

Royal Gazette

Part II Regulations under the Regulations Act

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REPRINT

This is a reprint of Issue 19 of Volume 37 of the Royal Gazette Part II dated September 20, 2013. The pages were numbered incorrectly in the original issue. Please discard the original issue and replace it with this reprint.

Halifax, Nova Scotia

Vol. 37, No. 19

September 20, 2013

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 293/2013

Made: August 29, 2013

Filed: August 30, 2013

Prescribed Petroleum Products Prices

Order dated August 29, 2013
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-13-35****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Peter W. Gurnham, Q.C., Chair**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended August 28, 2013, are:

Grade 1 Regular gasoline	83.4¢ per litre
Ultra-low-sulfur diesel oil	86.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	83.4¢ per litre
Grade 2	86.4¢ per litre
Grade 3	89.4¢ per litre
Ultra-low-sulfur diesel oil	86.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 1.0¢ per litre
Ultra-low-sulfur diesel oil:	plus 1.2¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., August 30, 2013.

Dated at Halifax, Nova Scotia, this 29th day of August, 2013.

Sgd: Elaine Wagner
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on August 30, 2013**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	91.5	10.0	15.5	117.0	140.1	142.1	140.1	999.9
Mid-Grade Unleaded	94.5	10.0	15.5	120.0	143.5	145.6	143.5	999.9
Premium Unleaded	97.5	10.0	15.5	123.0	147.0	149.0	147.0	999.9
Ultra-Low-Sulfur Diesel	94.6	4.0	15.4	114.0	136.6	138.7	136.6	999.9
Zone 2								
Regular Unleaded	92.0	10.0	15.5	117.5	140.6	142.7	140.6	999.9
Mid-Grade Unleaded	95.0	10.0	15.5	120.5	144.1	146.2	144.1	999.9
Premium Unleaded	98.0	10.0	15.5	123.5	147.5	149.6	147.5	999.9
Ultra-Low-Sulfur Diesel	95.1	4.0	15.4	114.5	137.2	139.3	137.2	999.9
Zone 3								
Regular Unleaded	92.4	10.0	15.5	117.9	141.1	143.2	141.1	999.9
Mid-Grade Unleaded	95.4	10.0	15.5	120.9	144.6	146.6	144.6	999.9
Premium Unleaded	98.4	10.0	15.5	123.9	148.0	150.1	148.0	999.9
Ultra-Low-Sulfur Diesel	95.5	4.0	15.4	114.9	137.7	139.7	137.7	999.9
Zone 4								
Regular Unleaded	92.5	10.0	15.5	118.0	141.2	143.3	141.2	999.9
Mid-Grade Unleaded	95.5	10.0	15.5	121.0	144.7	146.7	144.7	999.9
Premium Unleaded	98.5	10.0	15.5	124.0	148.1	150.2	148.1	999.9
Ultra-Low-Sulfur Diesel	95.6	4.0	15.4	115.0	137.8	139.8	137.8	999.9
Zone 5								
Regular Unleaded	92.5	10.0	15.5	118.0	141.2	143.3	141.2	999.9
Mid-Grade Unleaded	95.5	10.0	15.5	121.0	144.7	146.7	144.7	999.9
Premium Unleaded	98.5	10.0	15.5	124.0	148.1	150.2	148.1	999.9
Ultra-Low-Sulfur Diesel	95.6	4.0	15.4	115.0	137.8	139.8	137.8	999.9
Zone 6								
Regular Unleaded	93.2	10.0	15.5	118.7	142.0	144.1	142.0	999.9
Mid-Grade Unleaded	96.2	10.0	15.5	121.7	145.5	147.5	145.5	999.9
Premium Unleaded	99.2	10.0	15.5	124.7	148.9	151.0	148.9	999.9
Ultra-Low-Sulfur Diesel	96.3	4.0	15.4	115.7	138.6	140.6	138.6	999.9

N.S. Reg. 294/2013

Made: August 29, 2013

Filed: September 3, 2013

Proclamation, S. 18(2), S.N.S. 2013, c. 10

Order in Council 2013-304 dated August 29, 2013

Proclamation made by the Governor in Council

pursuant to subsection 18(2) of the

Statute Amendments (2013) Act

The Governor in Council on the report and recommendation of the Minister of Community Services dated August 27, 2013, and pursuant to subsection 18(2) of Chapter 10 of the Acts of 2013, the *Statute Amendments (2013) Act*, is pleased to order and declare by proclamation that Sections 5 to 9 of Chapter 10 of the Acts of 2013, the *Statute Amendments (2013) Act*, do come into force on and not before August 30, 2013.

PROVINCE OF NOVA SCOTIA

sgd: **J. J. Grant**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by subsection 18(2) of Chapter 10 of the Acts of 2013, the *Statute Amendments (2013) Act*, it is enacted as follows:

18(2) Sections 5 to 9 come into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 5 to 9 of Chapter 10 of the Acts of 2013, the *Statute Amendments (2013) Act*, do come into force on and not before August 30, 2013.

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 5 to 9 of Chapter 10 of the Acts of 2013, the *Statute Amendments (2013) Act*, do come into force on and not before August 30, 2013, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province
of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 29th day of August in the year of Our Lord two thousand and thirteen and in the sixty-second year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 295/2013

Made: August 28, 2013

Filed: September 3, 2013

Ministerial Education Act Regulations

Order dated August 28, 2013
Amendment to regulations made by the Minister of Education and Early Childhood Development pursuant to Section 145 of the *Education Act*

**In the matter of Section 145 of Chapter 1 of the Acts of 1995-96,
the *Education Act***

- and -

**In the matter of an amendment to the *Ministerial Education Act Regulations*
made by the Minister of Education and Early Childhood Development pursuant to
Section 145 of the *Education Act***

Order

I, Ramona Jennex, Minister of Education and Early Childhood Development for the Province of Nova Scotia, pursuant to Section 145 of Chapter 1 of the Acts of 1995-96, the *Education Act*, hereby amend the *Ministerial Education Act Regulations*, N.S. Reg. 80/97, made by the Minister of Education on June 24, 1997, to redefine “cyberbullying” and to update the definitions of “disruptive behaviour” and “severely disruptive behaviour”, in the manner set forth in Schedule “A”, effective on and after the date of this Order.

Dated and made at Halifax, Nova Scotia, Aug 28 ~~2013~~, 2013.

Sgd.: *Ramona Jennex*
Honourable Ramona Jennex,
Minister of Education and Early Childhood Development

Schedule “A”

**Amendment to the *Ministerial Education Act Regulations*
made by the Minister of Education and Early Childhood Development
under Section 145 of Chapter 1 of the Acts of 1995-96, the *Education Act***

- 1 Subsection 47(1A) of the *Ministerial Education Act Regulations*, N.S. Reg. 80/97, made by the Minister of Education on June 24, 1997, is amended by repealing the definition of “cyberbullying” and substituting the following definition:

“cyberbullying” means any electronic communication through the use of technology including, without limiting the generality of the foregoing, computers, other electronic devices, social networks, text messaging, instant messaging, websites and electronic mail, typically repeated or with continuing effect, that is intended or ought reasonably be expected to cause fear, intimidation, humiliation, distress or other damage or harm to another person’s health, emotional well-being, self-esteem or reputation, and includes assisting or encouraging such communication in any way;

- 2 The definition of “disruptive behaviour” in subsection 47(1A) of the regulations is amended by repealing subclauses (i) to (viii) and substituting the following:
 - (i) profanity,
 - (ii) disrespect or insubordination,
 - (iii) failure to obey instructions,
 - (iv) forging notes or excuses,
 - (v) non-attendance or poor attendance in school or specific classes,
 - (vi) loitering in school,
 - (vii) petty stealing,
 - (viii) shoving, pushing or scuffling,
 - (ix) smoking,
 - (x) behaviour that is disruptive or that may create a safety hazard;

- 3 The definition of “severely disruptive behaviour” in subsection 47(1A) of the regulations is amended by repealing subclauses (i) to (xii) and substituting the following:
 - (i) chronic disruptive offences,
 - (ii) vandalism,
 - (iii) disruptions to school operations,
 - (iv) verbal abuse,
 - (v) racism or discriminatory behaviour,
 - (vi) sexual harassment or assault,
 - (vii) sexual misconduct, sexual abuse or physical abuse,
 - (viii) physical violence,
 - (ix) bullying,
 - (x) cyberbullying,
 - (xi) use or possession of weapons,
 - (xii) illegal activity.

N.S. Reg. 296/2013 to N.S. Reg. 297/2013

Made: September 3, 2013

Filed: September 4, 2013

Nova Scotia Wool Marketing Plan and
Nova Scotia Wool Marketing Board RegulationsOrder in Council 2013-309 dated September 3, 2013
Repeal of regulations made by the Governor in Council
pursuant to Section 11 of the *Natural Products Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture dated July 31, 2013, and pursuant to Section 11 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, is pleased, effective on and after September 3, 2013, to revoke

- (a) the *Nova Scotia Wool Marketing Plan*, N.S. Reg. 237/82, made by the Natural Products Marketing Council and approved by the Governor in Council by Order in Council 82-1414 dated November 23, 1982; and [N.S. Reg. 296/2013]
 - (b) the *Nova Scotia Wool Marketing Board Regulations*, N.S. Reg. 31/84, made by the Nova Scotia Wool Marketing Board and approved by the Governor in Council by Order in Council 84-211 dated February 28, 1984. [N.S. Reg. 297/2013]
-

N.S. Reg. 298/2013

Made: July 12, 2012

Approved: September 3, 2013

Filed: September 4, 2013

Crop Insurance Plan for Winter Grain

Order in Council 2013-310 dated September 3, 2013
Amendment to regulations made by the Nova Scotia Crop and Livestock Insurance Commission
and approved by the Governor in Council
pursuant to Section 6 of the *Crop and Livestock Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture dated August 2, 2013, and pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act*, is pleased to approve amendments made by the Nova Scotia Crop and Livestock Insurance Commission to the *Crop Insurance Plan for Winter Grain*, N.S. Reg. 134/2002, made by the Commission and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, in the manner set forth in Schedule "A", attached to and forming part of the report and recommendation, effective on and after September 3, 2013.

