



# **BILL NO. 107**

*Government Bill*

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*2nd Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act Respecting the Nova Scotia Agricultural College**

CHAPTER 7  
ACTS OF 2008

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

The Honourable Brooke D. Taylor  
*Minister of Agriculture*

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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 the Nova Scotia Agricultural College**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Nova Scotia Agricultural College Act*.

**2** In this Act,

(a) “Board” means the Board of Governors of the College;

(b) “College” means the Nova Scotia Agricultural College situated at Bible Hill, in the County of Colchester;

(c) “degree” means a degree granted by the Board or granted on the recommendation of the faculty council or academic senate of another post secondary institution with which the College has a formal agreement;

(d) “faculty” means full-time employees whose regular assignments include teaching, research and other academic responsibilities as a principal activity, and who hold academic rank as professor, associate professor, assistant professor or lecturer at the College;

(e) “Minister” means the Minister of Agriculture;

(f) “President” means the President of the College;

(g) “program of study” means a group of courses that leads to the granting of a certificate, diploma or degree;

(h) “Senate” means the Senate of the College;

(i) “student” means a person enrolled in the current academic year as a student of the College;

(j) “Transitional Board” means the Nova Scotia Agricultural College Transitional Board appointed pursuant to Section 6.

**3** The Nova Scotia Agricultural College is continued and hereby established as a body corporate.

**4** The College is a post secondary institution and is expected to contribute to the economic and social well being of the Province and the Maritime Region by providing theoretical and practical education, research, knowledge transfer and community and industry collaboration in agriculture, aquaculture, environmental sciences, agri-food science and processing, rural studies and development and other related programs that are of service to the agricultural and rural community and, without restricting the generality of the foregoing, the College may

(a) offer education, training and related services for full and part-time students;

(b) provide education, training, research, knowledge transfer, extension services and related services to governments, corporations, other bodies and persons consistent with the mandate on terms and conditions the College considers appropriate; and

(c) participate in joint programs with respect to education, training and related services developed and delivered in conjunction with other post-secondary institutions and educational bodies.

**5** The College may grant

- (a) diplomas;
- (b) certificates; and
- (c) degrees.

**6 (1)** There is hereby established a body corporate to be known as the Nova Scotia Agricultural College Transitional Board.

**(2)** The Transitional Board consists of five persons appointed by the Governor in Council.

**(3)** The chair of the Transitional Board shall be appointed by the Governor in Council from the persons appointed pursuant to subsection (2).

**(4)** The Transitional Board is accountable to the Minister.

**(5)** It is the responsibility of the Transitional Board to

- (a) advise the Minister respecting policy matters related to the mandate of the College;
- (b) review and advise respecting the financial requirements of the College;
- (c) determine the operating and capital budgets of the College for the fiscal year commencing on a date determined by the Minister;
- (d) establish a preliminary three-year operating plan and a preliminary five-year capital plan for the College;
- (e) determine the initial operating policies of the College, subject to this Act, including policies respecting the internal administration of the College, organizational design, human resources, communications, information technology, initial Board policies and by-laws and the provision of corporate services; and
- (f) negotiate transitional matters, subject to this Act, including protocols respecting continued provision of any overhead services, information technology, administrative services, data sharing and any other matters that, in the opinion of the Transitional Board, ought to be dealt with.

**(6)** The Transitional Board has the power to bind the College.

**7 (1)** The Transitional Board may appoint and determine the terms and conditions of employment of a President and the President is the chief executive officer of the College.

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

- (a) the policies, programs and services of the College;
- (b) the business affairs of the College; and
- (c) such other matters as may be delegated by the Transitional Board to the President.

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

(4) The process adopted by the Transitional Board for the appointment, review and termination of a President is subject to the approval of the Minister.

**8** (1) Members of the Transitional Board shall be reimbursed for expenses necessarily incurred as part of their duties as members of the Transitional Board.

(2) Members of the Transitional Board may be remunerated at a rate determined by the Governor in Council.

