

# BILL NO. 20

(as passed, with amendments)



*2nd Session, 58th General Assembly  
Nova Scotia  
50 Elizabeth II, 2001*

Government Bill

## Government Restructuring (2001) Act

CHAPTER 4 OF THE ACTS OF 2001

The Honourable Ronald S. Russell, C.D.  
Chair of the Priorities and Planning Committee  
of the Executive Council

[First Reading](#): April 5, 2001

Second Reading: May 14, 2001

[Third Reading](#): May 28, 2001 (WITH COMMITTEE AMENDMENTS)

Royal Assent: June 1, 2001



**An Act to Restructure  
the Government of Nova Scotia**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Government Restructuring (2001) Act*.

## PART I

### CIVIL SERVICE ACT

2 Section 2 of Chapter 70 of the Revised Statutes, 1989, the *Civil Service Act*, is amended by

(a) striking out clause (a);

(b) striking out "an agreement in writing between the Commission and the Nova Scotia Government Employees Union entered into pursuant to the *Civil Service Collective Bargaining Act*" in the first, second, third and fourth lines of clause (c) and substituting "a collective agreement as defined in the *Civil Service Collective Bargaining Act*, the *Highway Workers Collective Bargaining Act* or Schedule A to the *Corrections Act*"; and

(c) striking out clause (d) and substituting the following clauses:

(d) "Commission" means the Public Service Commission;

(da) "Commissioner" means the Public Service Commissioner;

3 Section 6 of Chapter 70 is amended by

(a) adding ", the *Corrections Act* and the *Highway Workers Collective Bargaining Act*" immediately after "Act" in the third line of clause (h); and

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

(l) administer and interpret collective agreements;

(m) develop human-resource management policies, programs, procedures, standards and practices for the Civil Service;

(n) perform such other duties as are assigned to the Commission by the Governor in Council.

4 Section 8 of Chapter 70 is amended by striking out ", with the approval of the Governor in Council," in the first and second lines.

5 Sections 14 and 15 of Chapter 70 are repealed and the following Sections substituted:

14 Appointments and promotions to fill vacancies in the Civil Service shall be based on merit principles and the Commission shall use selection processes designed to establish the merit of candidates.

15 Notwithstanding Section 14, appointments and promotions to fill vacancies in the Civil Service in positions that are covered by a collective agreement shall be made in accordance with the collective agreement.

6 Section 20 of Chapter 70 is amended by

(a) adding "(1)" immediately after the Section number; and

(b) adding the following subsection:

(2) Where there is a conflict between subsection (1) and the *Human Rights Act*, the *Human Rights Act* prevails.

## PART II

### CORRECTIONS ACT

**7** Chapter 103 of the Revised Statutes, 1989, the *Corrections Act*, is amended by adding immediately after Section 6 the following Section:

6A For the purpose of collective bargaining, the Public Service Commission is the agent of the Employer as defined in Schedule A.

## PART III

### EXECUTIVE COUNCIL ACT

**8** Clauses 3(d) to (k), (m) to (p) and (ta) to (w) of Chapter 155 of the Revised Statutes, 1989, the *Executive Council Act*, are repealed and the following clauses substituted:

- (c) the Minister of Agriculture and Fisheries;
- (d) Attorney General and Minister of Justice
- (e) the Minister of Community Services;
- (f) the Minister of Economic Development;
- (g) the Minister of Education;
- (h) the Minister of Environment and Labour;
- (i) the Minister of Finance;
- (j) the Minister of Health;
- (k) the Minister of Intergovernmental Affairs;
- (l) the Minister of Natural Resources;
- (m) the Provincial Secretary;
- (n) the Minister of the Public Service Commission;
- (o) the Minister of Service Nova Scotia and Municipal Relations;
- (p) the Minister of Tourism and Culture;
- (q) the Minister of Transportation and Public Works;
- (r) the Chair of Treasury and Policy Board,

## PART IV

### HIGHWAY WORKERS COLLECTIVE BARGAINING ACT

**9** Chapter 1 of the Acts of 1997 (2nd Session), the *Highway Workers Collective Bargaining Act*, is amended by adding immediately after Section 3 the following Section:

3A For the purpose of collective bargaining, the Public Service Commission is the agent of the Employer.

## PART V

### LABOUR DEPARTMENT ACT

**10** Chapter 245 of the Revised Statutes, 1989, the *Labour Department Act*, is repealed.

## PART VI

### LIQUOR CONTROL ACT

**11** Section 2 of Chapter 260 of the Revised Statutes, 1989, the *Liquor Control Act*, as amended by Chapter 28 of the Acts of 2000, is further amended by

(a) relettering clause (a) as clause (aa) and adding immediately before relettered clause (aa) the following clause:

(a) "agency store" means a store established pursuant to the authority contained in subsection (4) of Section 42, the operator of which may pursuant to this Act sell liquor under the control of the Corporation, and includes a private wine or specialty retail store;

(b) repealing clause (c) and substituting the following clauses:

(c) "Board of Directors" means the Board of Directors of the Corporation appointed pursuant to this Act;

(ca) "Chair" means the Chair of the Board of Directors appointed pursuant to this Act;

(cb) "Corporation" means the Nova Scotia Liquor Corporation continued pursuant to this Act;

(c) striking out "Commission created" in the fourth line of clause (f) and substituting "Corporation continued";

(d) striking out "or shop" in the first and in the second lines of clause (g);

(e) adding "and includes a duty-free liquor store" immediately after "liquor" in the third line of clause (g);

(f) adding ", police officers appointed by a regional municipality, incorporated town or municipality of a county or district and the military police of the Canadian Armed forces" immediately after "Police" in the second line of clause (n);

(g) striking out clause (p); and

(h) adding immediately after clause (t) the following clause:

(ta) "President" means the President of the Corporation appointed pursuant to this Act;

**12** Sections 4 to 7, 10 and 11 of Chapter 260 are repealed and the following substituted:

4 (1) The Nova Scotia Liquor Commission is continued as a body corporate under the name the "Nova Scotia Liquor Corporation" consisting of those persons who from time to time comprise the Board of Directors.

(2) The Corporation is, for all purposes of this Act, an agent of Her Majesty in right of the Province.

(3) The objects of the Corporation are the

(a) promotion of social objectives regarding responsible drinking;

(b) promotion of industrial or economic objectives regarding the beverage alcohol industry in the Province;

(c) attainment of suitable financial revenues to government; and

(d) attainment of acceptable levels of customer service.

(4) The Corporation may contract in its corporate name without specific reference to Her Majesty.

(5) The Corporation shall have a corporate seal that it may alter or change at pleasure.

5 Subject to this Act, the Corporation has the capacity, rights, powers and privileges of a natural person to do anything that the Corporation considers necessary or convenient for, or incidental or conducive to, the carrying out of its objects and has the same powers and capacity as a company under subsection (4) of Section 26 of the *Companies Act*.

