



BILL NO. 78

Government Bill

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

An Act Respecting the Administration of Justice

CHAPTER 8
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 17, 2012**

The Honourable Ross Landry
Minister of Justice

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

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An Act Respecting the Administration of Justice

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Justice Administration (2012) Act*.

ARTS NOVA SCOTIA ACT

2 Section 7 of Chapter 31 of the Acts of 2011, the *Arts Nova Scotia Act*, is amended by adding immediately after subsection 7(1) the following subsection:

(1A) Appointments made pursuant to subsection (1) are for a term not exceeding two years.

3 Section 8 of Chapter 31 is repealed and the following Section substituted:

8 (1) Twenty-four months after the appointment of the first members of the Board pursuant to subsection 7(1), the members are replaced by a Board constituted pursuant to subsection (2).

(2) The Board constituted pursuant to subsection (1) shall consist of at least nine and no more than eleven members and be composed of the following:

(a) no more than three members appointed by the Governor in Council upon recommendation of the Minister; and

(b) no more than eight members appointed by the Minister upon recommendation of the nominating committee established pursuant to subsection 7(2).

(3) The Minister may seek the advice of the nominating committee when making recommendations to the Governor in Council pursuant to clause (2)(a).

(4) The membership of the Board must

(a) reflect the diversity found within the Province's art community; and

(b) where possible, include representation from differing art disciplines, generations and the Province's cultural mosaic including, but not limited to, representation from the African Nova Scotian, Mi'kmaq and Acadian communities and balanced representation between women and men.

4 Section 9 of Chapter 31 is repealed and the following Section substituted:

9 (1) Appointments made to the Board pursuant to Section 8 must be for terms of no more than three years and, subject to subsection (2), members may be re-appointed.

(2) Members who serve for six consecutive years, inclusive of any service on the first Board established pursuant to subsection 7(1) are eligible for re-appointment after a one-year absence from the Board.

5 Section 11 of Chapter 31 is repealed.

CREATIVE NOVA SCOTIA LEADERSHIP COUNCIL ACT

6 (1) Subsection 6(1) of Chapter 34 of the Acts of 2011, the *Creative Nova Scotia Leadership Council Act*, is amended by striking out “fifteen” in the first line and substituting “no more than sixteen”.

(2) Clause 6(1)(a) of Chapter 34 is repealed and the following clause substituted:

(a) no more than thirteen members appointed by the Minister upon recommendation of the nominating committee established pursuant to Section 7;

(3) Clause 6(1)(c) is amended by striking out “Novelle-Écosse” in the second line and substituting “Nouvelle-Écosse”.

(4) Subsection 6(3) of Chapter 31 is amended by

(a) striking out “A” in the first line and substituting “Subject to subsection (4), a”; and

(b) adding “consecutive” immediately after “six” in the second line.

(5) Subsection 6(4) of Chapter 31 is amended by striking out “the maximum term” in the first line and substituting “for six consecutive years”.

7 Subsection 9(1) of Chapter 34 is amended by striking out “nominating committee” in the first line and substituting “Council”.

8 Section 11 of Chapter 31 is amended by adding “and the Minister may revoke that member’s appointment regardless of whether the Minister made the appointment” immediately after “revoked” in the fourth line.

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION ACT

9 Subsection 3(5) of Chapter 5 of the Acts of 2010, the *House of Assembly Management Commission Act*, is repealed and the following subsection substituted:

(5) Notwithstanding subsection (2), where a member is unable to attend a meeting of the Commission

(a) the Deputy Government House Leader may attend in place of the Government House Leader;

(b) the deputy house leader in the House of Assembly of the Official Opposition may attend in place of the house leader in the House of Assembly of the Official Opposition;

(c) another member of the Executive Council may attend in place of a member of the Executive Council selected pursuant to clause (2)(d); and

(d) another member of the same party caucus may attend in place of a party caucus member.

LIQUOR CONTROL ACT

10 Section 2 of Chapter 260 of the Revised Statutes, 1989, the *Liquor Control Act*, as amended by Chapter 28 of the Acts of 2000, Chapter 4 of the Acts of 2001, Chapter 30 of the Acts of 2002 and Chapter 21 of the Acts of 2011, is further amended by adding immediately after clause (z) the following clause:

(za) “Vice-chair” means the Vice-chair of the Board of Directors appointed pursuant to this Act;

11 (1) Subsection 7(1) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by

(a) striking out “nine” in the second line and substituting “eleven”; and

(b) striking out “seven” in the first line of clause (a) and substituting “nine”.

(2) Subsection 7(4) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by

(a) striking out “one of” in the second line and substituting “from among”;

(b) adding “one member” immediately after “Directors” in the second line; and

(c) adding “and one member to be the Vice-chair” immediately after “Chair” in the third line.

(3) Section 7 of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by adding immediately after subsection (4) the following subsection:

(4A) The Vice-chair shall act as Chair in the absence or during the incapacity of the Chair.

(4) Subsection 7(6) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by adding “, the Vice-chair” immediately after “Chair” in the first line.

12 Subsection 7A(1) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by adding “and Vice-chair” immediately after “Chair” in the first line.

13 Subsection 7B(1) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is repealed and the following subsection substituted:

(1) A quorum of the Board of Directors constitutes five voting members at least one of whom is the Chair or Vice-chair.

14 Subsection 20(1) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “before the thirty-first day of January in each year” in the first and second lines and substituting “annually at such time as the Minister may prescribe”.

15 Section 21 of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “2002” in the second and in the seventh lines and substituting in each case “2003”.