(3) Reimbursement and remuneration of the Transitional Board must be paid by the Province from the budget of the Department of Agriculture.

**9** A majority of the members of the Transitional Board constitutes a quorum.

**10** (1) The Transitional Board has the authority to create committees and the same authority to adopt by-laws as the Board.

(2) By-laws are effective when approved by a resolution passed by a majority of the members of the Transitional Board.

**11** (1) At such time as determined by the Governor in Council, the Transitional Board ceases to exist and the members of the Transitional Board may become members of the Board.

(2) A vacancy in the membership of the Transitional Board does not affect the ability of the remaining members to act.

(3) Section 41 applies *mutatis mutandis* to the Transitional Board.

**12** (1) The Board of the College consists of

- (a) at least one student of the College elected by the students of the College;
- (b) at least one faculty member of the College elected by the faculty of the College;
- (c) at least one non-faculty staff member of the College elected by the non-faculty staff of the College;
- (d) at least one alumnus of the College elected by the Nova Scotia Agricultural College Alumni Association;

(e) not fewer than three and not more than five persons appointed by the Governor in Council; and

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

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

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

(4) The nominating committee must consist, in the majority, of members of the Board and one person who is not a member of the Board recommended by either the Nova Scotia Federation of Agriculture or the Minister.

(5) The Board shall establish nominating procedures by by-law for the conduct of the nominating committee.

(6) In addition to the persons referred to in subsection (1), the President and any other senior executives of the College designated by the Board are *ex officio* non-voting members of the Board.

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

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

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

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

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

(12) Notwithstanding subsection (11), a student elected pursuant to clause (1)(a) who graduates before the expiration of the student's term of office on the Board may remain a member of the Board until the expiration of the term of office.

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

**(14)** A vacancy on the Board does not impair the ability of the remaining members to act.

**(15)** The appointments and elections referred to in clauses (1)(a), (b), (c), (d) and (f) must be made or held within one year of the appointments made pursuant to subsection 6(2).

**13 (1)** Members of the Board may be remunerated at a rate determined by the Governor in Council.

**(2)** Members of the Board shall be reimbursed for expenses necessarily incurred as part of their duties as members of the Board or a committee of the Board in accordance with a policy adopted by the Board and approved by the Minister.

**14** A majority of the members of the Board constitutes a quorum.

**15 (1)** The Board shall annually elect at its first meeting from among its members a Chair and Vice-chair.

**(2)** A person appointed pursuant to clause 12(1)(a), (b) or (c) is not eligible to be elected as the Chair or Vice-chair.

**(3)** A person elected as the Chair or Vice-chair may be re-elected to that position.

**(4)** In the case of the absence or incapacity of the Chair or Vice-chair, or where there is a vacancy in either of those offices, the Board may designate one of its members, other than a person appointed pursuant to clause 12(1)(a), (b) or (c), to act as Chair or Vice-chair, as the case may be, on an interim basis.

**(5)** The Chair of the Board may only vote in the event of a tie.

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

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

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

**17 (1)** Subject to subsection (2), all meetings of the Board must be open to the public and no person may be excluded from a meeting, except for improper conduct as determined by the Board.

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

**18** Subject to Sections 19 to 25, the Board has the power to manage and control the College and its property, revenue, business and affairs.

