



# **BILL NO. 62**

*Government Bill*

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*1st Session, 59th General Assembly  
Nova Scotia  
53 Elizabeth II, 2004*

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## **An Act Respecting Certain Financial Measures**

CHAPTER 3  
ACTS OF 2004

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
MAY 20, 2004**

The Honourable Peter G. Christie  
*Minister of Finance*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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# **An Act Respecting Certain Financial Measures**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Financial Measures (2004) Act*.

## PART I

### COMPANIES ACT

**2 (1)** Subsection 5(2) of Chapter 81 of the Revised Statutes, 1989, the *Companies Act*, as enacted by Chapter 5 of the Acts of 2002, is amended by striking out “two” in the second line and substituting “four”.

**(2)** Subsection 5(3) of Chapter 81, as enacted by Chapter 5 of the Acts of 2002, is amended by striking out “two” in the second line and substituting “four”.

## PART II

### CORPORATION CAPITAL TAX ACT

**3** Section 9 of Chapter 99 of the Revised Statutes, 1989, the *Corporation Capital Tax Act*, as enacted by Chapter 10 of the Acts of 1990, is amended by

**(a)** striking out “and” at the end of clause (a); and

**(b)** striking out clause (b) and substituting the following clauses:

(b) commencing the first day of January, 1990, and ending on the thirty-first day of March, 2004, three per cent; and

(c) commencing on the first day of April, 2004, four per cent,

## PART III

### CORPORATIONS REGISTRATION ACT

**4 (1)** Section 5 of Chapter 101 of the Revised Statutes, 1989, the *Corporations Registration Act*, as amended by Chapter 5 of the Acts of 2002, is further amended by adding immediately after subsection (3) the following subsection:

(3A) Subject to subsection (4), the fee to be paid to the Registrar for the certificate of registration shall be the pro-rated portion of the fee incurred from the month of registration until the next anniversary month of incorporation based on the annual fees set out in Section 12.

**(2) Subsection 5(4) of Chapter 101, as enacted by Chapter 5 of the Acts of 2002, is amended by**

- (a) striking out “one” in the third line and substituting “two”; and**
- (b) striking out “regulations” in the last line and substituting “Section 12”.**

**5 (1) Subsection 12(1) of Chapter 101, as amended by Chapter 5 of the Acts of 2002, is further amended by**

- (a) striking out “Subject to subsections (2), (3) and (3A), every” in the first line and substituting “Every”; and**
- (b) striking out “, the amount of which shall be determined by the Governor in Council” in the fifth, sixth and seventh lines and substituting “as set out in this Section”.**

**(2) Subsection 12(2) of Chapter 101 is amended by striking out “twenty-five” in the third line and substituting “thirty”.**

**(3) Section 12 of Chapter 101, as amended by Chapter 5 of the Acts of 2002, is further amended by adding immediately after subsection (2) the following subsections:**

**(2A) In the case of a domestic corporation, the amount of the fee shall be ninety-five dollars.**

**(2B) In the case of a Dominion or foreign corporation, the amount of the fee shall be two hundred and twenty dollars.**

**(2C) In the case of a corporation carrying on the business of insurance, the amount of the fee shall be two hundred and seventy dollars.**

**(4) Subsection 12(3A) of Chapter 101, as enacted by Chapter 5 of the Acts of 2002, is amended by**

- (a) striking out “one” in the third line and substituting “two”; and**
- (b) striking out “regulations” in the last line and substituting “subsection (2A)”.**

**(5) Subsection 12(5) of Chapter 101 is repealed.**

**(6) Subsection 12(7) of Chapter 101 is amended by**

- (a) adding “subsection (2C) or” immediately after “Notwithstanding” in the first line; and**
- (b) striking out “fifty” in the second last line and substituting “seventy”.**

**(7) Subsection 12(8) of Chapter 101 is amended by adding “and thirty” immediately after “hundred” in the fourth line.**

## PART IV

## COSTS AND FEES ACT

**6 (1) Subsection 2(1) of Chapter 104 of the Revised Statutes, 1989, the *Costs and Fees Act*, is repealed and the following subsection substituted:**

(1) The Governor in Council may determine, by regulation, fees and allowances for the departments, officials or persons set out below in respect of services provided by those departments, officials or persons, except party and party costs, or in respect of other related services or any combination of services:

- (a) departments;
- (b) Supreme Court of Nova Scotia and Nova Scotia Court of Appeal;
- (c) Supreme Court of Nova Scotia (in matrimonial matters);
- (d) courts of probate;
- (e) City Civil Court of the City of Sydney;
- (f) fees to be taken under the *Summary Proceedings Act*;
- (g) fees to be taken by an administrative justice of the peace;
- (h) constables' fees before justices of the peace under the *Collection Act* and the *Summary Proceedings Act*;
- (i) fees for a registrar of deeds;
- (j) fees of a jailer;
- (k) fees on distress for rent;
- (l) fees under the *Collection Act*;
- (m) fees under the *Indigent Debtors Act*.