16 Section 22 of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “On or before the thirty-first day of January, 2003, and annually thereafter if required by the Minister” in the first, second and third lines and substituting “Annually at such time as the Minister may prescribe”.

17 Subsection 23(1) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “2006” in the second line and substituting “2008”.

SUMMARY PROCEEDINGS ACT

18 (1) Subsection 2B(1N) of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as enacted by Chapter 30 of the Acts of 2002, is amended by striking out “(1L)” in the second line and substituting “(1M)”.

(2) Subsection 2B(1O) of Chapter 450, as enacted by Chapter 30 of the Acts of 2002, is amended by striking out “(1L)” in the third line and substituting “(1M)”.

19 Subsection 10(1) of Chapter 450 is repealed and the following subsection substituted:

(1) In this Section, “speeding” means an offence under Sections 100, 101, 102 or 103, clauses (b) or (c) of Section 106A or Section 163 of the *Motor Vehicle Act*.

THEATRE AND AMUSEMENTS ACT

20 Section 2 of Chapter 466, as amended by Chapter 28 of the Acts of 2000 and Chapter 17 of the Acts of 2004, is further amended by

(a) adding immediately after clause (d) the following clauses:

(da) “Film Classification Board” means a board established to classify films under this Act;

(db) “film classifier” means a person appointed to classify films under this Act;

(b) striking out “the Department of Environment and Labour” in the first and second lines of clause (ca) and substituting “Service Nova Scotia and Municipal Relations”;

(c) striking out clause (e) and substituting the following clause:

(e) “inspector” means an inspector appointed under this Act;

(d) striking out “Environment and Labour” in the first and second lines of clause (ea) and substituting “Service Nova Scotia and Municipal Relations”; and

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

(ja) “Utility and Review Board” means the Nova Scotia Utility and Review Board;

21 Subsection 4(1) of Chapter 466, as amended by Chapter 17 of the Acts of 2004, is further amended by adding immediately after clause (ca) the following clause:

(cb) prescribing rules and procedures for the Film Classification Board;

22 (1) Subsection 5(2) of Chapter 466 is amended by

(a) striking out the period at the end of clause (c) and substituting a semicolon; and

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

(d) any sale, lease, rental, exchange or distribution of a film.

(2) Subsections 5(3) to (6) of Chapter 466 are repealed and the following subsections substituted:

(3) There is hereby established a Film Classification Board consisting of one or more members appointed by the Minister.

(4) In appointing persons pursuant to subsection (3), the Minister may

(a) fix the term of the member’s appointment; and

(b) fix the remuneration to be paid to the member.

(5) At the request of the Minister, members of the Film Classification Board shall in accordance with the criteria prescribed by the regulations, classify a film by

(a) viewing the film and establishing a classification for it; or

(b) reviewing documentation or other information describing the content of the film and establishing a classification for the film.

(6) The Minister may appoint an employee of the Department and authorize the employee to

(a) classify a film in accordance with subsection (5); or

(b) adopt a classification established by another person or body for a film.

(6A) Where an employee of the Department has adopted a classification pursuant to clause (6)(b), the Minister may request that the employee review that classification in accordance with clause (5) at any time and either

- (a) confirm the classification; or
- (b) rescind the classification and classify the film in accordance with the regulations;

(6B) Any power mentioned in subsection (2) to (6A) may be exercised, notwithstanding the previously permitted use, exhibition, sale, lease, rental, exchange or distribution of the film or that a license is in force.

(6C) There is an appeal from a decision of the Film Classification Board, a film classifier appointed under subsection (6) or the Minister to the Nova Scotia Utility and Review Board, and subject to the conditions prescribed by regulation of the Governor in Council.

(6D) The Minister may appoint inspectors for the purpose of this Act and the regulations.

(3) Subsection 5(7) of Chapter 466 is amended by striking out “The Inspector” in the first line and substituting “An inspector”.

(4) Subsection 5(8) of Chapter 466 is amended by

- (a) striking out “The Inspector” in the first line and substituting “An inspector”; and**
- (b) striking out “Governor in Council” in the second line and substituting “Minister”.**

(5) Subsections 5(9) and (10) of Chapter 466 are repealed and the following subsection substituted:

(9) The Minister may delegate any power or duty conferred or imposed by this Act to an employee of the Department.

23 (1) Subsection 6(2) of Chapter 466 is repealed and the following subsection substituted:

(2) Except as provided by the regulations, a video outlet shall ensure that each of its films is marked with the classification given in accordance with this Act and the regulations, which classification must be affixed in such manner as the Minister may determine to both the container in which the film is kept and any container used for display purposes.

(2) Subsection 6(3) of Chapter 466 is amended by

- (a) striking out “sticker” in the second line; and**
- (b) striking out “by the Minister” in the first line and substituting “in accordance with this Act and regulations”.**

24 Sections 14 and 15 of Chapter 466 are repealed.

25 Section 20 of Chapter 466 is amended by adding immediately after subsection (1) the following subsection:

(1A) A license issued pursuant to subsection (1) must be displayed in a place clearly visible to the public.

26 Section 24 of Chapter 466 is repealed.

27 Section 25 of Chapter 466, as amended by Chapter 28 of the Acts of 2000, is further amended by striking out “by the Minister” in the fourth line and substituting “in accordance with this Act and regulations”.

28 Persons appointed as assistant inspectors under the *Theatres and Amusements Act* before the coming into force of this Act are inspectors for the purpose of the *Theatres and Amusements Act*.

EFFECTIVE DATE

29 Sections 13 and 20 to 28 come into force on such day as the Governor in Council orders and declares by proclamation.