**19** The Board shall

- (a) offer programs of study and related services consistent with the mandate of the College;
- (b) provide for the granting of certificates, diplomas and degrees and make regulations concerning the granting of certificates, diplomas and degrees;
- (c) determine policies with respect to the organization, administration and operation of the College;
- (d) be responsible, in respect of the expenditures by the Board, for the operation of the College from the funds provided and for accounting for those expenditures;
- (e) meet at least four times each year and hold any other meetings that the Board considers appropriate;
- (f) prepare and maintain full and accurate records of its proceedings, transactions and finances;
- (g) develop and adopt conflict of interest guidelines for members of the Board and employees of the College;
- (h) establish a public tender and procurement policy;
- (i) establish a fair hiring policy;
- (j) establish a performance evaluation system for employees of the College;
- (k) establish a policy to prevent harassment and discrimination of students, employees of the College and any other persons engaged in activities at the College as designated by the Board;
- (l) establish a tuition policy for the College and a schedule of tuition fees;
- (m) establish, by by-law, procedures for the appointment of members of committees, including the chair of a committee;
- (n) establish a policy for the reimbursement of expenses incurred by members of the Board and committees of the Board;
- (o) make available publications of the programs of study, admission requirements and fees of the College;
- (p) provide an annual report to the Minister containing such information as required by the Minister;
- (q) develop and maintain a multi-year operating plan and a multi-year capital plan; and
- (r) when directed by the Minister, conduct a special organizational and operational review of the College in accordance with guidelines approved by the Minister.

**20** The Board may

- (a) establish extension programs and courses other than programs of study;



- (b) establish research and other knowledge-creation activities related to the mandate of the College;
- (c) provide for the discipline of students with the power to expel, suspend, fine or levy assessments for damages done to property;
- (d) provide, and facilitate the providing of, scholarships and bursaries to students;
- (e) prescribe fees, other than tuition fees, for programs of study;
- (f) subject to the *Government Records Act*, make by-laws with respect to the preservation, destruction or disposal of records of the College;
- (g) act as a trustee of any money or property given in any manner for the support of the College or its students;
- (h) co-operate with any college, university, school or other institution, body or person to achieve the mandate of the College;
- (i) enter into agreements for the purpose of performing its duties or exercising its powers pursuant to this Act;
- (j) by by-law, establish a procedure for the signing of cheques and other documents by mechanical or other means;
- (k) establish by-laws respecting student associations and clubs;
- (l) establish and collect fees for the provision of services in accordance with the regulations; and
- (m) do any other thing that the Board considers necessary or advisable to carry out effectively the mandate of the College.

**21 (1)** Subject to Section 7, the Board shall appoint and determine the terms and conditions of employment of a President and the President is the chief executive officer of the College.

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

- (a) the policies, programs and services of the College;
- (b) the business affairs of the College; and
- (c) such other matters as may be delegated by the Board to the President.

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

**(4)** The process adopted by the Board for the appointment, review and termination of a President is subject to the approval of the Minister.

**22 (1)** There shall be a Senate of the College.

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

(3) The membership of the Senate and the terms of office of its members is as set out in the by-laws of the Senate and as approved by the Board.

(4) Notwithstanding subsection (3), a majority of the members of the Senate must be composed of

- (a) the President;
- (b) the Vice-president Academic of the College;
- (c) the Registrar of the College;
- (d) such other senior executives of the College as designated by the President;
- (e) such number of faculty members elected by faculty as the Senate may, by by-law, determine;
- (f) such number of students elected by students as the Senate may, by by-law, determine; and
- (g) such other persons as the Senate from time to time determines.

(5) The persons referred to in clauses (4)(a) to (d) may undertake any actions necessary, including the making of by-laws, for the purpose of establishing the Senate.

(6) Subject to approval of the Board for all expenditures, the Senate is responsible for the academic policy of the College and, without limiting generality of the foregoing, shall

- (a) regulate the academic programs of the College;
- (b) determine the courses of study and standards for admission, continued enrollment therein and the requirements for certificates, diplomas and degrees;
- (c) establish procedures for the evaluation of student performance;
- (d) establish procedures dealing with matters of academic integrity;
- (e) approve recipients of certificates, diplomas and degrees, including honorary degrees, to be granted;
- (f) provide for the convening and conducting of convocation;
- (g) be responsible for all matters arising in connection with fellowships, scholarships, bursaries, medals, prizes and other awards;
- (h) be responsible for library policies;
- (i) determine the academic qualifications for appointment, promotion and performance review of faculty;
- (j) subject to ratification by the Board, determine the academic terms on which any faculty, school, institute, department chair or course of instruction may be established or discontinued and on which any agreement for academic co-operation may be made with individuals or groups outside the College; and

(k) regulate the academic conduct, activities and discipline of students and other persons engaged in activities at the College as designated by the Senate.

