

Royal Gazette

Part II Regulations under the Regulations Act

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Please Note: there was no publication of the Royal Gazette Part II on January 24, 2003.

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The first issue of the 2003 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, is now available from the Office of the Registrar of Regulations. For information or subscription please call (902) 424-6723 or visit our website at <www.gov.ns.ca/just/regulations/cd>.

N.S. Reg. 1/2003

Made: January 14, 2003

Filed: January 16, 2003

Municipal Elections Act Forms

Order dated January 14, 2003

Amendment to regulations made by Minister of Service Nova Scotia and Municipal Relations pursuant to Section 167 of the *Municipal Elections Act*

Regulations Prescribing Form 13A Pursuant to Section 167 of Chapter 300 of the Revised Statutes of Nova Scotia, 1989, the *Municipal Elections Act*

I hereby prescribe Form 13A, pursuant to Section 167 of Chapter 300 of the Revised Statutes of Nova Scotia, 1989, the *Municipal Elections Act*, in the form set forth in Schedule "A" attached.

Sgd: *P. G. Christie*
 Peter G. Christie, Minister
 Service Nova Scotia and Municipal Relations

January 14, 2003

Schedule "A"

FORM 13A

SECTION 66

BALLOT PAPER/PLEBISCITE

FRONT

Stub	Counterfoil			
		DO YOU FAVOUR...	YES	NO

BACK

Stub	No. 000000	
	No. 000000	line of perforation
Counterfoil	No. 000000	line of perforation
	_____ D.R.O. Initials _____ of _____ _____	name of municipality
	Plebiscite respecting _____ _____ _____	description of question
	_____, _____ _____	date of ordinary polling day

N.S. Reg. 2/2003

Made: January 14, 2003

Filed: January 16, 2003

Registration of Groups of Electors Regulations

Order dated January 14, 2003

Regulations made by Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 388A of the *Municipal Government Act*

***Regulations Respecting Registration of Groups of Electors Pursuant to Section 388A
of Chapter 18 of the Statutes of Nova Scotia, 1998, the Municipal Government Act***

I hereby prescribe the following regulation, pursuant to subsection 388A(6) of Chapter 18 of the Statutes of Nova Scotia, 1998, the *Municipal Government Act*:

For the purposes of subsection 388A(2) of the *Municipal Government Act*, the returning officer shall register only one group of electors in favour of and one group of electors opposed to the question and any decisions respecting the registration of groups shall be at the sole discretion of the returning officer.

And I hereby prescribe forms pursuant to Section 388A(6) of Chapter 18 of the Statutes of Nova Scotia, 1998, the *Municipal Government Act*, for purposes of subsection 388A(2) of the *Municipal Government Act* respecting the registration of groups of electors, in the form set forth in Schedule "A" attached.

Sgd: *P. G. Christie*
Peter G. Christie, Minister
Service Nova Scotia and Municipal Relations

January 14, 2003

Schedule "A"

REGISTRATION OF A GROUP IN FAVOUR OF OR OPPOSED TO PLEBISCITE QUESTION

Clause 388A(2)(j) Municipal Government Act

Name of Group _____

- IN FAVOUR OF THE QUESTION
- OPPOSED TO THE QUESTION

Designated Representative:

Name: _____

Address: _____

Telephone # _____

Date Registered: _____

Returning Officer

NOMINATION/APPOINTMENT OF AGENT FOR PLEBISCITE

Clauses 388A(2)(k) and (l), Municipal Government Act

I, the undersigned, designated representative of _____, a registered group of
(group's name)

electors, nominate the following as the group's agent with authority to represent the group in the manner provided by the *Municipal Government Act* at Polling Station Number _____ for the plebiscite being held on _____, _____, in the _____ of _____.
(name of municipality)

(name of agent)

(address of agent)

Dated: _____, Nova Scotia, this _____ day of _____, _____.

Signature of Designated Representative

I, the Returning Officer for the plebiscite being held on _____, _____ appoint the person named above as agent of _____ with authority to represent the group in the manner provided by
(group's name)
the *Municipal Government Act* at Polling Station Number _____ for the plebiscite.

