(5) A member of the Transitional Board who is a member of a municipal council or a municipal employee ceases to hold office on the Transitional Board if the member ceases to be a member of a municipal council or a municipal employee, as the case may be.

(6) Where a member of the Transitional Board ceases to hold office on the Transitional Board before the expiry of that member's term, the Union of Nova Scotia Municipalities may appoint a similarly qualified person to complete the member's term of office, in accordance with the letter of agreement.

(7) A vacancy in the membership of the Transitional Board does not affect the ability of the remaining members to act.

(8) A member of the Transitional Board may be appointed for one additional term as a member of the Board on or after December 1, 2007. *2006, c. 19, s. 7.*

Sections 28 to 31 apply to Transitional Board

8 Sections 28 to 31 apply to the Transitional Board. *2006, c. 19, s. 8.*

PROPERTY VALUATION SERVICES CORPORATION

Corporation established

9 (1) There is hereby established, effective April 1, 2007, a body corporate to be known as the Property Valuation Services Corporation.

(2) The Corporation is composed of its members.

(3) Every municipality in the Province is a member of the Corporation. *2006, c. 19, s. 9.*

Objects of Corporation

10 The objects of the Corporation are to provide assessment and related property information services for municipalities and the Province. *2006, c. 19, s. 10.*

Corporation not agent of Crown or Crown entity

11 (1) The Corporation is not an agent of the Crown nor is it a crown corporation within the meaning of the Finance Act.

(2) The Corporation is not a department, government business enterprise nor government unit within the meaning of the Finance Act. *2006, c. 19, s. 11; 2010, c. 2, s. 139.*

Employees not officers, servants or agents of Crown

12 A person employed or engaged by the Corporation is not an officer, servant or agent of the Crown. *2006, c. 19, s. 12.*

Management and control

13 The management and control of the affairs of the Corporation is vested in a Board of Directors and the Board may, subject to this Act, exercise the powers of the Corporation. *2006, c. 19, s. 13.*

Interpretation of Sections 15 and 16

14 In Sections 15 and 16,

(a) "regional municipality" means Halifax Regional Municipality or Cape Breton Regional Municipality;

(b) "rural municipality" means the Region of Queens Municipality or a municipality of a county or district;

(c) "town" means an incorporated town. *2006, c. 19, s. 14.*

Membership of Board

15 (1) On December 1, 2007, the membership of the Board consists of

(a) the former chair of the Transitional Board whose term shall continue until the chair is replaced on December 1, 2008;

(b) three former members of the Transitional Board, one of whom is a member of the council of the Halifax Regional Municipality, one of whom is a member of a council of a rural municipality and one of whom is a member of a council of a town, whose terms continue until December 1, 2008;

(c) three members of municipal councils appointed by the Union of Nova Scotia Municipalities, one of whom is a member of the council of the Cape Breton Regional Municipality, one of whom is a member of a council of a rural municipality and one of whom is a member of a council of a town, and who each hold office for a term of three years;

(d) three members of the Association of Municipal Administrators who are employees of municipalities appointed by the Union of Nova Scotia Municipalities, one of whom is an employee of a regional municipality, one of whom is an employee of a rural municipality and one of whom is an employee of a town and who each hold office for a term of two years;

(e) the Deputy Minister of Service Nova Scotia and Municipal Affairs, who is a non-voting member; and

(f) the Executive Director of the Union of Nova Scotia Municipalities.

(2) On or after December 1, 2008, the Board may appoint two independent members who, if appointed, each hold office for a term of three years. *2006, c. 19, s. 15.*

Re-appointment of directors

16 (1) Subject to subsection (3), upon the expiry of the term of office of any director described in clauses 15(1)(b) to (d), the director shall be re-appointed by the Union of Nova Scotia Municipalities or replaced by a person appointed by the Union to represent the same regional municipality or same type of municipality as the director whose term has expired represented, for a term of three years.

(2) Subject to subsection (3), upon the expiry of the term of office of any director described in subsection 15(2), the director may be re-appointed or replaced by a person appointed by the Board, for a term of three years.

(3) No person may serve as a director for more than two consecutive terms.

(4) Where a director ceases to be qualified to serve as a director, the director ceases to be a director and shall be replaced by a person with the same qualifications as the person who ceased to be a director, using the same criteria as are set out in Section 15.

(5) A vacancy on the Board does not impair the ability of the Board to act. *2006, c. 19, s. 16.*

Chair and Vice-chair

17 (1) Upon the expiry of the term of the former Chair of the Transitional Board, the Board shall elect one of the directors as Chair.

(2) Upon the expiry of the term of the former Vice-chair of the Transitional Board on December 1, 2008, the Board shall elect one of the directors as Vice-chair who shall act in the place of the Chair in the absence or inability of the Chair to act or when the position of the Chair is vacant.

(3) Neither the Deputy Minister of Service Nova Scotia nor the Executive Director of the Union of Nova Scotia Municipalities is eligible to serve as Chair or Vice-chair of the Board.

(4) The Chair and Vice-chair shall be elected for a term of no more than three years in length in the discretion of the Board and may not be re-elected for a consecutive term. *2006, c. 19, s. 17.*

Powers of Corporation

18 (1) The Corporation may

(a) receive, acquire, take, hold, mortgage, sell, convey or otherwise dispose of or deal with real and personal property and any interest therein;

(b) make by-laws not inconsistent with this Act, the Assessment Act or any other law of the Province, as it deems necessary for the effective attainment of its objects and the exercise of its powers and for the internal control, management and administration of the Corporation including, without limiting the generality of the foregoing,

(i) the calling of meetings of the Board,

(ii) the appointment, removal, functions and duties of the Chief Executive Officer of the Corporation,

(iii) the creation of committees,

(iv) the delegation to the Chief Executive Officer of the Corporation and committees of such powers and duties as the Board deems necessary,

(v) the procedure to be followed at meetings of the Board and of the committees,

(vi) changing the distribution formula set out in subsection 35(4),

(vii) the procedure to adopt by-laws.

(2) By-laws are effective when approved by a resolution passed by a two-thirds majority of the directors, including a majority of those directors who are elected municipal officials, or such higher proportion of directors as is determined by a by-law made by the Board after the coming into force of this Act.

(3) The Corporation shall use its income solely for the purpose of performing duties and activities

authorized pursuant to this Act.

(4) The Corporation shall apply any surplus, apart from reserve funds established by the Board, to pay its budgeted expenditures. *2006, c. 19, s. 18.*

Duties and powers of Corporation

19 (1) The Corporation is responsible for the assessment of all properties that are required under the Assessment Act to be assessed and for such other duties as are prescribed by this Act or any other Act of the Legislature.

(2) The Corporation shall perform the duties assigned to assessors pursuant to the Assessment Act and the Municipal Government Act.

(3) The Corporation may perform such additional duties consistent with this Act as are considered by the Board to be advantageous to the Corporation.

(4) The Corporation may undertake valuation of properties for purposes other than that of the delivery of assessment services to Nova Scotia municipalities, provide expertise, technology, instruction, information and other assistance to municipalities and other persons, within and without the Province, and may levy fees related to the rendering of such services.

(5) A person employed as an assessor by the Corporation is an assessor pursuant to the Assessment Act and has all of the powers, responsibilities and immunities of an assessor appointed under the Assessment Act. *2006, c. 19, s. 19.*

Exemption from municipal taxation

20 (1) The Corporation, its property and assets are exempt from municipal taxation, including the fire protection rate under Section 80 of the Municipal Government Act and local improvement charges under Section 81 of the Municipal Government Act.

(2) A person, firm or association other than the Corporation, that occupies real property of the Corporation shall be assessed and rated for taxes pursuant to the Assessment Act or the Municipal Government Act in respect of that property, but the property itself is not liable. *2006, c. 19, s. 20.*

Execution of documents or security

21 Any deed, mortgage, trust deed, lease, assignment of mortgage, bond, debenture, promissory note, bill of exchange or other documents or security that in the course of business may have to be executed by the Corporation may be signed by the Chair or Vice-chair and the secretary, or by any officer of the Corporation or officer or director of the Corporation that the Corporation may authorize in that behalf by resolution or by-law, and the seal of the Corporation is only necessary on such documents as would be required to be sealed by private individuals. *2006, c. 19, s. 21.*

Quorum of Board

22 A majority of the directors is a quorum of the Board. *2006, c. 19, s. 22.*

Fiscal year

23 The fiscal year of the Corporation begins April 1st in each year and ends March 31st in the following year. *2006, c. 19, s. 23.*

Remuneration and reimbursement of directors

24 (1) Directors may be remunerated as determined by the Board and approved by the Executive of the Union of Nova Scotia Municipalities.