Schedule "A"**Nova Scotia Crop and Livestock Insurance Commission**

I certify that the Nova Scotia Crop and Livestock Insurance Commission, at a meeting held July 12, 2012, passed a motion to amend the *Crop Insurance Plan for Winter Grain*, N.S. Reg. 134/2002, approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, in the manner set out in the attached.

The amendments to the regulations referred to above are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, July 31, 2013.

Nova Scotia Crop and Livestock Insurance Commission

per: sgd.: *Bill MacLeod*
Bill MacLeod, CEO

**Amendment to the *Crop Insurance Plan for Winter Grain*
made by the Nova Scotia Crop and Livestock Insurance Commission under
Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989,
the *Crop and Livestock Insurance Act***

- 1 (1) Section 3 of the *Crop Insurance Plan for Winter Grain*, N.S. Reg. 134/2002, approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, is amended by striking out the definitions of “Zone 1” and “Zone 2” and substituting the following definitions:
- “Zone 1” means the area of the Province that includes Hants West, Kings and Annapolis counties;
- “Zone 2” means the area of the Province that includes East Hants, Halifax and Colchester counties;
- (2) Section 3 of the plan is further amended by adding the following definition immediately after the definition of “Zone 2”:
- “Zone 3” means all areas of the Province outside Zone 1 and Zone 2.
- 2 Section 17 of the plan is repealed and the following Section substituted:
- 17** (1) The final date for planting in Zone 3 is September 20, or another date determined for the year by the Commission.
- (2) The final date for planting in Zone 2 is September 27, or another date determined for the year by the Commission.
- (3) The final date for planting in Zone 1 is October 7, or another date determined for the year by the Commission.

N.S. Reg. 299/2013

Made: September 4, 2013

Filed: September 5, 2013

Designation of Debts Order

Order dated September 4, 2013
made by the Minister of Service Nova Scotia Municipal Relations
pursuant to subsection 452A(2) of the *Municipal Government Act*

**In the Matter of Subsection 452A(2) of Chapter 18 of the
Acts of 1998, the *Municipal Government Act***

and

**In the Matter of the Designation of Debts Owing to Municipalities as Debts
Due to Her Majesty in the Right of the Province**

Order

I, John MacDonell, Minister of Service Nova Scotia and Municipal Relations, pursuant to subsection 452A(2) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, at the request of the municipalities listed in Schedule "A" attached to and forming part of this Order, designate the following debts owing to municipalities to be debts due to Her Majesty in right of the Province of Nova Scotia, effective on and after the date of this Order:

All fines which are unpaid as of August 28, 2013, and which have been ordered by the Nova Scotia Supreme Court or the Nova Scotia Provincial Court to be paid by an offender for contravention of a by-law of any of the municipalities listed in Schedule "A" attached to and forming part of this Order.

Made at Halifax, Nova Scotia, on September 4th, 2013.

Sgd: *John MacDonell*
Honourable John MacDonell,
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"
List of Municipalities
(Designation of Debts for Unpaid Fines)

Municipality of the County of Antigonish	Town of Berwick
Municipality of the District of Argyle	Town of Bridgetown
Municipality of Barrington	Town of Clark's Harbour
Municipality of the District of Chester	Town of Digby
Municipality of Clare	Town of Lockeport
Municipality of the County of Colchester	Town of Lunenburg
Municipality of the District of Digby	Town of Mahone Bay
Municipality of the District of Guysborough	Town of Middleton
Halifax Regional Municipality	Town of Mulgrave
Municipality of the District of East Hants	Town of New Glasgow
Municipality of the District of West Hants	Town of Oxford
Municipality of the District of Lunenburg	Town of Shelburne

Municipality of the County of Pictou
 Municipality of the County of Richmond
 Region of Queens Municipality
 Municipality of the District of St. Mary's
 Town of Amherst
 Town of Antigonish

Town of Stewiacke
 Town of Trenton
 Town of Windsor
 Village of Pugwash
 Village of St. Peter's

N.S. Reg. 300/2013

Made: September 5, 2013

Filed: September 9, 2013

Prescribed Petroleum Products Prices

Order dated September 5, 2013
 made by the Nova Scotia Utility and Review Board
 pursuant to Section 14 of the *Petroleum Products Pricing Act*
 and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-13-36****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Murray E. Doehler, CA, P. Eng., Member**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board ("Board") considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended September 4, 2013, are:

Grade 1 Regular gasoline	82.6¢ per litre
Ultra-low-sulfur diesel oil	87.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	82.6¢ per litre
Grade 2	85.6¢ per litre
Grade 3	88.6¢ per litre
Ultra-low-sulfur diesel oil	87.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.6¢ per litre
Ultra-low-sulfur diesel oil:	plus 1.1¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., September 6, 2013.

Dated at Halifax, Nova Scotia, this 5th day of September, 2013.

Sgd: *Elaine Wagner*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on September 6, 2013**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	90.3	10.0	15.5	115.8	138.7	140.8	138.7	999.9
Mid-Grade Unleaded	93.3	10.0	15.5	118.8	142.1	144.2	142.1	999.9
Premium Unleaded	96.3	10.0	15.5	121.8	145.6	147.7	145.6	999.9
Ultra-Low-Sulfur Diesel	95.6	4.0	15.4	115.0	137.8	139.8	137.8	999.9
Zone 2								
Regular Unleaded	90.8	10.0	15.5	116.3	139.3	141.3	139.3	999.9
Mid-Grade Unleaded	93.8	10.0	15.5	119.3	142.7	144.8	142.7	999.9
Premium Unleaded	96.8	10.0	15.5	122.3	146.2	148.2	146.2	999.9
Ultra-Low-Sulfur Diesel	96.1	4.0	15.4	115.5	138.3	140.4	138.3	999.9
Zone 3								
Regular Unleaded	91.2	10.0	15.5	116.7	139.7	141.8	139.7	999.9
Mid-Grade Unleaded	94.2	10.0	15.5	119.7	143.2	145.2	143.2	999.9
Premium Unleaded	97.2	10.0	15.5	122.7	146.6	148.7	146.6	999.9
Ultra-Low-Sulfur Diesel	96.5	4.0	15.4	115.9	138.8	140.9	138.8	999.9

Zone 4								
Regular Unleaded	91.3	10.0	15.5	116.8	139.8	141.9	139.8	999.9
Mid-Grade Unleaded	94.3	10.0	15.5	119.8	143.3	145.4	143.3	999.9
Premium Unleaded	97.3	10.0	15.5	122.8	146.7	148.8	146.7	999.9
Ultra-Low-Sulfur Diesel	96.6	4.0	15.4	116.0	138.9	141.0	138.9	999.9
Zone 5								
Regular Unleaded	91.3	10.0	15.5	116.8	139.8	141.9	139.8	999.9
Mid-Grade Unleaded	94.3	10.0	15.5	119.8	143.3	145.4	143.3	999.9
Premium Unleaded	97.3	10.0	15.5	122.8	146.7	148.8	146.7	999.9
Ultra-Low-Sulfur Diesel	96.6	4.0	15.4	116.0	138.9	141.0	138.9	999.9
Zone 6								
Regular Unleaded	92.0	10.0	15.5	117.5	140.6	142.7	140.6	999.9
Mid-Grade Unleaded	95.0	10.0	15.5	120.5	144.1	146.2	144.1	999.9
Premium Unleaded	98.0	10.0	15.5	123.5	147.5	149.6	147.5	999.9
Ultra-Low-Sulfur Diesel	97.3	4.0	15.4	116.7	139.7	141.8	139.7	999.9

N.S. Reg. 301/2013

Made: September 7, 2013

Filed: September 10, 2013

Proclamation—General Assembly

Order in Council 2013-326 dated September 7, 2013

Proclamation made by the Lieutenant Governor

The Lieutenant Governor of the Province of Nova Scotia by and with the advice of the Executive Council of Nova Scotia is pleased to order that this present General Assembly of Nova Scotia be dissolved and that an election be instituted in all of the Electoral Districts of Nova Scotia and is further pleased to fix the date of the Writs of Election as Saturday, September 7, 2013, and to fix the date of election day as Tuesday, October 8, 2013, and to order that a Proclamation do issue accordingly.

PROVINCE OF NOVA SCOTIA

sgd: **J.J. Grant**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS we have thought fit by and with the advice of Our Executive Council for Nova Scotia to dissolve this present General Assembly, We do for that end publish this Our Royal Proclamation and do hereby dissolve the said General Assembly accordingly, and the Members of the House of Assembly are discharged from their meeting and attendance;

AND WE, being desirous and resolved as soon as may be to meet Our People of Our Province of Nova Scotia, and to have their advice in General Assembly, do hereby make known Our Royal Will and Pleasure to call a General Assembly, and do hereby further declare that by and with the advice of Our said Executive Council, We have this day given orders for the issuing of Our Writs in due form for the election of Members to serve in the House of Assembly for the several Electoral Districts of the Province, which Writs are to bear date the 7th day of September 2013, and the date of election day to be Tuesday, the 8th day of October, 2013.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour Brigadier-General, the Honourable J.J. Grant (Retired), Lieutenant Governor of the Province of Nova Scotia.

AT Sydney in the Cape Breton Regional Municipality, this 7th day of September in the year of Our Lord two thousand and thirteen and in the sixty-second year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 302/2013

Made: September 10, 2013

Filed: September 10, 2013

General Labour Standards Code Regulations

Order in Council 2013-328 dated September 10, 2013
Amendment to regulations made by the Governor in Council
pursuant to subsection 4(2) and Section 7 of the *Labour Standards Code*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated August 14, 2013, and pursuant to Section 7 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, is pleased to amend the general regulations respecting labour standards, N.S. Reg. 298/90, made by the Governor in Council by Order in Council 90-1321 dated November 13, 1990, to make changes related to licensing of recruiters, and registration of employers, of foreign workers, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 10, 2013.