**23 (1)** The Minister may appoint

(a) a person or committee to review and evaluate any program or service offered by the College, the mandate of the College or any other matter relating to the development, content or delivery of a program or service by the College; or

(b) a person to examine, inspect or audit the financial condition, administrative condition or any other matter related to the management and operation of the College.

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

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

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

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

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

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

(2) The Administrator appointed pursuant to subsection (1) shall be paid the remuneration and expenses that the Governor in Council determines and payment shall be made out of the funds of the College.

**25 (1)** On the appointment of an Administrator pursuant to Section 24, the appointments of the members of the Board terminate.

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

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

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

(5) Where the office of President is or becomes vacant during the appointment of an Administrator, the requirement to appoint a President may be suspended, and while the office of President is vacant, the Administrator shall perform the duties and exercise the powers otherwise vested in the President.

**26 (1)** The Minister of Transportation and Infrastructure Renewal or a designate of the Minister may establish an inventory of any personal property including, without limitation, motor vehicles and farm machinery owned by Her Majesty in right of the Province, used by the College before the coming into force of this Act and transfer ownership of any such property to the College, on such terms and conditions as the Minister, or the designate, may prescribe.

(2) The College may occupy lands and buildings owned by Her Majesty in right of the Province, used by the College before the coming into force of this Act, on such terms and conditions as the Minister of Transportation and Infrastructure Renewal may prescribe, subject to the approval of the Governor in Council.

(3) Subject to the approval of the Governor in Council, the Minister of any department may, for and on behalf of Her Majesty in right of the Province, execute agreements or other instruments whatsoever deemed necessary or desirable to carry out the intent and purpose of this Section and Section 27.

**27 (1)** The Board, on behalf of the College, may

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

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

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

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

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

(5) The Board may enter into an agreement with the Minister of Transportation and Infrastructure Renewal whereby the College assumes responsibility for the maintenance, repair, alteration or improvement of real property of Her Majesty in right of the Province used for the purpose of the College.

(6) Where ownership of real or personal property of Her Majesty in right of the Province is transferred to the College to be used for the purpose of the College, all liabilities and obligations with respect to that property are the liabilities and obligations of the College.

**28** The fiscal year of the College is the same as the fiscal year of the Province.

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

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

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

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

**30 (1)** The Board shall, at the end of each fiscal year, prepare and submit to the Minister, by June 30th of the year unless otherwise determined by the Minister, an annual report of the operations of the College during the preceding fiscal year and the report must include audited financial statements of the College and any other information that the Minister requests.

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

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

**32** The Board may establish and maintain accounts in the name of the College with a bank, trust or loan company, credit union or other similar financial institution.

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

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

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

**34 (1)** Subject to the *Provincial Finance Act*, the College may, from time to time, borrow or raise money for operating purposes by way of overdraft, line of credit, loan or otherwise upon the credit of the College.

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

(3) The payment of principal and interest on temporary borrowings pursuant to this Section may be guaranteed by Her Majesty in right of the Province on such terms as may be approved by the Governor in Council.

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

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

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

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

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

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

(a) only for the repayment of notes, bonds, debentures or other securities issued by the College; or

(b) where clause (a) does not apply, only to the extent permitted by this Act or another Act of the Legislature.

(3) When securities are pledged or hypothecated by the College as security for a loan that is later paid off, the securities are not thereby extinguished but are still alive and may be re-issued and sold or pledged as if the former pledging had not taken place.

(4) Notes, bonds, debentures and other securities authorized pursuant to this Section shall be in a form, bear a rate or rates of interest and be payable as to principal, interest and premium, if any, in the currency of a country or countries, at times and places and in the amounts and manner and on any other terms and conditions that the Board, with the approval of the Governor in Council, may determine.

(5) Notes, bonds, debentures and other securities authorized pursuant to this Section must be

(a) sealed with the seal of the College;

(b) together with any coupons, signed by the Chair of the Board and one other member of the Board; and

(c) countersigned by an officer appointed by the Board for that purpose.

