

Nova Scotia Legislative Report

Spring Sitting 2011
April 15, 2011

The spring sitting of the 3rd session of the 61st General Assembly of the Nova Scotia Legislature began on March 31, 2011. As of April 15, 2011, 10 Government Bills, 16 Private Members Bills and 2 Private and Local Bills have been introduced during this sitting of the House of Assembly.

Below is a summary of those Bills introduced between April 11, 2011 and April 15, 2011.

GOVERNMENT BILLS

Bill No. 17 – Fair Drug Pricing Act – Hon. Maureen MacDonald

This Bill creates the Insured Prescription Drug Plan. The purpose of the Plan is to provide benefits, or funding for benefits, related to drugs, devices or services designated by the Minister of Health. Coverage under the Plan is insurance of last resort and a person is not entitled to benefits under the Plan if he or she is entitled to benefits under another Act of the Legislature or the Parliament of Canada.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 19 – Nova Scotia Business Incorporated Act (amended) – Hon. Percy Paris

This Bill amends the *Nova Scotia Business Incorporated Act* and permits Nova Scotia Business Inc. to convey real property for less than fair market value to the Government of Nova Scotia or to a not-for-profit organization with the approval of its Board of Directors and the Governor in Council. It also corrects an inconsistency between due dates for 5-year activities-valuation reports and 5-year strategic plans.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 21 – Public Archives Act (amended) – Hon. David Wilson

This Bill amends the *Public Archives Act* to remove the Chief Justice of Nova Scotia as a member and as Chair of the Board of Trustees of the Public Archives of Nova Scotia. It provides that the Provincial Archivist is appointed in accordance with the *Civil Service Act* rather than by the Governor in Council. The Bill also updates references in the Act to the minister responsible from the Minister of Education and Culture to the Minister of Communities, Culture and Heritage. It similarly updates references to the deputy minister.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 23 – Public Procurement Act – Hon. Percy Paris

The purpose of this Bill is to provide for the procurement of goods, services, construction and facilities by public sector entities in a fair, open, consistent and transparent manner resulting in best value. It provides for the appointment of a Chief Procurement Officer, the

creation of a Procurement Advisory Group to advise the Minister of Economic and Rural Development and Tourism and the establishment of a Public Procurement Secretariat. It requires a public sector entity to publicly tender for all goods, services, construction and facilities in accordance with applicable regional, national or international trade agreements by public advertisement on the procurement web portal. A public sector entity must also post the name of the successful bidder and the contract amount awarded on the procurement web portal. The Bill requires public sector procurement employees to conduct business with current and prospective suppliers in good faith; strive to obtain the best value for each expenditure; and encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises. Public sector procurement employees must also request removal from a procurement process when a personal conflict of interest is perceived. The Bill provides a debriefing process at the request of a supplier who submitted a rejected bid and provides for the investigation of supplier complaints by the Chief Procurement Officer.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 25 – Occupational Health and Safety Act (amended) – Hon. Marilyn More

This Bill amends the *Occupational Health and Safety Act* to impose a progressive fine structure that has a maximum fine of \$250,000 for a first offence and \$500,000 for each subsequent offence that occurs within five years of a previous conviction. The Bill imposes a maximum fine of \$500,000 in all fatality cases. Where the court orders the repayment of benefits that the offender accrued in the commission of an offence, these amounts are in addition to the maximum fine levels. The Bill also changes the title of the Minister and the department from Labour and Workforce Development to Labour and Advanced Education.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 27 – Financial Measures (2011) Act – Hon. Graham Steele

This Bill amends a number of Acts to support financial measures outlined in the annual budget. It increases the fees payable under the *Companies Act* and under Section 12 of the *Corporations Registration Act*. It amends the *Corrections Act* to provide that the total annual municipal contributions to corrections in 2012-13 and subsequent fiscal years is the same as for 2010-11 fiscal year. It amends the *Education Act* to remove, effective for the 2012-13 fiscal year, the link between the increase in the total minimum municipal contributions to education to be paid by municipalities and the Consumer Price Index. It amends the *Housing Act* to provide that, effective April 1, 2012, the municipal contributions for public housing are 50% of public housing losses incurred for 2010-11 fiscal year and 100% of public housing losses for subsequent fiscal years. It maintains Nova Scotia's dividend tax credit rate of 8.85 per cent. It provides a low income tax deduction to a widowed person for that person's spouse if the spouse died during the taxation year. It reduces the small business corporate income tax rate from 4.5 percent to 4.0 percent on January 1, 2012. It removes the total production costs cap on the Film Industry Tax Credit in the *Income Tax Act* where film production commenced after November 30, 2010. It amends the *Motor Carrier Act* to replace the term "Attorney General" with "Minister of Transportation and Infrastructure Renewal" to reflect present responsibilities. It also amends the *Motor Carrier Act* to require notice of an application for the operation of a public passenger vehicle and notice of the hearing of an application to be given to the Minister. It empowers the Nova Scotia Utility and Review Board to investigate, on the complaint of the Minister, whether any person has