Schedule "A"

**Amendment to the General Regulations Respecting Labour Standards
made by the Governor in Council under subsection 4(2) and Section 7 of
Chapter 246 of the Revised Statutes of Nova Scotia, 1989,
the *Labour Standards Code***

Section 2 of the general regulations respecting labour standards, N.S. Reg. 298/90, made by the Governor in Council by Order in Council 90-1321 dated November 13, 1990, is amended by

(a) striking out subsection (1A) and substituting the following subsection:

(1A) Despite subsection (1), if a person who satisfies the requirements of subsection (1) is a foreign worker, the following provisions continue to apply:

- (a) Sections 89E and 89G of the Code; and
- (b) Section 89F of the Code, subject to subsection 2(12).

(b) adding the following subsections immediately after subsection (12):

(13) A recruiter belongs to a class of persons that is exempt from the licensing requirement under subsection 89H(1) of the Code if the recruitment activities of the recruiter are limited solely to activities in relation to the employment of a foreign worker with an employer referred to in clause (14)(a), (b), (c) or (d).

(14) The following employers are deemed to belong to a class of persons that is exempt from the requirement under subsection 89T(1) of the Code to be registered with the Director and the requirement under Section 89C of the Code to engage only licensed recruiters of foreign workers:

- (a) a Government Reporting Entity, as defined in the *Finance Act*;
- (b) a municipality as defined in the *Municipal Government Act*;
- (c) a university that is a designated university under the *University Foundations Act*; and
- (d) any employer who recruits or engages the services of another person to recruit a foreign worker for a position in an occupation that is listed in one or both of the following classifications under the National Occupational Classification 2011 matrix developed by Human Resources and Skills Development Canada and Statistics Canada:
 - (i) Skill Type 0 Management Occupations,
 - (ii) Skill Level A.

N.S. Reg. 303/2013

Made: September 10, 2013

Filed: September 10, 2013

Proclamation, S. 6, S.N.S. 2012, c. 64

Order in Council 2013-330 dated September 10, 2013
Proclamation made by the Governor in Council
pursuant to Section 6 of *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Residential Tenancies Act* dated August 14, 2013, and pursuant to Section 6 of Chapter 64 of the Acts of 2012, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, is pleased to order and declare by proclamation that Chapter 64 of the Acts of 2012, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, do come into force on and not before September 16, 2013.

PROVINCE OF NOVA SCOTIA

sgd: J. Michael MacDonald

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 6 of Chapter 64 of the Acts of 2012, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, it is enacted as follows:

- 6** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 64 of the Acts of 2012, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, do come into force on and not before September 16, 2013.

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 64 of the Acts of 2012, *An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act*, do come into force on and not before September 16, 2013, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the
Province Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 10th day of September in the year of Our Lord two thousand and thirteen and in the sixty-second year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 304/2013

Made: September 10, 2013

Filed: September 10, 2013

Residential Tenancies Regulations

Order in Council 2013-331 dated September 10, 2013
Amendment to regulations made by the Governor in Council
pursuant to Section 26 of the *Residential Tenancies Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated August 14, 2013, and pursuant to Section 26 of Chapter 401 of the Revised Statutes of Nova Scotia, 1989, the *Residential Tenancies Act*, is pleased to amend the *Residential Tenancies Regulations*, N.S. Reg. 190/89, made by the Governor in Council by Order in Council 89-1118 dated September 26, 1989, to prescribe a new form of notice to quit for victims of domestic violence to terminate their tenancies and to make minor edits to the forms for applications to the Director, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after September 16, 2013.

Schedule “A”

**Amendment to the *Residential Tenancies Regulations*
made by the Governor in Council under Section 26
of Chapter 401 of the Revised Statutes of Nova Scotia, 1989,
the *Residential Tenancies Act***

- 1 The *Residential Tenancies Regulations*, N.S. Reg. 190/89, made by the Governor in Council by Order in Council 89-1118 dated September 26, 1989, are amended by renumbering Section 4I as Section 4J, and adding the following Section immediately after Section 4H:

Tenant’s notice to quit for domestic violence under clause 10F(1)(a) of Act

4I A notice to quit given by a tenant to a landlord under clause 10F(1)(a) of the Act must be in Form Q: Tenant’s Notice to Quit—Domestic Violence.

- 2 The table in Section 35 of the regulations is amended by adding the following row at the end of the table:

Q	Tenant’s notice to quit for domestic violence under clause 10F(1)(a) of the Act.
---	--

- 3 Form J to the regulations is amended
- (a) under the heading “**Information about the Lease**” by striking out all of the text beginning with “Has notice to quit been given?” up to and including “If yes, notice to quit is effective on _____ (date)”, and substituting the following text:

Has notice to quit been given?

- No
 Yes It was given by Landlord
 Tenant

Date notice to quit given _____ (YYYY/MM/DD)

Notice to quit is effective on _____ (YYYY/MM/DD)

- (b) under the heading “**Details of Application**” by striking out the checkbox and “Relief from rent owing or compensation for expenses incurred” and substituting the following:

- [] Payment of money
 relief from rent owing
 compensation for expenses incurred

- 4 Form K to the regulations is amended under the heading “**Details of Application**” by adding the following immediately before the subheading “**Additional information: security deposit**”:

Information about the Lease

What date did the tenant move in? _____ (YYYY/MM/DD)

What date did the tenant move out? _____ (YYYY/MM/DD)

- Is there a written lease? No
 Yes (Please attach a copy of the lease)

Did the landlord provide the tenant with a copy of the lease? Yes No

Did the landlord provide the tenant with a copy of the *Residential Tenancies Act*?

- Yes No

- 5 The regulations are further amended by adding the attached Form Q immediately after Form P.

Form Q

Tenant’s Notice to Quit—Domestic Violence

(under clause 10F(1)(a) of the *Residential Tenancies Act*)

To: Landlord’s name: _____

Address of residential premises: _____

I give notice that I am terminating my tenancy on _____ (date: month/day/year)

Date: _____

Tenant's name: _____
(print)

Tenant's signature: _____

Landlord: Please Note

- You are required by law to ensure that information in the certificate that accompanies this Notice to Quit is kept confidential.
- You may apply to the Director of Residential Tenancies under Section 13 of the Act for an order setting aside this notice to quit only on the ground that the notice to quit and the certificate were not properly given to ~~the~~ you as required by subsection 10F(1) of the Act.
- The tenancy is terminated for all tenants in the same residential premises, but you and the other tenants may agree to enter into a new landlord and tenant relationship.

(See Section 10F of the Act)

Tenant: Keep a copy of this form for your records.**N.S. Reg. 305/2013**

Made: September 10, 2013

Filed: September 10, 2013

Greenhouse Gas Emissions Regulations

Order in Council 2013-332 dated September 10, 2013
Amendment to regulations made by the Governor in Council
pursuant to Section 112 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated August 23, 2013, and pursuant to Section 112 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Greenhouse Gas Emissions Regulations*, N.S. Reg. 260/2009, made by [the] Governor in Council by Order in Council 2009-341 dated August 14, 2009, to include new greenhouse gas emissions targets for 2021-2030; improve monitoring, reporting and verification requirements; and amend the definition of "low emission electricity" in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 10, 2013.

Schedule "A"

**Amendment to the *Greenhouse Gas Emissions Regulations*
made by the Governor in Council under Section 112
of Chapter 1 of the Acts of 1994-95,
the *Environment Act***

- 1 (1) Section 2 of the *Greenhouse Gas Emissions Regulations*, N.S. Reg. 260/2009, made by the Governor in Council by Order in Council 2009-341 dated August 14, 2009, ~~are~~ [is] amended by
- (a) repealing the definition of "global warming potentials" and substituting the following definition:

“global warming potential” means the 100-year global warming potential amount for a greenhouse gas as listed in the applicable notice with respect to reporting of greenhouse gases issued by the federal Minister of the Environment under subsection 46(1) of the *Canadian Environmental Protection Act, 1999* (Canada) and published in the *Canada Gazette*;

- (b) adding the following definitions immediately after the definition of “global warming potentials”:

“ISO” means the International Organization for Standardization;

“ISO 14064-3” means ISO standard ISO 14064-3, “Greenhouse gases—Part 3: Specification with guidance for the validation and verification of greenhouse gas assertions”, as supplemented, amended, added to, replaced or superseded;

“ISO 14065” means ISO standard 14065, “Greenhouse gases—Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms of recognition”, as supplemented, amended, added to, replaced or superseded;

- (2) Subclause (iii) of the definition of “low-emissions electricity” in Section 2 of the regulations is amended by adding “that has been harvested in a sustainable manner” immediately after “biomass”.

- 2 Subsection 4(1) of the regulations is amended by striking out the table and substituting the following table:

Compliance Period	Calendar Years	Emission Cap for All Facilities in the Province (million tonnes CO ₂ eq)
1	2010, 2011	19.22 (cumulative total)
2	2012, 2013	18.5 (cumulative total)
3	2014, 2015, 2016	26.32 (cumulative total)
4	2017, 2018, 2019	24.06 (cumulative total)
5	2020	7.5
6	2021, 2022, 2023, 2024	27.5 (cumulative total)
7	2025	6
8	2026, 2027, 2028, 2029	21.5 (cumulative total)
9	2030	4.5

- 3 Subsection 5(2) of the regulations is amended by adding the following clause immediately after clause (h):

(ha) the total quantity of each type of fuel used in the facility owner’s facilities;

- 4 (1) Subsection 6(1) of the regulations is repealed and the following subsection substituted:

(1) In this Section, “verifier” means an independent third party that meets all of the following criteria:

- (a) it is accredited to meet the requirements of ISO 14065 by a member of the International Accreditation Forum; and
 - (b) it consists of accounting and financial auditing expertise and engineering and environmental assessment expertise.
- (2) Subsection 6(4) of the regulations is amended by adding “, to a reasonable level of assurance in accordance with ISO 14064-3,” immediately after “must have a verifier assess”.
- 8 Schedule A to the regulations is amended by repealing Table 2: Greenhouse Gases and Global Warming Potentials (GWPs).