(2) Directors shall be reimbursed by the Corporation for reasonable expenses incurred in the performance of their duties at the same rates prescribed by the Union of Nova Scotia Municipalities for the members of its Executive. *2006, c. 19, s. 24.*

Chief Executive Officer

25 (1) The Board shall appoint a person to be the Chief Executive Officer of the Corporation.

(2) The Chief Executive Officer is responsible for the operation of the Corporation, including the appointment, removal, functions and duties of the other employees of the Corporation.

(3) The Chief Executive Officer shall implement the policies, priorities and procedures established by the Board and perform such additional duties as may be assigned by the Board from time to time.

(4) The Chief Executive Officer is the secretary of the Board.

(5) The Chief Executive Officer is the Director of Assessment pursuant to the Assessment Act, unless the Board appoints an employee of the Corporation to be the Director of Assessment.

(6) The Board from time to time may authorize any other person to assist the Director of Assessment in carrying out the duties of the Director of Assessment or to act in the place and stead of the Director of Assessment.

(7) The duties of the Director of Assessment may, subject to supervision and control, be delegated by the Director of Assessment to the person authorized by the Board pursuant to subsection (6) and such delegation may relate to all or part of the Province. *2006, c. 19, s. 25.*

Appointment of auditor

26 The Board shall appoint an accountant licensed under the Public Accountants Act to audit the accounts of the Corporation. *2006, c. 19, s. 26.*

Annual report

27 (1) On or before August 1st in each year the Corporation shall provide an annual report to each of its members and to the Minister concerning the previous fiscal year.

(2) The annual report shall include the audited financial statements of the Corporation, a narrative of the Corporation's activities for the fiscal year covered by the report, an evaluation of its activities based on performance measures and confirmation of compliance with standards adopted by the Board.

(3) The Corporation shall present its annual report to the annual conference of the Union of Nova Scotia

Municipalities, and shall also present its proposed budget for the forthcoming fiscal year, its three-year operating plan and its five-year capital plan. 2006, c. 19, s. 27.

Municipal Conflict of Interest Act

28 (1) The Board is deemed to be a local board for the purpose of the Municipal Conflict of Interest Act.

(2) A director shall declare an interest in any matter that directly concerns the municipality by which the director is employed or of whose council the director is a member, other than a matter that is of concern to municipalities generally, and shall withdraw from any discussion of the matter. 2006, c. 19, s. 28.

Manner of making declaration of interest

29 A declaration of an interest by a director that is required pursuant to Section 28 shall be made in the same manner as a declaration of interest is to be made by a member of a council of a municipality or local board pursuant to the Municipal Conflict of Interest Act and that Act, including the procedures and penalties provided in the Act, applies mutatis mutandis to directors and the Board. 2006, c. 19, s. 29.

Indemnification

30 (1) The Corporation may indemnify an employee, a director or officer of the Corporation, a former employee, director or officer of the Corporation or a person who acts or acted as agent at the Corporation's request, and the employee's, director's, officer's or agent's heirs and legal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred by the employee, director, officer or agent in respect of any civil, criminal or administrative action or proceeding to which the employee, director, officer or agent is made a party by reason of being or having been an employee, director, officer or agent of the Corporation, if

(a) the person acted honestly and in good faith with a view to the best interests of the Corporation; and

(b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the person had reasonable grounds for believing that the conduct was lawful.

(2) The Corporation may, with the approval of the Supreme Court of Nova Scotia, indemnify a person referred to in subsection (1) in respect of an action by or on behalf of the Corporation or body corporate to procure a judgment in its favour, to which the person is made a party by reason of being or having been a director or an officer of the Corporation or body corporate, against all costs, charges and expenses reasonably incurred by the person in connection with such action if the person fulfils the conditions set out in clauses (1)(a) and (b).

(3) A person referred to in subsection (1) is entitled to indemnity from the Corporation in respect of all costs, charges and expenses reasonably incurred by the person in connection with the defence of any civil, criminal or administrative action or proceeding to which the person is made a party, by reason of being a person referred to in subsection (1), if the person seeking indemnity

(a) was substantially successful on the merits in the defence of the action or proceeding; and

(b) fulfils the conditions set out in clauses (1)(a) and (b).

(4) The Corporation may purchase and maintain insurance for the benefit of any person referred to in

subsection (1) against any liability incurred by the person in the person's capacity referred to in subsection (1).

(5) The Corporation or a person referred to in subsection (1) may apply to the Supreme Court of Nova Scotia for an order approving an indemnity under this Section and the Court may so order and may make any further order it thinks fit.

(6) Upon an application under subsection (5), the Supreme Court of Nova Scotia may order notice to be given to any interested person and such person is entitled to appear and be heard in person or by counsel. *2006, c. 19, s. 30.*

No action lies

31 (1) No action or other proceeding for damages lies or shall be instituted against the Board, a director, the Chief Executive Officer or other officer, employee or agent of the Corporation for an act or omission done in good faith in the execution or intended execution of any power or duty pursuant to this Act.

(2) No action or other proceeding for damages lies or shall be instituted against a director, or the Chief Executive Officer or any person acting under the direction of a member of the Board or the Chief Executive Officer for a debt, liability or obligation of the Corporation.

(3) The Corporation, the Board, a director, the Chief Executive Officer or other officer, employee or agent of the Corporation do not owe a duty of care to persons who use the assessment roll for information purposes. *2006, c. 19, s. 31.*

ASSESSMENT SERVICES

Memorandum of understanding respecting services

32 (1) The Corporation and the Minister shall enter into a memorandum of understanding respecting the transfer of responsibility for the delivery of assessment services to the Corporation, and for the continuing delivery of assessment services by the Corporation.

(2) The memorandum of understanding must include requirements for performance measures and standards for the Corporation, which must be adopted by the Board for the Corporation to follow, and for the continuing exchange of information that was shared within Service Nova Scotia and Municipal Relations, between Service Nova Scotia and Municipal Relations and the Corporation.

(3) The Corporation shall comply with the requirements in the memorandum of understanding.

(4) The memorandum of understanding may be amended from time to time, as agreed by the parties. *2006, c. 19, s. 32.*

Transitional provision of services

33 Until full responsibility for Assessment Services and its property, employees and other assets and liabilities are transferred to the Corporation, the Province shall continue to provide assessment services. *2006, c. 19, s. 33.*

Minister may transfer funds, assets or liabilities

34 The Minister may make an order to effect or confirm the transfer of any funds, assets or liabilities from the Province to the Corporation. *2006, c. 19, s. 34.*

Operating plan and capital budget

35 (1) The Corporation shall each year prepare a three-year operating plan and a five-year capital budget.

(2) On or before January 31st in each year the Board shall approve the budget for the forthcoming year.

(3) Municipalities shall pay to the Corporation in each year the total amount of estimated expenditures less estimated revenues from other sources contained in the budget referred to in subsection (2).

(4) The share of the balance of the budget to be paid by each municipality is equal to the average of

(a) the proportion that the total uniform assessment of the municipality bears to the total uniform assessment in the Province; and

(b) the proportion that the total number of assessment accounts in the municipality bears to the total number of assessment accounts in the Province,

times the balance of the budget. *2006, c. 19, s. 35.*

Members of Corporation liable for share of budget

36 Members of the Corporation are liable for their share of the budget amount for each year and each member shall be notified of its share of the budget amount for that year. *2006, c. 19, s. 36.*

Corporation bills municipalities

37 (1) The Corporation shall bill every municipality for its share of the Corporation's budget on or before April 1st in each year.

(2) Every municipality shall pay its share of the Corporation's budget in accordance with the terms and conditions imposed by the Corporation.

(3) The Corporation may provide that a bill be paid in instalments at such times as are prescribed by the Board.

(4) The Corporation may charge interest and impose penalties for late payment or failure to make payments as required by this Section. *2006, c. 19, s. 37.*

Levy of charge for services

38 The Corporation may levy a charge to be paid by municipalities or other persons for any services it provides under this or any other Act. *2006, c. 19, s. 38.*

Corporation subject to certain statutes

39 (1) The Corporation is a municipal enterprise for the purpose of the Municipal Finance Corporation

Act.