6 The *Companies Act* applies to the Corporation so far as it is not inconsistent with this Act.

7 (1) The affairs of the Corporation shall be administered by a Board of nine directors,

(a) seven of whom shall be appointed by the Governor in Council to hold office for a term of not less than two years and not more than five years;

(b) one of whom shall be a deputy minister appointed from time to time by the Governor in Council, and who shall not be a voting member; and

(c) one of whom is the President appointed pursuant to Section 7C, and who is not a voting member.

(2) The Board of Directors is responsible for ensuring that the affairs of the Corporation are administered on a commercial basis and that all decisions and actions of the Board are based on sound business practices in accordance with the objects of the Corporation.

(3) The members of the Board of Directors are directors of the Corporation within the meaning of the *Companies Act* except where inconsistent with this Act.

(4) The Governor in Council shall appoint one of the members of the Board of Directors to be the Chair of the Board who shall hold office for a term to be fixed by the Governor in Council, such term of office not to be less than two years and not to exceed five years.

(5) Notwithstanding clause (a) of subsection (1), on the initial appointment of the members of the Board, the members of the Board appointed pursuant to that clause shall be appointed to hold office for the following terms:

(a) two members for a term of two years;

(b) two members for a term of three years;

(c) two members for a term of four years; and

(d) one member for a term of five years.

(6) The Chair and each member of the Board of Directors appointed pursuant to clause (a) of subsection (1) shall enjoy tenure during the term of their appointment but may be removed at any time for misbehaviour, incapacity or inability to perform their duties properly by the Governor in Council.

(7) Each member of the Board of Directors appointed pursuant to clause (a) of subsection (1) shall remain in office, notwithstanding the expiry of the member's term, until re-appointed or replaced and, when a vacancy occurs on the Board, the Governor in Council may appoint a person to fill the vacancy for the balance of the term of the member of the Board replaced.

(8) A vacancy on the Board of Directors does not impair the capacity of the Board to act.

7A (1) The Chair and other members of the Board of Directors are entitled to be paid such salaries and allowances as are fixed by the by-laws of the Corporation.

(2) Each member of the Board of Directors is entitled to be paid such travelling and living expenses incurred by the member in the performance of the member's duties as are fixed by the by-laws of the Corporation.

7B (1) Four voting members of the Board of Directors constitute a quorum.

(2) The President and the deputy minister appointed pursuant to subsection (1) of Section 7 are not to be included as members of the Board of Directors in determining a quorum of the Board.

(3) Where a member of the Board of Directors is absent from the member's duties for a period in excess of three months or becomes incapacitated or disabled and is unable to act by reason of such absence, illness, infirmity, incapacity or inability, the Governor in Council may appoint a person to act in the member's stead during the period that the member is absent or incapacitated and the person appointed while so acting may discharge all the duties and has all the rights and powers of a director.

(4) The affirmative votes of a majority of the members present at a meeting of the Board of Directors at which a quorum is present are sufficient to pass any resolution that the Board is competent to make.

(5) Subject to this Act, the Board of Directors may make by-laws for the management of the property, effects, affairs and business of the Corporation or relating to any other thing that may be necessary for carrying out the purposes of the Corporation and for the exercise of any other powers of the Corporation incidental thereto.

(6) There shall be minutes taken of the meetings of the Board of Directors, which must be approved by the Board and certified to be correct by the Chair.

(7) A copy of the minutes of each meeting of the Board of Directors, certified to be correct by the Chair, shall be submitted to the Minister after each meeting of the Board.

7C (1) The Governor in Council shall, by order and upon the recommendation of the Minister, appoint a President of the Corporation who shall be selected on merit and in accordance with the fair-hiring practices of the Province.

(2) The President is the Chief Executive Officer of the Corporation and is charged with the general direction, supervision and control of the business of the Corporation, and may exercise such other powers as may be conferred on the President by the by-laws of the Corporation or the Minister.

(3) The President shall devote the President's whole time and attention to the performance of the President's functions for the Corporation and shall follow no other occupation.

(4) The President is accountable to the Minister and reports to the Board of Directors.

7D (1) The employees of the Corporation are to be appointed in accordance with the by-laws of the Corporation.

(2) The remuneration and other conditions of employment of the employees are to be established by the by-laws of the Corporation.

(3) The *Public Service Superannuation Act* applies to the President and all employees of the Corporation.

7E The Corporation is a department for the purpose of the definition of "department" in the *Members and Public Employees Disclosure Act* and, for greater certainty, Part III of that Act applies to the members of the Board.

7F A person is not eligible to be appointed or to continue as President or a member of the Board of Directors if the person is not a Canadian citizen, ordinarily resident in the Province or, directly or indirectly, as owner,

shareholder, director, officer, partner or otherwise, is in a position of conflict of interest under conflict of interest rules established in the regulations.

7G The fiscal year of the Corporation ends on the thirty-first day of March in each year or such other time as may be prescribed by the Governor in Council.

7H (1) The making of by-laws of the Corporation by the Board of Directors is subject to the approval of the Governor in Council.

(2) The Governor in Council may make regulations respecting any matter in respect of which the Board of Directors may make by-laws and, where there is a conflict between the regulations and a by-law made by the Board of Directors, the regulations made pursuant to this Section prevail.

(3) The Governor in Council may make regulations establishing and respecting the operation of a consultation committee composed of members appointed by the Minister who, by virtue of their experience, are considered by the Minister to be appropriate to provide, at the request of the Board of Directors or the Minister, advice on any matter relating to the objects or operations of the Corporation.

(4) The Governor in Council may make regulations respecting conflict of interest rules governing the President and members of the Board of Directors.

**13** Section 12 of Chapter 260 is amended by

(a) adding "or operation" immediately after "maintenance" in the first line of clause (d);

(b) adding "or regulate" immediately after "control" in the second line of clause (d); and

(c) adding "or agency stores" immediately after "stores" in the second line of clause (k).

**14** Sections 16, 17 and 18 of Chapter 260 are repealed.

**15** Sections 19 to 25 of Chapter 260 are repealed and the following Sections substituted:

19 (1) All money received from the sale of liquor in Government stores, the revenue from agency stores and money otherwise accruing in the administration of this Act is to be paid to the Corporation.

(2) All property, whether real or personal, all money acquired, administered, possessed or received by the Corporation and all profits earned in the administration of this Act are vested in the Corporation as agent of Her Majesty in right of the Province and may be dealt with, leased, sold or otherwise disposed of by the Corporation in its corporate name.

(3) The Corporation shall maintain in its own name one or more accounts in any chartered bank designated by the Minister of Finance.

(4) Notwithstanding the *Provincial Finance Act*, all money received by the Corporation through the conduct of its operations or otherwise is to be deposited to the credit of the accounts established pursuant to subsection (3) and shall be administered by the Corporation exclusively in the exercise and performance of its powers, duties and functions.

(5) The Corporation shall pay all salaries of the members of the Board of Directors, its employees and all expenditures incurred by the Corporation in operating its business.

