



BILL NO. 124

Government Bill

*2nd Session, 60th General Assembly
Nova Scotia
57 Elizabeth II, 2008*

An Act Respecting the Administration of Justice

CHAPTER 4
ACTS OF 2008

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 27, 2008**

The Honourable Cecil P. Clarke
Minister of Justice

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

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An Act Respecting the Administration of Justice

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Justice Administration Amendment (2008) Act*.

PART I

AGRICULTURE AND MARKETING ACT

2 Chapter 6 of the Revised Statutes, 1989, the *Agriculture and Marketing Act*, is amended by adding immediately after Section 5 the following Section:

- 5A (1) The Minister may delegate the Minister's authority to issue a permit pursuant to this Act to any person.
- (2) A delegation made pursuant to subsection (1) must be in writing.

PART II

BEE INDUSTRY ACT

3 Chapter 3 of the Acts of 2005, the *Bee Industry Act*, is amended by adding immediately after Section 4 the following Section:

- 4A (1) The Minister may delegate the Minister's authority to issue a permit pursuant to this Act to any person.
- (2) A delegation made pursuant to subsection (1) must be made in writing.

PART III

COMPANIES ACT

4 Subsection 26(17) of Chapter 81 of the Revised Statutes, 1989, the *Companies Act*, as enacted by Chapter 34 of the Acts of 2007, is amended by striking out "extend" in the fourth line and substituting "extent".

5 Subsection 134(14) of Chapter 81, as amended by Chapter 34 of the Acts of 2007, is further amended by adding "special" immediately after "by" in the fifth, sixth and seventh lines.

PART IV

EXECUTIVE COUNCIL ACT

6 Section 3 of Chapter 155 of the Revised Statutes, 1989, the *Executive Council Act*, as amended by Chapter 14 of the Acts of 1992, Chapter 21 of the Acts of 1993, Chapter 19 of the Acts of 1994, Chapter 1 of the Acts of 1995-96, Chapter 8 of the Acts of 1996, Chapter 25 of the Acts of 1996 and Chapter 4 of the Acts of 2001, is further amended by

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

- (h) the Minister of Energy;
- (ha) the Minister of Environment;

(b) adding immediately after clause (i) the following clause:

- (ia) the Minister of Fisheries and Aquaculture;

(c) adding immediately after clause (j) the following clause:

- (ja) the Minister of Health Promotion and Protection;

(d) adding immediately after clause (k) the following clause:

- (ka) the Minister of Labour and Workforce Development;

(e) adding immediately after clause (n) the following clause:

- (na) the Minister of Seniors;

and

(f) striking out clause (q) and substituting the following clause:

- (q) the Minister of Transportation and Infrastructure Renewal;

PART V

PUBLIC SERVICE ACT

7 Section 2 of Chapter 376 of the Revised Statutes, 1989, the *Public Service Act*, as amended by Chapter 14 of the Acts of 1992, Chapter 38 of the Acts of 1993, Chapter 31 of the Acts of 1994, Chapter 1 of the Acts of 1995-96, Chapter 8 of the Acts of 1996, Chapter 25 of the Acts of 1996, Chapter 4 of the Acts of 2001, Chapter 2 of the Acts of 2006 and Chapter 44 of the Acts of 2006, is further amended by striking out clause (m) and substituting the following clause:

- (m) the Department of Transportation and Infrastructure Renewal;

8 Sections 18 and 25A to 25E of Chapter 376 are repealed.

9 Sections 25G and 25H of Chapter 376, as enacted by Chapter 45 of the Acts of 2005, are amended by striking out “Nova Scotia” wherever it occurs and substituting in each case “Nova Scotian”.

10 Chapter 376 is further amended by adding immediately after Section 25I the following Sections:

25IA (1) There shall be an Office of Communications Nova Scotia.

(2) The Governor in Council may assign to a member of the Executive Council responsibility for the Office of Communications Nova Scotia.

(3) The Office of Communications Nova Scotia shall be presided over by the Minister of Communications Nova Scotia who has the supervision, direction and control of all affairs and matters relating to the Office and who shall supervise the performance of the functions of the Office.

(4) The Governor in Council may appoint a person to be Chief Executive Officer of the Office of Communications Nova Scotia who shall be paid such salary as the Governor in Council determines and who shall perform such duties as are from time to time prescribed by the Governor in Council.

(5) Such officers and employees as are required for the purposes of the Office of Communications Nova Scotia may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees.

25IB The objects and purposes of the Office of Communications Nova Scotia are to provide communications services to the Government of the Province.

25IC (1) There shall be an Office of Gaelic Affairs.

(2) The Governor in Council may assign to a member of the Executive Council responsibility for the Office of Gaelic Affairs.

(3) The Office of Gaelic Affairs shall be presided over by the Minister of Gaelic Affairs who has the supervision, direction and control of all affairs and matters relating to the Office and who shall supervise the performance of the functions of the Office.

(4) The Governor in Council may appoint a person to be Chief Executive Officer of the Office of Gaelic Affairs who shall be paid such salary as the Governor in Council determines and who shall perform such duties as are from time to time prescribed by the Governor in Council.