Signature of Returning Officer

N.S. Reg. 3/2003

Made: November 21, 2002

Filed: January 17, 2003

Dairy Protein Content Regulations

Order dated November 21, 2002
made by the Natural Products Marketing Council
pursuant to clauses 9(q) and (ai) of the *Dairy Industry Act*

ORDER

The Natural Products Marketing Council, pursuant to clauses 9(q) and (ai) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held November 12, 2002, approved regulations respecting dairy protein content in the form attached to this Order as Schedule "A", effective on and after December 1, 2002.

DATED AND SIGNED at Truro, Nova Scotia, November 21, 2002.

Sgd: *G. Burris*
George D. Burris
General Manager

Schedule "A"

Regulations Respecting Dairy Protein Content
made by the Natural Products Marketing Council pursuant to clause 9(q) and (ai)
of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*

Citation

1 These regulations may be cited as the *Dairy Protein Content Regulations*.

Interpretation

2 In these regulations,

(a) "Lactoserum" means lactose and other solids and water.

Dairy protein content

3 No processor during the preparation of a dairy product shall reduce the dairy protein content of the raw milk used to prepare the product or alter the ratio between the lactoserum casein and other protein of the raw milk.

N.S. Reg. 4/2003

Made: January 16, 2003

Filed: January 17, 2003

Interprovincial Milk Quota Regulations

Order in Council 2003-1 dated January 16, 2003
Regulations made by the Natural Products Marketing Council and approved by the Governor in Council
pursuant to Section 10 of the *Dairy Industry Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated November 7, 2002, and pursuant to Section 10 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, is pleased to approve the making by the Natural Products Marketing Council of regulations respecting

interprovincial milk quota in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 16, 2003.

Schedule "A"

The Natural Products Marketing Council, pursuant to Section 10 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held May 16, 2002, approved Interprovincial Milk Quota Regulations in the form attached hereto.

Dated and signed at Truro, Nova Scotia, May 16, 2002.

Sgd: *G. Burris*
George D. Burris
General Manager

Regulations Respecting Interprovincial Milk Quota made by the Natural Products Marketing Council pursuant to Section 10 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*

Citation

1 These regulations may be cited as the *Interprovincial Milk Quota Regulations*.

Interpretation

2 In these regulations, terms referring to the system of quotas for the supply of milk by producers to processors in Nova Scotia have the same meaning as set out in *Total Production Quota Regulations*.

Council authorizes exchange

3 The Council authorizes the participation of the Board in an interprovincial milk quota exchange with milk control agencies in one or more provinces of Canada outside of Nova Scotia subject to the conditions set out in these regulations.

Quota base

4 The total Nova Scotia base of quota for the purpose of the exchange shall be 100% of the total production quota issued in Nova Scotia as at August 1, 2002, and expressed in kilograms of butterfat.

Limits on quota movement

5 If the cumulative net movement of quota out of Nova Scotia, comprising cumulative sales less cumulative purchases, and expressed in kilograms of butterfat, exceeds 5% of the total production quota issued as at August 1, 2002, the Board shall automatically cease to participate in the exchange.

N.S. Reg. 5/2003

Made: January 16, 2003

Filed: January 17, 2003

Political Contributions Disclosure Regulations

Order in Council 2003-4 dated January 16, 2003
Regulations made by the Governor in Council
pursuant to Sections 21 and 32 of the *Members and Public Employees Disclosure Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated November 20, 2002, and pursuant to Sections 21 and 32 of Chapter 4 of the Acts of 1991, the *Members and Public Employees*

Disclosure Act, is pleased, effective January 16, 2003, to:

- (a) repeal the *Political Contributions Disclosure Regulations* made by the Governor in Council by Order in Council 92-284 dated March 12, 1992; and
- (b) make new regulations respecting disclosure of political contributions in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Regulations Respecting Disclosure of Political Contributions
made under Sections 21 and 32 of Chapter 4 of the Acts of 1991,
the *Members and Public Employees Disclosure Act***

Citation

1 These regulations may be cited as the *Political Contributions Disclosure Regulations*.

Interpretation

2 In these regulations,

- (a) "Act" means the *Members and Public Employees Disclosure Act*; and
- (b) "candidate" has the same meaning as in clause 8(a) of the Act, unless the context otherwise requires.

