

# **Tourism Nova Scotia Dissolution Act**

CHAPTER 25 OF THE ACTS OF 2021



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**An Act to Dissolve Tourism Nova Scotia**

**Table of Contents**

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

|  | Section |
|--|---------|
| Short title.....                                   | 1       |
| Interpretation.....                                | 2       |
| Corporation dissolved .....                        | 3       |
| Board dissolved and actions void.....              | 4       |
| Minister may exercise powers of Corporation.....   | 5       |
| Assets and liabilities transferred to Crown .....  | 6       |
| Board member indemnity.....                        | 7       |
| No action lies .....                               | 8       |
| Reference to Tourism Nova Scotia .....             | 9       |
| Agreement effective .....                          | 10      |
| Records and documents belong to Crown.....         | 11      |
| Employee status and seniority.....                 | 12      |
| Powers, rights and remedies to Crown.....          | 13      |
| Prohibition on transfer or assignment invalid..... | 14      |
| Act prevails .....                                 | 15      |
| Tourism Nova Scotia Act repealed.....              | 16      |

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**Short title**

**1** This Act may be cited as the *Tourism Nova Scotia Dissolution Act*.  
2021, c. 25, s. 1.

**Interpretation**

- 2** In this Act,
- (a) “Board” means the Board of Directors of the Corporation;
  - (b) “Civil Service” has the same meaning as in the *Civil Service Act*;
  - (c) “Corporation” means Tourism Nova Scotia, a body corporate, incorporated under the *Tourism Nova Scotia Act*;
  - (d) “Crown” means Her Majesty in right of the Province;
  - (e) “Minister” means the Minister of Communities, Culture, Tourism and Heritage. 2021, c. 25, s. 2.

**Corporation dissolved**

**3** Effective January 1, 2022, the Corporation is dissolved. 2021, c. 25, s. 3.

**Board dissolved and actions void**

**4 (1)** The Board established by the *Tourism Nova Scotia Act* is dissolved.

(2) All appointments of persons as members of the Board are revoked.

(3) All contracts, agreements, orders and by-laws relating to the remuneration, allowances or expenses to be paid to the members of the Board are null and void.

(4) By-laws made by the Board under the *Tourism Nova Scotia Act* are revoked. 2021, c. 25, s. 4.

#### **Minister may exercise powers of Corporation**

5 (1) Between the coming into force of this Act and January 1, 2022, the management and control of the affairs of the Corporation are vested in the Minister, and the Minister may, subject to this Act, exercise the powers of the Corporation.

(2) Any act or thing done by the Minister on or after the date this Act comes into force in the exercise or performance or intended exercise or performance of any right, power, duty, function, responsibility or authority of the Board under the *Tourism Nova Scotia Act*

(a) is deemed to constitute a valid exercise or performance of the right, power, duty, function, responsibility or authority; and

(b) is confirmed and ratified.

(3) For greater certainty, no action, application or other proceeding lies or may be instituted against the Minister in relation to anything done or purported to be done in good faith, or in relation to anything omitted in good faith, under the *Tourism Nova Scotia Act* by the Minister.

(4) Nothing in subsection (3) may be taken as providing any indication that any right, power, duty, function, responsibility or authority referred to in that subsection was not validly exercised by the Minister. 2021, c. 25, s. 5.

#### **Assets and liabilities transferred to Crown**

6 (1) Effective January 1, 2022, all property of the Corporation, both real and personal, all assets of the Corporation and all interests or rights of the Corporation in or to any property are transferred and assigned to and vested in the Crown.

(2) For greater certainty, this Act is a legal and valid transfer and assignment to the Crown of all lands or interests in land, mortgages, charges, encumbrances or other documents and all other property of every description standing in the name of or vested in the Corporation.

(3) Effective January 1, 2022, all liabilities, contracts, obligations, debts, causes of action, actions, appeals, applications or other proceedings of the corporation or in the name of the Corporation are transferred to and assumed by the Crown.