(2) The Corporation is a municipal body for the purpose of Part XX of the Municipal Government Act. 2006, c. 19, s. 39.

Sharing of information

40 (1) A minister may give to the Corporation any information that the minister considers necessary or useful to assist the Corporation in performing its duties under an enactment.

(2) When a minister, or a person designated by a minister, provides information to the Corporation, the minister or the designated person may impose such conditions as are considered appropriate and, in particular, conditions respecting non-disclosure to third parties, which the Corporation shall observe unless the permission of the minister is obtained.

(3) The Corporation may give to a minister any information and documents that the Corporation considers necessary or useful to assist the Crown in performing its duties under an enactment.

(4) When the Corporation provides information or documents to the Crown, the Corporation may impose such conditions as are considered appropriate and, in particular, conditions respecting non-disclosure to third parties, which the Crown shall observe unless the permission of the Corporation is obtained. 2006, c. 19, s. 40.

Access to information free of charge

41 (1) The Corporation shall give the Minister access to all information identified as information that was shared within Service Nova Scotia and Municipal Relations pursuant to the memorandum of understanding referred to in Section 32, and the information must be provided free of charge.

(2) The Minister shall give to the Corporation access to all information held by Service Nova Scotia and Municipal Relations identified as information that was shared within Service Nova Scotia and Municipal Relations pursuant to the memorandum of understanding, and the information must be provided free of charge. 2006, c. 19, s. 41.

Further sharing of information

42 (1) The Corporation shall give a minister access to all information of the Corporation that the minister requires for the purpose of policy development or program delivery, or to ensure compliance with the Assessment Act or another enactment.

(2) When the Corporation provides information to the Crown, the Corporation may impose such conditions as are considered appropriate and, in particular, conditions respecting non-disclosure to third parties, which the Crown shall observe unless the permission of the Corporation is obtained.

(3) The Minister shall give to the Corporation access to all information held by Service Nova Scotia and Municipal Relations that the Corporation requires for the purpose of performing its duties under the Assessment Act.

(4) When the Minister provides information to the Corporation, the Minister may impose such conditions as are considered appropriate and, in particular, conditions respecting non-disclosure to third

parties, which conditions the Corporation shall observe unless the permission of the Minister is obtained. *2006, c. 19, s. 42.*

Minister to consult Board

43 The Minister shall consult with the Board respecting any proposed amendment to or regulation pursuant to this Act or the Assessment Act or any other Act, undertaken by or on behalf of the Government of the Province, that would have a financial impact on the Corporation or affects the duties and responsibilities of the Corporation under the Assessment Act. *2006, c. 19, s. 43.*

TRANSITIONAL PROVISIONS

Substituted reference

44 A reference in any enactment, resolution or order in council or any document or instrument of any kind to the Director of Assessment shall be read and construed as a reference to the Chief Executive Officer of the Corporation or an employee appointed by the Board under this Act to act as the Director of Assessment, and a reference to Assessment Services shall be read as a reference to the Corporation. *2006, c. 19, s. 44.*

Employees

45 (1) In this Section and Sections 46 to 50,

(a) "designated person" means an employee within the Assessment Services Division of Service Nova Scotia and Municipal Relations;

(b) "employee" means an employee of Service Nova Scotia and Municipal Relations immediately before this Section comes into force, and who was appointed in accordance with the Civil Service Act.

(2) Every designated person becomes an employee of the Corporation and ceases to be a person appointed in accordance with the Civil Service Act on the date that the Minister indicates that the person is a designated person.

(3) The continuity of employment of a designated person is not broken by the effect of this Section.

(4) The Civil Service Act and the regulations made pursuant to that Act and the Civil Service Collective Bargaining Act do not apply to a designated person.

(5) Every designated person is employed by the Corporation on the same or equal terms and conditions of employment as those under which the employee was employed as an employee until changed by collective agreement or contract of employment.

(6) Every designated person is deemed to have been employed with the Corporation for the same period of employment that the employee was credited with as an employee of the Province.

(7) Benefits accumulated by a designated person while employed by the Province are vested in the designated person, and the designated person is entitled to receive those benefits from the Corporation. *2006, c. 19, s. 45.*

Public service awards

46 Where, at retirement from the Corporation, a designated person would have been eligible for a public service award under the General Civil Service Regulations made under the Civil Service Act if the person had remained as an employee of the Province,

(a) the Province shall pay to the person, upon retirement, an amount equivalent to the amount of the public service award that it would have paid to the person for the person's years of employment with the Province; and

(b) the Corporation shall pay an amount equivalent to the amount of public service award that would have been paid by the Province if the person had remained as an employee of the Province, less than the amount paid pursuant to clause (a). *2006, c. 19, s. 46.*

Collective agreements bind Corporation

47 (1) The Corporation is bound by a collective agreement concluded pursuant to the Civil Service Collective Bargaining Act in relation to the designated person as if it were a party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the Trade Union Act by a bargaining agent certified pursuant to the Trade Union Act.

(2) For greater certainty, the Corporation is a transferee for the purpose of Section 31 of the Trade Union Act and, without limiting the generality of the foregoing, the Corporation is bound by successor rights as determined pursuant to the Trade Union Act. *2006, c. 19, s. 47.*

Public Service Superannuation Plan

48 Each designated person who was an employee within the meaning of the Public Service Superannuation Act before this Act came into force and each designated person in a bargaining unit whose collective agreement provided for participation in the Public Service Superannuation Plan before the coming into force of this Act is deemed to continue to be a person employed in the civil service of the Province for all purposes of the Public Service Superannuation Act and service in the employment of the Corporation is deemed to be service in the public service of the Province. *2006, c. 19, s. 48.*

Long Term Disability Plan

49 Subject to any applicable collective agreement or contract of employment, each designated person who was covered by the Nova Scotia Public Service Long Term Disability Plan before this Act came into force or was included in a bargaining unit whose collective agreement provided for long term disability benefits under the Nova Scotia Public Service Long Term Disability Plan is deemed to continue to be a person to whom the Nova Scotia Public Service Long Term Disability Plan applies, unless the person elects, in writing, to become a member of a plan established by the Corporation. *2006, c. 19, s. 49.*

Employee benefits and entitlements

50 (1) The obligations and liabilities of the Province in respect of designated persons are the obligations and liabilities of the Corporation, including all employee benefits and entitlements and, for greater certainty, all designated persons continue to be covered under the Province of Nova Scotia Group Life Assurance Plan, Policy Nos. 71298 and 71309, the Consolidated Health and Dental Plan, the Employee

Assistance Plan (EAP) and Short Term Illness (STI) plan, and the appropriate employee deductions and employer contributions shall be made by the Corporation, unless the person elects, in writing, to become a member of a similar plan established by the Corporation.

(2) The Corporation shall, prior to the date on which the designated persons become employees of the Corporation, establish group life, medical, dental, pension, employee assistance, short term illness and long term disability plans to provide to employees who are not designated persons. *2006, c. 19, s. 50.*

Corporation is successor employer

51 The Corporation is a successor employer for purposes of the Pension Benefits Act. *2006, c. 19, s. 51.*

Regulations

52 (1) The Minister may, upon consultation with the Corporation, make regulations

- (a) respecting any matter authorized by this Act to be done by regulation;
- (b) defining any word or expression used but not defined in this Act;
- (c) the Minister considers necessary or advisable to carry out the intent and purpose of this Act.

(2) The exercise by the Minister of the authority contained in this Section is regulations within the meaning of the Regulations Act. *2006, c. 19, s. 52.*

CONSEQUENTIAL AMENDMENTS

Assessment Act amended

53 amendments

Public Service Act amended

54 amendment

Proclamation

55 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. *2006, c. 19, s. 55.*

Proclaimed (except ss. 19, 25-27 & 40-54) - February 13, 2007
In force (except ss. 19, 25-27 & 40-54) - February 13, 2007

Proclaimed (ss. 19, 25-27 & 40-54) - November 13, 2007
In force (ss. 19, 25-27 & 40-54) - April 1, 2008





Nova Scotia Agricultural College Act

CHAPTER 7

OF THE

ACTS OF 2008

amended 2010, c. 2, ss. 134, 135

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act Respecting the Nova Scotia Agricultural College

NOTE - Not all of this Act is in force. See Section 53.