20 (1) The Board of Directors shall, before the thirty-first day of January in each year, prepare and submit to the Minister a budget containing estimates of the amounts required for working capital and for capital expenditures required during the next year for the purposes of the Corporation and forecasting the estimated net profit of the Corporation for the next year.

(2) Where in any fiscal year it appears that the actual revenue or expenditure of the Corporation is likely to be substantially greater or less than estimated in its budget, the Board of Directors shall submit to the Minister a revised budget containing the particulars required under subsection (1).

(3) All outlays and expenditures of a capital nature in excess of fifty thousand dollars over approved total capital spending outlined in the budget for the fiscal year shall be approved in advance by the Minister.

(4) The Board shall submit to the Minister, at such times as the Minister may prescribe, reports setting out the net profit and net profit forecasts of the Corporation and such reports shall contain such information as the Minister may prescribe.

21 On or before the thirty-first day of January, 2002, 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 ending the thirty-first day of March, 2002.

22 On or before the thirty-first day of January, 2003, and annually thereafter if 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.

23 (1) Within six months after the fiscal year ending the thirty-first day of March, 2006, and every fifth year thereafter, the Corporation shall submit to the Minister a detailed evaluation of its activities showing how results of its operations compare and contrast with the five-year strategic plan referred to in Section 21, and including any recommendations for changes to the objects, powers, duties and functions of the Corporation or the Board of Directors.

(2) At the time it submits an evaluation referred to in subsection (1), the Corporation shall also submit to the Minister for approval a five-year strategic plan, including estimates of budgetary requirements for the operation of the Corporation.

24 (1) The Corporation may, with the approval of the Minister of Finance, borrow money from and make arrangements with any chartered bank for loans or money overdrafts with such times of repayment as the Corporation considers advisable and necessary and may mortgage the lands and other assets of the Corporation to secure such loans.

(2) The Governor in Council may from time to time and on such terms and conditions as the Governor in Council considers expedient, authorize the guarantee by the Minister of Finance, on behalf of Her Majesty in right of the Province, of the repayment of all money borrowed by the Corporation under this Section, and such guarantee, when given, renders Her Majesty in right of the Province liable for the repayment of the money so borrowed, and is conclusive evidence of the liability of the Province.

(3) The Minister of Finance may advance out of the Consolidated Fund of the Province such sums as may be necessary for the purpose of discharging, in whole or in part, all or any liabilities of the Corporation or guarantees, and all sums so advanced are to be repaid by the Corporation in such amounts and at such times as the Minister of Finance may decide and, until paid, bear interest, for credit to the Consolidated Fund, at such rate as may be determined by the Minister.

25 (1) The Corporation shall prepare audited financial statements and submit them to the Minister in each year at such time as may be prescribed by the Minister.

(2) The accounts of the Corporation shall show the gross income arising from the sale of liquor.

(3) All books or records of accounts, bank books and other documentation of the Corporation shall at all times be open to the inspection of the Minister or such other person as the Minister may designate.



(4) The Governor in Council may request the Auditor General or any other person to audit the accounts of the Corporation and a report of the audit containing such particulars as the Governor in Council may require shall be made to the Governor in Council on or before the first day of August next following the close of the fiscal year for which the report is made.

25A (1) From the profits arising under this Act, as certified by the Minister of Finance, there shall be taken such sums as may be determined by the Governor in Council for the creation of a reserve fund to repay moneys borrowed under Section 24.

(2) The net profits remaining from time to time after providing the sums required for purposes of the reserve fund, are to be paid into the Consolidated Fund of the Province in the manner and at the times prescribed by the Minister of Finance.

25B The Corporation shall, within five months after the termination of its fiscal year, submit to the Minister an audited report, in such form as the Minister may direct, on the operations of the Corporation for that fiscal year, and the Minister shall lay the report before the House of Assembly, if it is then sitting, or, if not, at the next sitting.

**16** Subsection 29(1) of Chapter 260 is amended by striking out "Minister" in the first line and substituting "Attorney General".

**17** Section 31 of Chapter 260, as enacted by Chapter 28 of the Acts of 2000, is amended by adding ", other than employees of the Corporation," immediately after "employees" in the first line.

**18** Section 42 of Chapter 260 is amended by adding immediately after subsection (3) the following subsection;

(4) The Corporation may by by-law, subject to the approval of the Governor in Council, permit the operation of agency stores, at such places throughout the Province and on such terms as it considers advisable, by private operators, for the sale of liquor in accordance with this Act.

**19 (1)** Subsections 43(1) to (3) of Chapter 260 are amended by striking out "Commission" wherever it appears in those subsections, except in the eighth line of subsection (1), and substituting in each case "Chief Electoral Officer".

**(2)** Subsection 43(5) of Chapter 260 is repealed and the following subsection substituted:

(5) Where a vote is taken under this Section, the ballot paper shall contain the following words:

Are you in favour of the sale of liquor in Yes

your municipality in accordance with the

*Liquor Control Act?* No

**(3)** Subsections 43(6) to (8) of Chapter 260 are amended by striking out "Commission" wherever it appears in those subsections and substituting in each case "Chief Electoral Officer".

**(4)** Subsection 43(10) of Chapter 260 is amended by striking out "persons appointed to conduct and receive the vote" in the fifth and sixth lines and substituting "the Chief Electoral Officer".

**20** Section 44 of Chapter 260 is amended by striking out "Commission" wherever it appears and substituting in each case "Chief Electoral Officer".

**21** Section 53 of Chapter 260 is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) No operator or employee of an agency store shall allow any liquor to be consumed on the premises of an

agency store nor shall any person consume any liquor on such premises, except as otherwise provided in this Act or the regulations.

**22** Subsection 54(1) of Chapter 260 is amended by striking out "by the Commission" in the third line and substituting ", maintained or operated by the Corporation or controlled or regulated by the Corporation".

**23** Subsection 56(1) of Chapter 260 is amended by

(a) striking out "or" in the third line and substituting a comma; and

(b) adding "or sale" immediately after "consumption" in the third line.

**24** Subsection 66(2) of Chapter 260 is amended by striking out ", nor shall a Government store be placed in a store in which a business is owned or managed by a druggist or is conducted as a drug business" in the third, fourth, fifth and sixth lines.

**25** Clause 93(b) of Chapter 260 is amended by adding "Government store or agency" immediately before "store" in the first line.

**26** Section 94 of Chapter 260 is amended by adding "Government store or agency" immediately before "store" the second time it appears in the second line.

**27** Section 99 of Chapter 260 is amended by

(a) striking out "three hundred" in the fourth line and substituting "seven hundred and fifty";

(b) striking out "one" in the fifth line and substituting "two";

(c) striking out "seven hundred and fifty" in the seventh and eighth lines and substituting "one thousand";

(d) striking out "fifteen hundred" in the eighth line and substituting "two thousand"; and

(e) striking out "four" in the tenth line and substituting "six".

**28** Section 103 of Chapter 260 is amended by striking out "ten thousand dollars" in the fourth and fifth lines and substituting "twenty-five thousand dollars for a first offence and not more than fifty thousand dollars for a second or subsequent offence".