**(2) Subsection 2(3) of Chapter 104 is amended by striking out “Schedule to this Part” in the second line and substituting “regulations”.**

**7 Section 6 of Chapter 104, as amended by Chapter 1 of the Acts of 1999 (2nd Sess.), is further amended by striking out “Schedule to Part I of this Act” in the fifth line and substituting “regulations”.**

**8 Subsection 15(2) of Chapter 104 is amended by striking out “Schedule to this Part” in the fifth line and substituting “regulations”.**

**9 (1) Subsection 16(1) of Chapter 104 is amended by striking out “Schedule to this Part” in the fifth line and substituting “regulations”.**

**(2) Subsection 16(2) of Chapter 104 is amended by striking out “Schedule to this Part” in the third line and substituting “regulations”.**

**10 Section 17 of Chapter 104 is amended by striking out “Schedule to this Part” in the fifth line and substituting “regulations”.**

**11 Section 19 of Chapter 104 is amended by striking out “Schedule to this Part” in the second line and substituting “regulations”.**

**12 Subsection 21(1) of Chapter 104 is amended by**

**(a) striking out “Part” in the second line and substituting “Act”; and**

**(b) striking out clause (a) and substituting the following clauses:**

(a) prescribe fees and allowances for the purpose of this Act and change the fees and allowances;

(aa) prescribe the forms to be used under this Act;

**13 Section 25 of Chapter 104 is amended by striking out “(Form C in the Schedule to this Part)” in the first and second lines.**

**14 The Schedule to Part I and the Schedule to Part II to Chapter 104 are repealed.**

**15** The fees and allowances set out in the Schedule to Part I and the Schedule to Part II to Chapter 104 of the Revised Statutes, 1989, the *Costs of Fees Act*, immediately before the coming into force of Section 14 of this Act, are deemed to be regulations made pursuant to subsection 2(1) of that Act until the fees or allowances are amended or repealed pursuant to that subsection.

## PART V

### EDUCATION ACT

**16 Sections 10A to 10K of Chapter 1 of the Acts of 1995-96, the *Education Act*, are repealed and the following Sections substituted:**

10A (1) The Southwest Regional School Board is dissolved.

(2) The South Shore Regional School Board is established to administer the public schools in the school region composed of Lunenburg County, Queens County and that part of the former school region administered by the former Southwest Regional School Board in Annapolis County and the Tri-County Regional School Board is established to administer the public schools in the school region composed of Digby County, Shelburne County and Yarmouth County.

(3) The employees, assets and liabilities of the South Shore District School Board as of July 31, 2004, are the employees, assets and liabilities of the South Shore Regional School Board and, for greater certainty, employees of the South Shore District School Board employed on July 31, 2004, are entitled to the same salary and benefits as employees of the South Shore Regional School Board.

(4) The employees, assets and liabilities of the Tri-County District School Board as of July 31, 2004, are the employees, assets and liabilities of the Tri-County Regional School Board and, for greater certainty, employees of the Tri-

County District School Board employed on July 31, 2004, are entitled to the same salary and benefits as employees of the Tri-County Regional School Board.

(5) For greater certainty, Sections 7 to 9 apply *mutatis mutandis* to this Section.

10B (1) The employees, assets and liabilities of the Southwest Regional School Board, including the Provincial funding allocation, shall be allocated between the South Shore Regional School Board and the Tri-County Regional School Board as determined by the Governor in Council.

(2) For greater certainty, employees of the Southwest Regional School Board employed on July 31, 2004, are entitled to the same salary and benefits as employees of the South Shore Regional School Board or the Tri-County Regional School Board, respectively.

(3) For greater certainty, Sections 8 and 9 apply *mutatis mutandis* to this Section.

10C (1) The appointments of the Chief Executive Officer of the Southwest Regional School Board, the Director of Education of the South Shore District School Board and the Director of Education of the Tri-County District School Board are revoked effective July 31, 2004.

(2) Notwithstanding any enactment, contract or policy of a school board, any employment contract relating to a person referred to in subsection (1) is null and void as of July 31, 2004, and, for greater certainty, no compensation or damages shall be paid pursuant to such contract or policy after that date.

(3) No person referred to in subsection (1) has a cause of action with respect to the revocation of that person's appointment pursuant to subsection (1).

10D (1) Before August 1, 2004, the South Shore District School Board and the Tri-County District School Board shall each choose a person to be appointed the superintendent of their respective successor regional school board.