N.S. Reg. 306/2013

Made: September 10, 2013

Filed: September 10, 2013

Children and Family Services Regulations

Order in Council 2013-333 dated September 10, 2013
Amendment to regulations made by the Governor in Council
pursuant to Section 99 of the *Children and Family Services Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated June 26, 2013, and pursuant to Section 99 of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, is pleased to amend the *Children and Family Services Regulations*, N.S. Reg. 183/91, made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after September 10, 2013.

Schedule “A”

**Amendment to the *Children and Family Services Regulations*
made by the Governor in Council pursuant to
Section 99 of Chapter 5 of the Acts of 1990,
the *Children and Family Services Act***

- 1 The *Children and Family Services Regulations*, N.S. Reg. 183/91, made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, are amended by repealing Section 60 and substituting the following Section:
- 60** (1) For the purpose of subsection (4) of Section 66 of the Act, a person may apply to the Minister for disclosure of information in the Child Abuse Register concerning themselves, including confirmation that their name has not been entered into the Child Abuse Register.
 - (2) A person applying for disclosure of information in the Child Abuse Register must submit their application using the form provided by the Administrator.
 - (3) On receiving an application for disclosure of information in the Child Abuse Register, the Administrator must cause the Register to be searched for the name of the applicant.
 - (4) The Administrator must provide an applicant with written disclosure of the results of the search of the Child Abuse Register that was conducted with respect to that applicant.
- 2 The regulations are further amended by repealing Section 64A.

N.S. Reg. 307/2013

Made: September 10, 2013

Filed: September 10, 2013

Proclamation, S. 78, S.N.S. 2010, c. 38

Order in Council 2013-336 dated September 10, 2013

Proclamation made by the Governor in Council

pursuant to Section 78 of the

Land Surveyors Act

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated August 15, 2013, and pursuant to Section 78 of Chapter 38 of the Acts of 2010, the *Land Surveyors Act*, is pleased to order and declare by proclamation that Chapter 38 of the Acts of 2010, the *Land Surveyors Act*, do come into force on and not before September 10, 2013.

PROVINCE OF NOVA SCOTIA

sgd: J. Michael MacDonald

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 78 of Chapter 38 of the Acts of 2010, the *Land Surveyors Act*, it is enacted as follows:

78 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 38 of the Acts of 2010, the *Land Surveyors Act*, do come into force on and not before September 10, 2013;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 38 of the Acts of 2010, the *Land Surveyors Act*, do come into force on and not before September 10, 2013, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the Province
of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 10th day of September in the year of Our Lord two thousand and thirteen and in the sixty-second year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 308/2013

Made: June 25, 2010

Approved: September 10, 2013

Filed: September 10, 2013

Land Surveyors Regulations

Order in Council 2013-337 dated September 10, 2013
Regulations and repeal of regulations made by the Association of Nova Scotia Land Surveyors
and approved by the Governor in Council
pursuant to subsection 12(1) of the *Land Surveyors Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated August 15, 2013, and pursuant to subsection 12(1) of Chapter 38 of the Acts of 2010, the *Land Surveyors Act*, is pleased, effective on and after September 10, 2013, to approve

- (a) the repeal of the *Land Surveyors Regulations*, N.S. Reg. 188/88, made by the Council of the Association of Nova Scotia Land Surveyors and approved by the Governor in Council by Order in Council 88-908 dated September 13, 1988; and
- (b) the making of new regulations respecting land surveying by the Council of the Association of Nova Scotia Land Surveyors in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”

I certify that the members of the Association of Nova Scotia Land Surveyors, at a special general meeting of members held on June 25, 2010, carried a motion to replace the *Land Surveyors Regulations*, N.S. Reg. 188/88, made by the Council of the Association of Nova Scotia Land Surveyors and approved by the Governor in Council by Order in Council 88-908 dated September 13, 1988, with regulations in the manner set out in the attached.

The regulations are effective on and after the date that Chapter 38 of the Acts of 2010, the *Land Surveyors Act*, is proclaimed in force.

Signed at Halifax, in the Halifax Regional Municipality, Nova Scotia, on August 14th, 2013.

per: sgd.: *F. C. Hutchinson*
F.C. Hutchinson
Executive Director and Secretary
Association of Nova Scotia Land Surveyors

Regulations Respecting Land Surveying
made under subsection 12(1) of Chapter 38 of the Acts of 2010
the *Land Surveyors Act*

Citation

1 These regulations may be cited as the *Land Surveyors Regulations*.

Definitions

2 In these regulations,

“Agreement on Internal Trade” means the agreement signed by the federal, provincial and territorial governments of Canada, which came into force on July 1, 1995, to facilitate the free movement of persons, goods, services and investments throughout Canada;

“approved education program” means an education program that prepares a person for entry to the profession of land surveying, as approved by an examining body determined by the Council;

“articles” means a period of training for a candidate under the direction of an active member, as set out in the by-laws;

“articling agreement” means an agreement approved by the Board between a candidate and an active member.

Council and Executive

Composition of Executive

3 The Executive must be composed of all of the following members:

- (a) the president;
- (b) the vice-president;
- (c) the immediate past president.

Composition of Council

4 In addition to not less than 1 public representative and a person appointed by the Minister required by the Act, the Council must be composed of all of the following members:

- (a) the Executive members;
- (b) any number of members as set out in the by-laws.

Registration

Board of Examiners

5 (1) The Council must appoint a Board of Examiners.

(2) The Board of Examiners must include at least 5 active members or life members of the Association.

Information in Register

6 In addition to the name of the person entitled to be registered, as required by subsection 17(1) of the Act, the Register must contain all of the following information for each member:

- (a) contact information for the member, including any electronic contact information;
- (b) the member's registration number;
- (c) the date of entry on the Register;
- (d) category of membership.

Categories of membership

7 (1) The following are the categories of membership:

- (a) candidate;
- (b) active;
- (c) life;
- (d) retired;
- (e) associate;
- (f) honorary.

(2) The roster for each category of membership must be made available to the public.

Waiver of registration or roster requirements

8 The Board may waive any of the criteria for registration or entry in a roster required by these regulations for either of the following reasons:

- (a) it is required by law;
- (b) it is consistent with the objects and purpose of the Association and the Board considers it appropriate.

Criteria for registration and entry in candidate roster

9 The Board must register and record the name of a person in the candidate roster who does all of the following:

- (a) pays the applicable registration fee;
- (b) successfully completes an approved education program;
- (c) enters an articling agreement.

Privileges of members in candidate roster

10 A member whose name is in the candidate roster has all of the following privileges:

- (a) to receive all official Association publications;
- (b) to attend, but not vote at, general meetings of the Association.

Criteria for registration and entry in active membership roster

- 11 (1)** The Board must register and record the name of a person in the active membership roster who meets all of the following criteria:
- (a) for an applicant who is not currently registered in another Canadian jurisdiction, all the criteria in Section 12;
 - (b) for an applicant who is currently registered in another Canadian jurisdiction, all the criteria in Section 13;
 - (c) payment of the applicable registration fee;
 - (d) the applicant is not currently subject to any disciplinary finding that would prohibit or limit the applicant's ability to practise professional land surveying;
 - (e) the applicant has provided any information required by the Board to establish that Section 50 of the Act does not apply to the applicant;
 - (f) the applicant has met any applicable requirements of the professional development program;
 - (g) evidence satisfactory to the Board that the applicant has the capacity, competence and character to safely and ethically practise professional land surveying;
 - (h) unless the requirement to carry professional liability insurance is waived under subsection (2), proof that the applicant is covered by professional liability insurance.
- (2)** Despite clause (1)(h), the requirement to hold professional liability insurance is waived and the applicant is not required to hold professional liability insurance if any of the following conditions apply:
- (a) the person is employed by a municipal, provincial or federal government or agency, provided that the person undertakes in writing not to engage directly or indirectly in the practice of professional land surveying for any member of the public except on behalf of the employer, whether for or without compensation;
 - (b) the person is employed by any person, firm or corporation that does not engage directly or indirectly in the practice of professional land surveying for the general public, provided that the person undertakes in writing not to engage directly or indirectly in the practice of professional land surveying for any member of the public, except on behalf of the employer, whether for or without compensation; or
 - (c) the Council has granted the member an exemption from the requirement to hold professional liability insurance in accordance with subsections (3) to (5).
- (3)** A person who applies to the Council for an exemption from the requirement to hold professional liability insurance under subsection (2) must provide any relevant information the Council considers necessary to assess the application.
- (4)** If the Council is satisfied that the public interest is protected, the Council may grant a member an exemption from the requirement to hold professional liability insurance.

- (5) A person who is granted an exemption from the requirement to hold professional liability insurance under subsection (4) must not engage directly or indirectly in the practice of professional land surveying for the general public, whether for compensation or not.

Additional criteria for applicants not currently registered in another Canadian jurisdiction

12 An applicant for entry in the active membership roster who is not currently registered in another Canadian jurisdiction must pay the applicable registration fee and meet all of the following criteria:

- (a) all of the criteria for entry in the active membership roster in clauses 11(1)(c) to (h);
- (b) certification from an examining body approved by the Council;
- (c) successful completion of a period of articles;
- (d) successful completion of any examinations prescribed by the Board;
- (e) demonstration of proficiency in the English language in a manner required by the Board;
- (f) proof that the applicant is legally entitled to work in Canada;
- (g) the taking of an oath prescribed by the Board;
- (h) for an applicant who was previously registered in another Canadian jurisdiction or is or was registered in a jurisdiction outside of Canada, a certificate of standing from all jurisdictions where the applicant was previously licensed or registered establishing that the applicant is not subject to any disciplinary findings that would prohibit or limit the applicant's ability to practise professional land surveying.