**29 (1)** Chapter 260 is further amended by striking out "Commission" or "COMMISSION" wherever those words appear in Chapter 260 and substituting in each case "Corporation" or "CORPORATION" as the case may be.

**(2)** Chapter 260 is further amended by striking out "Chief Commissioner" wherever those words appear in Chapter 260 and substituting in each case "President".

**30** All property, whether real or personal and all money and accounts receivable that were administered or managed by the Nova Scotia Liquor Commission immediately before the coming into force of this Section are to be administered and managed by the Nova Scotia Liquor Corporation.

**31** All debts owing to the Nova Scotia Liquor Commission immediately before the coming into force of this Act or accruing to the Commission and all debts and other liabilities of the Commission and of any member thereof acquired or incurred by the member as a member of the Commission existing at the date of the coming into force of this Act or accruing thereafter are the debts and liabilities of the Nova Scotia Liquor Corporation.

**32** Whenever in any Act or regulation heretofore enacted or made or in any order made under any Act or regulation or in any order in council or in any contract, lease or any other document whatsoever, it is provided that any right, power, function, duty or liability is or shall be vested in, conferred on or exercised, performed or discharged by, or there is a

reference to, the Nova Scotia Liquor Commission, such right, power, function, duty or liability shall be vested in, conferred on or exercised, performed or discharged by the Nova Scotia Liquor Corporation.

**33** All actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Nova Scotia Liquor Commission, or any member or employee thereof, acquired or incurred by the member or employee as a member or employee of the Commission, whether in the name of the Commission or in the name of Her Majesty or the member or employee, are to be brought, taken or continued by or against the Nova Scotia Liquor Corporation, in the name of the Corporation, in any court that has jurisdiction to hear the matter.

**34 (1)** Employees of the Nova Scotia Liquor Commission immediately before the coming into force of this Act, other than the General Manager, shall be employed by the Nova Scotia Liquor Corporation and continue to hold such positions or their equivalent with the Corporation according to the terms and conditions of their appointment until otherwise determined by the Board of Directors.

**(2)** Employees of the Nova Scotia Liquor Commission who become employees of the Nova Scotia Liquor Corporation retain the rights acquired under the Acts that governed them before the coming into force of this Section.

**35** For greater certainty, any valid and binding collective agreement existing on the coming into force of this Act between the Nova Scotia Liquor Commission and any bargaining agent for employees employed by the Commission is a valid and binding agreement between the bargaining agent and the Nova Scotia Liquor Corporation.

**36 (1)** Upon the coming into force of Section 7 of Chapter 260, as enacted by this Act,

(a) Douglas A. Caldwell, Q.C., ceases to be Chief Commissioner of the Nova Scotia Liquor Commission and ceases to be a member of the Commission;

(b) A. Robert Sampson and Michele McKenzie cease to be members of the Commission; and

(c) the orders of the Governor in Council appointing Douglas A. Caldwell, Q.C., A. Robert Sampson and Michele McKenzie to the positions referred to in clauses (a) and (b) are revoked.

**(2)** Notwithstanding any enactment, all contracts, agreements and orders relating to or fixing the amount of compensation, remuneration, fees, entitlements or benefits, including pension benefits, of Douglas A. Caldwell, Q.C., and A. Robert Sampson with respect to the positions referred to in clauses 1(a) and (b) are null and void upon the coming into force of Section 7 of Chapter 260, as enacted by this Act.

**(3)** Notwithstanding the *Interpretation Act* and any other enactment or any contract, agreement or order, Douglas A. Caldwell, Q.C., and A. Robert Sampson have no right to compensation for the loss of the positions referred to in clauses 1(a) and (b) or the emoluments of those positions and no compensation, remuneration or fees shall be paid to either of them on and after the day Section 7 of Chapter 260, as enacted by this Act, comes into force.

**(4)** Notwithstanding subsections (2) and (3), Douglas A. Caldwell, Q.C., and A. Robert Sampson are entitled to such superannuation allowances as are provided for by the *Public Service Superannuation Act*.

**(5)** For the purpose of determining the entitlements referred to in subsection (4), the date of termination of the employment of Douglas A. Caldwell, Q.C., and A. Robert Sampson is the date Section 7 of Chapter 260, as enacted by this Act, comes into force.

**(6)** This Section has effect on and after the coming into force of Section 7 of Chapter 260, as enacted by this Act.

## PART VII

### NATURAL RESOURCES ADVISORY COUNCIL ACT

**37** Chapter 9 of the Acts of 1993, the *Natural Resources Advisory Council Act*, is repealed.

## PART VIII

### PUBLIC SERVICE ACT

**38** Clauses 2(b) to (i), (k) to (n) and (ga) to (s) of Chapter 376 of the Revised Statutes, 1989, the *Public Service Act*, are repealed and the following clauses substituted:

- (a) the Department of Agriculture and Fisheries;
- (b) the Department of Community Services;
- (c) the Department of Economic Development;
- (d) the Department of Education;
- (e) the Department of Environment and Labour;
- (f) the Department of Finance;
- (g) the Department of Health;
- (h) the Department of Intergovernmental Affairs;
- (i) the Department of Justice;
- (j) the Department of Natural Resources;
- (k) Service Nova Scotia and Municipal Relations;
- (l) the Department of Tourism and Culture;
- (m) the Department of Transportation and Public Works.

**39** Subsection 3(4) of Chapter 376 is repealed.

**40 (1)** Subsection 4(1) of Chapter 376 is amended by adding "or office" immediately after "department" in the eighth line.

**(2)** Subsection 4(2) of Chapter 376 is amended by adding "or office" immediately after "department" in the fifth, in the eighth, in the ninth, in the thirteenth and fourteenth and in the sixteenth lines.

**(3)** Subsection 4(3) of Chapter 376, as enacted by Chapter 13 of the Acts of 1998, is amended by adding "or office" immediately after "department" in the third and in the seventh lines.

**41** Chapter 376 is further amended by adding immediately after Section 4A the following Sections:

4B (1) The Governor in Council may create offices of the public service and may, from time to time, prescribe the name by which each of such offices is to be designated.

(2) Each of such offices shall be presided over by a member of the Executive Council who shall be appointed for the purpose, under the Great Seal, by the Governor in Council.

(3) The Governor in Council may, from time to time, prescribe the functions, powers and duties of each of the members of the Executive Council appointed under this Section and the duties of the office over which the member presides.

(4) The Governor in Council may, from time to time, appoint a person to be the chief executive officer of any such office, who shall be paid such salary as the Governor in Council determines and shall perform such duties as are, from time to time, prescribed by the Governor in Council.

4C (1) The Governor in Council may, from time to time, assign to any office or a member of the Executive Council such affairs and matters as the Governor in Council deems expedient, whether the same have or have not been theretofore assigned or whether such affairs and matters have or have not theretofore belonged by or under this Act or any other Act of the Legislature or otherwise to some other office, some department or to some other member of the Executive Council and, where an affair or matter is assigned to a member of the Executive Council, the Governor in Council may direct that the affair or matter for administrative purposes be attached to such office or department of the public service as the Governor in Council may designate.