3 (1) For the purposes of Part II of the Act and these regulations, "services, money or other property" in the definition of "contributions" in clause 8(b) of the Act does not include the following, and therefore it is not necessary for an official agent to record or disclose the following as contributions:

- (a) goods or services produced or provided by voluntary, unpaid labour;
- (b) an annual membership fee paid to an electoral district association or a recognized party, if the fee does not exceed \$25.00 and the association or party maintains a membership list;
- (c) money received at a meeting held on behalf of a candidate, electoral district association or recognized party in response to a general solicitation of money from persons in attendance, if no individual amount given exceeds \$25.00 and the date of the meeting and gross amount received are recorded by the official agent for audit purposes;
- (d) services, money or other property contributed for the purpose of a person's campaign for the nomination as candidate of a recognized party in a constituency, except as provided in subsections 6(3) and (4);
- (e) an individual charge for a fund-raising function held on behalf of a candidate, electoral district association or recognized party, including a charge for such goods as pins, buttons, emblems, flags, hats, banners and T shirts, if the individual charge is \$50.00 or less.

(2) Despite clause 1(e), where a person or organization pays for more than one individual charge and the tax receiptable portion of the total payment exceeds \$50.00, the official agent shall record and disclose the tax receiptable portion as a contribution by the person or organization, whether or not a tax receipt is issued.

Candidates' filing requirements

4 (1) Upon the appointment of an official agent by a candidate, the candidate shall advise the Chief Electoral Officer in writing of

- (a) the name, address and telephone number of the official agent;
- (b) the name, address and telephone number of the candidate's auditor; and

- (c) the name of the financial institution in which all contributions to the candidate are to be deposited, the branch location at which the depository account is established and the account number,
- and Form 1 - Registration of Candidate may be used for this purpose.
- (2) Where a person is a “candidate” within the meaning of paragraph 3(d)(i)(A) of the *Elections Act* during a calendar year in which no writ of election is issued for the candidate’s electoral district, the candidate’s official agent shall file an annual statement of political contributions in Form 2 for that calendar year.
- (3) Where a person is a “candidate officially nominated” within the meaning of clause 3(e) of the *Elections Act* during a calendar year, the candidate’s official agent shall file a statement of political contributions in Form 2 at the same time and place that the official agent files the candidate’s report of election expenses and tax receipt reconciliation form pursuant to the *Elections Act*.
- (4) For the purposes of subsection (3), the reporting period commences at the beginning of the calendar year in which the election is held, and concludes when the official agent is no longer authorized to issue tax receipts.
- (5) Despite subsection (4), if an official agent receives a contribution after the final date for issuing tax receipts, but prior to the end of the calendar year in which the election is held, the official agent must file an amended statement of political contributions with the Chief Electoral Officer.

Financial institutions

- 5 (1) All money accepted on behalf of a candidate shall be deposited in the account established at the branch location of the financial institution identified to the Chief Electoral Officer pursuant to clause 4(1)(c).
- (2) The branch location referred to in subsection (1) must be located in Nova Scotia.

Transfers of money or property

- 6 (1) For the purposes of this Section, a transfer of funds includes a transfer of money received from the collection of membership fees.
- (2) Except as provided in subsections (3) and (4), a recognized party and any of its electoral district associations and candidates may transfer to or accept from each other funds or real or personal property, and the transferred funds or property shall not be considered as contributions but shall be recorded for audit purposes by the official agent accepting the funds or property.
- (3) Where money or real or personal property of a total value exceeding \$1000.00 received by a person for the person’s campaign for the nomination as candidate of a recognized party in a constituency is transferred to a recognized party, an electoral district association or a candidate, the names, addresses and amounts contributed by all persons to the person’s campaign for the nomination shall be disclosed.
- (4) A transfer of money or real or personal property from a recognized party, an electoral district association or a candidate to a person for the person's campaign for the nomination as candidate of a recognized party in a constituency shall be disclosed.
- (5) A transfer of funds from a federal political party, constituency organization or candidate, or from a political party, constituency organization or candidate in another province or territory, shall be recorded and disclosed.