Additional criteria for applicants registered in another Canadian jurisdiction

13 The following are the criteria for entry in the active membership roster for applicants who are registered in another Canadian jurisdiction:

- (a) all of the criteria for entry in the active membership roster in clauses 11(1)(c) to (h);
- (b) a certificate of standing from the Canadian jurisdiction where the applicant is currently registered or licensed to practise professional land surveying establishing that the applicant is registered or licensed to practise professional land surveying in that jurisdiction and is not subject to any disciplinary findings that would prohibit or limit the applicant's ability to practise professional land surveying;
- (c) successful completion of any requirements for registration established under the Agreement on Internal Trade or any Mutual Recognition Agreement entered into by the Association under the Agreement on Internal Trade;
- (d) the taking of an oath prescribed by the Board.

Privileges of members in active membership roster

14 A member whose name is in the active membership roster has all of the following privileges:

- (a) use of the designation "Nova Scotia Land Surveyor" or the abbreviation "NSLS" in accordance with Section 20 of the Act;
- (b) subject to subsection 11(5), to practise professional land surveying;

- (c) upon election, hold office in the Association;
- (d) be eligible to serve as an appointed member of any committee of the Association;
- (e) receive all official Association publications;
- (f) attendance, participation and a right to vote at meetings of the Association;
- (g) subject to the approval of the Board, entry into an articling agreement with a candidate.

Conditions imposed on membership

- 15 (1)** When considering an application for membership, the Board may impose conditions on the membership of an applicant if
- (a) it is consistent with the objects of the Association; and
 - (b) the Board gives the applicant an opportunity to address the proposed conditions before the conditions are imposed.
- (2)** An applicant who has conditions imposed on their registration by the Board under subsection (1) may appeal those conditions to the Registration Appeal Committee in accordance with Section 21.
- (3)** The Board must impose conditions on the registration of a member when conditions have been imposed as part of a decision of any of the following bodies:
- (a) the Complaints Committee;
 - (b) the Hearing Committee;
 - (c) the Registration Appeal Committee;
 - (d) the Reinstatement Committee;
 - (e) an equivalent committee from another jurisdiction.
- (4)** Conditions imposed on a membership remain in effect until the Board determines they have been met.
- (5)** A member who has conditions imposed on their membership retains their privileges under Section 10 or Section 14, subject to the particular conditions that have been imposed.

Other categories of membership

- 16 (1)** The Board must enter the name of an applicant who meets the criteria for entry in the life, retired, associate or honorary roster into the appropriate roster.
- (2)** The privileges of retired, associate and honorary members are as set out in the by-laws.
- (3)** A life member must meet all the criteria for entry into the active membership roster under Section 11 with the exception of the fee required by clause 11(1)(c).
- (4)** A life member has all of the privileges of an active member as set out in Section 14.

- (5) The Board must enter the name of a life member in the active membership roster if the life member is engaged in the practice of professional land surveying.

Term and renewal of membership

- 17 (1) Unless suspended, revoked or amended as a result of any conditions imposed, a candidate, active, retired and associate membership remains in effect until the end of the calendar year in which it was issued.
- (2) The Executive Director must renew a member's registration and entry in the applicable roster if the member meets all of the following conditions:
 - (a) the member pays the applicable renewal fee and any penalties for late application set by the Council;
 - (b) the member meets all the criteria for entry in the applicable roster, excluding the initial registration fee.
- (3) Unless suspended or revoked by the Council, life and honorary memberships remain in effect indefinitely.

Member removed from applicable roster for non-renewal

- 18 (1) The Board must remove the name of a member who does not renew their membership in accordance with Section 17 from the applicable roster, and the member remains non-active until their name is restored under subsection (2).
- (2) The Board must restore the name of a non-active member referred to in subsection (1) to the applicable roster when the member meets the criteria for entry in the roster and pays any applicable renewal fee and penalty as set by the Council.
- (3) A member whose name has been removed from the applicable membership roster by the Board under subsection (1) may appeal the Board's decision to the Registration Appeal Committee in accordance with Section 21.

Articles

- 19 (1) The Board must approve the articling agreement of a person seeking membership as a candidate before the period of articles begins.
- (2) The Board must approve the name of the active member entering into an articling agreement with a candidate.
- (3) With the approval of the Board, a candidate may transfer the responsibility of articles to another active member by signing a new articling agreement.
- (4) A candidate must complete the period of articles in the manner and in accordance with the timelines in the articling agreement.
- (5) Upon completion of the articling period, an active member to whom a candidate is articulated must sign a form approved by the Board confirming that all the requirements of the articling agreement have been met.

Registration Appeal Committee

- 20 (1) A Registration Appeal Committee is established by these regulations.

- (2) The Council must appoint the following members to the Registration Appeal Committee:
 - (a) 1 public representative;
 - (b) 2 members from the active membership roster.
- (3) The Council must appoint a chair of the Registration Appeal Committee.
- (4) A majority of the Registration Appeal Committee constitutes a quorum.
- (5) The Registration Appeal Committee must perform the functions set out in these regulations.
- (6) Each person on the Registration Appeal Committee has all the rights, powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

Procedure for appeal to Registration Appeal Committee

- 21** (1) The Board must give written reasons for any decision that
- (a) refuses an applicant's
 - (i) registration, or
 - (ii) entry in a roster; or
 - (b) imposes conditions or restrictions on a member's registration.
- (2) An applicant may, by written notice, appeal a decision listed in subsection (1) to the Registration Appeal Committee no later than 30 days after the date the applicant receives the written reasons.
- (3) On receiving a written notice of appeal, the Registration Appeal Committee must do all of the following:
- (a) set a date for a hearing of the appeal that is no later than 60 days after the date the Committee receives the written notice of appeal;
 - (b) serve written notice of the date, time and place for the hearing of the appeal on the appellant and the Executive Director;
 - (c) advise the appellant of their right to
 - (i) be represented by legal counsel,
 - (ii) disclosure of any information to be given to the Committee, and
 - (iii) a reasonable opportunity to present a response and make submissions.
- (4) The parties to an appeal before the Registration Appeal Committee are the Association and the appellant.
- (5) Except as provided in subsection (6), evidence is not admissible before the Registration Appeal Committee unless, at least 10 days before the appeal, the opposing party has been given
- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;

- (b) in the case of evidence of an expert, a copy of the expert's written report or, if there is no written report, a written summary of the evidence; and
 - (c) in the case of evidence of any other witness, the identity of the witness.
- (6) If it is in the public interest, the Registration Appeal Committee, in its discretion, may allow the introduction of evidence that is otherwise inadmissible under subsection (5) and may make directions it considers necessary to ensure that a party is not prejudiced by the introduction of the evidence.
 - (7) In a proceeding before the Registration Appeal Committee, the parties have the right to the opportunity to present evidence and make submissions, including the right to examine and cross-examine witnesses.
 - (8) The Registration Appeal Committee must give the parties written reasons for its decision within a reasonable time.
 - (9) All material relied upon by the Board in making the decision that is the subject of the appeal must be given to the parties.
 - (10) The testimony of witnesses at a hearing before the Registration Appeal Committee must be taken under oath or affirmation.

Disposition by Registration Appeal Committee

- 22** (1) The Registration Appeal Committee must do 1 of the following upon completion of the registration appeal process:
- (a) confirm the original decision of the Board;
 - (b) vary the original decision of the Board;
 - (c) dismiss the original decision of the Board.
- (2) The Registration Appeal Committee must give its decision in writing.
 - (3) A decision of the Registration Appeal Committee is final.
 - (4) The Registration Appeal Committee must send a copy of its written decision to all of the following parties:
 - (a) the appellant, by registered mail or personal service;
 - (b) the Association, by regular mail or personal service.

Professional Conduct

Referral to Complaints Committee

- 23** On receiving a complaint under subsection 43(1) of the Act, the Executive Director must forward the complaint to the Complaints Committee.

Authority to dismiss without investigation

- 24** (1) On receiving a complaint, the Complaints Committee may dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other person associated with the complaint, if the Complaints Committee determines that any of the following apply:
- (a) the complaint is outside the jurisdiction of the Association;
 - (b) the complaint is frivolous, vexatious or constitutes an abuse of process;
 - (c) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a counsel or a caution, or both;
 - (d) the complaint cannot be substantiated.
- (2) If the Complaints Committee dismisses the complaint, the Complaints Committee must provide a copy of the letter of dismissal to the complainant and the respondent.
- (3) If the complaint is not dismissed under subsection (1), the Complaints Committee must do 1 of the following:
- (a) attempt to resolve the complaint, if in the opinion of the Complaints Committee it may be satisfactorily resolved without an investigation;
 - (b) forward the complaint to the respondent and an investigator for investigation in accordance with Section 25.

Investigating complaint

- 25** (1) When investigating a complaint, an investigator may do 1 or more of the following:
- (a) request additional documents and written or oral explanations from the complainant, the respondent or third parties;
 - (b) request an interview with the complainant, the respondent or third parties;
 - (c) informally resolve the complaint in the interests of the respondent, the complainant, the public and the Association.
- (2) An investigator may investigate any matter relating to the respondent that arises in the course of the investigation, in addition to the complaint, that may constitute any of the following:
- (a) professional misconduct;
 - (b) conduct unbecoming;
 - (c) incompetence;
 - (d) incapacity.
- (3) A respondent may submit medical information and any other information relevant to the complaint to an investigator.

- (4) After completing an investigation, an investigator must send a report of the investigation to the Complaints Committee.

Additional information to Complaints Committee

- 26** (1) The Complaints Committee may at any time direct an investigator to conduct any investigation that the Complaints Committee considers necessary.
- (2) At any time before making a decision under Section 27, the Complaints Committee may receive information in addition to the report of the investigation, if the information is relevant to the matters before it.
 - (3) An investigator or the Complaints Committee may direct the respondent or a third party to provide information or documents or to respond to correspondence, and the respondent or third party must comply within 10 days after the date of the request.
 - (4) If the Complaints Committee receives additional information under subsection (2) or (3), the respondent must be given an opportunity to respond to the information before the final disposition of the complaint by the Complaints Committee.

Complaints Committee disposition of complaint

- 27** (1) For the purposes of this Section,

“caution” by the Complaints Committee means a determination that a member has breached the standards of ethics or practice expected of members, but that breach does not constitute professional misconduct, conduct unbecoming, incompetence or incapacity, and a caution is not considered to be a registration sanction; and

“counsel” by the Complaints Committee means a determination that a member could benefit from professional guidance from the Association about the subject matter of the complaint, but the member’s conduct does not constitute professional misconduct, conduct unbecoming, incompetence or incapacity, and a counsel is not considered to be a registration sanction.