(2) Whenever any affairs or matters are assigned as aforesaid to any office or to a member of the Executive Council, and such affairs or matters have theretofore been assigned or have theretofore belonged to some other office, to some department or to some other member of the Executive Council, then any reference in any Act of the Legislature or in any rule, order, regulation, by-law or ordinance or in any document whatsoever to such other office or department, or to the head of such other office or department, or such other member of the Executive Council, whether such reference is by official name or otherwise shall, as regards any subsequent transaction, matter or thing relating to the affairs or matters or any of them assigned as aforesaid to such first-mentioned office or department, or to such first-mentioned member of the Executive Council, be held and construed to be a reference to such first-mentioned office or department and to the head thereof or to such first-mentioned member of the Executive Council.

(3) Notwithstanding any enactment, where an affair or matter is assigned pursuant to subsection (1) or an affair or matter is assigned to an office or a member of the Executive Council pursuant to this Act or any other enactment, any amount appropriated by the Legislature with respect to that affair or matter may be assigned to the appropriate office or member of the Executive Council.

4D Where the Governor in Council assigned all affairs and matters theretofore assigned or belonging to an office to another office or department, or to a member of the Executive Council, other than the member of the Executive Council theretofore presiding over the office, and no new affairs or matters are thereupon assigned to the office, the Governor in Council may abolish the office.

**42** Sections 5 to 16 of Chapter 376 are repealed and the following Sections substituted:

5 The Governor in Council may designate any member of the Executive Council as an acting minister and any act done by an acting minister has the same force, validity and effect as if done by the member of the Executive Council in whose stead the member is acting.

6 A member of the Executive Council may, subject to the approval of the Governor in Council, enter into an agreement with the Government of Canada or the government of a province, or agency thereof, or with any institution or person, or any of them, providing for a joint undertaking with the Government of Canada or with the government of a province, or any agency thereof, or with any institution or person, or any of them, of any project within the member's mandate under this Act.

7 For each department provided for in this Act or established pursuant to this Act, the Governor in Council may appoint a person to be the deputy minister who shall be paid such salary as the Governor in Council determines and shall perform such duties as are, from time to time, prescribed by the Governor in Council.

8 The Governor in Council may designate a deputy minister to be the head of the Public Service.

9 (1) There shall be a committee of the Executive Council called the Treasury and Policy Board, charged with establishing plans and policies for the operation of the government of the Province and ensuring that they are implemented in a co-ordinated and fiscally responsible manner.

(2) The Treasury and Policy Board shall be composed of the Chair of the Treasury and Policy Board, who is deemed to be a member of the Executive Council having charge of a department, and not fewer than four other members of the Executive Council as are designated from time to time by the Governor in Council.

(3) The Governor in Council may designate other members of the Executive Council to serve as substitutes in the absence of members of the Treasury and Policy Board.

(4) The Governor in Council may, from time to time, designate persons in the public service of the Province to be *ex officio* officers of the Treasury and Policy Board.

(5) The Governor in Council may appoint a person in the public service to be the Deputy Minister of the Treasury and Policy Board, who shall be paid such salary as the Governor in Council determines and shall perform such duties as are, from time to time, prescribed by the Governor in Council.

(6) Such other officers and employees as are necessary for the proper conduct of the business of the Treasury and Policy Board may be appointed in accordance with the *Civil Service Act*, may be appointed by the Governor in Council or may be retained on contract.

(7) The Treasury and Policy Board may determine its own rules and procedure.

10 (1) In this Section and Sections 12 and 15, "government agency" means

(a) a government business enterprise or government service organization designated pursuant to the *Provincial Finance Act*;

(b) the Workers' Compensation Board of Nova Scotia; and

(c) any body or class of bodies designated as a government agency or government agencies by a regulation made pursuant to subsection 89(1).

(2) The Treasury and Policy Board shall act as a committee of the Executive Council on all matters relating to

(a) development and implementation of plans and strategies for the effective administration and operation of government;

(b) identification and prioritization of policy issues, selection of policy initiatives and direction of action on policy issues and initiatives;

(c) review and analysis of business plans of departments, offices and government agencies and recommendations to the Executive Council on the allocation of financial and other resources to those departments, offices and agencies;

(d) establishment of values, standards, publicly-published policies, results and targets for the administration, operation, management and accountability of government, including areas related to human resources and information technology;

(e) recommendations to the Executive Council on the broad structure and allocation of responsibilities to individual government departments, offices and government agencies, and approval of structures and functions within those departments and agencies;

(f) such other matters as are assigned to Treasury and Policy Board from time to time by the Governor in Council.

(3) The Treasury and Policy Board

(a) may examine and report to the Executive Council on all matters related to the financial management, commitment of funds, and expenditure of funds provided by the Province to departments, offices and government

agencies;

(b) may examine, report, and direct on matters relating to the development, recommendation and execution of policies, programs and plans respecting the management of the internal operations of government, including administrative, expenditure, human resource and information technology policies;

(c) may establish policies, procedures and processes related to the commitment and expenditure of all monies provided by the Province, whether provided to departments or offices, as a public service vote, or to government agencies;

(d) may establish reporting requirements to ensure the full reporting and accountability of departments, offices and government agencies for the allocation of and results obtained by the use of financial, human, information technology and capital resources;

(e) may determine the management information systems to be used in the ongoing management and operation of departments, offices or government agencies;

(f) may take any action deemed appropriate to ensure the ongoing governance and operation of departments, offices or government agencies is in compliance with this Act.

11 Subject to the approval of the Governor in Council, the Treasury and Policy Board may make such rules and regulations as are deemed necessary to enable the Treasury and Policy Board to discharge its responsibilities under Section 10.

12 The Treasury and Policy Board may require from a public servant, an employee of a government agency or an agent of the Crown any account, return, statement, document, report or information that is directly related to the operations, undertakings and plans of the agency or agent and that the Treasury and Policy Board considers necessary for the performance of its duties.

13 The Treasury and Policy Board may issue such administrative directives as it considers necessary for the performance of its duties.

14 Subject to the approval of the Governor in Council, the Treasury and Policy Board may make such rules and regulations as are deemed necessary for the more efficient administration of the public service.

15 (1) The Governor in Council may make regulations respecting the conditions under which contracts may be entered into by a department, office or government agency and, notwithstanding any other enactment, may

(a) direct that no contract, by the terms of which payments are required in excess of such amount or amounts as the Governor in Council may prescribe, be entered into or have any force or effect unless entry into the contract has been approved by the Governor in Council or the Treasury and Policy Board;

(b) make regulations respecting the security to be given to and in the name of Her Majesty in right of the Province to secure the due performance of contracts.

(2) Notwithstanding any other enactment, where a department, office or government agency, to or for the benefit of which the Legislature or the Governor in Council has appropriated money, wishes to engage the services of a person by contract, such contracts have no legal force or effect unless the terms and conditions thereof are in accordance with the regulations made by the Governor in Council or are approved either by the Governor in Council or the Treasury and Policy Board.