Method of recording contributions

- 7 An official agent shall record all contributions as required pursuant to Section 11 of the Act in a single ledger or similar record, which may be an electronic record.

Audit of statement of political contributions

8 A statement of political contributions filed by an official agent with the Chief Electoral Officer shall be audited by a public accountant if

- (a) the statement is submitted on behalf of a recognized party;
- (b) the statement is submitted on behalf of an electoral district association, and the total contributions disclosed exceed \$5000.00 for the reporting period;
- (c) the statement is submitted on behalf of a candidate to whom subsection 4(2) applies, and the total contributions disclosed exceed the \$5000.00 for the reporting period; or
- (d) the statement is submitted on behalf of an officially nominated candidate.

Forms for annual statements of political contributions

9 (1) An annual statement of political contributions may be in

- (a) Form 2 - Candidate’s Statement of Political Contributions, with respect to a candidate;
- (b) Form 3 - Recognized Party’s Annual Statement of Political Contributions, with respect to a recognized party; or
- (c) Form 4 - Electoral District Association’s Annual Statement of Political Contributions, with respect to an electoral district association.

(2) An annual statement of political contributions may be submitted in an electronic format acceptable to the Chief Electoral Officer.

Official agent to exercise due diligence

10 An official agent shall exercise due diligence to ensure that contributions are disclosed in accordance with Part II of the Act and these regulations.

Form 1

Registration of Candidate
Members and Public Employees Disclosure Act

Reporting Period: January 1 to December 31, 2__

Note: The appointment of an auditor may be made at the end of a reporting period, and is only necessary if contributions disclosed exceed \$5000.00 in a year in which there is no election in the electoral district, or if the candidate is officially nominated, regardless of the value of contributions disclosed.

Full name of candidate: _____
 Electoral district: _____
 Party affiliation (if any): _____

<i>Mailing address of candidate:</i>	<i>Business telephone #</i>
	<i>Residence telephone #</i>

<i>Official agent:</i>	<i>Business telephone #</i>
<i>Mailing address:</i>	
	<i>Residence telephone #</i>

<i>Auditor:</i>	<i>Business telephone #</i>
<i>Mailing address:</i>	
	<i>Residence telephone #</i>

Financial institution to be used as a depository for contributions:

<i>Institution and branch location:</i>	
<i>Mailing address:</i>	
<i>Account number for depository:</i>	

I confirm the appointments and information contained in this form for the purpose of Part II of the *Members and Public Employees Disclosure Act* and the *Political Contributions Disclosure Regulations*.

Dated at _____, Nova Scotia, _____, 2____.

Candidate

FOR USE IN THE OFFICE OF THE CHIEF ELECTORAL OFFICER	
Filed: _____ (date)	_____ Chief Electoral Officer

Form 2

Candidate's Statement of Political Contributions
Members and Public Employees Disclosure Act

Reporting Period: 9 January 1 to December 31, 2____ (non-election year)

OR

9 January 1, 2____ to _____ (election year)
(final date for issuance of tax receipts)

Note: If you were a candidate officially nominated in an election, this statement must be audited, otherwise this statement must be audited if the value of disclosed contributions exceeds \$5000.00.

Full name of candidate: _____
Electoral district: _____

Party affiliation (if any): _____

Official agent:

Name	Address	Telephone #

Total contributions disclosed: _____
 (Individual contributions are listed in the attached Schedule.)

Auditor:

Name	Address	Telephone #

Declaration of Official Agent

I, _____, declare that the information provided in this statement of political contributions discloses all contributions, within the meaning of clause 8(b) of the *Members and Public Employees Disclosure Act* and Section 3 of the *Political Contributions Disclosure Regulations*, in excess of \$50.00 in value made during this reporting period.