(2) When choosing a person pursuant to subsection (1), the district school board shall follow the procedure set out in subsection 10(2) and clause 64(2)(m) applies.

10E The number of members of the school board and the number and boundaries of the electoral districts in the school district for the South Shore District School Board and the Tri-County District School Board, as determined by the Nova Scotia Utility and Review Board, are the number of members and the number and boundaries of electoral districts for the South Shore Regional School Board and the Tri-County Regional School Board, respectively.

10F Sections 10A to 10E apply *mutatis mutandis* to a school district and a district school board designated in the regulations.

**17 Section 64 of Chapter 1, as amended by Chapter 5 of the Acts of 2002, is further amended by adding immediately after subsection (4) the following subsections:**

(5) A school board designated in the regulations shall share services and related resources as defined in the regulations with one or more school boards, at such time, in the manner and on the terms and conditions as prescribed in the regulations.

(6) A school board, in carrying out its responsibilities under this Act, shall meet education program, service and performance standards established by the Minister.

**18 Subsection 68(2) of Chapter 1, as amended by Chapter 5 of the Acts of 2002, is further amended by**

**(a) striking out “or” at the end of clause (a); and**

**(b) adding the following clause:**

(aa) a school board has failed to meet the standards referred to in subsection 64(6); or

**19 Subsection 146(1) of Chapter 1, as amended by Chapter 11 of the Acts of 2000 and Chapter 5 of the Acts of 2002, is further amended by adding immediately after clause (x) the following clauses:**

(xa) respecting students with special needs attending approved special education private schools, including

(i) defining special needs,

(ii) determining eligibility requirements of students,

(iii) approving special education private schools,

(iv) the monitoring of approved special education private schools,

(v) the funding with respect to students with special needs attending approved special education private schools, including grants or funding based on income,

(vi) fees,

(vii) the appointment and remuneration of a person to approve applications for funding referred to in subclause (v),

(viii) appeals,

(ix) authorizing the Minister to perform the functions referred to in subclauses (i) to (viii);

(xb) determining or designating anything required to be determined or designated under Sections 10A to 10F;

(xc) for the purpose of subsection 64(5);



## PART VI

## ENVIRONMENT ACT

**20 Clause 8(2)(k) of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is repealed and the following clause substituted:**

(k) establish fees for emission and effluent discharge levels, the provision or filing of any information, documents, returns and reports, any application for, processing and issuance of an approval, a registration or a certificate, any inspection or investigation, any services or material provided and any other matter respecting the administration of this Act;

**21 Subsection 25(1) of Chapter 1 is amended by adding immediately after clause (f) the following clause:**

(fa) respecting fees and the manner of payment in relation to anything done or required to be done under this Act or the regulations;

## PART VII

## EQUITY TAX CREDIT ACT

**22 Subsection 15(1) of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act*, as amended by Chapter 3 of the Acts of 2001 and Chapter 4 of the Acts of 2003, is further amended by striking out “2004” in the second line and substituting “2009”.**

**23 Subsection 18(1) of Chapter 3 is repealed and the following subsection substituted:**

(1) Where a registered labour-sponsored venture-capital corporation has made an issue of eligible shares to an eligible investor

(a) on or before the thirty-first day of December, 2004, the labour-sponsored venture-capital corporation may apply to the Minister for a tax-credit certificate entitling each of the eligible investors to a tax credit pursuant to Section 38 of the *Income Tax Act* equal to fifteen per cent of the amount received by the labour-sponsored venture-capital corporation in that calendar year for shares issued to those eligible investors as part of the issue of shares by the labour-sponsored venture-capital corporation; or

(b) on or after the first day of January, 2005, the labour-sponsored venture-capital corporation may apply to the Minister for a tax-credit certificate entitling each of the eligible investors to a tax credit pursuant to Section 38 of the *Income Tax Act* equal to twenty per cent of the amount received by the labour-sponsored venture-capital corporation, in that calendar year or within sixty days of the end of the calendar year, for shares issued to those eligible investors as part of the issue of shares by the labour-sponsored venture-capital corporation.

## PART VIII

## HOUSE OF ASSEMBLY ACT

**24 Section 45 of Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the *House of Assembly Act*, as amended by Chapter 47 of the Acts of 2001 and Chapter 34 of the Acts of 2002, is further amended by adding immediately after subsection (6) the following subsections:**

(7) Notwithstanding subsections (1) to (4), the Speaker shall not cause to be implemented the recommendations made pursuant to this Section to increase the annual indemnity to be paid pursuant to this Act, to abolish the allowance for expenses paid pursuant to this Act and to increase the salaries to be paid pursuant to this Act and the *Executive Council Act* effective, but for this clause, the first day of the month in which the general election is held next after January 1, 2004, and such recommendations are of no effect for any purpose.