16 (1) Treasury and Policy Board, with the approval of the Governor in Council, may

(a) designate by regulation a department, office, division, branch or program as a special operating agency; and

(b) establish an operating charter for a special operating agency designated under clause (a), containing the objects of the special operating agency, and terms, conditions and other provisions governing its operations.

(2) The *Regulations Act* does not apply to the establishment of an operating charter for a special operating agency under clause 1(b).

(3) The operating charter of a special operating agency may be amended from time to time by Treasury and Policy Board with the approval of the Governor in Council.

17 In Sections 17A to 17I, and for the purpose of those Sections only,

(a) "Minister" means the Minister of the Public Service Commission;

(b) "public service" includes

(i) the Civil Service,

(ii) employees employed pursuant to the *Corrections Act*,

(iii) employees employed pursuant to the *Highway Workers Collective Bargaining Act*,

(iv) the Workers' Compensation Board of Nova Scotia and its employees, and

(v) members, officers and employees of any government business enterprise or government service organization designated pursuant to the *Provincial Finance Act* that the Governor in Council, by order, determines to be part of the public service.

17A (1) There shall be a Public Service Commission consisting of the Public Service Commissioner.

(2) The Public Service Commission shall be presided over by the Minister of the Public Service Commission.

(3) The Governor in Council may appoint a person to be the Public Service Commissioner who shall have the status of a deputy head under the *Civil Service Act*, be paid such salary as the Governor in Council determines and perform such duties as are from time to time prescribed by the Governor in Council.

(4) The Public Service Commissioner is an employee within the meaning of the *Public Service Superannuation Act*.

(5) The Public Service Commissioner has, under the general direction of the Minister, supervision, direction and control of the Public Service Commission and shall supervise the performance of the functions of the Commission.

17B The Public Service Commission shall

(a) determine the human-resource management policies, programs, standards and procedures necessary for the public service and may require any part of the public service to develop those policies, programs, standards and procedures under a framework established by the Commission;

(b) provide the public service direction, advice and assistance regarding the implementation and application of human-resource management policies, programs, standards and procedures;

(c) having regard to legal and fiscal consequences, take such measures as the Commission considers necessary to ensure the public service implements the human-resource management policies, programs, standards and procedures that are developed;

(d) assess or audit the implementation of human-resource management policies, programs, standards and



procedures by the public service and the carrying out by the public service of any other responsibilities arising pursuant to this Act;

(e) at the request of the Minister, provide advice to the Minister regarding human-resource management and collective bargaining in the public service;

(f) provide such direction as it considers appropriate to the public service or any part of the public service in relation to collective bargaining;

(g) maintain such records as the Commission considers necessary for the proper administration of this Act; and

(h) perform such other duties and functions as are assigned to it by the Governor in Council.

17C The Public Service Commission may, for the public service or any part of the public service,

(a) review compensation policies and practices applicable to classes of persons in the public service and develop and implement such policies and practices as the Commission considers necessary to ensure that those persons are compensated appropriately;

(b) carry out research, reviews, studies and surveys in human resource management and, where appropriate, make recommendations to the Governor in Council;

(c) develop, in consultation with the public service, succession management programs for classes of persons in the public service;

(d) provide advisory services for employee training and development, human-resource planning and organizational studies;

(e) develop human-resource management policies, programs, standards and procedures for the public service or any part of the public service;

(f) advise and assist the public service on organizational development and design;

(g) prescribe forms the Commission considers necessary for the efficient administration of the public service.

17D The Public Service Commissioner may delegate in writing some of the Public Service Commission's duties and powers for such period as the Commissioner may determine to an employee, whereupon the duties and powers may be fully and effectively performed and exercised as if given to the employee by this Act.

17E Notwithstanding any other Act, every person in the public service shall provide the Public Service Commission with such information and explanation as the Commission requires and the Commission shall have access, at all times, to the files, records and other documents relating to human-resource management.

17F Any part of the public service that is directed by the Public Service Commission to develop or implement human-resource management policies, programs, standards or procedures, shall do so.

17G (1) In this Section, "employer" means the employer, or the person, association or entity in the position of the employer of a person in the public service, and includes a person, association or entity providing pay to a person in the public service;

(2) An employer shall, upon issuance or receipt of a notice to commence collective bargaining, advise the Public Service Commission in writing within five working days of issuance or receipt of the notice.

(3) Before commencing collective bargaining, the employer shall consult with the Public Service Commission and no collective agreement shall be entered into without the approval of the Public Service Commission.

17H The Public Service Commission is subject to audit by the Auditor General.

17I (1) The Public Service Commission may, with the approval of the Governor in Council, make regulations

(a) respecting standards and procedures to be followed in collective bargaining, recruitment, selection, assignment, appointment and promotion in relation to the public service or a part of the public service;

(b) respecting compensation policies and practices applicable to classes of persons in the public service or a part of the public service;

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

(d) respecting any matter or thing the Commission considers necessary or advisable to carry out the intent and purpose of this Act.

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

17J A provision in a collective agreement that conflicts with

(a) a regulation made pursuant to Section 17I that affects employees of a bargaining unit covered by a collective agreement; or

(b) a policy, program, standard or procedure developed pursuant to Section 17B or 17C that affects employees of a bargaining unit covered by a collective agreement,

prevails over the regulation, policy, program, standard or procedure to the extent of the conflict.

**43** Section 19A of Chapter 376 is repealed.

**44** Chapter 376 is further amended by adding immediately after Section 23 the following Sections:

24 (1) There shall be an Office of Aboriginal Affairs.

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

(3) The Office of Aboriginal Affairs shall be presided over by the Minister responsible for Aboriginal 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 Aboriginal 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 other officers and employees as are required for the purposes of the Office of Aboriginal Affairs may be appointed pursuant to the *Civil Service Act* and that Act applies to those employees.

25 The objects and purposes of the Office of Aboriginal Affairs are to

(a) facilitate and promote a co-ordinated approach within the Government on matters related to aboriginal people in the Province;

(b) represent the interests of the Province in intergovernmental, bilateral and trilateral initiatives and negotiations; and

(c) provide research analysis and policy advice on aboriginal issues.

25A (1) There shall be a Petroleum Directorate.

(2) The Governor in Council may assign to a member of the Executive Council responsibility for the Petroleum Directorate.

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

(4) The Governor in Council may appoint a person to be Chief Executive Officer of the Petroleum Directorate 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 other officers and employees as are required for the purposes of the Petroleum Directorate may be appointed pursuant to the *Civil Service Act* and that Act applies to those employees.

25B The Minister responsible for the Petroleum Directorate has, unless specifically assigned to another member of the Executive Council, the supervision direction and control of all affairs and matters relating to

(a) the development of the petroleum industry in the Province, including Nova Scotia lands as defined in the *Pipeline Act*;

(b) management of the Province's petroleum resources and the financial and employment benefits that flow from the development and use of petroleum resources;

(c) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) and (b); and

(d) such other matters as are assigned to the Minister by the Governor in Council or by statute.