(6) The seal of the College may be engraved, lithographed, printed or otherwise mechanically reproduced on a note, bond, debenture or other security, and the signature of the Chair of the Board and the member of the executive committee on a note, bond, debenture or other security may be engraved, lithographed, printed or otherwise mechanically reproduced and has the same effect as if manually affixed, and any such signature is for all purposes valid and

binding on the College, notwithstanding that a person whose signature is so reproduced has ceased to hold office.

(7) A recital or declaration in a resolution or the minutes of the Board authorizing the issue or sale of notes, bonds, debentures or other securities, to the effect that the amount of notes, bonds, debentures or other securities is so authorized and is necessary to realize the net sum authorized or required to be raised by way of loan, is conclusive evidence of that fact.

**36** The College is a local public body for the purpose of the *Freedom of Information and Protection of Privacy Act* and, for greater certainty, that Act applies to the College.

**37** The Minister may assign the rights and obligations in an agreement or any class or category of agreements, between the Province and a third party, that the Province has entered into in relation to the College's former activities or mandate, to the College on such terms and conditions as prescribed in the regulations.

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

(2) Payments made to the College pursuant to subsection (1) are financial assistance for the purpose of the *Auditor General Act* and are subject to audit by the Auditor General.

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

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

(a) all the rights and property of the Board become the rights and property of the Province; and

(b) all debts and obligations of the Board become debts and obligations of the Province.

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

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

(b) an officer of the College authorized by the Board.

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

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

(3) No action or other proceeding for damages lies or may be instituted against the College, the Board, a member of the Board, the Administrator or an officer or employee of the College, in respect of any act or omission of a student or students, whether organized as a student association or not, arising out of any association or activity organized, managed, controlled or done, in whole or in part, by a student or students.

- 42 (1) In this Section and Sections 43 to 47, “designated person” means a person who
- (a) was an employee of the Province working at the Department of Agriculture immediately before the coming into force of this Section;
  - (b) was appointed in accordance with the *Civil Service Act*; and
  - (c) is determined by the Minister to become an employee of the College.

(2) Every designated person becomes an employee of the College and ceases to be a person appointed in accordance with the *Civil Service Act* on the date that the Minister indicates that the person is a designated person.

(3) The continuity of employment of a designated person is not broken by the effect of this Section.

(4) The *Civil Service Act* and the regulations made pursuant to that Act and the *Civil Service Collective Bargaining Act* do not apply to a designated person.

(5) Every designated person is employed by the College on the same or equal terms and conditions of employment as those under which the person was employed as an employee of the Province until changed by collective agreement or contract of employment.

(6) Every designated person is deemed to have been employed with the College for the same period of employment that the person was credited with as an employee of the Province.

(7) Subject to Sections 43 and 46, benefits accumulated by a designated person while employed by the Province are vested in the designated person, and the designated person is entitled to receive those benefits from the College.

(8) Subject to Sections 43 and 46, the obligations and liabilities of the Province in respect of designated persons are the obligations and liabilities of the College.

43 Where, at retirement from the College, a designated person would have been eligible for a public service award either under a collective agreement concluded pursuant to the *Civil Service Collective Bargaining Act* or under the *General Civil Service Regulations* made under the *Civil Service Act* if the person had remained as an employee of the Province,

- (a) the Province shall pay to the person, upon retirement, an amount equivalent to the amount of the public service award that it would have paid to the person for the person’s years of employment with the Province; and
- (b) the College shall pay an amount equivalent to the amount of public service award that would have been paid by the Province if the person had remained as a employee of the Province, less the amount paid pursuant to clause (a).



**44 (1)** Subject to Section 46, the College is bound by a collective agreement concluded pursuant to the *Civil Service Collective Bargaining Act* in relation to a designated person as if it were a party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the *Trade Union Act* by a bargaining agent certified pursuant to the *Trade Union Act*.