operated a public passenger vehicle in violation of the *Motor Carrier Act* or the regulations. It amends the *Motor Vehicle Act* to increase the fee for the restoration of a driver's license following a revocation for an alcohol-related offence. It amends the *Summary Proceedings Act* to provide that where a person is in default of payment of a fine and costs imposed upon conviction for an offence under Part I or III of the *Revenue Act* that involves the use of a motor vehicle, the Registrar of Motor Vehicles may, rather than shall, refuse to provide a number of services until the fine and costs have been fully paid. It also increases the fees payable under the *Summary Proceedings Act*. It amends the *Personal Property Security Act* to provide a cost of living increase in the registration fees. It also increases the taxes payable under subsection 87(2) of the *Probate Act*. It amends the *Revenue Act* to provide an administrative penalty for tobacco stamps that have not been accounted for and changes references to “tear tap” to “tobacco stamps”. The Bill also increases the fees under Section 16A of the *Trust and Loan Companies Act*.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

PRIVATE MEMBERS BILLS

Bill No. 18 – Maintenance and Custody Act (amended) – Keith Bain (PC)

This Bill amends the *Maintenance and Custody Act* by inserting a definition of “grandparent” into the Act. It provides for grandparent access orders and sets out the matters that the Court must consider in making such an order. The Bill requires the consideration of grandparent access in all access and custody orders. It also requires the Court to advise parties of the option of mediation.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 24 – Value for Money Act – Alan MacMaster (PC)

This Bill requires each Government agency to submit to the Treasury Board and the House of Assembly a strategic plan and a performance plan for the agency's program activities on or before March 31 of each year. The strategic plan must cover a period of five years and must contain a mission statement, goals and objectives, a description of how the goals and objectives will be achieved, and the identification of external factors that could prevent the achievement of the goals and objectives. When developing a strategic plan, the Government agency must consult with the House of Assembly and solicit and consider the views of entities which are potentially affected by the plan. The performance plan must establish performance goals that are expressed in an objective, quantifiable and measurable form. The performance plan must also describe the resources required to meet the performance goals and establish performance indicators to be used in assessing the outcomes of each program activity. On or before June 30th of every year, each Government agency must submit to the Premier and the House of Assembly a report on program performance for the previous fiscal year. The Bill also requires the Government to prepare a Government performance plan for the overall budget on or before March 31 of each year.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 26 – Sound Recording Tax Credit Act (amended) - Harold Theriault, Jr (Lib)

This Bill amends the *Sound Recording Tax Credit Act* to provide a Nova Scotia sound recording tax credit available to eligible sound recording companies for certain qualifying expenditures on eligible sound recordings by emerging Canadian artists or groups.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 28 – Public Highways Act (amended) – Kelly Regan (Lib)

This Bill requires the Minister to perform regular inspections on bridges and overpasses and to post the results on the Government website within 90 days of completion.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

PRIVATE AND LOCAL BILLS

Bill No. 20 - Trustees of Liverpool United Baptist Church Act (amended) – Vicki Conrad (NDP)

This Bill amends the *Trustees of Liverpool United Baptist Church Act* to provide that membership in the Church is governed by the constitution and by-laws of the Church rather than by regional church usage and practice. The Bill makes the Act gender neutral by removing the restriction on being a trustee to male members and changing references to “Chairman” to “Chair”. It reduces the age requirement to be a trustee or to vote from twenty-one to nineteen years old. The Bill decreases the majority of members required to approve actions of the Trustees from four-sevenths of those voting to fifty percent plus one. It requires the Trustees to obtain membership approval before taking certain actions with respect to property and increases the value of property that may be dealt with by the Trustees from three hundred dollars to eight hundred dollars. It also removes the requirement for board authorization to execute documents. The Bill changes notice requirements for meetings from one Sunday before the meeting to two Sundays and changes the procedures for meetings from Canadian Parliamentary practice to those contained in Robert’s Rules of Order Newly Reviewed.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

Bill No. 22 – Public Service Commission of Bridgewater Act (amended) – Gary Ramey (NDP)

This Bill amends the *Public Service Commission of Bridgewater Act* to permit the Bridgewater Public Service Commission to supply water to areas outside of the Town boundaries of Bridgewater. It also adds a member to the Commission and provides that at least two members must not be Town Council members. The Bill provides that if the Commission is dissolved, its assets and liabilities remain vested in the Town.

