

Shared Services Act

CHAPTER 38 OF THE ACTS OF 2014

as amended by

2016, c. 2, ss. 17-19; 2018, c. 1, Sch. A, s. 149



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CHAPTER 38 OF THE ACTS OF 2014
amended 2016, c. 2, ss. 17-19; 2018, c. 1, Sch. A, s. 149

**An Act Respecting Shared Services
for Crown Corporations, Government
Departments and Public Sector Entities**

Table of Contents

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

	Section
Short title.....	1
Purpose of Act.....	2
Interpretation.....	3
Application of Act.....	4
Conflicts.....	5
Act binds Provincial Crown.....	6
Supervision of Act.....	7
Shared-services organization.....	8
Requirement to obtain shared services.....	9
Records.....	10
Designated employees.....	11
Regulations.....	12
Effective date.....	13

Short title

1 This Act may be cited as the *Shared Services Act*. 2014, c. 38, s. 1.

Purpose of Act

2 The purpose of this Act is to standardize practices and procedures and to consolidate within shared-services organizations certain administrative services and activities that support crown corporations, departments and public sector entities. 2014, c. 38, s. 2.

Interpretation

3 In this Act,

(a) “crown corporation” means a body corporate conferred such status pursuant to the *Finance Act* or any other Act of the Legislature and designated by the regulations as a crown corporation for the purpose of this Act;

(b) “department” means a department, office or agency created by or pursuant to the *Public Service Act*;

(c) “designated employee” means an employee of a crown corporation or a public sector entity who is designated by the Minister to become an employee of Her Majesty in right of the Province in a shared-services organization;

(d) “Minister” means the Minister of Internal Services;

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(e) “public sector entity” means a health authority, a regional centre for education, the Conseil scolaire acadien provincial or any other entity designated in the regulations as a public sector entity;

(f) “shared services” means the services provided by a shared-services organization in accordance with the regulations;

(g) “shared-services organization” means the Department of Internal Services, the Department of Transportation and Infrastructure Renewal, the Public Service Commission or any other department designated in the regulations as a shared-services organization. 2014, c. 38, s. 3; 2018, c. 1, Sch. A, s. 149.

Application of Act

4 This Act applies to

- (a) crown corporations;
- (b) departments; and
- (c) public sector entities. 2014, c. 38, s. 4.

Conflicts

5 Notwithstanding any general or special Act, where there is a conflict between this Act and the regulations and any other enactment, this Act and the regulations prevail. 2014, c. 38, s. 5.

Act binds Provincial Crown

6 This Act binds Her Majesty in right of the Province. 2014, c. 38, s. 6.

Supervision of Act

7 The Minister is responsible for the supervision and management of this Act and the regulations. 2014, c. 38, s. 7.

Shared-services organization

8 (1) A shared-services organization shall provide the shared services it is required to provide as prescribed by the regulations to crown corporations, departments and public sector entities.

(2) A shared-services organization may provide shared services that it is permitted to provide by the regulations to crown corporations, departments and public sector entities.

(3) Notwithstanding subsection (2), shared services may not be provided by a shared-services organization to the crown corporations, departments or public sector entities listed in the regulations pursuant to clause 12(1)(f).

(4) A shared-services organization shall abide by the terms and conditions made pursuant to the regulations for the provision of services.

(5) A shared-services organization may charge the fees made pursuant to the regulations to crown corporations, departments and public sector entities for the provision of shared services. 2014, c. 38, s. 8; 2016, c. 2, s. 17.

Requirement to obtain shared services

9 Notwithstanding any other enactment, agreement or practice, every crown corporation, department and public sector entity shall obtain shared services from a shared services organization in accordance with the regulations. 2014, c. 38, s. 9; 2016, c. 2, s. 18.

Records

10 (1) In this Section, “records” means records as defined in the *Freedom of Information and Protection of Privacy Act*.

(2) Records collected or used by a shared-services organization for the purpose of providing shared services to a crown corporation, department or public sector entity may be deemed by the regulations to be in the custody or under the control of the shared-services organization, crown corporation, department or public sector entity for the purpose of the *Freedom of Information and Protection of Privacy Act*. 2014, c. 38, s. 10.

Designated employees

11 The Minister may determine who is a designated employee for the purpose of this Act. 2014, c. 38, s. 11.

Regulations

- 12 (1)** The Governor in Council may make regulations
- (a) designating corporate entities previously conferred the status of crown corporations as crown corporations for the purpose of clause 3(a);
 - (b) designating entities to be public sector entities;
 - (c) designating departments as shared-services organizations;
 - (d) respecting the shared services to be provided by a shared-services organization for the purpose of subsection 8(1);
 - (e) respecting the shared services that a shared-services organization may provide for the purpose of subsection 8(2);
 - (f) listing the crown corporations, departments or public sector entities that a shared-services organization is not permitted to provide shared services to for the purpose of subsection 8(3);
 - (g) respecting the terms and conditions to be followed by shared-services organizations in the provision of services for the purpose of subsection 8(4);
 - (h) respecting the fees that may be charged for the provision of shared services;
 - (ha) respecting the shared services that a crown corporation, department and public sector entity must obtain pursuant to Section 9;
 - (i) deeming records to be or not to be in the custody or under the control of a shared-services organization, crown corporation, department or public sector entity for the purpose of subsection 10(2);

(j) defining any word or expression used by but not defined in this Act;

(k) further defining any word or expression defined in this Act;

(l) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2014, c. 38, s. 12; 2016, c. 2, s. 19.

Effective date

13 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2014, c. 38, s. 13.

Proclaimed - December 15, 2015
In force - December 15, 2015