(8) For greater certainty, nothing in subsection (7) affects the increase in the annual indemnity to be paid pursuant to this Act and the salaries to be paid pursuant to this Act and the *Executive Council Act* effective January 1, 2004, by virtue of the recommendations made pursuant to this Section.

## PART IX

## INNOVATION CORPORATION ACT

**25 Subsection 19(1) of Chapter 5 of the Acts of 1994-95, the *Innovation Corporation Act*, is amended by striking out “transfer” in the second line and substituting “advance”.**

## PART X

## INCOME TAX ACT

**26 Section 8 of Chapter 217 of the Revised Statutes, 1989, the *Income Tax Act*, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 4 of the Acts of 2003, is further amended by**

**(a) striking out “13.58%” in the first line of clause (b) and substituting “14.95%”;**

**(b) striking out “and” at the end of clause (b);**

**(c) striking out clause (c) and substituting the following clause:**

(c) \$7,025 plus 16.67% of the amount by which the amount taxable exceeds \$59,180 and does not exceed \$93,000; and

**and**

**(d) adding the following clause:**

(d) \$12,662 plus 17.5% of the amount by which the amount taxable exceeds \$93,000.

**27 Clause 38(2)(b) of Chapter 217 is repealed and the following clause substituted:**

- (b) either
  - (i) five hundred and twenty-five dollars for an investment made before January 1, 2005, or
  - (ii) one thousand dollars for an investment made after December 31, 2004.

**28 Subsection 71(1) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by**

(a) **adding** “multiplied by the amount that the number of days in the year that are before April 1, 2004, is of three hundred and sixty-five and 0.6% of taxable capital employed in the Province for the years as determined under subsection (2) multiplied by the amount that the number of days in the year that are after March 31, 2004, is of three hundred and sixty-five” **immediately after “(2)” in the last line of clause (a); and**

(b) **adding** “multiplied by the amount that the number of days in the year that are before April 1, 2004, is of three hundred and sixty-five and 0.30% of the taxable capital employed in the Province for the year as determined under subsection (2) multiplied by the amount that the number of days in the year that are after March 31, 2004, is of three hundred and sixty-five” **immediately after “(2)” in the last line of clause (b).**

PART XI

PAYMENT INTO COURT ACT

**29 Section 4 of Chapter 338 of the Revised Statutes, 1989, the *Payment into Court Act*, is amended by adding “and thirty-three one hundredths” immediately after “five” in the sixth line.**

PART XII

PERSONAL PROPERTY SECURITY ACT

**30 Chapter 13 of the Acts of 1995-96, the *Personal Property Security Act*, is amended by adding immediately after Section 44 the following Section:**

44A (1) The following taxes are payable for registrations in the Registry:

- (a) to effect a registration where the period of time during which the registration is to be effective is 1 to 25 years:
 

initial registration fee . . . . .	\$21.30;
plus for each year of the period . . . . .	\$7.45 per year;
- (b) to effect a registration where the period of time during which the registration is to be effective is infinity . . . . . \$500.00;
- (c) to renew a registration where the period

of time for which the registration is to be extended is 1 to 25 years. . . . . \$7.45 per year;

- (d) to renew a registration where the period of time for which the registration is to be extended is infinity . . . . . \$500.00;
- (e) to amend a registration . . . . . \$10.00;
- (f) to effect a global change of multiple registrations. . . . . \$500.00.

(2) The taxes provided for in subsection (1) shall be charged on completion of the registration.

(3) The Registrar may enter into an agreement with a person establishing an account with the Registry to enable taxes that are payable pursuant to subsection (1) to be charged on a continuing basis against the balance in the person's account.

#### PART XIII

#### PROBATE ACT

**31 Subsection 87(2) of Chapter 31 of the Acts of 2000, the *Probate Act*, as amended by Chapter 5 of the Acts of 2001 and Chapter 5 of the Acts of 2002, is further amended by**

- (a) striking out "\$165" in the second line of clause (b) and substituting "\$176";
  - (b) striking out "\$275" in the second line of clause (c) and substituting "\$293";
  - (c) striking out "\$770" in the second line of clause (d) and substituting "\$820";
  - (d) striking out "\$770" in the first line of clause (e) and substituting "\$820";
- and**
- (e) striking out "\$13" in the second line of clause (e) and substituting "\$13.85".