 Official agent

FOR USE IN THE OFFICE OF THE CHIEF ELECTORAL OFFICER

Filed: _____
 (date)

 Chief Electoral Officer

Schedule to Form 2

Candidate's Annual Statement of Political Contributions

Reporting Period: 9 January 1 to December 31, 2___ (non-election year)

OR

9 January 1, 2___ to _____ (election year)
 (final date for issuance of tax receipts)

Name of candidate: _____

Full Name of Contributor (in alphabetical order by last name)	Residential or Business or Mailing Address* of Contributor	Total Amount of Contribution

* DO NOT list only the mailing address of the contributor unless it is the only address available.

This statement of political contributions may be submitted in electronic format.

Form 3

**Recognized Party's Annual Statement of Political Contributions
Members and Public Employees Disclosure Act**

Reporting Period: January 1 to December 31, 2__

Name of recognized party: _____

Official agent:

<i>Name</i>	<i>Address</i>	<i>Telephone #</i>

Total contributions disclosed: _____
(Individual contributions are listed in the attached Schedule.)

Auditor:

<i>Name</i>	<i>Address</i>	<i>Telephone #</i>

Declaration of Official Agent

I, _____, declare as follows:
(name)

- (1) The information provided in this annual statement of political contributions discloses all contributions, within the meaning of clause 8(b) of the *Members and Public Employees Disclosure Act* and Section 3 of

Form 4

**Electoral District Association's Annual Statement of Political Contributions
Members and Public Employees Disclosure Act**

Reporting Period: January 1 to December 31, 2__

Note: Where contributions disclosed exceed \$5000.00, this statement must be audited.

Name of electoral district association: _____

Official agent:

<i>Name</i>	<i>Address</i>	<i>Telephone #</i>

Total contributions disclosed: _____
(Individual contributions are listed in the attached Schedule.)

Auditor:

<i>Name</i>	<i>Address</i>	<i>Telephone #</i>

Declaration of Official Agent

I, _____, declare as follows:
(name)

- (1) The information provided in this annual statement of political contributions discloses all contributions, within the meaning of clause 8(b) of the *Members and Public Employees Disclosure Act* and Section 3 of the *Political Contributions Disclosure Regulations*, in excess of \$50.00 in value made during this reporting period.
- (2) No payment to a member or a member's spouse or dependent children that has not been disclosed in accordance with Section 17 of the Act has been made during this reporting period.

Official agent

FOR USE IN THE OFFICE OF THE CHIEF ELECTORAL OFFICER

Filed: _____
(date)

Chief Electoral Officer

Schedule to Form 4

Electoral District Association's Annual Statement of Political Contributions

Reporting Period: January 1 to December 31, 2__

Name of electoral district association: _____

Schedule "A"

**Amendments to the *Governor in Council Education Act Regulations*
made by the Governor in Council pursuant to Section 146 of Chapter 1
of the Acts of 1995-96, the *Education Act***

Section 20 of the *Governor in Council Education Act Regulations* made by the Governor in Council by Order in Council 97-405 dated June 24, 1997, is repealed and the following Sections substituted:

- 20 (1)** In this Section and Section 20A,
- (a) "certificate" includes a
 - (i) teacher's certificate,
 - (ii) vocational teacher's certificate, and
 - (iii) special certificate; and
 - (b) "permit" includes a
 - (i) teacher's permit, and
 - (ii) vocational teacher's permit.
- (2)** The Minister may suspend or cancel for cause a certificate or permit.
- (3)** If the Minister decides to suspend or cancel a certificate or permit, a notice in writing of the decision shall be sent to the holder of the certificate or permit at least 30 days before the suspension or cancellation.
- (4)** A notice referred to in subsection (3) shall contain the reason invoked against the holder for the suspension or cancellation and no other reason may subsequently be advanced.
- 20A (1)** A school board shall report in writing to the Minister if
- (a) the school board suspends, discharges, refuses to employ or terminates the employment of a holder of a certificate or permit; or
 - (b) a holder of a certificate or permit retires or resigns from employment with the school board,
- as a result of conduct that may relate to the suitability of the holder to hold a certificate or permit.
- (2)** A report provided pursuant to subsection (1) shall include
- (a) the certificate or permit holder's
 - (i) full name, including previous names,
 - (ii) date of birth,
 - (iii) type and class of certificate or type of permit, and
 - (iv) professional number; and
 - (b) a general description of the conduct and circumstances that resulted in the matters on which the school board is required to report pursuant to subsection (1).
- (3)** On or before March 31 in each year, the Minister shall provide the teacher certification authority of every province and territory of Canada with an annual summary, as prescribed in

