



# **BILL NO. 104**

*Government Bill*

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*3rd Session, 61st General Assembly  
Nova Scotia  
60 Elizabeth II, 2011*

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## **An Act to Amend Chapter 4 of the Acts of 1994-95, the Gaming Control Act**

CHAPTER 63  
ACTS OF 2011

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
DECEMBER 15, 2011**

The Honourable John M<sup>ac</sup>Donell  
*Minister responsible for Part II of the Gaming Control Act*

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*Halifax, Nova Scotia  
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**An Act to Amend Chapter 4  
of the Acts of 1994-95,  
the Gaming Control Act**

Be it enacted by the Governor and Assembly as follows:

**1 Section 3 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, is amended by**

- (a) striking out clause (c);**
- (b) striking out “of Gaming Control” in the second line of clause (g) and substituting “appointed pursuant to Section 41”;**
- (c) striking out the period at the end of clause (q) and substituting a semi-colon; and**
- (d) adding immediately after clause (q) the following clause:**
  - (r) “Utility and Review Board” means the Nova Scotia Utility and Review Board.

**2 Subsection 12(5) of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Utility and Review Board”.**

**3 Clause 24(1)(e) of Chapter 4 is amended by striking out “Commission” in the second line and substituting “Minister of Service Nova Scotia and Municipal Relations”.**

**4 Section 38 of Chapter 4 is repealed and the following Section substituted:**

38 In this Part,

- (a) “Department” means Service Nova Scotia and Municipal Relations;
- (b) “Minister” means the Minister of Service Nova Scotia and Municipal Relations.

**5 The heading immediately preceding Section 40 and Sections 40 to 55 are repealed and the following Sections substituted:**

40 The Minister is responsible for regulating casinos and other lottery schemes and for administering this Part in the public interest and in accordance with the principles of honesty and integrity.

41 (1) The Minister shall appoint an Executive Director in accordance with the *Civil Service Act* to perform the duties and functions and exercise the powers and authorities imposed or conferred upon the Executive Director by this Act or the regulations or as otherwise prescribed by the Minister.

(2) The Minister may designate a person in the public service to act in the place of the Executive Director due to the absence or incapacity of the Executive Director.

(3) The Executive Director may delegate in writing to a person in the public service or a class of persons in the public service any of the powers, duties and functions of the Executive Director and shall, when so delegating, specify the powers to be exercised, the duties or functions to be performed and any conditions imposed on the exercise of the powers or performance of the duties or functions.

- 42 (1) The Minister shall appoint
- (a) a Director of Registration; and
  - (b) a Director of Investigation and Enforcement,

in accordance with the *Civil Service Act*.

(2) A Director appointed pursuant to subsection (1) shall, in addition to the powers and duties set out in this Act, the regulations or the Director's appointment, exercise any powers and perform any duties of the Executive Director delegated to the Director by the Executive Director, subject to any conditions imposed by the Executive Director.

(3) The Minister may designate a person in the public service to act in the place of a Director due to the absence or incapacity of the Director.

43 The Executive Director, the Director of Registration, the Director of Investigation and Enforcement and any other employee of the Department who is directed to do so by the Executive Director, as a condition of employment, shall

- (a) take the oath or affirmation prescribed by the regulations; and
- (b) supply the information and be subject to the investigations and security clearance prescribed by the regulations.

**6 (1) Subsection 56(1) of Chapter 4 is amended by**

- (a) striking out "Commission" in the first line and substituting "Minister";**
- (b) striking out "it" in the second line of clause (a) and substituting "the Minister";**
- (c) adding "and" after the semicolon at the end of clause (b);**
- (d) striking out the semicolon at the end of clause (c) and substituting a period; and**
- (e) striking out clauses (d) to (g).**

**(2) Subsection 56(2) of Chapter 4 is repealed and the following subsection substituted:**

(2) The Minister shall cause an annual report to be prepared respecting the matters referred to in clauses (1)(b) and (c) and table the report in the House of Assembly or, if the Assembly is not then sitting, file the report with the Clerk of the Assembly.