**(2)** For greater certainty, the College is a transferee for the purpose of Section 31 of the *Trade Union Act* and, without limiting the generality of the foregoing, the College is bound by successor rights as determined pursuant to the *Trade Union Act*.

**45** Subject to any applicable collective agreement or contract of employment, each designated person who was covered by the Nova Scotia Public Service Long Term Disability Plan before the coming into force of this Act or was included in a bargaining unit whose collective agreement provided for long term disability benefits under the Nova Scotia Public Service Long Term Disability Plan is, subject to the approval of the Trustees of the Nova Scotia Public Service Long Term Disability Plan, deemed to continue to be a person to whom the Nova Scotia Public Service Long Term Disability Plan applies, unless the College, with the agreement of the bargaining agent representing the employees of the College, establishes its own long term disability plan.

**46 (1)** The College, in consultation with the bargaining agent representing the employees of the College, shall, before the date on which the designated persons become employees of the College, establish group life, medical and dental plans to provide to employees, including the designated persons.

**(2)** The plans established by the College pursuant to subsection (1) must contain the same or substantially the same levels of benefit coverage as that provided to employees of the Province under the Province of Nova Scotia Group Life Assurance Plan and the Consolidated Health and Dental Plan at the coming into force of this Section.

**47 (1)** The Province may transfer to the College those persons who were employed on a casual basis at the Department of Agriculture immediately before the coming into force of this Section.

**(2)** On the date of transfer referred to in subsection (1), the person transferred ceases to be an employee of the Province and becomes an employee of the College under the same or equal terms and conditions of employment as those under which the person was employed as an employee of the Province.

**48 (1)** In this Section,

(a) “employee at the predecessor College” means an employee defined as a designated person in Section 42 and who, immediately before the coming into force of this Section, was an employee within the meaning of the *Public Service Superannuation Act*;

(b) “employee of the College” means a person who is employed by the College on or after the coming into force of this Section and who is, at the time such employment commences, an employee within the meaning of the *Public Service Superannuation Act*;

(c) “Fund” means the Public Service Superannuation Fund established pursuant to the *Public Service Superannuation Act*.

(2) Notwithstanding anything contained in this Act,

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

(b) each employee of the College is deemed to be a person employed in the public service of the Province for the purpose of the Public Service Superannuation Act and service in the employment of the College is deemed to be service in the public service of the Province;

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

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

**49 (1)** Notwithstanding Section 48, where, in accordance with an agreement between the College and bargaining agents representing employees of the College, the College establishes a pension plan for the employees of the College

(a) a person who becomes an employee of the College on or after the date of establishment of such pension plan is a member of the pension plan; and

(b) all employees of the College immediately before the date of establishment of the pension plan, who are members of the Public Service Superannuation Fund, continue to be employees within the meaning of the *Public Service Superannuation Act* unless they elect, in writing in the form approved by the Superintendent of Pensions, to become members of the pension plan.

(2) Where an employee of the College does not make an election pursuant to clause (1)(b), Section 48 continues to apply with respect to that employee after the expiry of the time for making the election.

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

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

(b) for the purpose of determining the eligibility of the employee to a pension under the pension plan, service under the *Public Service Superannuation Act*, as the case may be, is to be recognized.

(4) The College is a successor employer for the purpose of the *Pension Benefits Act*.

**50** Notwithstanding anything contained in this Act, until the Transitional Board is appointed pursuant to this Act, the Minister shall exercise all of the powers and duties of the Board under this Act.

**51 (1)** The Governor in Council may make regulations

(a) delegating any powers or duties under this Act or the regulations to any person or board;

(b) respecting intellectual property;

(c) respecting the types of services for which fees may be collected and the terms and conditions upon which the Board may establish and collect fees;

(d) setting terms and conditions for the assignment of existing agreements to the College;

(e) defining classes or categories of agreements for the purpose of Section 37;

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

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

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

**52** Part XVI of Chapter 6 of the Revised Statutes, 1989, the *Agriculture and Marketing Act*, is repealed.

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

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