

Film and Creative Industries Nova Scotia Act

CHAPTER 20 OF THE ACTS OF 1990

as amended by

O.I.C. 2003-516; 2006, c. 2, s. 31; 2008, c. 27; 2012, c. 57;
2014, c. 33, ss. 1-10



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Published by Authority of the Speaker of the House of Assembly
Halifax

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CHAPTER 20 OF THE ACTS OF 1990
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2014, c. 33, ss. 1-10

**An Act to Incorporate
Film and Creative Industries Nova Scotia**

title amended 2008, c. 27, s. 1; 2012, c. 57, s. 1.

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Film and Creative Industries Nova Scotia Act*. 1990, c. 20, s. 1; 2008, c. 27, s. 2; 2012, c. 57, s. 2.

Interpretation

2 In this Act,

(a) “Board” means the Board of Directors of the Corporation;

(aa) “business development incentive” includes assistance by way of grant, loan, loan guarantee, the purchase or guarantee of bonds, debentures,

tures, notes or other debt obligations, and the purchase or other acquisition of any common or preferred shares or other equity securities;

(b) “Corporation” means Film and Creative Industries Nova Scotia established by this Act;

(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(c) *repealed 2014, c. 33, s. 1.*

(d) “Fund” means the Film and Creative Industries Nova Scotia Fund established pursuant to this Act;

(e) “Minister” means the Minister of Economic and Rural Development and Tourism. 1990, c. 20, s. 2; 2008, c. 27, s. 3; 2012, c. 57, s. 3; 2014, c. 33, s. 1.

Supervision of Act

3 The Minister has the general supervision and management of this Act. 1990, c. 20, s. 3.

Film and Creative Industries Nova Scotia

4 There is hereby established a body corporate to be known as Film and Creative Industries Nova Scotia. 1990, c. 20, s. 4; 2008, c. 27, s. 4; 2012, c. 57, s. 4.

Objects of Corporation

5 The objects of the Corporation are to

(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;

(e) administer, in accordance with the regulations, the Fund and any money or security that from time to time comes under the control of the Corporation; and

(f) exercise and perform the functions and duties conferred on it by this Act or the regulations, any enactment, the Governor in Council or the Minister. 1990, c. 20, s. 5; 2012, c. 57, s. 5.

Board of Directors

6 (1) The government, control, management and general administration of the affairs, property and assets of the Corporation are vested in a Board of Directors composed of the Deputy Minister of Economic and Rural Development and Tourism or a person designated by the Deputy Minister and up to twelve members appointed by the Governor in Council.

(2) The Governor in Council shall appoint a Chair from among the members of the Board.

(3) Each member of the Board shall be appointed for a term not exceeding three years.

(4) No person may be appointed to the Board for more than two consecutive terms.

(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.

(5) Notwithstanding subsections (3) and (4),

(a) of the first members appointed to the Board, one half shall be appointed for a term of one year;

(b) the remainder of the first members appointed to the Board shall be appointed for one, two and three year terms so as to provide for overlapping terms; and

(c) each first member appointed for an initial term of one year pursuant to this subsection may be re-appointed for two consecutive terms following the expiry of the initial term of appointment.

(6) A vacancy on the Board does not impair the right of the remaining members to act.

(7) The Board shall appoint such officers either from its membership or outside its membership as from time to time it deems necessary.

(8) The Board shall, subject to the written approval of the Minister, appoint a person who is not a member of the Board to be President of the Corporation and may assign such duties to the President as the Board may determine. 1990, c. 20, s. 6; 2012, c. 57, s. 6.

Remuneration, allowances and expenses

7 (1) The members of the Board shall receive such remuneration and allowances as may be determined by the Governor in Council.

(2) The members of the Board shall be paid reasonable expenses incurred by them in the performance of their duties. 1990, c. 20, s. 7.

Powers of Corporation

8 (1) The Corporation may do such matters and things as may be necessary for or incidental to the effective attainment of its objects and exercise of its powers and, without restricting the generality of the foregoing, may

(a) receive, acquire, take or hold real and personal property and any interest therein;

(b) subject to the approval of the Governor in Council, mortgage, sell, convey or otherwise dispose of or deal with real and personal property and any interest therein;

(c) subject to the regulations, provide business development incentives or render such other assistance as may be determined by the regulations, that, in the opinion of the Board, will encourage, sustain, improve or develop creative industries in the Province, including the film, digital and audio-visual industries;

(d) subject to the approval of the Governor in Council, make such by-laws as it deems necessary for the effective attainment of its objects and exercise of its powers and for the internal control, management and administration of the Corporation;

(e) employ such persons as it may require for the purposes of carrying out its objects and duties;

(f) subject to the approval of the Governor in Council, borrow or raise money from time to time upon such terms and conditions as the Governor in Council may prescribe.

(2) Except as otherwise provided in this Act, or from time to time prescribed by the Governor in Council, the Corporation has all the powers of a company incorporated pursuant to the *Companies Act*. 1990, c. 20, s. 8; 2012, c. 57, s. 7; 2014, c. 33, s. 2.

Film and Creative Industries Nova Scotia Fund

9 (1) For the purposes of this Act, there shall be established in the office of the Minister of Finance and Treasury Board a special account to be known as the Film and Creative Industries Nova Scotia Fund.