**(3) Subsection 56(3) of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Utility and Review Board”.**

**(4) Subsection 56(4) of Chapter 4 is amended by striking out “Commission” in the first and second lines and in the third line and substituting in each case “Utility and Review Board”.**

**(5) Subsection 56(5) of Chapter 4 is repealed.**

**7 (1) Subsection 57(1) of Chapter 4 is amended by striking out “Commission” both times it appears in the eighth line and substituting in each case “Utility and Review Board”.**

**(2) Subsection 57(2) of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Utility and Review Board”.**

**8 Section 58 of Chapter 4 is repealed and the following Section substituted:**

58 (1) The Minister may make general rules respecting practice and procedure for hearings before the Executive Director and the publication of decisions of the Executive Director made with respect to those hearings.

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

**9 Section 59 of Chapter 4 is repealed and the following Section substituted:**

59 (1) The Executive Director may issue policy statements, rules and interpretation notes.

(2) Policy statements, rules and interpretation notes issued pursuant to subsection (1) are not regulations within the meaning of the *Regulations Act* and do not constitute a predetermined exercise of a discretion pursuant to this Act.

**10 Sections 60 to 66 of Chapter 4 are repealed.**

**11 (1) Subsection 67(1) of Chapter 4 is amended by striking out “Commission” in the second line and substituting “Minister”.**

**(2) Subsection 67(2) of Chapter 4 is amended by striking out “Commission” in the second line and substituting “Minister”.**

**(3) Subsection 67(3) of Chapter 4 is amended by striking out “Commission” in the third line and substituting “Minister”.**

**12 Chapter 4 is further amended by adding immediately after Section 67A the following Section:**

67B (1) Where a licensee fails to comply with any of the terms and conditions of a licence issued pursuant to subsection 67(1), has contravened this Act or the

regulations or is convicted of an offence under the *Criminal Code* (Canada) or a quasi-criminal statute, the Executive Director, in accordance with the process prescribed in the regulations, may

(a) impose terms and conditions on the licence or rescind or amend existing terms and conditions of the licence in accordance with this Act and the regulations;

(b) suspend the licence for the time period that the Executive Director considers appropriate; or

(c) cancel all or any part of the licence.

(2) The licensee may appeal a decision made by the Executive Director pursuant to this Section to the Utility and Review Board in accordance with the appeal process prescribed by the regulations.

(3) On appeal, the Utility and Review Board may confirm, vary or revoke the decision of the Executive Director.

**13 Subsection 76(1) of Chapter 4 is amended by striking out “Commission” in the fourth line and substituting “Minister”.**

**14 (1) Subsection 78(2) of Chapter 4 is amended by striking out “Commission” in the fourth line and substituting “Utility and Review Board”.**

**(2) Subsection 78(3) of Chapter 4 is amended by striking out “Commission” in the third line and substituting “Utility and Review Board”.**

**(3) Subsection 78(6) of Chapter 4 is amended by striking out “Commission” in the fourth line and substituting “Utility and Review Board”.**

**(4) Subsection 78(7) of Chapter 4 is amended by striking out “Commission” in the third line and substituting “Utility and Review Board”.**

**(5) Subsection 78(8) of Chapter 4 is amended by**

**(a) striking out “Commission” in the second line and substituting “Utility and Review Board”; and**

**(b) striking out “Commission” in the third line of clause (b) and substituting “Utility and Review Board”.**

**(6) Subsection 78(9) of Chapter 4 is amended by striking out “Commission” in the second and in the third and fourth lines and substituting in each case “Utility and Review Board”.**

**(7) Subsection 78(10) of Chapter 4 is amended by striking out “Commission” in the first and in the third lines and substituting in each case “Utility and Review Board”.**

**(8) Subsection 78(11) of Chapter 4 is amended by striking out “Commission” in the second and in the third lines and substituting in each case “Utility and Review Board”.**

**(9) Subsection 78(12) of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Utility and Review Board”.**

**15 (1) Subsection 79(4) of Chapter 4 is amended by striking out “Commission” in the second line and substituting “Executive Director or the Utility and Review Board, as the case may be,”.**