#### PART XIV

#### PROVINCIAL FINANCE ACT

**32 Section 10 of Chapter 365 of the Revised Statutes, 1989, the *Provincial Finance Act*, as enacted by Chapter 3 of the Acts of 1997, is amended by striking out "December 31st" in the second and third lines and substituting "September 30th".**

**33 Section 19 of Chapter 365 is repealed and the following Section substituted:**

19 (1) Where no provision is made in an enactment or agreement respecting the payment of interest on a debt due to the Province, interest shall be payable at the rate of interest per year declared by the Royal Bank of Canada as its prime rate for

Canadian dollar commercial loans in Canada plus three per cent, compounded monthly.

(2) The interest rate referred to in subsection (1) shall be determined quarterly on the first day of January, the first day of April, the first day of July and the first day of October of each year.

(3) Notwithstanding subsection (1), the Minister may, by order, waive the payment of interest or prescribe a lower rate of interest than that referred to in subsection (1).

**34 Subsection 60A(1) of Chapter 365, as enacted by Chapter 5 of the Acts of 1996 and amended by Chapter 13 of the Acts of 1998, is further amended by adding “shall be paid into the Debt Retirement Fund and” immediately preceding “be” in the third line.**

**35 (1) Subsection 62A(1) of Chapter 365, as enacted by Chapter 29 of the Acts of 1994, is amended by striking out “Retirement” in the third line and substituting “Management”.**

**(2) Subsection 62A(2) of Chapter 365, as enacted by Chapter 29 of the Acts of 1994, is amended by**

**(a) striking out “Retirement” in the first and second lines of clause (a) and substituting “Management”; and**

**(b) striking out “Retirement” in the first and second lines of clause (b) and substituting “Management”.**

**36 Chapter 365 is further amended by adding immediately after Section 62A the following Section:**

62AA (1) There is hereby established a fund to be called the Debt Retirement Fund.

(2) The Governor in Council may, from time to time, direct the Minister to

(a) pay into the Debt Retirement Fund from the Consolidated Fund such sum or sums as the Governor in Council may deem necessary;

(b) pay out of the Debt Retirement Fund such sum or sums as the Governor in Council deems necessary to retire debentures, securities or other debt instruments of the Province.

(3) Notwithstanding subsection (2),

(a) commencing with the 2004-05 fiscal year, the Minister shall make annual deposits of at least six million dollars into the Debt Retirement Fund; and

(b) all extraordinary revenues that accrue to the Province in any fiscal year shall be paid into the Debt Retirement Fund.

(4) The Public Accounts shall contain a specific budgetary item relating to the Debt Retirement Fund.

(5) In this Section, “extraordinary revenue” means revenue that is not typical for a government reporting entity, not included in the annual budget of the Province or would not normally be expected to become a typical revenue source and which is designated as extraordinary revenue by the Minister.

**37 Chapter 365 is further amended by striking out “government service organization” or “government service organizations” wherever they appear in Chapter 365 and substituting “governmental unit” or “governmental units”, respectively.**

**38 The Schedule to Chapter 365 is repealed and the following Schedule substituted:**

#### SCHEDULE

##### Governmental Units

Acadia Coal Company Limited Fund  
 AgraPoint International Inc.  
 AgriTECH Park Inc.  
 Annapolis Valley District Health Authority  
 Annapolis Valley Housing Authority  
 Annapolis Valley Regional School Board  
 Art Gallery of Nova Scotia  
 Bioscience Enterprise Centre Incorporated  
 Cape Breton District Health Authority  
 Cape Breton Island Housing Authority  
 Cape Breton Regional School Board Trust Fund  
 Cape Breton Victoria Regional School Board  
 Capital District Health Authority  
 Check Inns Limited  
 Chignecto-Central Regional School Board  
 Coal Research Agreement Fund  
 Cobequid Housing Authority  
 Colchester East Hants Health Authority  
 Conseil Scolaire Acadien Provincial  
 Consolidated Fund  
 CorFor Capital Repairs and Replacements Fund  
 Crown Land Mine Remediation Fund  
 Crown Land Silviculture Fund  
 Cumberland Health Authority  
 Eastern Mainland Housing Authority  
 E911 Cost Recovery Fund  
 Fisheries and Aquaculture Development Fund  
 Gaming Addiction Treatment Trust Fund  
 Guysborough Antigonish-Strait Health Authority  
 Habitat Conservation Fund  
 Halifax Regional School Board  
 Industrial Expansion Fund  
 Insured Prescription Drug Plan Trust Fund  
 Izaak Walton Killam Health Centre  
 Law Reform Commission  
 Mainstream 1992 Fund  
 Maintenance Stabilization Trust Fund  
 Maritime Fall Fair Association  
 Metropolitan Regional Housing Authority  
 Muggah Creek Remediation Fund  
 Nova Scotia Arts Council  
 Nova Scotia Blueberry Institute Fund  
 Nova Scotia Business Incorporated  
 Nova Scotia Community College  
 Nova Scotia Coordinate Referencing System Trust Fund