(5) Such officers and employees as are required for the purposes of the Office of Gaelic Affairs may be appointed pursuant to the *Civil Service Act* and that Act applies to those officers and employees.

25ID The objects and purposes of the Office of Gaelic Affairs are the development and promotion of Gaelic language and culture in the Province.

11 Section 36 of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by

(a) **striking out clauses (c) and (f); and**

(b) **striking out “(f)” in the third line of clause (g) and substituting “(e)”.**

12 Section 36C of Chapter 376 is repealed.

13 Chapter 376 is further amended by adding immediately after Section 46C the following heading and Sections:

DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

46D The Department of Intergovernmental Affairs shall be presided over by the Minister of Intergovernmental Affairs who has the supervision, direction and control of all affairs and matters relating to the Department and who shall supervise the performance of the functions of the Department.

46E The Minister of Intergovernmental Affairs has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to

- (a) co-ordination of, and advancement of the Province's interests in, relations with the Government of Canada, the governments of other provinces of Canada and foreign governments at the national and subnational levels;
- (b) priorities and strategic co-ordination in the field of intergovernmental affairs;
- (c) the Protocol Office;
- (d) facilitation and promotion of a co-ordinated approach within the Government on international matters;
- (e) advice and co-ordination for ministers of the Crown and agencies of the Crown in respect of the Province's trade policy;
- (f) service as the primary contact point for other governments in respect of interprovincial and international trade negotiations, agreements and disputes; and
- (g) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

14 The heading immediately before Section 70 of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “AND CULTURE” and substituting “, CULTURE AND HERITAGE”.

15 Section 70 of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “and Culture” in the second and in the third lines and substituting in each case “, Culture and Heritage”.

16 Section 71 of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “and Culture” in the first line and substituting “, Culture and Heritage”.

17 The heading immediately before Section 72 of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “PUBLIC WORKS” in the second line and substituting “INFRASTRUCTURE RENEWAL”.

18 Section 72 of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by

- (a) striking out “(1)” in the first line; and
- (b) striking out “Public Works” in the second and in the third lines and substituting in each case “Infrastructure Renewal”.

19 Section 73 of Chapter 376, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “Public Works” in the first and second lines and substituting “Infrastructure Renewal”.

PART VI

PUBLIC TRUSTEE ACT

20 Chapter 379 of the Revised Statutes, 1989, the *Public Trustee Act*, is amended by adding immediately after Section 3 the following Section:

3A (1) The Public Trustee may delegate to any employee or class of employee in the office of the Public Trustee any of the Public Trustee's powers, duties or functions and, without limiting the generality of the foregoing, may authorize an employee in the office of the Public Trustee to

(a) execute or sign a document or instrument requiring the signature of the Public Trustee, or

(b) do any other thing required in relation to a document or instrument to be done by the Public Trustee.

(2) A delegation made pursuant to subsection (1) must be made in writing.

(3) A delegation pursuant to subsection (1) may be general or applied in a particular case.

(4) When acting pursuant to clause (1)(a), the employee shall sign with the employee's name and add the words “acting under the authority of the Public Trustee pursuant to the *Public Trustee Act*”.

(5) For greater certainty, a document or an instrument executed pursuant to clause (1)(a) has the same effect as if the document or instrument was executed by the Public Trustee.

(6) A document or an instrument purporting to be executed pursuant to clause (1)(a) must, in the absence of any evidence to the contrary, be accepted or admitted in evidence without proof of the signature or official character of the person appearing to have signed the document or instrument.

21 Chapter 379 is further amended by adding immediately after Section 14 the following Section:

14A Notwithstanding any other Act, where

(a) the Public Trustee is administering the estate of a patient pursuant to Section 59 of the *Hospitals Act* and the patient is discharged from the hospital; or

(b) the Public Trustee is administering the estate of an adult pursuant to Section 13 of the *Adult Protection Act* and either the court finds that the person is not a person in need of protection or the order that a person is an adult in need of protection expires, terminates or is rescinded,

the Public Trustee's authority to administer the estate continues until

(c) the Public Trustee determines that it is no longer necessary to manage the estate of the person;

(d) the Supreme Court, or a judge thereof, appoints the Public Trustee or another person to be guardian of the estate of the person;

(e) the Public Trustee receives a revocation of the declaration of competency issued pursuant to the *Hospitals Act*;

(f) the Public Trustee receives a written medical opinion signed by a physician stating that the physician has performed an assessment of a person's competency and that the physician is of the opinion that the person is competent to manage the person's estate; or

(g) a court determines that the person is competent to manage the person's estate and finances,

and the Public Trustee shall administer the estate in accordance with this Act.

PART VII

SMALL CLAIMS COURT ACT

22 Clause 10(e) of Chapter 430 of the Revised Statutes, 1989, the *Small Claims Court Act*, is amended by striking out "one" in the first line and substituting "two thousand five".

PART VIII

SUMMARY PROCEEDINGS DATE

23 Subsection 8(18) of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as amended by Chapter 8 of the Acts of 1999 (2nd Session), is further amended by striking out "the justice who entered a conviction pursuant to subsection (15)" in the third line and substituting "a justice".

PART IX

EFFECTIVE DATE

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