Short title

1 This Act may be cited as the Nova Scotia Agricultural College Act. 2008, c. 7, s. 1.

Interpretation

2 In this Act,

(a) "Board" means the Board of Governors of the College;

(b) "College" means the Nova Scotia Agricultural College situated at Bible Hill, in the County of Colchester;

(c) "degree" means a degree granted by the Board or granted on the recommendation of the faculty council or academic senate of another post secondary institution with which the College has a formal agreement;

- (d) "faculty" means full-time employees whose regular assignments include teaching, research and other academic responsibilities as a principal activity, and who hold academic rank as professor, associate professor, assistant professor or lecturer at the College;
- (e) "Minister" means the Minister of Agriculture;
- (f) "President" means the President of the College;
- (g) "program of study" means a group of courses that leads to the granting of a certificate, diploma or degree;
- (h) "Senate" means the Senate of the College;
- (i) "student" means a person enrolled in the current academic year as a student of the College;
- (j) "Transitional Board" means the Nova Scotia Agricultural College Transitional Board appointed pursuant to Section 6. *2008, c. 7, s. 2.*

College continued

3 The Nova Scotia Agricultural College is continued and hereby established as a body corporate. *2008, c. 7, s. 3.*

Mandate of College

4 The College is a post secondary institution and is expected to contribute to the economic and social well being of the Province and the Maritime Region by providing theoretical and practical education, research, knowledge transfer and community and industry collaboration in agriculture, aquaculture, environmental sciences, agri-food science and processing, rural studies and development and other related programs that are of service to the agricultural and rural community and, without restricting the generality of the foregoing, the College may

- (a) offer education, training and related services for full and part-time students;
- (b) provide education, training, research, knowledge transfer, extension services and related services to governments, corporations, other bodies and persons consistent with the mandate on terms and conditions the College considers appropriate; and
- (c) participate in joint programs with respect to education, training and related services developed and delivered in conjunction with other post-secondary institutions and educational bodies. *2008, c. 7, s. 4.*

Power to grant

5 The College may grant

- (a) diplomas;
- (b) certificates; and
- (c) degrees. *2008, c. 7, s. 5.*

Transitional Board

6 (1) There is hereby established a body corporate to be known as the Nova Scotia Agricultural College Transitional Board.

(2) The Transitional Board consists of five persons appointed by the Governor in Council.

(3) The chair of the Transitional Board shall be appointed by the Governor in Council from the persons appointed pursuant to subsection (2).

(4) The Transitional Board is accountable to the Minister.

(5) It is the responsibility of the Transitional Board to

(a) advise the Minister respecting policy matters related to the mandate of the College;

(b) review and advise respecting the financial requirements of the College;

(c) determine the operating and capital budgets of the College for the fiscal year commencing on a date determined by the Minister;

(d) establish a preliminary three-year operating plan and a preliminary five-year capital plan for the College;

(e) determine the initial operating policies of the College, subject to this Act, including policies respecting the internal administration of the College, organizational design, human resources, communications, information technology, initial Board policies and by-laws and the provision of corporate services; and

(f) negotiate transitional matters, subject to this Act, including protocols respecting continued provision of any overhead services, information technology, administrative services, data sharing and any other matters that, in the opinion of the Transitional Board, ought to be dealt with.

(6) The Transitional Board has the power to bind the College. *2008, c. 7, s. 6.*

President of Transitional Board

7 (1) The Transitional Board may appoint and determine the terms and conditions of employment of a President and the President is the chief executive officer of the College.

(2) Subject to the direction of the Transitional Board, the President is responsible for the general management and direction of the College, including

(a) the policies, programs and services of the College;

(b) the business affairs of the College; and

(c) such other matters as may be delegated by the Transitional Board to the President.

(3) The term of office of the President may not exceed five years and the President may be re-appointed.

(4) The process adopted by the Transitional Board for the appointment, review and termination of a President is subject to the approval of the Minister. *2008, c. 7, s. 7.*

Reimbursement and remuneration

8 (1) Members of the Transitional Board shall be reimbursed for expenses necessarily incurred as part of their duties as members of the Transitional Board.

(2) Members of the Transitional Board may be remunerated at a rate determined by the Governor in Council.

(3) Reimbursement and remuneration of the Transitional Board must be paid by the Province from the budget of the Department of Agriculture. *2008, c. 7, s. 8.*

Quorum

9 A majority of the members of the Transitional Board constitutes a quorum. *2008, c. 7, s. 9.*

Committees and by-laws

10 (1) The Transitional Board has the authority to create committees and the same authority to adopt by-laws as the Board.

(2) By-laws are effective when approved by a resolution passed by a majority of the members of the Transitional Board. *2008, c. 7, s. 10.*

Transition to Board and vacancies

11 (1) At such time as determined by the Governor in Council, the Transitional Board ceases to exist and the members of the Transitional Board may become members of the Board.

(2) A vacancy in the membership of the Transitional Board does not affect the ability of the remaining members to act.

(3) Section 41 applies *mutatis mutandis* to the Transitional Board. *2008, c. 7, s. 11.*

Membership of Board

12 (1) The Board of the College consists of

- (a) at least one student of the College elected by the students of the College;
- (b) at least one faculty member of the College elected by the faculty of the College;
- (c) at least one non-faculty staff member of the College elected by the non-faculty staff of the College;
- (d) at least one alumnus of the College elected by the Nova Scotia Agricultural College Alumni Association;
- (e) not fewer than three and not more than five persons appointed by the Governor in Council; and

- (f) not fewer than five and not more than seven persons appointed by the Board.
- (2) The Board is the governing body of the College.
- (3) When making appointments pursuant to clause (1)(f), the Board shall appoint members from a list of nominations put forward to the Board by a nominating committee of the Board.
- (4) The nominating committee must consist, in the majority, of members of the Board and one person who is not a member of the Board recommended by either the Nova Scotia Federation of Agriculture or the Minister.
- (5) The Board shall establish nominating procedures by by-law for the conduct of the nominating committee.
- (6) In addition to the persons referred to in subsection (1), the President and any other senior executives of the College designated by the Board are ex officio non-voting members of the Board.
- (7) The member of the Board elected pursuant to clause (1)(a) shall be appointed for a term of one year and all other members of the Board shall be appointed or elected for a term not to exceed three years.
- (8) A member of the Board continues to hold office after the expiry of the member's term until the member is re-appointed or re-elected, the member's successor is appointed or elected or a period of three months has expired, whichever first occurs.
- (9) A member of the Board appointed or re-elected pursuant to subsection (1) may be re-appointed but may not hold office for more than two consecutive terms.
- (10) The Board may fill a vacancy on the Board by appointing a person to fill the unexpired term of office of the former member and an appointment pursuant to this subsection is not a term of office for the purpose of subsection (9).
- (11) Where a person elected to the Board pursuant to clause (1)(a), (b) or (c) ceases to be a student or an employee of the College, that person ceases to be a member of the Board.
- (12) Notwithstanding subsection (11), a student elected pursuant to clause (1)(a) who graduates before the expiration of the student's term of office on the Board may remain a member of the Board until the expiration of the term of office.
- (13) Where a member of the Board fails to attend three consecutive regular meetings of the Board without an excuse acceptable to the Chair of the Board, the member's appointment shall be revoked.
- (14) A vacancy on the Board does not impair the ability of the remaining members to act.
- (15) The appointments and elections referred to in clauses (1)(a), (b), (c), (d) and (f) must be made or held within one year of the appointments made pursuant to subsection 6(2). *2008, c. 7, s. 12.*

Remuneration and reimbursement

- 13 (1) Members of the Board may be remunerated at a rate determined by the Governor in Council.

(2) Members of the Board shall be reimbursed for expenses necessarily incurred as part of their duties as members of the Board or a committee of the Board in accordance with a policy adopted by the Board and approved by the Minister. 2008, c. 7, s. 13.

Quorum

14 A majority of the members of the Board constitutes a quorum. 2008, c. 7, s. 14.

Chair, Vice-chair and officers

15 (1) The Board shall annually elect at its first meeting from among its members a Chair and Vice-chair.