Nova Scotia Crop and Livestock Insurance Commission  
 Nova Scotia Environmental Trust  
 Nova Scotia Farm Loan Board  
 Nova Scotia Film Development Corporation  
 Nova Scotia Freedom of Information and Protection of Privacy Review Office  
 Nova Scotia Gaming Foundation  
 Nova Scotia Government Acadian Bursary Program Fund  
 Nova Scotia Government Fund Limited  
 Nova Scotia Harness Racing Incorporated  
 Nova Scotia Health Research Foundation  
 Nova Scotia Housing Development Corporation  
 Nova Scotia Innovation Corporation  
 Nova Scotia Legal Aid Commission  
 Nova Scotia Market Development Initiative Fund  
 Nova Scotia Municipal Finance Corporation  
 Nova Scotia Offshore Heritage Trust Fund  
 Nova Scotia Police Commission  
 Nova Scotia Power Finance Corporation  
 Nova Scotia Primary Forest Products Marketing Board  
 Nova Scotia Utility and Review Board  
 Novapet Inc  
 P3 Schools Capital and Technology Refresh Fund  
 Pictou County Health Authority  
 Provincial Community Pastures Board  
 Provincial Drug Distribution Program  
 Public Archives of Nova Scotia  
 Resource Recovery Fund Board  
 Rockingham Terminal Incorporated  
 Scotia Benefit Fund  
 Sherbrooke Restoration Commission  
 South Shore District Health Authority  
 South Shore Housing Authority  
 South West Nova District Health Authority  
 Southwest Regional School Board  
 Species-at-risk Conservation Fund  
 Strait Regional School Board  
 Sustainable Forestry Fund  
 Sydney Environmental Resources Limited  
 Sydney Steel Corporation  
 Sysco Decommissioning Fund  
 Tidal Power Limited  
 Trade Centre Limited  
 Tri-County Housing Authority  
 Upper Clements Family Theme Park Limited  
 Waterfront Development Corporation Limited  
 1402998 Nova Scotia Limited  
 3052155 Nova Scotia Limited  
 3839966 Canada Limited

### **Government Business Enterprises**

Halifax-Dartmouth Bridge Commission  
 Highway 104 Western Alignment Corporation  
 Nova Scotia Gaming Corporation  
 Nova Scotia Liquor Corporation

## PART XV

## PUBLIC SERVICE ACT

**39 Chapter 376 of the Revised Statutes, 1989, the *Public Service Act*, is amended by adding immediately after Section 7 the following Section:**

7A Notwithstanding Section 7, where, in any fiscal year, the Public Accounts laid before the House of Assembly or filed with the Clerk of the House pursuant to Section 10 of the *Provincial Finance Act* disclose a deficit, no deputy minister or senior official eligible for pay for performance pursuant to any pay for performance for senior officials policy established by Treasury and Policy Board shall receive such pay for performance in that fiscal year.

**40 Clause 10(1)(a) of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “designated pursuant to” in the second and third lines and substituting “as defined in”.**

**41 Chapter 376 is further amended by adding immediately after Section 12 the following Section:**

12A (1) Where a government agency within the meaning of clause 10(1)(a) fails to comply with an applicable reporting requirement established pursuant to clause 10(3)(d), then, notwithstanding the *Interpretation Act* and any other enactment or any contract of employment other than a collective agreement,

(a) the failure constitutes cause to dismiss without notice the chief executive officer of that government agency, whether or not the officer is so styled and whether the officer was hired or a contract of employment entered into before or after the coming into force of this Section;

(b) the Governor in Council may terminate without notice the employment of that chief executive officer;

(c) the termination is binding on the government agency and its governing board; and

(d) no severance, compensation, remuneration or other payment is payable to the chief executive officer pursuant to an enactment, a contract of employment or otherwise as a result of the termination.

(2) The Governor in Council may make regulations defining “chief executive officer” for the purpose of this Section.

(3) The exercise by the Governor in Council of the authority contained in subsection (2) is regulations within the meaning of the *Regulations Act*.

**42 Section 68 of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by**

**(a) striking out “and” immediately after clause (l); and**



**(b) adding immediately after clause (l) the following clause:**

(la) the collection of debts for departments and governmental units under programs designated by the Minister of Finance; and

## PART XVI

## PUBLIC SERVICE SUPERANNUATION ACT

**43 Subsection 9(1) of Chapter 377 of the Revised Statutes, 1989, the *Public Service Superannuation Act*, is amended by**

- (a) striking out “five” in the first line of clause (a) and substituting “six”;
  - (b) striking out “seven” in the first line of clause (b) and substituting “eight”;
- and
- (c) striking out “seven” in the first line of clause (c) and substituting “eight”.