(4) Except as otherwise provided in this Act, nothing in this Act affects the rights of any creditor of the Corporation or any person with a claim

against the Corporation and all those rights may be asserted against the Crown. 2021, c. 25, s. 6.

#### **Board member indemnity**

7 The Crown shall indemnify and hold harmless a person who was a member of the Board before the coming into force of this Act, and the heirs, executors, estate and effects of the person with respect to all costs, charges and expenses that the person incurs in relation to any action, application or other proceeding brought or prosecuted against the person in connection with the duties of the person as a member of the Board except costs, charges and expenses that are occasioned by the person's own wilful neglect or wilful default. 2021, c. 25, s. 7.

#### **No action lies**

8 No action, application or other proceeding lies or may be instituted against the Corporation, the Minister or the Crown before any court or administrative body in the Province as a result of

- (a) the dissolution of the Corporation; or
- (b) the revocation of the appointments of the Board. 2021, c. 25, s. 8.

#### **Reference to Tourism Nova Scotia**

9 Effective January 1, 2022, a reference to Tourism Nova Scotia in any Act, other than this Act, regulation, rule, order, by-law, agreement or other instrument or document must be read as, unless the context otherwise requires, the Department of Communities, Culture, Tourism and Heritage. 2021, c. 25, s. 9.

#### **Agreement effective**

10 Any agreement entered into by the Corporation under Section 15 of the *Tourism Nova Scotia Act* continues to be valid and effective. 2021, c. 25, s. 10.

#### **Records and documents belong to Crown**

11 The books, records, documents and files of the Corporation are the books, records, documents and files of the Crown. 2021, c. 25, s. 11.

#### **Employee status and seniority**

12 (1) Effective January 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) Section (1) operates notwithstanding any provisions of the *Civil Service Act* with respect to appointments to the Civil Service, promotions within the Civil Service 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 lay off 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 January 1, 2022, is deemed to be employment with the Province and is deemed to be continuous with the period of employment with the Province commencing on January 1, 2022.

(5) Notwithstanding anything to the contrary in any enactment applicable to the Civil Service, 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 January 1, 2022, until such time as any terms and conditions are changed in accordance with any enactment applicable to the Civil Service.

(6) Notwithstanding the *Civil Service Collective Bargaining Act*, effective January 1, 2022, the Province is deemed to be a successor employer to the Corporation with respect to any bargaining unit, and the terms and conditions of any collective agreement to which the Corporation is party continue to be in effect until such time as an agreement is reached with the bargaining agent under the *Civil Service Collective Bargaining Act* with respect to the inclusion of such employees in a bargaining unit under the *Civil Service Collective Bargaining Act*.

(7) Any employee to whom subsection (1) applies, and who was an employee within the meaning of the *Public Service Superannuation Act* or was included in a bargaining unit whose collective agreement provided for participation in the Public Service Superannuation Plan, will continue to be an employee for the purpose of the *Public Service Superannuation Act*. 2021, c. 25, s. 12.

#### **Powers, rights and remedies to Crown**

13 On the coming into force of this Act, the Crown may bring or maintain in its name any action, application or other proceeding, or exercise any power, right or remedy that the Corporation was, could have been or could have become entitled to bring, maintain or exercise on or before the commencement of this Section. 2021, c. 25, s. 13.

#### **Prohibition on transfer or assignment invalid**

14 (1) No prohibition of any transfer or assignment, or absence of any consent or approval required for any transfer or assignment, voids or affects the validity of a transfer or assignment pursuant to this Act.

(2) Any transfer or assignment pursuant to this Act is deemed not to be a breach or default under any lease, contract or instrument. 2021, c. 25, s. 14.

**Act prevails**

**15** Where there is a conflict between this Act and any other enactment, this Act prevails. 2021, c. 25, s. 15.

**Tourism Nova Scotia Act repealed**

**16** Effective January 1, 2022, Chapter 10 of the Acts of 2015, the *Tourism Nova Scotia Act*, is repealed. 2021, c. 25, s. 16.

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