- subsection (4), of every suspension and cancellation by the Minister of a certificate or permit in the previous calendar year.
- (4) The Minister's annual summary required by subsection (3) shall include, for each suspension or cancellation of a certificate or permit,
- (a) an identification of whether the certificate or permit was suspended or cancelled;
 - (b) the date of the suspension or cancellation;
 - (c) the following information respecting the holder of the certificate or permit that was suspended or cancelled:
 - (i) full name, including previous names,
 - (ii) date of birth,
 - (iii) type and class of certificate or type of permit, and
 - (iv) professional number; and
 - (d) the reasons for the suspension or cancellation, including,
 - (i) a general description of the conduct and circumstances that resulted in the suspension or cancellation, and
 - (ii) in the case where a school board has provided a report to the Minister pursuant to subsection (1), the action taken by the school board as described in clause (1)(a) or the action taken by the person as described in clause (1)(b), whichever is applicable.
- (5) The obligations of a school board prescribed in subsections (1) and (2) shall apply, *mutatis mutandis*, to
- (a) the College de l'Acadie;
 - (b) the Nova Scotia Community College;
 - (c) a private school; and
 - (d) a private career college as defined in the *Private Career Colleges Regulation Act*.

N.S. Reg. 7/2003

Made: September 10, 2002

Filed: January 23, 2003

Chicken Farmers of Nova Scotia Regulations

Order dated September 10, 2002
made by the Natural Products Marketing Council
pursuant to Section 9 of the *Natural Products Act*

The Natural Products Marketing Council, pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, the *Natural Products Act*, and upon receiving evidence of the approval of the Chicken Farmers of Nova Scotia, at a meeting held September 10, 2002, approved amendments to the Chicken Farmers of Nova Scotia Regulations in a manner attached hereto as Schedule "A", effective on and after September 10, 2002.

Dated and signed at Truro, Nova Scotia, September 10, 2002.

Natural Products Marketing Council

Sgd: *G. Burris*
George D. Burris
Manager

Schedule "A"

**Amendments to the *Chicken Farmers of Nova Scotia Regulations*
made pursuant to Section 9 of Chapter 308 of the
Revised Statutes of Nova Scotia, 1989, the *Natural Products Act***

1 Subsection 18(1) of the *Chicken Farmers of Nova Scotia Regulations* approved by the Governor in Council by Order in Council 2000-12 dated January 19, 2000, is amended by repealing subsection 18(1) and substituting the following subsection:

18 (1) The price that is recommended as the base price by the Price Negotiating Committee pursuant to clause 8(1)(b) of the Plan or established by final offer arbitration pursuant to Part VII shall be forwarded immediately to the General Manager of the Commodity Board.

2 The regulations are further amended by repealing Section 21 and substituting the following Section:

Requirement to pay published price

21 Unless authorized by the Commodity Board in writing, no producer shall sell or offer to sell and no processor shall buy chicken at a price less than the base price established by either the Price Negotiating Committee or the final offer arbitration and published by the Commodity Board.

3 The regulations are further amended by adding the following Part VII immediately after Section 22:

Part VII - Final Offer Arbitration Procedure

Time and place of arbitration

23 (1) If the Price Negotiating Committee fails to agree on a recommended base price as provided for in clause 8(1)(b) of the Plan, a final offer arbitration hearing shall be held.

(2) The Price Negotiating Committee shall send a written meeting notice to the parties, which shall include the date for a final offer arbitration hearing.

(3) A final offer arbitration hearing date shall be no later than the Thursday following the beginning of a marketing period.

(4) A final offer arbitration hearing shall take place at the office of the Commodity Board unless the parties and the arbitrator agree on another location.

Parties

24 The Commodity Board and the processors shall be the only 2 parties to a final offer arbitration hearing.

List of arbitrators

25 (1) In accordance with subsections (2) and (3), the Commodity Board shall maintain a list of arbitrators that is agreed to by both parties and shall update the list at least annually.