**44 Chapter 377 is further amended by adding immediately after Section 37 the following heading and Sections:**

## PART IV

38 In this Part,

(a) “employee” means a person to whom this Act applies and, for greater certainty, does not include a person to whom the *Provincial Court Act* applies or a person to whom Section 88 of the *Public Service Act* applies;

(b) “pension plan” means the pension established pursuant to this Act;

(c) “school board” means a school board as defined in the *Education Act*.

39 Subject to Section 41, where an employee retires or has retired pursuant to the terms of the pension plan and the pension calculated under the terms of the pension plan without reference to the maximum pension rules under the *Income Tax Act* (Canada) is greater than the maximum retirement benefit prescribed by the *Income Tax Act* (Canada), the employee is entitled to a supplementary pension equal to the difference between the two, on the same terms and conditions as the pension payable pursuant to the rules of the pension plan and the *Income Tax Act* (Canada).

40 The supplementary pension payable pursuant to Section 39 shall be paid

(a) where the employee is employed by the Province or a school board, from the Consolidated Fund of the Province; or

(b) where the employee is employed by an employer other than the Province or a school board, by the employer.

41 Notwithstanding anything contained in this Act, the pension contributions made by the Province or any other employer in respect of an employee to whom Section 39 applies shall be made only on those salaries up to a level equal to the salaries upon which the maximum pension payable pursuant to the *Income Tax Act* (Canada) is calculated.

42 Notwithstanding Section 39 and clause (b) of Section 40, an employer, other than the Province or a school board, may advise the Minister, in writing, at any time that Section 39 does not apply to its employees, in which case the limitation on pension plan contributions referred to in Section 41 applies to the employer and its employees.

- 43 (1) The Governor in Council may make regulations
- (a) respecting the payment of supplementary pensions pursuant to this Part;
  - (b) defining any word or expression used but not defined in this Part;
  - (c) deemed 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*.
- (3) A regulation made pursuant to this Section may, if it so provides, be made retroactive in its operation to a date not earlier than January 1, 2000.

## PART XVII

### REVENUE ACT

**45 Subsection 34(1) of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, as amended by Chapter 21 of the Acts of 1996, Chapter 3 of the Acts of 1997, Chapter 13 of the Acts of 1998, Chapter 5 of the Acts of 1999 (2nd Session), Chapter 3 of the Acts of 2001, Chapter 48 of the Acts of 2001, Chapter 5 of the Acts of 2002 and Chapter 4 of the Acts of 2003, is further amended by**

- (a) striking out “thirteen and two” in the first line of clause (a) and substituting “fifteen and fifty-two”;**
- (b) striking out “eleven and seventy-four” in the first line of clause (b) and substituting “fourteen and zero”;**
- (c) striking out “thirteen and two” in the first line of clause (c) and substituting “fifteen and fifty-two”; and**
- (d) striking out “four and twenty-six” in the first line of clause (e) and substituting “six and fifty-two”.**

## PART XVIII

### SUMMARY PROCEEDINGS ACT

**46 Section 4A of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 5 of the Acts of 2001, is further amended by**

- (a) adding “and seven” immediately after “hundred” in the second line; and**

(b) striking out “thirty dollars” in the last line and substituting “thirty-one dollars and ninety-five cents”.

## PART XIX

### TEACHERS’ PENSION ACT

**47 Chapter 26 of the Acts of 1998, the *Teachers’ Pension Act*, is amended by adding immediately after Section 20 the following Sections:**

20A In Sections 20B to 20E, “employee” means a person to whom this Act applies.

20B Subject to Section 20D, where an employee retires or has retired pursuant to the terms of the Pension Plan and the pension calculated under the terms of the Pension Plan without reference to the maximum pension rules of the *Income Tax Act* (Canada) is greater than the maximum retirement benefit prescribed by the *Income Tax Act* (Canada), the employee is entitled to a supplementary pension equal to the difference between the two, on the same terms and conditions as the pension payable pursuant to the rules of the Pension Plan and the *Income Tax Act* (Canada).

20C The supplementary pension payable pursuant to Section 20B shall be paid from the Consolidated Fund of the Province.

20D Notwithstanding anything contained in this Act or the Pension Plan, the contributions to the Pension Plan made by the employer in respect of an employee to whom Section 20B applies shall be made only on those salaries up to a level equal to the salaries upon which the maximum pension payable pursuant to the *Income Tax Act* (Canada) is calculated.