(2) A person appointed pursuant to clause 12(1)(a), (b) or (c) is not eligible to be elected as the Chair or Vice-chair.

(3) A person elected as the Chair or Vice-chair may be re-elected to that position.

(4) In the case of the absence or incapacity of the Chair or Vice-chair, or where there is a vacancy in either of those offices, the Board may designate one of its members, other than a person appointed pursuant to clause 12(1)(a), (b) or (c), to act as Chair or Vice-chair, as the case may be, on an interim basis.

(5) The Chair of the Board may only vote in the event of a tie.

(6) The Board shall appoint such officers as the by-laws of the Board may provide. 2008, c. 7, s. 15.

By-laws

16 (1) The Board may make by-laws respecting the calling of its meetings, notice to Board members and the public and the conduct of business at meetings, and generally regulating the conduct of its business and affairs.

(2) By-laws of the Board made pursuant to subsection (1) are open to examination by the public during normal office hours of the College. 2008, c. 7, s. 16.

Meetings to be open to public

17 (1) Subject to subsection (2), all meetings of the Board must be open to the public and no person may be excluded from a meeting, except for improper conduct as determined by the Board.

(2) Nothing in this Section prevents the members of the Board from meeting in private to discuss matters related to personnel, the acquisition, sale, lease and security of property, labour relations, legal opinions and other similar matters. 2008, c. 7, s. 17.

General power of Board

18 Subject to Sections 19 to 25, the Board has the power to manage and control the College and its property, revenue, business and affairs. 2008, c. 7, s. 18.

20 The Board may

- (a) establish extension programs and courses other than programs of study;
- (b) establish research and other knowledge-creation activities related to the mandate of the College;
- (c) provide for the discipline of students with the power to expel, suspend, fine or levy assessments for damages done to property;
- (d) provide, and facilitate the providing of, scholarships and bursaries to students;
- (e) prescribe fees, other than tuition fees, for programs of study;
- (f) subject to the Government Records Act, make by-laws with respect to the preservation, destruction or disposal of records of the College;
- (g) act as a trustee of any money or property given in any manner for the support of the College or its students;
- (h) co-operate with any college, university, school or other institution, body or person to achieve the mandate of the College;
- (i) enter into agreements for the purpose of performing its duties or exercising its powers pursuant to this Act;
- (j) by by-law, establish a procedure for the signing of cheques and other documents by mechanical or other means;
- (k) establish by-laws respecting student associations and clubs;
- (l) establish and collect fees for the provision of services in accordance with the regulations; and
- (m) do any other thing that the Board considers necessary or advisable to carry out effectively the mandate of the College. 2008, c. 7, s. 20.

President of College

21 (1) Subject to Section 7, the Board shall appoint and determine the terms and conditions of employment of a President and the President is the chief executive officer of the College.

(2) Subject to the direction of the Board, the President is responsible for the general management and direction of the College, including

- (a) the policies, programs and services of the College;
- (b) the business affairs of the College; and
- (c) such other matters as may be delegated by the Board to the President.

(3) The term of office of the President may not exceed five years and the President may be re-appointed.

(4) The process adopted by the Board for the appointment, review and termination of a President is subject to the approval of the Minister. 2008, c. 7, s. 21.

Senate of College

22 (1) There shall be a Senate of the College.

(2) The Senate may make by-laws respecting the calling of its meetings, notice to Senate members and the conduct of business at its meetings, and generally regulating the conduct of the business and affairs of the Senate.

(3) The membership of the Senate and the terms of office of its members is as set out in the by-laws of the Senate and as approved by the Board.

(4) Notwithstanding subsection (3), a majority of the members of the Senate must be composed of

(a) the President;

(b) the Vice-president Academic of the College;

(c) the Registrar of the College;

(d) such other senior executives of the College as designated by the President;

(e) such number of faculty members elected by faculty as the Senate may, by by-law, determine;

(f) such number of students elected by students as the Senate may, by by-law, determine; and

(g) such other persons as the Senate from time to time determines.

(5) The persons referred to in clauses (4)(a) to (d) may undertake any actions necessary, including the making of by-laws, for the purpose of establishing the Senate.

(6) Subject to approval of the Board for all expenditures, the Senate is responsible for the academic policy of the College and, without limiting generality of the foregoing, shall

(a) regulate the academic programs of the College;

(b) determine the courses of study and standards for admission, continued enrollment therein and the requirements for certificates, diplomas and degrees;

(c) establish procedures for the evaluation of student performance;

(d) establish procedures dealing with matters of academic integrity;

(e) approve recipients of certificates, diplomas and degrees, including honorary degrees, to be granted;

(f) provide for the convening and conducting of convocation;

(g) be responsible for all matters arising in connection with fellowships, scholarships, bursaries, medals,

prizes and other awards;

(h) be responsible for library policies;

(i) determine the academic qualifications for appointment, promotion and performance review of faculty;

(j) subject to ratification by the Board, determine the academic terms on which any faculty, school, institute, department chair or course of instruction may be established or discontinued and on which any agreement for academic co-operation may be made with individuals or groups outside the College; and

(k) regulate the academic conduct, activities and discipline of students and other persons engaged in activities at the College as designated by the Senate. *2008, c. 7, s. 22.*

Minister may appoint persons or committees to review College

23 (1) The Minister may appoint

(a) a person or committee to review and evaluate any program or service offered by the College, the mandate of the College or any other matter relating to the development, content or delivery of a program or service by the College; or

(b) a person to examine, inspect or audit the financial condition, administrative condition or any other matter related to the management and operation of the College.

(2) For the purpose of subsection (1), a person or committee appointed by the Minister has the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act and may examine and inspect any records, documents and things in the possession or under the control of the College and make any inquiries the person or committee thinks appropriate.

(3) A person having custody of records, documents or things referred to in subsection (2) shall make them available to the person or committee appointed by the Minister at the time they are requested. *2008, c. 7, s. 23.*

Appointment of an Administrator of College

24 (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as Administrator of the College if

(a) the Board takes up a practice or tolerates a situation incompatible with the mandate of the College or this Act;

(b) in the opinion of the Minister, financial or significant operational problems exist with respect to the College; or

(c) in the opinion of the Minister, it is otherwise in the public interest to do so.

(2) The Administrator appointed pursuant to subsection (1) shall be paid the remuneration and expenses that the Governor in Council determines and payment shall be made out of the funds of the College. *2008, c. 7, s. 24.*

Appointment of Board members terminates

25 (1) On the appointment of an Administrator pursuant to Section 24, the appointments of the members of the Board terminate.

(2) During the period of the Administrator's appointment, the Administrator is the sole member of the Board and, in the name of the Board, may exercise the powers and perform the duties of the Board.

(3) The Administrator shall act in accordance with any directions given by the Minister.

(4) The President is subject to the direction of the Administrator.

(5) Where the office of President is or becomes vacant during the appointment of an Administrator, the requirement to appoint a President may be suspended, and while the office of President is vacant, the Administrator shall perform the duties and exercise the powers otherwise vested in the President. *2008, c. 7, s. 25.*

Property of College

26 (1) The Minister of Transportation and Infrastructure Renewal or a designate of the Minister may establish an inventory of any personal property including, without limitation, motor vehicles and farm machinery owned by Her Majesty in right of the Province, used by the College before the coming into force of this Act and transfer ownership of any such property to the College, on such terms and conditions as the Minister, or the designate, may prescribe.

(2) The College may occupy lands and buildings owned by Her Majesty in right of the Province, used by the College before the coming into force of this Act, on such terms and conditions as the Minister of Transportation and Infrastructure Renewal may prescribe, subject to the approval of the Governor in Council.

(3) Subject to the approval of the Governor in Council, the Minister of any department may, for and on behalf of Her Majesty in right of the Province, execute agreements or other instruments whatsoever deemed necessary or desirable to carry out the intent and purpose of this Section and Section 27. *2008, c. 7, s. 26.*

Powers of Board respecting property

27 (1) The Board, on behalf of the College, may

(a) purchase, lease or receive as a gift or otherwise any real or personal property that it considers necessary for the efficient operation of the College; or

(b) sell, lease or otherwise dispose of any of its property that it considers to be no longer necessary for the purpose of the College.

(2) The Board shall manage, insure, maintain, repair, alter or improve any property owned by the College and may construct or erect on property owned by the College any buildings, structures or other improvements.