**45** The heading immediately before Section 26 and Sections 26 to 28 of Chapter 376 are repealed and the following heading and Sections substituted:

#### DEPARTMENT OF AGRICULTURE AND FISHERIES

26 The Department of Agriculture and Fisheries shall be presided over by the Minister of Agriculture and Fisheries 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.

27 The Minister of Agriculture and Fisheries has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of

(a) all matters relating to agriculture;

(b) all matters over which the Legislature has jurisdiction relating to fisheries and aquaculture;

(c) the administration of Acts, orders and regulations relating to agriculture and fisheries and aquaculture in the Province; and

(d) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

**46** The heading immediately before Section 30A, Sections 30A to 30C, the heading immediately before Section 31, Sections 31 and 32, the heading immediately before Section 38, Sections 38 and 39, the heading immediately before Section 40 and Sections 40 and 41 of Chapter 376 are repealed and the following headings and Sections substituted:

## DEPARTMENT OF COMMUNITY SERVICES

31 The Department of Community Services shall be presided over by the Minister of Community Services 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.

32 The Minister of Community Services has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) income assistance and employment support, housing, child and family services, child protection, the community supports for adults program and disabled persons;
- (b) the administration of Acts, orders and regulations, relating to the matters referred to in clause (a);
- (c) such other matters as are assigned to the Minister by the Governor in Council or by statute.

## DEPARTMENT OF EDUCATION

35 The Department of Education shall be presided over by the Minister of Education 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.

36 The Minister of Education has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of

- (a) all affairs and matters relating to public education;
- (b) all affairs and matters relating to post-secondary education, including financial assistance for students undertaking post-secondary education;
- (c) all affairs and matters relating to apprenticeship;
- (d) all affairs and matters relating to trades, technical, technological and applied arts training;
- (e) all affairs and matters relating to the Provincial Library;
- (f) all affairs and matters relating to immigration, except business immigration;
- (g) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) to (f); and
- (h) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

## DEPARTMENT OF ENVIRONMENT AND LABOUR

37 The Department of Environment and Labour shall be presided over by the Minister of Environment and Labour 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.

38 The Minister of Environment and Labour has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to

- (a) the supervision, management, preservation and protection of the environment and protected areas;
- (b) employment rights, labour standards and labour relations,
- (c) occupational health and safety, fire prevention and public safety;

- (d) pension benefits pursuant to the *Pension Benefits Act* and financial institutions;
- (e) liquor licensing, film licensing and classification and gaming control;
- (f) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) to (e); and
- (g) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

**47** The heading immediately before Section 45, Sections 45 and 46, the heading immediately before Section 50, Sections 50 to 52, the heading immediately before Section 53, Sections 53 and 54, the heading immediately before Section 56, Sections 56 and 57, the heading immediately before Section 64A and Sections 64A to 64C of Chapter 376 are repealed and the following headings and Sections substituted:

#### DEPARTMENT OF HEALTH

**45** The Department of Health shall be presided over by the Minister of Health 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.

**46** The Minister of Health has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) health, hospitals, insured health services, emergency health services, adult protection, home care, public health, addiction services and residential care facilities;
- (b) the administration of Acts, orders and regulations, relating to the matters referred to in clause (a); and
- (c) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

#### DEPARTMENT OF NATURAL RESOURCES

**47** The Department of Natural Resources shall be presided over by the Minister of Natural Resources 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.

**48** The Minister of Natural Resources has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) matters over which the Legislature has jurisdiction relating to the development, management, conservation and protection of energy, forests, minerals, parks and wildlife resources and the administration of the Province's Crown land;
- (b) the administration of Acts, orders and regulations, relating to the matters set out in clause (a); and
- (c) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

**48** The heading immediately before Section 73 and Sections 73 and 74 of Chapter 376 are repealed and the following headings and Sections substituted:

#### SERVICE NOVA SCOTIA AND MUNICIPAL RELATIONS

**67** Service Nova Scotia and Municipal Relations shall be presided over by the Minister of Service Nova Scotia and Municipal Relations who has the supervision, direction and control of all offices and matters relating to the Department and who shall supervise the performance of the functions of the Department.

68 The Minister of Service Nova Scotia and Municipal Relations has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

- (a) access to government services and programs;
- (b) consumer protection, including residential tenancies;
- (c) drivers and vehicles, except the determination of permissible vehicle weights and dimensions in relation to travel on public highways;
- (d) consumer proposals and Part X of the *Bankruptcy and Insolvency Act* (Canada);
- (e) assessment services;
- (f) geographic information services;
- (g) condominiums;
- (h) vital statistics;
- (i) the real property registries, Personal Property Registry, office of the Registrar of Joint Stock Companies, Nova Scotia Business Registry, Registry of Motor Vehicles and the office of the Registrar of Vital Statistics;
- (j) Part IV of the *Revenue Act* for administrative purposes;
- (k) municipal relations and provincial-municipal relations;
- (l) the administration of Acts, orders and regulations relating to the matters set out in clauses (a) to (j); and
- (m) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

69 (1) The Governor in Council shall appoint a person to be Provincial Tax Commissioner.

(2) The Provincial Tax Commissioner shall perform the duties and have the powers imposed and conferred upon the Provincial Tax Commissioner by or pursuant to the *Revenue Act* and any other Acts, and shall perform such other duties as are prescribed by the Governor in Council or the Minister of Service Nova Scotia and Municipal Relations.

(3) The Provincial Tax Commissioner shall, under the direction of the Deputy Minister of Service Nova Scotia and Municipal Relations, carry out and report upon those duties and responsibilities that are imposed and conferred upon the Provincial Tax Commissioner as Provincial Tax Commissioner.

#### DEPARTMENT OF TOURISM AND CULTURE

70 The Nova Scotia Department of Tourism and Culture shall be presided over by the Minister of Tourism and Culture who has the supervision, direction and control of all matters relating to the Department and who shall supervise the performance of the functions of the Department.

71 The Minister of Tourism and Culture has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all matters relating to

- (a) tourism planning, development, marketing and operations;
- (b) the development of the Province's culture sector, including cultural industries;
- (c) the development and preservation of the Province's natural and cultural heritage, including operation of the

Nova Scotia Museum heritage services;

(d) Nova Scotia Archives and Records Management;

(e) the administration of Acts, orders and regulations relating to matters set out in clauses (a) to (d); and

(f) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

## DEPARTMENT OF TRANSPORTATION

### AND PUBLIC WORKS

72 (1) The Department of Transportation and Public Works shall be presided over by the Minister of Transportation and Public Works who has the supervision, direction and control of all offices and matters relating to the Department and who shall supervise the performance of the functions of the Department.

