



BILL NO. 158

Government Bill

*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

An Act to Amend Chapter 20 of the Acts of 1990, the Film Nova Scotia Act

CHAPTER 57
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 6, 2012**

The Honourable Percy A. Paris
Minister of Economic and Rural Development and Tourism

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

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**An Act to Amend Chapter 20
of the Acts of 1990,
the Film Nova Scotia Act**

Be it enacted by the Governor and Assembly as follows:

1 The title of Chapter 20 of the Acts of 1990, the *Film Nova Scotia Act*, as amended by Chapter 27 of the Acts of 2008, is further amended by adding “and Creative Industries” immediately after “Film”.

2 Section 1 of Chapter 20, as amended by Chapter 27 of the Acts of 2008, is further amended by adding “*and Creative Industries*” immediately after “*Film*”.

3 Section 2 of Chapter 20, as amended by Chapter 27 of the Acts of 2008, is further amended by:

(a) adding “and Creative Industries” immediately after “Film” in clause (b);

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

(ba) “creative enterprise” means an enterprise that is active in the fields of film, digital, audio-visual, design, new media, production crafts, publishing, sound recording, performance art or any other field that involves the creation of intellectual property or the manufacture or export of artistic or cultural products;

(bb) “creative industries” means industries that contribute to the creative economy through commercial activities;

(c) adding “and Creative Industries” immediately after “Film” in the first and second lines of clause (d); and

(d) striking out “Development” in clause (e) and substituting “and Rural Development and Tourism”.

4 Section 4 of Chapter 20, as amended by Chapter 27 of the Acts of 2008, is further amended by adding “and Creative Industries” immediately after “Film” in the second line.

5 Clauses 5(a) to (d) of Chapter 20 are repealed and the following clauses substituted:

(a) assist and promote the expansion of creative industries in the Province, including the film, digital and audio-visual industries, in the areas of funding, marketing, promotion, training and education for the purpose of business development;

(b) create and grow employment and investment and production opportunities among creative enterprises in the Province, including film, digital and audio-visual enterprises;

(c) assist and co-ordinate the giving of financial or other assistance by any department, board, commission or agency of the Province to creative enterprises,

including film, digital and audio-visual enterprises, in the Province and co-ordinate the provision of any financial or other assistance by any department, board, commission or agency from any other jurisdiction to creative enterprises in the Province, including film, digital and audio-visual enterprises;

(d) assist, promote and market the creative enterprises of the Province, including film, digital and audio-visual enterprises, as world-class leaders in their respective fields;

6 (1) Subsection 6(1) of Chapter 20 is amended by striking out “such members as are” in the fourth line and substituting “the Deputy Minister of Economic and Rural Development and Tourism or a person designated by the Deputy Minister and up to twelve members”.

(2) Subsection 6(2) of Chapter 20 is amended by striking out “Chairman” in the second line and substituting “Chair”.

(3) Section 6 of Chapter 20 is further amended by adding after subsection (4) the following subsection:

(4A) Notwithstanding subsection (4), the Governor in Council may re-appoint, for a single term not exceeding three years, the member of the Board who, upon the coming into force of this subsection, is the Chair.

(4) Subsection 6(8) of Chapter 20 is amended by adding “, subject to the written approval of the Minister,” immediately after “shall” in the first line.

7 Clause 8(1)(c) of Chapter 20 is amended by

(a) striking out “the film and video industry” in the fifth line and substituting “creative industries”; and

(b) adding “, including the film, digital and audio-visual industries” immediately after “Province” in the last line.

8 (1) Subsection 9(1) of Chapter 20, as amended by Chapter 27 of the Acts of 2008, is further amended by adding “and Creative Industries” immediately after “Film” in the third and fourth lines.

(2) Section 9 of Chapter 20, as amended by Chapter 27 of the Acts of 2008, is further amended by adding immediately after subsection (1) the following subsection:

(1A) The Fund must be administered in accordance with the regulations.

9 Chapter 20 is further amended by adding immediately after Section 14 the following Sections:

14A The Corporation shall, not later than the thirtieth day of September, 2013, prepare and submit to the Minister for approval a five-year strategic plan, including estimates of budgetary requirements, for the operation of the Corporation.

14B The Corporation shall prepare and submit to the Minister for approval a detailed business plan for the following fiscal year including estimates of budgetary requirements.

14C (1) The Corporation shall, not later than the thirtieth day of June, 2014, and annually thereafter as required by the Minister, prepare and submit to the Minister for approval a report containing

- (a) the detailed business plan for the previous fiscal year; and
- (b) an analysis of the Corporation's performance during the previous fiscal year in relation to the business plan for that fiscal year and the Corporation's progress toward achieving the objectives set out in the current five-year strategic plan.

(2) A report referred to in subsection (1) must, upon being approved by the Minister, be published on the Corporation's website no later than the thirtieth day of September of the year in which it is submitted for approval.

14D (1) The Corporation shall, within six months after the end of the 2017-18 fiscal year, and every five years thereafter, prepare and submit to the Minister a detailed evaluation of its activities compared against the previous five-year strategic plan, including any recommendations for modifications to the mandate of the Corporation.

(2) In addition to the evaluation referred to in subsection (1), the Corporation shall, within the same time periods referred to in subsection (1), submit to the Minister for approval a five-year strategic plan for the continued operation of the Corporation.

14E The Corporation shall, at the request of the Minister and at such time and in such form as the Minister specifies, prepare and submit to the Minister a report concerning the work and activities of the Corporation and such other matters as the Minister specifies.

14F Employees required for the proper conduct, management and operation of the Corporation may be appointed in accordance with the *Civil Service Act*.

10 Subsection 16(1) of Chapter 20 is amended by adding immediately after clause (l) the following clause:

- (la) respecting the administration of the Fund;

11 A reference in any enactment or document to Film Nova Scotia is, in respect of any subsequent transaction, matter or thing, to be held and construed to be a reference to Film and Creative Industries Nova Scotia.

12 No rights, duties, obligations or liabilities of the Film Nova Scotia are in any way affected by the change of name made by this Act and those rights, duties, obligations and liabilities continue to be vested in and are binding upon it under the name "Film and Creative Industries Nova Scotia".