- (2) On receiving a report from an investigator under subsection 25(4), the Complaints Committee must do 1 of the following:
 - (a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other person associated with the complaint, if the Complaints Committee determines that any of the following apply:
 - (i) the complaint is outside the jurisdiction of the Association,
 - (ii) the complaint is frivolous, vexatious or constitutes an abuse of process,
 - (iii) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming, incompetence or incapacity, or would merit a counsel or a caution, or both,
 - (iv) the complaint cannot be substantiated;
 - (b) give the complainant, the respondent and any other person the Complaints Committee considers appropriate a reasonable opportunity to appear before the Complaints Committee and to submit representations or explanations.

- (3) After providing the respondent the opportunity to appear before the Complaints Committee under clause (2)(b), the Complaints Committee may require the respondent to do 1 or more of the following:
- (a) submit to a review of the respondent's practice by a qualified person or persons designated by the Complaints Committee and authorize a copy of the review to be given to the Complaints Committee;
 - (b) produce any records or documents related to the respondent's practice.
- (4) After the Complaints Committee has given the parties the opportunity to appear before the Committee under clause (2)(b), the Complaints Committee must do 1 or more of the following:
- (a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other persons the Complaints Committee considers appropriate;
 - (b) counsel the respondent;
 - (c) caution the respondent;
 - (d) with the respondent's consent, order that the respondent receive a reprimand and that the reprimand be communicated to the respondent, the complainant and any other persons the Complaints Committee considers appropriate;
 - (e) with the respondent's consent, impose conditions on the respondent's membership;
 - (f) refer the matter to the Hearing Committee if
 - (i) a determination is made that the matter or matters warrant a hearing, or
 - (ii) the respondent does not consent to a reprimand, conditions or restrictions under clause (d) or (e);
 - (g) informally resolve the complaint, including entering into agreements with the respondent, or authorizing the respondent's resignation from the applicable roster.
- (5) A reprimand issued under clause (4)(d) and conditions placed on a respondent's registration under clause (4)(e) are registration sanctions against the respondent and must be dealt with in accordance with Section 62 of the Act.

Compliance with requirements of Complaints Committee

- 28 (1) If a respondent fails to comply with subsection 27(3), or otherwise fails to comply with the direction of the Complaints Committee, the Complaints Committee may suspend or restrict the respondent's registration and the suspension or restriction remains in place until it is lifted, superseded or annulled by the Complaints Committee or Hearing Committee.
- (2) The costs of complying with a requirement made under subsection 27(3) must be initially borne by the Association and may be awarded as an award of costs against a respondent under Section 49.

Complaints Committee retains jurisdiction

- 29 The Complaints Committee retains jurisdiction over a complaint until the commencement of a hearing or the acceptance of a settlement proposal by the Hearing Committee.

Notice of hearing

- 30 (1)** A notice of hearing required by subsection 53(2) of the Act must be served at the respondent's or the complainant's last known address by 1 of the following methods:
- (a) personal service;
 - (b) substituted service;
 - (c) registered mail.
- (2)** A notice of hearing sent by registered mail is deemed to have been served on the date it was posted.
- (3)** A notice of hearing must state all of the following:
- (a) the details of the charges;
 - (b) the time and place of the hearing;
 - (c) that the respondent may be represented by legal counsel.

Amendment of notice of hearing

- 31 (1)** At any time before or during a hearing, the Hearing Committee may, on its own motion or on the motion of a party to the hearing, amend or alter the notice of hearing for any of the following reasons:
- (a) to correct an alleged defect in substance or form;
 - (b) to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice, or if the evidence discloses any of the following that is not alleged in the notice:
 - (i) professional misconduct,
 - (ii) conduct unbecoming,
 - (iii) incapacity,
 - (iv) incompetence.
- (2)** A respondent must be given an opportunity to respond to an amendment or alteration to a notice of hearing made by the Hearing Committee.
- (3)** If the Hearing Committee determines that an amendment or alteration to a notice of hearing sought by a party is not appropriate, the Hearing Committee may refuse to make the amendment or alteration and, if considered appropriate, may refer any new allegations that are included in the amendment or alteration to the Executive Director for processing in accordance with Section 23.

Preparing and tendering settlement proposals

- 32 (1)** A settlement proposal may be tendered in writing to the other party at any time before a hearing begins.
- (2)** A settlement proposal must include all of the following:

- (a) an admission or admissions by the respondent to 1 or more of the allegations set out in the notice of hearing;
 - (b) the respondent's consent to a specified disposition, conditional upon the acceptance of the settlement proposal by the Complaints Committee and the Hearing Committee;
 - (c) sufficient facts to provide context for the admissions of the respondent and the agreed disposition.
- (3) If both parties agree with the settlement proposal tendered under subsection (1), the Association must refer the settlement proposal to the Complaints Committee for consideration.
- (4) The parties may agree to use a mediator to prepare a settlement proposal, and the costs for the mediator must be divided equally between the Association and the respondent, unless the parties agree to a different division of the costs.

Complaints Committee actions when settlement proposal referred

- 33 (1) The Complaints Committee may recommend acceptance of a settlement proposal if it is satisfied that all of the following criteria are met:
- (a) the public is protected;
 - (b) the conduct or its causes can be, or have been, successfully remedied or treated and the respondent is likely to successfully pursue any remediation or treatment required;
 - (c) settlement is in the best interests of the public and the profession.
- (2) If the Complaints Committee recommends acceptance of a settlement proposal, the Complaints Committee must refer the settlement proposal to the Hearing Committee.
- (3) If the Complaints Committee does not recommend acceptance of a settlement proposal, the Complaints Committee must do 1 of the following:
- (a) recommend changes to the settlement proposal that
 - (i) if agreed upon by the parties will result in acceptance by the Complaints Committee, or
 - (ii) if not agreed upon by the parties will result in rejection by the Complaints Committee;
 - (b) reject the settlement proposal and refer the complaint considered by the Complaints Committee to the Hearing Committee for hearing.

Hearing Committee actions when settlement proposal referred

- 34 (1) If the Hearing Committee accepts a settlement proposal
- (a) the settlement proposal forms the decision of the Hearing Committee disposing of the matter, unless the Hearing Committee wishes to issue a further written decision in the matter; and
 - (b) except as provided in subsection 35(3) for a breach of the settlement proposal, there is no hearing.
- (2) If the Hearing Committee does not accept a settlement proposal, it must do 1 of the following:

- (a) suggest amendments to the settlement proposal and return it to the parties for review;
 - (b) reject the settlement proposal and refer the matter to another panel of the Hearing Committee for a hearing.
- (3) If both parties do not agree with the amendments to a settlement proposal made under clause (2)(a), the settlement proposal is deemed to be rejected and the matter must be referred to another panel of the Hearing Committee for a hearing.
 - (4) If both parties agree with the amendments to a settlement proposal made under clause (2)(a), the revised settlement proposal must be sent back to the Complaints Committee who must do 1 of the following:
 - (a) accept the revised settlement proposal and refer the revised settlement proposal back to the Hearing Committee for approval; or
 - (b) reject the revised settlement proposal and refer the matter to another panel of the Hearing Committee for a hearing.
 - (5) A person who sits on a panel of the Hearing Committee that reviews a rejected settlement proposal must not sit on a panel of the Hearing Committee that conducts a hearing related to the same complaint.

Settlement proposals and hearings

- 35** (1) If a settlement proposal is rejected by the Hearing Committee, a hearing must proceed without reference to the settlement proposal or any admissions contained in the settlement proposal until after the Hearing Committee has determined whether professional misconduct, conduct unbecoming, incompetence or incapacity has been proven.
- (2) Before deciding whether to award costs in a hearing, the Hearing Committee may be given a copy of any settlement proposals exchanged between the parties.
 - (3) Any alleged breach by a respondent of an accepted settlement proposal must be referred to a Hearing Committee and may form the subject of a new hearing.
 - (4) A settlement proposal may include any disposition that could be ordered by the Hearing Committee under the Act or these regulations.

Consent revocation

- 36** (1) A respondent who does not contest the allegations or admits to some or all of the allegations set out in a complaint or a notice of hearing may, with the consent of the Association, ask the Hearing Committee to revoke their registration.
- (2) The Hearing Committee may consent to the revocation of the respondent's registration in accordance with subsection (1), with or without conditions, or may refuse consent.
 - (3) A respondent who consents to the revocation of their registration must be treated as though their registration was revoked by the Hearing Committee.
 - (4) Notification of a revocation under this Section must be given in accordance with Section 47.

Public notice of hearing

37 The Association must give public notice of any scheduled hearings through its website or any alternate means the Association considers appropriate, including notice of all of the following:

- (a) the date, time and location of the hearing;
- (b) reference to any application being made under subsection 38(2).

Attendance at hearing

38 (1) Except as provided in subsections (2) and (3), a hearing is open to the public.

- (2) At the request of a party, the Hearing Committee may order that the public, in whole or in part, be excluded from a hearing or any part of it if the Hearing Committee is satisfied that any of the following apply:
 - (a) personal, medical, financial or other matters that may be disclosed at the hearing are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that hearings should be open to the public;
 - (b) the safety of any person may be jeopardized by permitting public attendance.
- (3) The Hearing Committee may make an order that the public be excluded from a part of a hearing dealing with an application for an order under subsection (2).
- (4) The Hearing Committee may make any orders that it considers necessary to prevent public disclosure of matters disclosed at a hearing, including an order to impose a publication ban as authorized by subsection 51(7) of the Act.
- (5) Subject to any order made under this Section, the Hearing Committee must state at a hearing its reasons for any order made under this Section.

Hearing procedure

39 (1) A complainant cannot participate as a party at a hearing.