(3) Where property is owned by Her Majesty in right of the Province and used by the College for the

purpose of the College, the Board shall assess the need for new buildings and repairs or alterations to existing buildings and make recommendations to the appropriate government department.

(4) Where property owned by Her Majesty in right of the Province is, in the opinion of the Board, no longer required for the purpose of the College, the Board shall notify the Minister.

(5) The Board may enter into an agreement with the Minister of Transportation and Infrastructure Renewal whereby the College assumes responsibility for the maintenance, repair, alteration or improvement of real property of Her Majesty in right of the Province used for the purpose of the College.

(6) Where ownership of real or personal property of Her Majesty in right of the Province is transferred to the College to be used for the purpose of the College, all liabilities and obligations with respect to that property are the liabilities and obligations of the College. *2008, c. 7, s. 27.*

Fiscal year

28 The fiscal year of the College is the same as the fiscal year of the Province. *2008, c. 7, s. 28.*

Annual estimate

29 (1) Before the beginning of each fiscal year, the Board shall prepare an annual estimate of all sums that are required for the lawful purposes of the College for the fiscal year.

(2) The annual estimate referred to in subsection (1) must be consistent with the multi-year operating and capital plans of the College.

(3) The Board shall submit its annual estimate to the Minister for approval in the form and at the time determined by the Minister.

(4) The Minister may approve the annual estimate submitted pursuant to subsection (3) or may, after consultation with the Board, amend the estimate, and the Board shall adopt the annual estimate as approved or amended by the Minister. *2008, c. 7, s. 29.*

Annual report

30 (1) The Board shall, at the end of each fiscal year, prepare and submit to the Minister, by June 30th of the year unless otherwise determined by the Minister, an annual report of the operations of the College during the preceding fiscal year and the report must include audited financial statements of the College and any other information that the Minister requests.

(2) Upon receipt of the annual report referred to in subsection (1), the Minister shall table the report in the House of Assembly or, if the Assembly is not then sitting, with the Clerk of the Assembly. *2008, c. 7, s. 30.*

Auditor

31 The Board shall annually appoint a person who is a licensed public accountant, or a firm in which a member is a licensed public accountant, to be the auditor of the College and the auditor shall make all examinations that are, in the opinion of the auditor, necessary to enable the auditor to report accurately

on the financial statements of the College and on the state of the financial affairs of the College. 2008, c. 7, s. 31.

Accounts

32 The Board may establish and maintain accounts in the name of the College with a bank, trust or loan company, credit union or other similar financial institution. 2008, c. 7, s. 32.

Investment policies

33 (1) Subject to subsections (2) and (3), the Board shall, for the sound and efficient management of any money of the College, establish and adhere to investment policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments and loans to avoid undue risk of loss and to obtain a reasonable return.

(2) The Governor in Council may make regulations prescribing or prohibiting the investment of money and prescribing investments or classes of investments in which such money may be invested for the sound and efficient management of any money of the College.

(3) Nothing in this Section permits the Board to invest money received under a trust in investments that are expressly forbidden by the instrument, if any, creating the trust. 2008, c. 7, s. 33.

Power to borrow

34 (1) Subject to the Finance Act, the College may, from time to time, borrow or raise money for operating purposes by way of overdraft, line of credit, loan or otherwise upon the credit of the College.

(2) The terms and conditions of a temporary loan, overdraft or line of credit shall be determined by resolution of the Board.

(3) The payment of principal and interest on temporary borrowings pursuant to this Section may be guaranteed by Her Majesty in right of the Province on such terms as may be approved by the Governor in Council. 2008, c. 7, s. 34; 2010, c. 2, s. 134.

Powers of College to raise money

35 (1) Subject to the approval of the Governor in Council, the College may

(a) raise money by way of loan on the credit of the College and issue notes, bonds, debentures or other securities;

(b) sell or otherwise dispose of notes, bonds, debentures or other securities for such sums and at such prices as are considered expedient;

(c) raise money by way of loan on any securities; and

(d) pledge or hypothecate any securities as collateral security.

(2) The powers conferred on the College pursuant to subsection (1) may be exercised

- (a) only for the repayment of notes, bonds, debentures or other securities issued by the College; or
- (b) where clause (a) does not apply, only to the extent permitted by this Act or another Act of the Legislature.
- (3) When securities are pledged or hypothecated by the College as security for a loan that is later paid off, the securities are not thereby extinguished but are still alive and may be re-issued and sold or pledged as if the former pledging had not taken place.
- (4) Notes, bonds, debentures and other securities authorized pursuant to this Section shall be in a form, bear a rate or rates of interest and be payable as to principal, interest and premium, if any, in the currency of a country or countries, at times and places and in the amounts and manner and on any other terms and conditions that the Board, with the approval of the Governor in Council, may determine.
- (5) Notes, bonds, debentures and other securities authorized pursuant to this Section must be
 - (a) sealed with the seal of the College;
 - (b) together with any coupons, signed by the Chair of the Board and one other member of the Board; and
 - (c) countersigned by an officer appointed by the Board for that purpose.
- (6) The seal of the College may be engraved, lithographed, printed or otherwise mechanically reproduced on a note, bond, debenture or other security, and the signature of the Chair of the Board and the member of the executive committee on a note, bond, debenture or other security may be engraved, lithographed, printed or otherwise mechanically reproduced and has the same effect as if manually affixed, and any such signature is for all purposes valid and binding on the College, notwithstanding that a person whose signature is so reproduced has ceased to hold office.
- (7) A recital or declaration in a resolution or the minutes of the Board authorizing the issue or sale of notes, bonds, debentures or other securities, to the effect that the amount of notes, bonds, debentures or other securities is so authorized and is necessary to realize the net sum authorized or required to be raised by way of loan, is conclusive evidence of that fact. *2008, c. 7, s. 35.*

Freedom of Information and Protection of Privacy Act applies

36 The College is a local public body for the purpose of the Freedom of Information and Protection of Privacy Act and, for greater certainty, that Act applies to the College. *2008, c. 7, s. 36.*

Assignment of rights and obligations under agreements

37 The Minister may assign the rights and obligations in an agreement or any class or category of agreements, between the Province and a third party, that the Province has entered into in relation to the College's former activities or mandate, to the College on such terms and conditions as prescribed in the regulations. *2008, c. 7, s. 37.*

Payments by Minister to College

38 (1) The Minister may make payments to the College out of money appropriated by the Legislature for that purpose.

(2) Payments made to the College pursuant to subsection (1) are financial assistance for the purpose of the Auditor General Act and are subject to audit by the Auditor General. 2008, c. 7, s. 38.

Disestablishment of Board

39 (1) The Governor in Council may, on the recommendation of the Minister, order the disestablishment of the Board on terms and conditions, and with a disposition of assets and liabilities, that the Governor in Council deems appropriate.

(2) On disestablishment of the Board pursuant to subsection (1),

(a) all the rights and property of the Board become the rights and property of the Province; and

(b) all debts and obligations of the Board become debts and obligations of the Province. 2008, c. 7, s. 39.

Execution of documents

40 Documents required to be in writing and to which the Board is a party are properly executed if the corporate name is witnessed by the signatures of

(a) the Chair of the Board or another person authorized by the Board; and

(b) an officer of the College authorized by the Board. 2008, c. 7, s. 40.

No action lies

41 (1) No action or other proceeding for damages lies or may be instituted against the Board, a member of the Board, the President, an officer or employee of the College or an agent of the College for any act or omission done in good faith in the execution or intended execution of any power or duty pursuant to this Act or the regulations.

(2) No action or other proceeding for damages lies or may be instituted against the President, a member of the Board or any person acting under the direction of the President or a member of the Board for a debt, liability or obligation of the College or the Board.

(3) No action or other proceeding for damages lies or may be instituted against the College, the Board, a member of the Board, the Administrator or an officer or employee of the College, in respect of any act or omission of a student or students, whether organized as a student association or not, arising out of any association or activity organized, managed, controlled or done, in whole or in part, by a student or students. 2008, c. 7, s. 41.

