



BILL NO. 219

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
1 Charles III, 2022*

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

CHAPTER 47
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 9, 2022**

The Honourable Allan MacMaster
Minister responsible for Part 1 of the Gaming Control Act

*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 Clause 2(c) of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, is amended by striking out “and, without limiting the generality of the foregoing, to minimize the opportunities that give rise to problem gambling and other illnesses, crime and social disruption” in the fourth to seventh lines.

2 Section 6 of Chapter 4 is repealed and the following Section substituted:

6 In this Part,

(a) “Civil Service” has the same meaning as in the *Civil Service Act*;

(b) “Department” means the Department of Finance and Treasury Board;

(c) “Departmental employee” means an employee of the Department who supports the operations of the Corporation in accordance with Section 18;

(d) “Deputy Minister” means the Deputy Minister of Finance and Treasury Board;

(e) “Minister” means the Minister of Finance and Treasury Board.

3 Clause 10(d) of Chapter 4, as enacted by Chapter 23 of the Acts of 2012, is amended by striking out “with the approval of the Minister,” in the first line.

4 Sections 11 to 15 of Chapter 4 are repealed and the following Section substituted:

11 (1) The management and control of the affairs of the Corporation are vested in the Minister.

(2) The Minister may, subject to this Act and the regulations, exercise the powers of the Corporation.

5 Section 16 of Chapter 4 is amended by

(a) adding “person who was a” immediately after “A” in the first line; and

(b) adding “prior to December 1, 2022,” immediately after “Corporation” in the second line.

6 Sections 18 to 21 of Chapter 4 are repealed and the following Sections substituted:

18 The operations of the Corporation are to be supported by the Department, the employees of the Department referred to in Section 19 and persons hired on or

after December 1, 2022, by the Department, to support the operations of the Corporation.

19 (1) Effective December 1, 2022, every employee of the Corporation is deemed to be an employee of the Province in accordance with the *Civil Service Act*, and any enactment applicable to employees of the Civil Service applies to such employees.

(2) Subsection (1) operates notwithstanding the *Civil Service Act* with respect to appointments to or promotions and vacancies within the Civil Service.

(3) For greater certainty, the operation of subsection (1) is deemed not to

(a) constitute a termination, constructive dismissal or layoff of any employee;

(b) constitute a breach, termination, repudiation or frustration of any contract;

(c) constitute an event of default or *force majeure* under any contract; or

(d) give rise to a breach, termination, repudiation or frustration of any licence, permit or other right, or to any right to terminate or repudiate a contract, licence, permit or other right, or to any estoppel.

(4) For any question involving the determination of service or seniority of an employee to whom subsection (1) applies, the period of employment with the Corporation prior to December 1, 2022, is deemed to be employment with the Province and to be continuous with the period of employment with the Province commencing on December 1, 2022.

(5) Notwithstanding anything to the contrary in any enactment applicable to the Civil Service, and subject to the regulations, every employee to whom subsection (1) applies is employed by the Province on the same or equal terms and conditions of employment as applied to the employee immediately prior to December 1, 2022, until such time as any terms and conditions are changed in accordance with any enactment applicable to the Civil Service.

(6) For greater certainty, every employee to whom subsection (1) applies is deemed to be a person employed in the public service for the purpose of the *Public Service Superannuation Act* and service in the employment of the Corporation is deemed to be employment in the public service for the purpose of that Act.

7 Section 22 of Chapter 4 is amended by striking out “Members of the Board and the Chief Executive Officer and other officers and employees of the Corporation” in the first and second lines and substituting “Where required by the regulations, Departmental employees”.

8 Section 23 of Chapter 4 is amended by striking out “Members of the Board and the Chief Executive Officer and other officers and employees of the Corporation” in the first and second lines and substituting “Where required by the regulations, Departmental employees”.

9 (1) Subsection 24(1) of Chapter 4, as amended by Chapter 28 of the Acts of 2000, Chapter 63 of the Acts of 2011 and Chapter 23 of the Acts of 2012, is further amended by

- (a) striking out clause (d);**
- (b) striking out “the Minister and” in the first line of clause (e); and**
- (c) striking out “submit annually to the Minister a report” in the first and second lines of clause (f) and substituting “prepare an annual report”.**

(2) Subsection 24(2) of Chapter 4 is amended by striking out “receiving” in the first line and substituting “completion of”.

10 Subsection 25(1) of Chapter 4, as amended by Chapter 23 of the Acts of 2012, is further amended by striking out “with the approval of the Minister,” at the beginning of each of clauses (a) to (f).

11 (1) Subsection 127(1) of Chapter 4, as amended by Chapter 28 of the Acts of 2000, Chapter 63 of the Acts of 2011 and Chapter 34 of the Acts of 2018, is further amended by

- (a) repealing clauses (b), (c) and (d);**
- (b) adding “, including who is required to take an oath or affirmation” immediately after “regulations” in the last line of clause (k);**
- (c) striking out “prescribing” in the first line of clause (l) and substituting “respecting”; and**
- (d) adding immediately after clause (m) the following clause:**

(ma) respecting terms and conditions of employment that apply to employees of the Corporation who are deemed to be employees of the Province under subsection 19(1);

(2) Section 127 of Chapter 4, as amended by Chapter 28 of the Acts of 2000, Chapter 63 of the Acts of 2011 and Chapter 34 of the Acts of 2018, is further amended by adding immediately after subsection (3) the following subsection:

(3A) A regulation made under clause (1)(ma) may be made retroactive to a date not earlier than December 1, 2022.

12 (1) Notwithstanding Section 6, any officer or employee of the Nova Scotia Gaming Corporation who paid into the Superannuation Fund under the *Public Service Superannuation Act* by operation of Section 21 of the *Gaming Control Act*, as it read immediately before the coming into force of this Section, and continues to be employed under Section 19 of the *Gaming Control Act*, as enacted by Section 6, is deemed to continue in service with the same terms, contributions and years of service for the purpose of the *Public Service Superannuation Act*.

(2) For greater certainty, nothing in this Act affects any entitlement or benefit of any former Chief Executive Officer, officer or employee of the Nova Scotia Gaming Corporation currently receives or is entitled to receive under the *Public Service Superannuation Act*.