**(2) Subsection 79(5) of Chapter 4 is amended by striking out “Commission” in the fifth line and substituting “Executive Director or the Utility and Review Board, as the case may be,”.**

**16 Section 80 of Chapter 4 is amended by**

**(a) striking out (1) in the first line; and**

**(b) striking out “Commission” in the third line of clause (c) and substituting “Executive Director or the Utility and Review Board, as the case may be,”.**

**17 (1) Subsection 83(1) of Chapter 4 is amended by**

**(a) striking out “Commission” in the first line substituting “Director of Registration”; and**

**(b) striking out “by the Commission” in the third line and substituting “pursuant to this Act”.**

**(2) Subsection 83(2) of Chapter 4 is amended by striking out “Commission” in the third line substituting “Department”.**

**18 Clause 92(2)(a) of Chapter 4 is amended by striking out “Commission” in the fourth line and substituting “Executive Director”.**

**19 Subsection 93(3) of Chapter 4 is repealed and the following subsection substituted:**

**(3) No person shall offer or give money or any other consideration to the Corporation, a member of the Board, an employee of the Corporation, the Minister, a member of the Utility and Review Board, the Executive Director, the Director of Registration, the Director of Investigation and Enforcement or any other employee of the Department who has responsibilities under this Act to induce any of them to violate this Act or the regulations or to compromise the honesty and integrity of any of them.**

**20 (1) Subsection 99(1) of Chapter 4 is amended by striking out “Commission” in the second line and substituting “Utility and Review Board”.**

**(2) Subsection 99(4) of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Utility and Review Board”.**

**21 Section 101 of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Executive Director”.**

**22 (1) Subsection 103(1) of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Minister”.**

**(2) Subsection 103(2) of Chapter 4 is amended by**

**(a) striking out “Commission” in the first line and substituting “Minister”; and**

**(b) striking out “Executive Director’s” in the second and third lines and substituting “Minister’s”.**

**23 (1) Subsection 111(3) of Chapter 4 is amended by striking out “Commission” in the last line and substituting “Utility and Review Board”.**

**(2) Subsection 111(4) of Chapter 4 is amended by striking out “Commission” in the fourth line and substituting “Utility and Review Board”.**

**24 (1) Subsection 112(3) of Chapter 4 is amended by striking out “Commission” in the last line and substituting “Utility and Review Board”.**

**(2) Subsection 112(4) of Chapter 4 is amended by striking out “Commission” in the third line and substituting “Utility and Review Board”.**

**(3) Subsection 112(5) of Chapter 4 is amended by striking out “Commission” in the second line and substituting “Executive Director or the Utility and Review Board, as the case may be.”.**

**25 (1) Subsection 113(1) of Chapter 4 is amended by striking out “Commission” in the third and fourth lines and substituting “Utility and Review Board”.**

**(2) Subsection 113(2) of Chapter 4 is amended by striking out “Commission” in the third line and substituting “Utility and Review Board”.**

**(3) Subsection 113(3) of Chapter 4 is amended by**

**(a) striking out “Commission” in the first line and substituting “Utility and Review Board”; and**

**(b) striking out “Commission” in the third line of clause (b) and substituting “Utility and Review Board”.**

**(4) Subsection 113(4) of Chapter 4 is amended by striking out “Commission” in the second and in the third lines and substituting in each case “Utility and Review Board”.**

**(5) Subsection 113(5) of Chapter 4 is amended by striking out “Commission” in the first and in the third lines and substituting in each case “Utility and Review Board”.**

**(6) Subsection 113(6) of Chapter 4 is amended by striking out “Commission” in the second and in the third lines and substituting in each case “Utility and Review Board”.**



**(7) Subsection 113(7) of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Utility and Review Board”.**

**26 (1) Subsection 114(1) of Chapter 4 is amended by striking out “, the regulations or the Commission” in the last line and substituting “or the regulations”.**

**(2) Subsection 114(2) of Chapter 4 is amended by striking out “Commission” in the third and fourth, in the fifth and in the last lines and substituting in each case “Utility and Review Board”.**

**27 Subsection 115 of Chapter 4 is amended by**

**(a) striking out “Commission or Executive Director, after hearing” in the first and second lines and substituting “Executive Director or Utility and Review Board, after a hearing”;**