Continuity of employment of designated persons

42 (1) In this Section and Sections 43 to 47, "designated person" means a person who

(a) was an employee of the Province working at the Department of Agriculture immediately before the coming into force of this Section;

(b) was appointed in accordance with the Civil Service Act; and

- (c) is determined by the Minister to become an employee of the College.
- (2) Every designated person becomes an employee of the College and ceases to be a person appointed in accordance with the Civil Service Act on the date that the Minister indicates that the person is a designated person.
- (3) The continuity of employment of a designated person is not broken by the effect of this Section.
- (4) The Civil Service Act and the regulations made pursuant to that Act and the Civil Service Collective Bargaining Act do not apply to a designated person.
- (5) Every designated person is employed by the College on the same or equal terms and conditions of employment as those under which the person was employed as an employee of the Province until changed by collective agreement or contract of employment.
- (6) Every designated person is deemed to have been employed with the College for the same period of employment that the person was credited with as an employee of the Province.
- (7) Subject to Sections 43 and 46, benefits accumulated by a designated person while employed by the Province are vested in the designated person, and the designated person is entitled to receive those benefits from the College.
- (8) Subject to Sections 43 and 46, the obligations and liabilities of the Province in respect of designated persons are the obligations and liabilities of the College. *2008, c. 7, s. 42.*

Retirement of designated persons

43 Where, at retirement from the College, a designated person would have been eligible for a public service award either under a collective agreement concluded pursuant to the Civil Service Collective Bargaining Act or under the General Civil Service Regulations made under the Civil Service Act if the person had remained as an employee of the Province,

- (a) the Province shall pay to the person, upon retirement, an amount equivalent to the amount of the public service award that it would have paid to the person for the person's years of employment with the Province; and
- (b) the College shall pay an amount equivalent to the amount of public service award that would have been paid by the Province if the person had remained as a employee of the Province, less the amount paid pursuant to clause (a). *2008, c. 7, s. 43.*

Continuation of collective agreements

44 (1) Subject to Section 46, the College is bound by a collective agreement concluded pursuant to the Civil Service Collective Bargaining Act in relation to a designated person as if it were a party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the Trade Union Act by a bargaining agent certified pursuant to the Trade Union Act.

- (2) For greater certainty, the College is a transferee for the purpose of Section 31 of the Trade Union Act and, without limiting the generality of the foregoing, the College is bound by successor rights as determined pursuant to the Trade Union Act. *2008, c. 7, s. 44.*

Continuation of application of long term disability plan

45 Subject to any applicable collective agreement or contract of employment, each designated person who was covered by the Nova Scotia Public Service Long Term Disability Plan before the coming into force of this Act or was included in a bargaining unit whose collective agreement provided for long term disability benefits under the Nova Scotia Public Service Long Term Disability Plan is, subject to the approval of the Trustees of the Nova Scotia Public Service Long Term Disability Plan, deemed to continue to be a person to whom the Nova Scotia Public Service Long Term Disability Plan applies, unless the College, with the agreement of the bargaining agent representing the employees of the College, establishes its own long term disability plan. 2008, c. 7, s. 45.

Benefits for employees

46 (1) The College, in consultation with the bargaining agent representing the employees of the College, shall, before the date on which the designated persons become employees of the College, establish group life, medical and dental plans to provide to employees, including the designated persons.

(2) The plans established by the College pursuant to subsection (1) must contain the same or substantially the same levels of benefit coverage as that provided to employees of the Province under the Province of Nova Scotia Group Life Assurance Plan and the Consolidated Health and Dental Plan at the coming into force of this Section. 2008, c. 7, s. 46.

Casual employees

47 (1) The Province may transfer to the College those persons who were employed on a casual basis at the Department of Agriculture immediately before the coming into force of this Section.

(2) On the date of transfer referred to in subsection (1), the person transferred ceases to be an employee of the Province and becomes an employee of the College under the same or equal terms and conditions of employment as those under which the person was employed as an employee of the Province. 2008, c. 7, s. 47.

Continuation of employment of public servants

48 (1) In this Section,

(a) "employee at the predecessor College" means an employee defined as a designated person in Section 42 and who, immediately before the coming into force of this Section, was an employee within the meaning of the Public Service Superannuation Act;

(b) "employee of the College" means a person who is employed by the College on or after the coming into force of this Section and who is, at the time such employment commences, an employee within the meaning of the Public Service Superannuation Act;

(c) "Fund" means the Public Service Superannuation Fund established pursuant to the Public Service Superannuation Act.

(2) Notwithstanding anything contained in this Act,

(a) each employee at the predecessor College is deemed to continue to be a person employed in the

public service of the Province for all purposes of the Public Service Superannuation Act and service in the employment of the College is deemed to be service in the public service of the Province;

(b) each employee of the College is deemed to be a person employed in the public service of the Province for the purpose of the Public Service Superannuation Act and service in the employment of the College is deemed to be service in the public service of the Province;

(c) the College shall deduct from the salary of each employee at the predecessor College and of each employee of the College such amount as is directed by the Governor in Council to be deducted from the salary of employees in the public service of the Province and shall pay the same to the Minister of Finance, and such amounts when so received must be paid into and form part of the Fund; and

(d) where, by the Public Service Superannuation Act, a matching payment is directed to be made into the Fund by the Government or the Minister of Finance or where, by that Act, a superannuation allowance or other sum is directed to be paid out of the General Revenue Fund of the Province, then, in respect of an employee at the predecessor College and an employee of the College, the payment, superannuation allowance or other sum must be paid by the College and shall form part of the annual expenses of the College. *2008, c. 7, s. 48; 2010, c. 2, s. 135.*

Pension plan

49 (1) Notwithstanding Section 48, where, in accordance with an agreement between the College and bargaining agents representing employees of the College, the College establishes a pension plan for the employees of the College

(a) a person who becomes an employee of the College on or after the date of establishment of such pension plan is a member of the pension plan; and

(b) all employees of the College immediately before the date of establishment of the pension plan, who are members of the Public Service Superannuation Fund, continue to be employees within the meaning of the Public Service Superannuation Act unless they elect, in writing in the form approved by the Superintendent of Pensions, to become members of the pension plan.

(2) Where an employee of the College does not make an election pursuant to clause (1)(b), Section 48 continues to apply with respect to that employee after the expiry of the time for making the election.

(3) Where an employee of the College elects pursuant to subsection (1) to become a member of the pension plan,

(a) for the purpose of determining the eligibility of the employee to a deferred superannuation allowance under the Public Service Superannuation Act, service with the College is to be recognized; and

(b) for the purpose of determining the eligibility of the employee to a pension under the pension plan, service under the Public Service Superannuation Act, as the case may be, is to be recognized.

(4) The College is a successor employer for the purpose of the Pension Benefits Act. *2008, c. 7, s. 49.*

Interim powers and duties of Minister

50 Notwithstanding anything contained in this Act, until the Transitional Board is appointed pursuant to

this Act, the Minister shall exercise all of the powers and duties of the Board under this Act. 2008, c. 7, s. 50.

Regulations

51 (1) The Governor in Council may make regulations

(a) delegating any powers or duties under this Act or the regulations to any person or board;

(b) respecting intellectual property;

(c) respecting the types of services for which fees may be collected and the terms and conditions upon which the Board may establish and collect fees;

(d) setting terms and conditions for the assignment of existing agreements to the College;

(e) defining classes or categories of agreements for the purpose of Section 37;

(f) defining any word or expression used but not defined in this Act;

(g) respecting any matter or thing that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. 2008, c. 7, s. 51.

Repeal of Part XVI of the Agriculture and Marketing Act

52 Part XVI of Chapter 6 of the Revised Statutes, 1989, the Agriculture and Marketing Act, is repealed. 2008, c. 7, s. 52.

Proclamation

53 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2008, c. 7, s. 53.

Proclaimed (except ss. 3, 5(c), 12-22,
24, 25, 27, 29-35, 38-40, 42-49, 52) - February 17, 2009

In force (except ss. 3, 5(c), 12-22,
24, 25, 27, 29-35, 38-40, 42-49, 52) - February 17, 2009



This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2011 Crown in right of Nova Scotia. Created August 25, 2011. Send comments to legc.office@gov.ns.ca.