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

(2) Any guarantee of a loan made pursuant to this Act is a charge upon the Fund to the amount of the guarantee that is from time to time outstanding.

(3) Any repayment or recovery or profit or loss made in respect of any transaction out of the Fund is for the account of the Fund. 1990, c. 20, s. 9; 2008, c. 27, s. 5; 2012, c. 57, s. 8; 2014, c. 33, s. 3.

Administration expenses

10 The administration expenses incurred pursuant to this Act shall be paid by the Minister of Finance and Treasury Board to the Corporation from the General Revenue Fund of the Province and are not a charge upon the Fund. 1990, c. 20, s. 10; 2014, c. 33, s. 4.

Amounts transferred to Fund

11 The Governor in Council, upon the recommendation of the Minister, may from time to time transfer to the Fund such amounts as are considered necessary for the purposes of this Act and may charge the same to Capital Account, Special Reserve Account or Revenue of the Province for any year or years. 1990, c. 20, s. 11; 2014, c. 33, s. 5.

Accounting

12 The system of accounting and the books and records of the Corporation are subject to the approval of the Minister of Finance and Treasury Board and subject to audit by the Auditor General or any person designated by the Governor in Council. 1990, c. 20, s. 12; 2014, c. 33, s. 6.

Fiscal year

13 The fiscal year of the Corporation is the same as the fiscal year of the Province. 1990, c. 20, s. 13.

Financial statement

14 The Corporation shall, not later than the thirtieth day of September in each year, prepare and submit to the Minister a financial statement setting forth the assets and liabilities of the Corporation, the income and expenditures of the Corporation for the previous fiscal year, together with a report concerning the work and activities of the Corporation during the previous fiscal year, and such report shall be tabled by the Minister at the next ensuing session of the Legislature. 1990, c. 20, s. 14; 2006, c. 2, s. 31.

Strategic plan

14A The Corporation shall, not later than the first day of March, 2015, prepare and submit to the Minister for approval a five-year strategic plan, including estimates of budgetary requirements, for the operation of the Corporation. 2012, c. 57, s. 9; 2014, c. 33, s. 7.

Business plans

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. 2012, c. 57, s. 9.

Annual reports

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. 2012, c. 57, s. 9.

Evaluation and strategic plan

14D (1) The Corporation shall, no later than the thirtieth day of September, 2019, 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. 2012, c. 57, s. 9; 2014, c. 33, s. 8.

Other reports

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. 2012, c. 57, s. 9.

Employees

14F Employees required for the proper conduct, management and operation of the Corporation may be appointed in accordance with the *Civil Service Act*. 2012, c. 57, s. 9.

Application of Section 28 of Bills of Sale Act

15 The Corporation is and is deemed to be a board acting on behalf of Her Majesty in right of the Province for the purpose of Section 28 of the *Bills of Sale Act*. 1990, c. 20, s. 15.

Review of activities and operation

15A (1) No later than the thirtieth day of June, 2019, and every five years thereafter, the Corporation shall cause a review of its activities and operation to assess the benefits it delivers in support of the achievement of the economic goals of the Province.

(2) Subject to the approval of the Minister, the Corporation shall appoint an independent person to conduct the review.

(3) The person conducting the review shall explicitly recommend whether the Corporation, and each of the activities reviewed, should

- (a) continue to operate in the same manner;
- (b) be made to operate differently; or
- (c) be discontinued or wound up. 2014, c. 33, s. 9.

Regulations

16 (1) The Governor in Council may make regulations

- (a) prescribing the manner in which applications for business development incentives may be made;
- (b) prescribing the terms and conditions upon which business development incentives may be provided;
- (c) prescribing the manner in which and conditions upon which persons may sell or transfer any asset, equipment or product in respect of which a loan has not been fully repaid;
- (d) prescribing or limiting the size or type of assets, equipment or products for or in respect of which business development incentives may be provided;
- (e) limiting the amount of any business development incentives;
- (f) prescribing the terms, conditions or circumstances under which the Board, in its discretion, may extend, defer, adjust or compromise
 - (i) the repayment of business development incentives, or
 - (ii) the terms and conditions of any business development incentives;
- (g) fixing rates of interest on loans;

- (h) providing for the commuting of any payment due to the Corporation;
- (i) respecting the security for obtaining or receiving business development incentives;
- (j) prescribing the purposes for which business development incentives may be provided;
- (k) respecting the records to be kept by persons to whom business development incentives have been provided;
- (l) prescribing fees to be charged on application for business development incentives;
- (la) respecting the administration of the Fund;
- (m) for the examination and audit of records and accounts and for the inspection of any premises, plant, assets, product or equipment in respect of which business development incentives have been provided;
- (n) prescribing commercial, business or other activities that shall be and be deemed to qualify for the purposes of this Act and the regulations;
- (o) prescribing permits and the terms and conditions for issue of such permits for on-location film making in the Province by out-of-Province film makers;
- (p) defining any word or expression used in this Act but not defined in this Act;
- (q) respecting any matter authorized by this Act to be done by regulation;
- (r) respecting any matter or thing necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Regulations made pursuant to subsection (1) may be of general or specific application.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. 1990, c. 20, s. 16; 2012, c. 57, s. 10; 2014, c. 33, s. 10.

Proclamation

17 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1990, c. 20, s. 17.

Proclaimed - July 10, 1990
In force - August 1, 1990