73 The Minister of Transportation and Public Works has, unless specifically assigned to another member of the Executive Council, the supervision, direction and control of all affairs and matters relating to

(a) the construction, maintenance and operation of all roads, bridges and ferries belonging to or under the control of the Government of the Province;

(b) all public highways and the traffic thereon, including the determination of permissible vehicle weights and dimensions;

(c) the administration, development and implementation of policies, planning and programs of the Government of the Province relating to road, rail, air and marine transport systems;

(d) the safe operation of railways under the jurisdiction of the Government of the Province;

(e) the provision of Government procurement, supply and disposal processes;

(f) the administration of Acts, orders and regulations relating to the matters referred to in clauses (a) to (e) except in so far as they relate to drivers and vehicles;

(g) the superintendence and management of all buildings and property belonging to or under the control of the Government of the Province;

(h) the management and control, in so far as the same are by law vested in or appertain to the Government of the Province, of all construction and capital improvement of all public buildings and other public works constructed and maintained, in whole or in part, at the expense of the Government of the Province;

(i) the provision of Government postal services; and

(j) such other matters as may be assigned to the Minister by the Governor in Council or by statute.

49 Section 77 of Chapter 376, as amended by Chapter 8 of the Acts of 1996, is further amended by

(a) adding "(1)" immediately after the Section number;

(b) striking out "Priorities and Planning Committee" in the third line and substituting "Treasury and Policy Board"; and

(c) adding immediately after subsection (1) the following subsection:

(2) Where there is more than one deputy speaker of the House of Assembly, one deputy speaker who is a member of the caucus of the party from which the Government is formed shall be the only deputy speaker who is a

member of the Board.

**50** Chapter 376 is further amended by adding immediately after Section 88 the following Section:

89 (1) The Governor in Council may make regulations designating a body or class of bodies, other than municipalities, that receive substantial funding from the Province, that manage assets of the Province or that are contracted to perform services for the Province pursuant to an enactment or otherwise, as a government agency or government agencies for the purpose of subsection 10(1).

(2) The Governor in Council may make regulations expanding the definition of "public service" in Section 17 to include employees of other bodies or classes of bodies, other than municipalities, that receive substantial funding from the Province, that manage assets of the Province, or that are contracted to perform services for the Province pursuant to an enactment or otherwise.

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

**51** A reference in any Act of the Legislature or in any rule, order, regulation, by-law, ordinance or proceeding or in any document to

(a) the Department of Agriculture and Marketing or the Minister or Deputy Minister of that Department; or

(b) the Department of Fisheries and Aquaculture or the Minister or Deputy Minister of that Department,

whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the Department of Agriculture and Fisheries or to the Minister or Deputy Minister of that Department where the reference relates to an affair, matter or function that, by or pursuant to the *Public Service Act* or this Act, is assigned to the Department of Agriculture and Fisheries or to the Minister or Deputy Minister of that Department.

**52** 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) the Department of Business and Consumer Services or the Minister or Deputy Minister of that Department; or

(b) the Department of Housing and Municipal Affairs or the Minister or Deputy Minister of that Department,

whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to Service Nova Scotia and Municipal Relations or to the Minister or Deputy Minister of that Department where the reference relates to an affair, matter or function that, by or pursuant to the *Public Service Act* or this Act, is assigned to Service Nova Scotia and Municipal Relations or to the Minister or Deputy Minister of that Department.

**53** 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) the Department of the Environment or the Minister or Deputy Minister of that Department; or

(b) the Department of Labour or the Minister or Deputy Minister of that Department,

whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the Department of Environment and Labour or to the Minister or Deputy Minister of that Department where the reference relates to an affair, matter or function that, by or pursuant to the *Public Service Act* or this Act, is assigned to the Department of Environment and Labour or to the Minister or Deputy Minister of that Department.



**54** 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) the Department of Economic Development and Tourism or the Minister or Deputy Minister of that Department; or
- (b) the Department of Education and Culture or the Minister or Deputy Minister of that Department,

whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the Department of Tourism and Culture or to the Minister or Deputy Minister of that Department where the reference relates to an affair, matter or function that, by or pursuant to the *Public Service Act* or this Act, is assigned to the Department of Tourism and Culture or to the Minister or Deputy Minister of that Department.

**55** 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 the Department of Economic Development and Tourism or the Minister or Deputy Minister of that Department, whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the Department of Economic Development or to the Minister or Deputy Minister of that Department where the reference relates to an affair, matter or function that, by or pursuant to the *Public Service Act* or this Act, is assigned to the Department of Economic Development or to the Minister or Deputy Minister of that Department.

**56** 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 the Department of Education and Culture or the Minister or Deputy Minister of that Department, whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the Department of Education or to the Minister or Deputy Minister of that Department where the reference relates to an affair, matter or function that, by or pursuant to the *Public Service Act* or this Act, is assigned to the Department of Education or to the Minister or Deputy Minister of that Department.

**57** 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 the Department of Human Resources or the Minister or Deputy Minister of that Department, whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the Public Service Commission or to the Minister responsible for the Public Service Commission or the Public Service Commissioner where the reference relates to an affair, matter or function that, by or pursuant to the *Public Service Act*, is assigned to the Public Service Commission or to the Minister responsible for the Public Service Commission or the Public Service Commissioner.

**58** 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 the Priorities and Planning Committee of the Executive Council or the Minister or Deputy Minister of that Committee, whether the reference is by official name or otherwise, shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the Treasury and Policy Board or to the Minister or Deputy Minister of that Board where the reference relates to an affair, matter or function that, by or pursuant to the *Public Service Act*, is assigned to the Treasury and Policy Board or to the Minister or Deputy Minister of that Board.

## PART IX

### SMALL BUSINESS DEVELOPMENT ACT

**59** Chapter 429 of the Revised Statutes, 1989, the *Small Business Development Act*, is repealed.

## PART X

### TIDAL POWER CORPORATION ACT

**60** Chapter 468 of the Revised Statutes, 1989, the *Tidal Power Corporation Act*, is repealed.

## PART XI

### TRADE DEVELOPMENT AUTHORITY ACT

**61** Chapter 473 of the Revised Statutes, 1989, the *Trade Development Authority Act*, is repealed.

## PART XII

### VOLUNTARY PLANNING ACT

**62** Section 8 of Chapter 496 of the Revised Statutes, 1989, the *Voluntary Planning Act*, is repealed and the following Section substituted:

8 (1) The Governor in Council may from time to time establish sector committees to study any sector or sectors of the economy of the Province and to formulate economic plans respecting any sector of the economy and may give a sector committee such terms of reference as the Governor in Council considers advisable.

(2) The Board may appoint such persons as the Board considers advisable as members of a sector committee established by the Governor in Council.

**63** Section 10 of Chapter 496 is repealed and the following Section substituted:

10 (1) The Governor in Council may from time to time establish segment committees to undertake studies of and formulate economic plans respecting any segment of the economy of the Province and may give a segment committee such terms of reference as the Governor in Council considers advisable.

(2) The Board may appoint such persons as the Board considers advisable as members of a segment committee established by the Governor in Council.

## PART XIII

### EFFECTIVE DATES

**64** Part VI and Section 43 come into force on such day as the Governor in Council orders and declares by proclamation.