20E (1) The Governor in Council may make regulations

(a) respecting the payment of supplementary pensions pursuant to Sections 20B to 20D;

(b) defining any word or expression used but not defined in Sections 20A to 20D;

(c) deemed necessary or advisable to carry out effectively the intent and purpose of Sections 20A to 20D.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

(3) A regulation made pursuant to this Section may, if it so provides, be made retroactive in its operation to a date not earlier than January 1, 2000.

## PART XX

## TRUST AND LOAN COMPANIES ACT

**48 Chapter 7 of the Acts of 1991, the *Trust and Loan Companies Act*, is amended by adding immediately after Section 16 the following Section:**

16A The annual taxes and taxes for letters patent of incorporation and supplementary letters patent and the taxes in respect of the functions performed by the Superintendent under this Act or the regulations are as follows:

- (a) the tax for
  - (i) filing and processing an application for letters patent or supplementary letters patent . . . . . \$532.50,
  - (ii) letters patent of incorporation for a trust or loan company . . . . . \$5,325.00,
  - (iii) supplementary letters patent
    - (A) to change a company's name. . . . . \$532.50
    - (B) to continue a provincial loan company as a trust company . . . . . \$2,130.00
    - (C) to continue a provincial trust company as a loan company . . . . . \$2,130.00
    - (D) to change the municipal unit in which the principal place of business of the company is to be located. . . . . \$532.50
    - (E) to amalgamate two or more companies and to continue them as one company . . . . \$4,260.00
    - (F) to modify or alter the share structure of the company . . . . . \$1,065.00;
- (b) the tax for processing an application for
  - (i) initial licensing of a company . . . . . \$1,065.00,
  - (ii) changing a loan company to a trust company or changing a trust company to a loan company . . . . . \$1,065.00,
  - (iii) changing terms, conditions and restrictions of registration . . . . . \$1,065.00;
- (c) the annual tax for companies to be paid as of the 30th day of June in each year
  - (i) where the assets of the company do not exceed \$50,000,000 . . . . . \$3,195.00,
  - (ii) where the assets of the company are over \$50,000,000 but do not exceed \$100,000,000 . . . . . \$4,260.00,

- (iii) where the assets of the company are over \$100,000,000 but do not exceed \$500,000,000 .....\$5,325.00,
- (iv) where the assets of the company are over \$500,000,000 but do not exceed \$1,000,000,000 .....\$6,390.00,
- (v) where the assets of the company are over \$1,000,000,000 but do not exceed \$5,000,000,000 .....\$8,520.00,
- (vi) where the assets of the company are over \$5,000,000,000 .....\$10,650.00,
- (vii) in addition to the amount prescribed in subclause (vi), for every \$1,000,000,000 in assets in excess of \$5,000,000,000 ..... \$1,065.00;
- (d) the tax for revival of licence after dissolution ..... \$1,065.00;
- (e) the tax for processing an application for an increase in borrowing multiple..... \$1,065.00;
- (f) the tax for a copy of a decision of the Superintendent or Appeal Board, per page (minimum fee \$10.00) ..... \$2.13;
- (g) the tax for a certificate issued by the Superintendent with respect to the licence of a company ..... \$21.30;
- (h) the tax for copies of extracts from documents filed with the Superintendent, per page (minimum fee \$10.00) ..... \$2.13;
- (i) the tax for a certificate issued by the Superintendent other than the certificate referred to in clause (g). ..... \$21.30;
- (j) the tax for examining and passing on applications or documents not specifically referred to in the regulations. .... \$1,065.00;
- (k) the tax for an application to obtain consent of the Superintendent to the transfer of shares ..... \$266.25;
- (l) the tax for an application to obtain consent of the Superintendent to the transfer of shares where such transfer results in the change of control of the company. .... \$2,130.00;
- (m) the tax for examining the Loan or Trust Register or the public file of a company, per register or file ..... \$10.65.

PART XXI

GENERAL

**49** A reference in any Act of the Legislature or in any rule, order, regulation, by-law, ordinance or proceeding or in any document whatsoever to a government service organization or government service organizations shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to a governmental unit or governmental units, respectively.

PART XXII

EFFECTIVE DATES

- 50**
- (1) Sections 44 and 47 have effect on and after January 1, 2000.
  - (2) Section 26 has effect on and after January 1, 2004.
  - (3) Section 45 has effect on and after March 17, 2004.
  - (4) Sections 2 to 5, 28, 29, 30, 31, 46 and 48 have effect on and after April 1, 2004.
  - (5) Section 43 has effect on and after June 1, 2004.
  - (6) Sections 16 to 18 have effect on and after August 1, 2004.
  - (7) Section 35 has effect on and after April 1, 2005.
  - (8) Sections 6 to 15, 19, 40 and 41 come into force on such day as the Governor in Council orders and declares by proclamation.
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