- (2) The Hearing Committee may determine any additional rules of procedure for hearings not covered by the Act or these regulations.
- (3) Witnesses at a hearing must testify under oath or affirmation.
- (4) An oath or affirmation taken at a hearing may be administered by a member of the Hearing Committee or other person in attendance authorized by law to administer oaths or affirmations.
- (5) The Hearing Committee may require a respondent to do 1 or more of the following:
 - (a) submit to a review of the member's practice by a qualified person or persons designated by the Hearing Committee and authorize a copy of the review to be given to the Hearing Committee;
 - (b) produce any records kept about the member's practice.

Compliance with requirement of Hearing Committee

40 (1) If a respondent fails to comply with a requirement under subsection 39(5), the Hearing Committee may order that the respondent be suspended until the respondent complies.

- (2) The costs of complying with the requirements described in subsection 39(5) must be initially borne by the Association and may be awarded as costs against a respondent under Section 49.

Respondent's failure to attend hearing

- 41 After receiving proof of service of the notice of hearing in accordance with Section 30, the Hearing Committee may proceed with a hearing in the respondent's absence and take any action authorized under the Act and these regulations without further notice to the respondent.

Subpoenaed witness fees

- 42 Witnesses who are present under subpoena at a hearing are entitled to the same allowances as witnesses attending a trial of an action in the Supreme Court of Nova Scotia.

Recording evidence at hearing

- 43 (1) All evidence presented at a hearing must be recorded by a person authorized by the Association.
- (2) Subject to subsection 57(2) of the Act, evidence may be presented at a hearing in any manner that the Hearing Committee considers appropriate and the Hearing Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

Preservation of evidence

- 44 Evidence presented to the Hearing Committee and information obtained by the Complaints Committee or an investigator regarding a complaint that has not been dismissed by the Complaints Committee must be preserved for at least 5 years from the date the evidence is presented or information is obtained.

Disposition by Hearing Committee

- 45 (1) A Hearing Committee that finds professional misconduct, conduct unbecoming, incompetence or incapacity on the part of a respondent may do 1 or more of the following and must include orders for it in the committee's disposition of the matter:
- (a) revoke the respondent's membership and remove the respondent's name from the appropriate roster;
 - (b) authorize the respondent to resign from membership in the Association and remove the member's name from the appropriate roster;
 - (c) suspend the respondent from the practice of professional land surveying and remove the respondent's name from the roster in which their name is entered
 - (i) for a specified period of time, or
 - (ii) until any conditions ordered by the Hearing Committee are satisfied;
 - (d) suspend the respondent's ability to obtain entry in a roster for a specified period of time;
 - (e) suspend the membership of a candidate and remove the candidate's name from the candidate roster
 - (i) for a specified period of time, or
 - (ii) until any conditions ordered by the Hearing Committee are satisfied;
 - (f) impose any restrictions or conditions, or both, on the respondent's registration for a period of time specified by the Hearing Committee;

- (g) reprimand the respondent and direct that the reprimand be recorded in the records of the Association;
 - (h) direct the respondent to pass a particular course of study or satisfy the Hearing Committee, or any other committee established under the Act, of the respondent's general competence or competence in a particular field of practice;
 - (i) direct the respondent to obtain medical treatment;
 - (j) direct the respondent to obtain any counselling the Hearing Committee consider appropriate;
 - (k) for findings that involve the respondent practising professional land surveying while not currently registered, direct the respondent to pay a fine in an amount determined by the Council.
- (2) A Hearing Committee that does not find professional misconduct, conduct unbecoming, incompetence or incapacity on the part of a respondent must dismiss the complaint.

Written decision of Hearing Committee

46 The Hearing Committee must prepare a written report of its disposition of a hearing including the reasons for the decision in accordance with clause 58(c) of the Act and must provide copies of its decision or information from its decision in accordance with Section 47.

Disclosing and publishing decisions and registration sanctions imposed without hearing

- 47** (1) Except as prohibited by any publication bans, the Hearing Committee may disclose or publish a decision or part of a decision that dismissed a complaint in a manner determined by the Hearing Committee.
- (2) Except as prohibited by any publication bans, the Executive Director must do all of the following for any registration sanction that is issued other than through a hearing:
- (a) make the appropriate entries on the Register, in the roster, on the website and on the member's registration;
 - (b) publish a summary of the decision in accordance with subsection (3) in all of the following publications:
 - (i) the Association website,
 - (ii) the Professional Conduct Digest retained by the Association and available to the public,
 - (iii) any official publication determined by the Hearing Committee;
 - (c) notify all of the following of the registration sanction ordered and provide a copy of some or all of the decision as requested:
 - (i) registering bodies in other Canadian land surveying jurisdictions,
 - (ii) registering bodies in a jurisdiction where the respondent was originally registered,
 - (iii) registering bodies in other jurisdictions where the respondent is known to have practised;

- (d) give the respondent a copy of the decision;
 - (e) give a copy of some or all of the decision to the complainant, as permitted by the Hearing Committee or the Complaints Committee;
 - (f) give any of the following to any person the committee making the decision directs:
 - (i) notice of the decision,
 - (ii) a summary of the decision,
 - (iii) a copy of parts or all of the decision.
- (3) Except for information that must be excluded under subsection (4), the summary of a decision required by clause (2)(b) must be prepared by the Association and must contain all of the following information:
- (a) the member's name, city or town of residence and registration number;
 - (b) the provision of the Act or these regulations under which the registration sanction is issued;
 - (c) the date of the decision;
 - (d) the allegations that were upheld by the Hearing Committee or the Complaints Committee or, for a consent revocation, the allegations that were either admitted by or not contested by the respondent;
 - (e) whether the allegations amounted to professional misconduct, conduct unbecoming, incompetence or incapacity;
 - (f) the disposition ordered by the Complaints Committee or the Hearing Committee;
 - (g) the reasons for the decision;
 - (h) any additional information the Association considers necessary to meet the objects of the Association.
- (4) If a complaint is resolved without a hearing and any allegations have been found to constitute incapacity, the specific nature of the incapacity must not be included in the summary of the decision under subsection (3).

Disclosing and publishing decisions and registration sanctions imposed through hearing

48 Except as prohibited by any publication bans, the Executive Director must take all of the actions set out in clauses 47(2)(a) to (f) for any registration sanction issued following a hearing and, in addition, must do the following:

- (a) provide a copy of some or all of the decision, as determined by the Hearing Committee, to the relevant employer or employers;
- (b) publish a copy of the full decision in the Association's Professional Conduct Digest and make the Professional Conduct Digest available to the public.

Costs awarded after hearing

- 49** (1) In this Section, “costs” includes all of the following:
- (a) expenses incurred by the Association in the investigation of a complaint;
 - (b) expenses incurred by the Association for the activities of the Complaints Committee and the Hearing Committee;
 - (c) expenses incurred under subsections 28(2) and 40(2);
 - (d) the Association’s solicitor and client costs, including disbursements and HST, relating to the investigation and hearing of a complaint, including those of the Association’s counsel and counsel for the Hearing Committee;
 - (e) fees for retaining a court reporter and preparing transcripts of the proceedings;
 - (f) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a hearing.
- (2) Except when awarded costs in accordance with subsection (4), a respondent is responsible for all expenses incurred in his or her defence.
- (3) If the Hearing Committee finds professional misconduct, conduct unbecoming, incompetence or incapacity on the part of a respondent, it may order that the respondent pay costs in whole or in part.
- (4) If the Hearing Committee is of the opinion that a hearing was unnecessary, it may order the Association to pay some or all of the respondent’s legal costs.
- (5) The Executive Director may suspend the registration of any respondent who fails to pay the costs under this Section within the time ordered until payment is made or satisfactory arrangements for payment are made.

Applying for reinstatement

- 50** (1) An application for reinstatement under the Act or these regulations must be sent in writing to the Reinstatement Committee together with the reinstatement fee prescribed by the Council.
- (2) An application for reinstatement must include any information that the Reinstatement Committee requires to assist it in determining whether the objects of the Association will be met if reinstatement is granted.

Investigation on reinstatement application

- 51** (1) On receiving an application for reinstatement, the Reinstatement Committee may request that an investigation be conducted to gather relevant and appropriate information about the application.
- (2) A person who conducts an investigation must give a written report to the Reinstatement Committee and the applicant containing all material relevant to the application including the decision of the Hearing Committee that revoked the applicant’s registration and any relevant information gathered during the investigation.

Notice of reinstatement proceeding

- 52** The Reinstatement Committee must set a date for a proceeding to review a reinstatement application and must

- (a) advise the applicant of the date; and
- (b) give public notice of all of the following through its website or by any alternate means the Association considers appropriate:
 - (i) the date, time and location of the proceeding,
 - (ii) any application being made for an order under subsection 53(2).

Attendance at proceeding for review of reinstatement application

- 53** (1) Except as provided in subsections (2) and (3), a proceeding to review an application for reinstatement is open to the public.
- (2) At the request of a party, the Reinstatement Committee may order that the public, in whole or part, be excluded from a proceeding to review a reinstatement application or any part of it if the Reinstatement Committee is satisfied that any of the following apply:
- (a) personal, medical, financial or other matters that may be disclosed at the proceeding are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that hearings be open to the public;
 - (b) the safety of any person may be jeopardized by permitting public attendance.
- (3) The Reinstatement Committee may make an order that the public be excluded from a part of a proceeding dealing with an application for an order under subsection (2).
- (4) The Reinstatement Committee may make any orders that it considers necessary to prevent the public disclosure of matters disclosed in a proceeding to review a reinstatement application, including an order to impose a publication ban as authorized by subsection 51(7) of the Act.
- (5) Subject to any order made under this Section, the Reinstatement Committee must state at the proceeding to review a reinstatement application its reasons for any order made under this Section.

Reinstatement proceeding procedure

- 54** (1) The parties to a proceeding to review an application for reinstatement are the Association and the applicant for reinstatement.
- (2) Evidence presented to the Reinstatement Committee must be taken under oath and recorded, and is subject to cross-examination.
- (3) An oath or affirmation taken at a proceeding may be administered by a member of the Reinstatement Committee or other person in attendance authorized by law to administer oaths or affirmations.
- (4) In a proceeding to review an application for reinstatement the burden is on the respondent to show that the objects of the Association will be served by terminating the order of revocation.