**(b) striking out “Commission or Executive Director” in the fifth and sixth lines and substituting “Executive Director or Utility and Review Board”; and**

**(c) striking out “the Commission” in the sixth line.**

**28 (1) Subsection 116(1) of Chapter 4 is amended by striking out “Regulation” in the fifth line and substituting “Registration”.**

**(2) Subsection 116(3) of Chapter 4 is amended by striking out “Commission” in the second and in the third and fourth lines and substituting in each case “Utility and Review Board”.**

**29 Clause 117(d) of Chapter 4 is amended by striking out “Commission” in the third and in the fifth lines and substituting in each case “Utility and Review Board”.**

**30 Chapter 4 is further amended by adding immediately preceding Section 119 the following Section:**

118A In this Part,

(a) “Department” means Service Nova Scotia and Municipal Relations;

(b) “Minister” means the Minister of Service Nova Scotia and Municipal Relations.

**31 Subsection 126(2) is repealed and the following subsection substituted:**

(2) The Executive Director may prepare a certificate setting out the costs of the investigation of an offence, including the cost of the time spent by the Utility and Review Board, the Executive Director, the Director of Registration, the Director of Investigation and Enforcement and employees of the Department and any fees paid to an expert investigator or witness, external auditors or external legal counsel.

**32 (1) Subsection 127(1) of Chapter 4 is amended by**

**(a) striking out “Commission” in the first and second lines of clause (c) and substituting “Minister”; and**

**(b) striking out clauses (k), (l) and (m) and substituting the following clauses:**

(k) respecting oaths or affirmations to be taken by the Executive Director and the other officers and employees of the Department who have responsibilities under this Act or the regulations;

(l) prescribing information to be supplied by the Executive Director and the other officers and employees of the Department who have responsibilities under this Act or the regulations and the investigations and security clearance to which they are subject;

(m) prescribing security, pre-employment and post-employment conflict of interest requirements and other requirements for the Executive Director and the other officers and employees of the Department who have responsibilities under this Act or the regulations;

**(c) striking out “Commission” in the second line of clause (n) and substituting “Utility and Review Board”;**

**(d) striking out “Commission” in the second line of clause (o) and substituting “Utility and Review Board”;**

**(e) adding immediately after clause (u) the following clause:**

(ua) prescribing the process by which the Executive Director may take action under Section 67B and the procedures for appealing a decision of the Executive Director made under Section 67B to the Utility and Review Board;

**(f) striking out “Commission” in the first and second lines of clause (af) and substituting “Executive Director”;**

**(g) striking out “Commission” in the first and second lines of clause (as) and substituting “Minister”; and**

**(h) striking out “Commission” in the first and second lines of clause (ay) and substituting “Executive Director”.**

**(2) Subsection 127(2) of Chapter 4 is amended by striking out “Commission” in the first line and substituting “Minister”.**

**(3) Subsection 127(4) of Chapter 4 is amended by striking out “Commission” in the second line and substituting “Minister”.**

**33 (1) Subsection 128(3) of Chapter 4 is amended by adding “Nova Scotia Gaming Control” immediately before “Commission” in the third line.**

**(2) Section 128 of Chapter 4 is further amended by adding immediately after subsection (3) the following subsection:**

(3A) Any right, title or interest in property vested by subsection (3) in the Nova Scotia Gaming Control Commission or a body with which it was amalga-

mated, and not transferred to another person, is vested in Her Majesty in right of the Province.

**(3) Subsection 128(5) of Chapter 4 is amended by striking out “the Commission” in the third line and substituting “Her Majesty in right of the Province”.**

**(4) Subsection 128(6) of Chapter 4 is amended by striking out “or the Commission” in the last line and substituting “, the Minister or Her Majesty in right of the Province”.**

**34 Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, is amended by**

- (a) striking out the two headings immediately preceding Section 25; and**
- (b) repealing Sections 25 to 54.**

**35 This Act, other than subclause 1(b) and clauses 4 and 5, comes into force on such day as the Governor in Council orders and declares by proclamation.**

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