Status: Passed 1st reading, and is awaiting debate in principle by the House.

STATUS UPDATES

Status Update on Government Bills

- Bill No. 1 – Motor Vehicle Act (amended) - Passed 2nd reading, and was referred to the Law Amendments Committee.
- Bill No. 7 – Justice Administration Amendment (2011) Act - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 13 – Pharmacy Act - Passed 2nd reading, and was referred to the Law Amendments Committee.
- Bill No. 15 – Electricity Act (amended) - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 17 – Fair Drug Pricing Act - Passed 1st reading, and is awaiting debate in principle by the House.

- Bill No. 19 – Nova Scotia Business Incorporated Act (amended) - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 21 – Public Archives Act (amended) - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 23 – Public Procurement Act (amended) - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 25 – Occupational Health and Safety Act (amended) - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 27 – Financial Measures (2011) Act - Passed 1st reading, and is awaiting debate in principle by the House.

Status Update on Private Member's Bills

- Bill No. 2 – Hydraulic Fracturing Act - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 3 – Modernizing Government Act - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 4 – Tax Review (2011-12) Act - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 5 – Balanced Budget Act - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 6 – Finance Act (amended) – Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 8 – Maintenance and Custody Act (amended) – Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 9 Gaelic College Foundation Act (amended) – Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 10 – Electricity Act (amended) – Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 11 – Diabetic Persons Support Act – Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 12- Income Tax Act – Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 14 – Agriculture and Marketing Act – Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 16 – Multiple Sclerosis Patient Support Act – Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 18 – Maintenance and Custody Act (amended) - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 24 – Value For Money Act - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 26 – Sound Recording Tax Credit Act (amended) - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 28 – Public Highways Act (amended) – Passed 1st reading, and is awaiting debate in principle by the House.

Status Update on Private and Local Bills

- Bill No. 20 - Trustees of Liverpool United Baptist Church Act (amended) - Passed 1st reading, and is awaiting debate in principle by the House.
- Bill No. 22 – Public Service Commission of Bridgewater Act (amended) – Passed 1st reading, and is awaiting debate in principle by the House.

THE PROGRESS OF BILLS IN THE NOVA SCOTIA LEGISLATURE

The legislative process begins when a Bill is presented by a Member of the House of Assembly and is given **First Reading** by the House, without debate.

A Bill is given **Second Reading** after being debated *in principle* in the House.

Following Second Reading, Bills are referred to one of the legislative committees – the **Law Amendments Committee** or **Private and Local Bills Committee** – for detailed discussion in meetings outside the House. Members of the public can attend the meetings of these Committees and make presentations respecting any Bill. Amendments are frequently considered and may be adopted and included in the Bill when it is reported back to the House.

Bills reported back from the legislative committees are debated, clause by clause, by the members of the House acting as the **Committee of the Whole House on Bills**. The Bill is then reported back to the House.

The Bill receives **Third Reading** and the final approval of the House. There may be some debate at this stage but usually the Bill is voted on with no discussion.

The Bill receives **Royal Assent** when the Lieutenant Governor signs the final version. The Bill is then referred to as an Act, and is assigned a chapter number in the Statutes of Nova Scotia.

Commencement is the day on which the Act takes effect. Ordinarily, an Act takes effect when it is given Royal Assent. Sometimes, however, it provides that it will come into effect only when it is **proclaimed** to take effect by Order in Council to be made by the Cabinet.

Government Bills are introduced by the Minister of the department responsible for the legislation. **Private Members Bills** are generally introduced by a member of the opposition parties. Government Bills have a higher likelihood of becoming law since the largest party in the Legislative Assembly supports the initiative. Except in a minority government, Private Members Bills are unlikely to be brought forward for substantive debate or become law.

If you have any questions regarding the legislation summarized above or would like to receive a copy of any Bill, please contact Jennifer Forster at jforster@coxandpalmer.com or by phone at (902) 491-4107.