Decision of Reinstatement Committee

- 55** (1) After considering the evidence and representations from an applicant and the Association representative, the Reinstatement Committee must decide to accept or reject the reinstatement application and must communicate its decision in writing to all of the following people:
- (a) the applicant;

- (b) the Executive Director;
 - (c) any person the Reinstatement Committee considers appropriate.
- (2) If [the] Reinstatement Committee decides to reinstate an applicant, the committee may impose any restrictions and conditions it considers appropriate on the applicant's reinstatement, and the applicant must satisfy all criteria required for the renewal of registration.
- (3) Except as provided in subsection (4), a decision of the Reinstatement Committee about reinstatement of registration is final.
- (4) An applicant may resubmit an application for reinstatement after 1 year has passed since the date of the Reinstatement Committee's initial decision, or after a longer period determined by the Reinstatement Committee that rejected the application.

Costs of reinstatement proceeding

56 Whether an application for reinstatement is accepted or rejected, the Reinstatement Committee may recover costs from the applicant, including any of the following:

- (a) expenses incurred by the Association and the Reinstatement Committee in investigating the reinstatement application;
- (b) expenses incurred by the Association and the Reinstatement Committee for the role of the Association or the Reinstatement Committee in the reinstatement application process;
- (c) the Association's solicitor and client costs, including disbursements and HST, relating to a reinstatement application and proceeding, including those of the Association's counsel and counsel for the Reinstatement Committee;
- (d) fees for retaining an expert, preparing reports and preparing transcripts of the proceedings;
- (e) travel costs and reasonable expenses of any witnesses required to appear at a proceeding to review a reinstatement application.

Practice Reviews

Review of active member's practice

- 57** (1) The Council may establish a committee, department or division, or appoint a person or consultant approved by the Council, to perform practice reviews of active members in a manner determined by the Council.
- (2) A practice review conducted under subsection (1) may be conducted by reviewing any documents or practices of a member that the Council considers appropriate, including all of the following:
- (a) survey plans;
 - (b) location certificates;
 - (c) office practices;
 - (d) field work.

Member must cooperate with practice review

58 A member must fully cooperate with any person authorized under subsection 57(1) to conduct a practice review.

Practice review not warranty of member's work

59 A practice review does not warrant the accuracy or correctness of a member's plan, work or practice.

Practice review is confidential and privileged

60 (1) Except as provided for in the Act or these regulations, a practice review must be kept confidential and is privileged from production in legal proceedings.

(2) A practice review may be disclosed to the Complaints Committee or any other committees or individuals determined by the Council, if the disclosure is consistent with the objects of the Association and privilege is not waived.

(3) Unless otherwise determined by a court of competent jurisdiction, any decision or recommendation arising from a practice review is not admissible in a civil proceeding other than in an appeal or review under the Act.

Witness disclosure about practice reviews

61 (1) A witness in any legal proceeding, whether a party to the proceeding or not, is excused from all of the following:

(a) answering any question regarding a practice review;

(b) producing any report, statement, memorandum, plan, location certificate, recommendation, documentation or information prepared for purposes of the practice review.

(2) Subsection (1) does not apply to plans, location certificates, documents or records that have been made available to the public.

Corporate Permits**Requirements for issuing corporate permit**

62 (1) A professional corporation may apply for a corporate permit by submitting a completed application to the Executive Director together with all of the following:

(a) the corporate permit fee set by the Council;

(b) all of the following information:

(i) the names of all partners, directors and officers of the professional corporation;

(ii) satisfactory proof that the professional corporation is registered and in good standing with the applicable registering authority;

(iii) any name proposed to be used in the practice of professional land surveying;

(iv) the name of each person who will practise professional land surveying for and on behalf of the professional corporation;

(c) proof of compliance with subsection (2).

- (2) The following are the requirements for a professional corporation seeking a corporate permit:
- (a) a person who practises professional land surveying on behalf of the professional corporation must be an active member and must have professional liability insurance coverage as required by these regulations;
 - (b) the professional corporation must have 1 or more full-time employees who are active members and who personally supervise, direct and control of the practice of professional land surveying in which the professional corporation engages;
 - (c) for a professional corporation that is a body corporate,
 - (i) a majority of the issued voting shares must be beneficially held by and registered on the books of the corporation in the name of an active member of the Association or 1 or more corporate permit holders, and
 - (ii) at least 1 of the directors and 1 of the officers of the corporation must be members of the Association;
 - (d) for a professional corporation that is a partnership or association of persons, a majority of the partners or persons must be
 - (i) active members of the Association, or
 - (ii) corporate permit holders;
 - (e) any name used by a professional corporation in the practice of professional land surveying must be a fit and proper name.
- (3) Despite anything contained in the Act or these regulations, the Executive Director must issue a corporate permit to a partnership, association of persons or body corporate that submits all of the following:
- (a) the applicable fee;
 - (b) a completed application form;
 - (c) proof that one of their principal and customary functions is the application of engineering as defined in the *Engineering Profession Act*;
 - (d) a list of the names of employees who are active members of the Association.
- (4) Professional land surveying carried out by a partnership, association of persons or body corporate holding a corporate permit under subsection (3) must be done under the supervision of at least 1 full-time employee who is an active member.

Register of corporate permits

63 The Executive Director must maintain a register of corporate permits, showing the name and business address of the entity, together with all of the following:

- (a) a list of all partners, directors and officers of the professional corporation, except for partnerships, associations of persons or bodies corporate issued a corporate permit under subsection 62(3);

- (b) the names of all persons who will practise professional land surveying on behalf of the entity that is issued a corporate permit.

Corporate permit term and renewal

- 64** (1) A corporate permit is valid for the calendar year in which it is issued.
- (2) A corporate permit may be renewed on or before the expiry date by submitting a completed corporate permit application to the Executive Director together with all of the following:
- (a) the corporate permit fee set by the Council;
 - (b) for a corporate permit holder that is a professional corporation, information satisfactory to the Executive Director to establish that the professional corporation continues to meet the requirements of subsections 62(1) and (2);
 - (c) for a partnership, association of persons or body corporate issued a corporate permit under subsection 62(3), information satisfactory to the Executive Director to establish that the entity continues to meet the requirements of clauses 62(3)(c) and (d).

Suspension, revocation or refusal to renew corporate permit

- 65** (1) If the Executive Director determines that a professional corporation that holds a corporate permit fails to meet any of the requirements of these regulations, the Executive Director must notify the holder in writing of the specific requirements that have not been met.
- (2) On direction from the Council, the Executive Director must suspend, revoke or refuse to issue or renew the corporate permit of a professional corporation that fails to meet any of the requirements of these regulations.

Permit displayed at premises

- 66** A professional corporation must display its current corporate permit, or a copy of it, in a conspicuous place at its premises at all times.

Executive Director notified of changes to corporation

- 67** (1) Except for an entity issued a corporate permit under subsection 62(3), no later than 15 days after a change, a professional corporation must notify the Executive Director in writing with the specifics of any changes in any of the following:
- (a) its partners;
 - (b) its officers;
 - (c) its directors;
 - (d) persons who practise professional land surveying for or on behalf of the professional corporation.
- (2) An entity issued a corporate permit under subsection 62(3) must submit annually to the Executive Director the names of employees who are active members and under whose supervision professional land surveying is carried out and must keep the list up to date on a quarterly basis.

Notice to and from corporate permit holder

- 68** (1) A notice required to be given to a professional corporation under the Act or these regulations may be sent by registered mail to the address recorded on the Register of Corporate Permits and is deemed to be received on the 3rd day after the date the notice is sent.
- (2) Notice of any act or thing that is required to be given by a professional corporation under the Act or these regulations must be in writing and sent by registered mail and is deemed to be received on the 3rd day after the date the notice is sent.

Appeal of decision to refuse, suspend, revoke or refuse to renew corporate permit

- 69** (1) The Council must give written reasons to a professional corporation that has been refused a corporate permit, or the renewal of a corporate permit, or has had its permit suspended or revoked under Section 65.
- (2) A professional corporation may, by written notice, appeal the refusal, suspension or revocation of a corporate permit to the Registration Appeal Committee, no later than 30 days after the date it receives the written notice under subsection (1).
- (3) Sections 21 and 22 apply with the necessary changes in detail to an appeal under subsection (1).

Ordinary High Water Mark**Ordinary high water mark as water boundary**

- 70** (1) In this Section, “ordinary high water mark” means
- (a) for non-tidal waters, the limit or edge of the bed of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself; and
- (b) for tidal waters, the mark on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of a lunar revolution during the year excluding only extraordinary catastrophes or overflows.
- (2) Unless there are existing rights to the contrary, the ordinary high water mark must be used as the feature defining water boundaries.

N.S. Reg. 309/2013

Made: September 10, 2013

Filed: September 10, 2013

Proclamation, S. 42, S.N.S. 2012, c. 48

Order in Council 2013-339 dated September 10, 2013

Proclamation made by the Governor in Council

pursuant to Section 42 of the

Regulated Health Professions Network Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated August 23, 2013, and pursuant to Section 42 of Chapter 48 of the Acts of 2012, the *Regulated Health Professions Network Act*, is pleased to order and declare by proclamation that Chapter 48 of the Acts of 2012, the *Regulated Health Professions Network Act*, do come into force on and not before September 10, 2013.

PROVINCE OF NOVA SCOTIA

sgd: **J. Michael MacDonald**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 42 of Chapter 48 of the Acts of 2012, the *Regulated Health Professions Network Act*, it is enacted as follows:

42 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 48 of the Acts of 2012, the *Regulated Health Professions Network Act*, do come into force on and not before September 10, 2013.

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 48 of the Acts of 2012, the *Regulated Health Professions Network Act*, do come into force on and not before September 10, 2013, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the Province
of Nova Scotia.

AT Our Law Courts in the Halifax Regional
Municipality, this 10th day of September in the
year of Our Lord two thousand and thirteen and
in the sixty-second year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General