MEMORANDUM OF AGREEMENT

RE: DEVOLUTION OF CONTINUING CARE FROM THE DEPARTMENT OF HEALTH AND WELLNESS TO THE DISTRICT HEALTH AUTHORITIES

Between:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA THROUGH THE AGENCY OF THE PUBLIC SERVICE COMMISSION

(hereafter the "Province")

and

THE CAPE BRETON DISTRICT HEALTH AUTHORITY, A BODY CORPORATE ESTABLISHED UNDER THE HEALTH AUTHORITIES ACT S.N.S. 2000, C.6

(hereafter the "Employer")

and

THE NOVA SCOTIA GOVERNMENT AND GENERAL EMPLOYEES UNION

(hereafter the "Union")

Whereas:

Effective June 5th, 2009 the Government began the process of integrating continuing care services within the District Health Authorities; and

On or about September, 2011 a further transfer of employees to the District Health Authorities will take place; and

In respect of the Employees at the Department of Health and Wellness who are listed on Schedule A hereto, who are represented by the Union and who deliver or support the delivery of continuing care programs, the Parties hereto have agreed to transfer their employment from the Province to the Employer by way of this Agreement;

Now therefore it is agreed as follows:

1. Definitions

- a) Agreement means the Memorandum of Agreement between the Province, the Union and the Employer including any schedule hereto.
- b) Bargaining Unit means the public health and addiction services Bargaining Unit as defined in the Collective Agreement which unit is commonly referred to as the "fifth unit", as amended by Memorandum of Agreement, signed June 5th, 2009 regarding the devolution of continuing care.

- c) Collective Agreement means the Collective Agreement between the Employer and the Union which applies to the Bargaining Unit and which is in effect as of the Devolution Date.
- d) Devolution Date means the date upon which the Employees of the Province commence being employees of the Employer.
- e) Employee means an employee of the Province engaged in delivering or supporting the delivery of continuing care programs who is listed in Schedule "A" hereto and who becomes an Employee of the Employer on the Devolution Date.

2. Effective Date

This Agreement shall have effect on and after the Devolution Date.

3. Voluntary Recognition

- a) The Employer recognizes the Union as the exclusive bargaining agent for all of the Employees of the Employer in the Bargaining Unit and the Employer and the Union agree that this Agreement constitutes a voluntary recognition within the meaning of section 30 of the *Trade Union Act*;
- b) The Employer agrees to post, on and after the Devolution Date, a copy of this Agreement in a conspicuous place or places where it is most likely to come to the attention of Employees and to continue the posting of the Agreement for a minimum period of 30 days.

4. Continuity of Employment

The employment of all Employees listed in Schedule A shall continue without break or interruption and, subject to any agreement between the Employer and the Union, all seniority rights of these Employees shall continue unaffected by the change in their employment from the Province to the Employer.

5. Rights and Obligations

- a) The Employer and the Union agree that on and after the Devolution Date the Collective Agreement will apply to the Employees subject only to this Agreement and to such variation of the Collective Agreement as is agreed to herein or may later be agreed to between the Employer and the Union.
- b) The Employer agrees all accrued rights to pay, overtime pay, sick leave, public service awards, holidays, pensions, vacation, time off in lieu of overtime, compensatory time

off for compensation when such time off is not possible, leaves of absence, maternity leave, pregnancy leave, adoption leave, leave for birth of child, parental leave or other existing leave arrangements, all rights to return to work from any leave, sickness, workers' compensation or injury on duty, vacation or holidays, granted or agreed prior to the effective date of this Memorandum of Agreement are preserved unaffected by the change in employment from the Province to the Employer. After the Devolution Date such Employees shall accrue such rights in accordance with the Collective Agreement unless otherwise stated herein.

- c) The name, classification, pay scale step, seniority and service dates of the Employees shall be as indicated in Appendix "A" attached. The Employees shall not be entitled to negotiated increases retroactive prior to the Devolution Date.
- d) An employee who has earned, by having 288 months of service as of the Devolution Date, a greater vacation entitlement than that provided in the Collective Agreement shall retain that entitlement. Employees will be exempt from Article 18.09 (expiry of vacation accumulation) until a new Collective Agreement replaces the 2006-2009 Collective Agreement.
- e) Any "grandfathered" sick leave banks shall be used by the Employees after the Devolution Date only in accordance with the Collective Agreement.
- f) The Province and the Union agree that on and after the Devolution Date the Province, in respect of the Employees, shall have no further obligation under The Civil Service Master Agreement.
- g) Employees who retire with an actuarially-reduced pension will receive the retirement allowance pursuant to Article 31 of the Collective Agreement.
- h) The parties agree that the Employees will continue their public service pension as employees in the Bargaining Unit.
- i) If necessary to ensure that the Employees in the Bargaining Unit are covered by the Public Service Long-Term Disability Plan, the Employer and the Union agree to jointly request the Trustees of the Plan to include the Employer and the Employees under that Plan.
- j) The Employer and the Union agree that this Agreement shall be incorporated into and become part of the Collective Agreement.

6. Existing Grievances etc.

- a) All grievances, classification appeals, adjudications, interest arbitrations and judicial review proceedings which arose before the Devolution Date shall continue unaffected by the change in employment from the Province to the Employer with such

modification to process as may be required by the Collective Agreement, and with the Employer continuing as the Employer in the place and stead of the Province.

- b) All classification disputes which have been referred to a Classification Appeal Tribunal under the Civil Service Master Agreement before the Devolution Date, but which have not begun shall proceed to the Appeal Tribunal (unless earlier resolved between the Union and the Employer) and the Employer shall continue as the Employer before the Tribunal in the place and stead of the Province.

7. Recognition of Employee Service and Seniority

- a) Subject to any agreement between the Union and the Employer, all periods of service of an Employee in the Civil Service and periods of employment recognized as service by the Province before the Devolution Date shall be deemed service with the Employer for all purposes and all seniority rights of Employees shall be preserved and shall continue unaffected by the change in employment from the Province to the Employer.
- b) Seniority of Employees as of the Devolution Date is defined as the length of continuous employment dating from the last date of appointment to the Civil Service.
- c) The Employees will be placed on the merged Public Health and Addictions Services seniority list for the Employer.
- d) As of the Devolution Date, an Employee who is a "Term" employee under the Civil Service Master Agreement shall be considered a "Temporary Employee" under the Collective Agreement, except that such Temporary Employees who reach three or more years of accumulated service shall have layoff/recall rights as provided in Article 34 of the Collective Agreement.

8. Work Schedules, Vacation Schedules and Shift Arrangements

- a) Until changed in accordance with the Collective Agreement all hours of work, work schedules, vacation schedules, and shift arrangements of the Employees in effect immediately before the Devolution Date shall continue unaffected by the change in employment from the Province to the Employer. Existing Modified Work Week arrangements shall continue subject to the terms of the Collective Agreements and without prejudice to any reviews presently underway.
- b) The Employees shall be included in Group A for the purpose of Article 16 of the Collective Agreement.

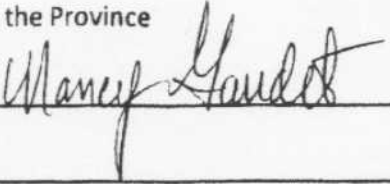
Dated at Halifax this 6th day of December 2011.

Witness(es)

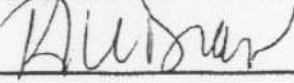
Witnesses

5

For the Province

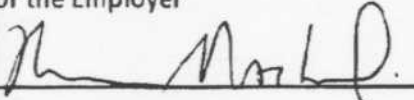


Signed on behalf of the Province

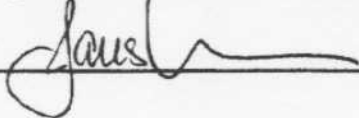


Commissioner

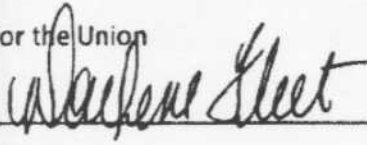
For the Employer



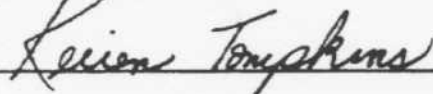
Signed on behalf of the Employer



For the Union



Signed on behalf of the Union



Appendix "A" to Continuing Care Integration MOA

District #8							
Employee Name	Position Name	Pay Scale	Pay Scale	Seniority Date	Service Date	DHA Classification	DHA Pay Scale
Mary Lynn MacLeod	Clerk III	CL 18	5	September 8, 1997	March 1, 1997	SAME	SAME
Janet Parsons	Prog. Admin. Officer III	PR 13	4	November 3, 2008	November 1, 2008	SAME	SAME