- (2) By April 30 of each year, the Commodity Board shall mail to the processors
 - (a) the current approved list of arbitrators;
 - (b) the Commodity Board's recommendations for any new names to be added to and existing names to be deleted from the current approved list; and
 - (c) a request that the processors make further recommendations for any new names to be added to or existing names to be deleted from the current approved list.
- (3) By May 31 of each year, the processors shall respond to the request in clause 2(c) by providing to the Commodity Board
 - (a) their approval of any of the Commodity Board's recommendations; and
 - (b) their recommendations for any new names to be added to or any existing names to be deleted from the current approved list.
- (4) Despite subsections (1) to (3), if the Commodity Board and processors are unable to agree on a list of arbitrators by June 30 of any year, the Council shall provide a list of arbitrators as soon as possible to the Commodity Board and processors.
- (5) The list referred to in subsection (4) shall be deemed to be the approved list and shall remain in effect until the parties agree on an approved list.

Appointment of arbitrator

- 26 (1) An arbitrator shall be appointed from the approved list of arbitrators at least 5 days prior to the date set for the final offer arbitration hearing.
- (2) The Commodity Board shall appoint arbitrators in the order in which their names appear in the list, on a rotational basis throughout the year, subject to their availability.

Representation

- 27 (1) Each party to a final offer arbitration hearing may be represented by counsel or 1 or more agents.
- (2) Except with the consent of the arbitrator, no more than 3 officers or directors of either party may be present during a final offer arbitration hearing.
- (3) Any of the officers or directors present during a final offer arbitration hearing may speak on behalf of the party they represent.

Exchange of documents

- 28 (1) At the beginning of a final offer arbitration hearing, each party shall provide to the arbitrator a written submission specifying the party's final offer regarding price and outlining the facts supporting the final offer.
- (2) Two copies of each party's written submission required by subsection (1) shall be simultaneously provided to the other party.
- (3) Neither party shall remove any written submission from the final offer arbitration hearing until both parties have made representations to the arbitrator with respect to their written submissions.

Conduct of arbitration hearing

- 29 (1) Subject to any rules specified in this Part, an arbitrator may conduct a final offer arbitration hearing in any manner the arbitrator considers appropriate, and each party shall be treated

fairly and shall be given full opportunity to present the party's case.

- (2) Unless waived by both parties, there shall be a break in the hearing after the parties have made representations, the duration of which is chosen by the arbitrator, to permit the parties and the arbitrator to review the written submissions and representations.
- (3) Following the break referred in subsection (2), each party shall have the right to cross-examine the other party's representatives on its written submissions and the representations made.
- (4) No person shall, at any time, convey any information to the arbitrator except as part of the final offer arbitration hearing and in the presence of both parties to the arbitration.
- (5) An arbitrator shall not meet separately with either of the parties or receive information from one party without full disclosure of the information to the other party.

Confidentiality

- 30** (1) A final offer arbitration hearing shall be held in private.
- (2) All documents relevant to a final offer arbitration hearing shall be kept confidential by the arbitrator and the parties and shall not be disclosed to any other person, except with the consent of both parties.

Evidence

- 31** (1) Each party shall provide facts and relevant documents in support of its position.
- (2) An arbitrator is the judge of relevancy and materiality of the evidence offered and is not required to apply the legal rules of evidence.

Examination of parties

- 32** Subject to subsection 29(5), an arbitrator may order a party, or a representative of a party, to submit to examination by the arbitrator under oath or affirmation and to submit all documents that the arbitrator requires.

Decision of the arbitrator

- 33** (1) An arbitrator shall select either party's final offer as set out in the party's written submission as the base price for the purpose of subsection 18(1).
- (2) An arbitrator shall render an oral decision to both parties within 24 hours after completion of a final offer arbitration hearing and shall provide a written decision with reasons to both parties within 7 days after completion of a final offer arbitration hearing.
- (3) In making a decision, an arbitrator shall consider only the written and oral representations made during a final offer arbitration hearing.
- (4) A decision of an arbitrator is final and binding upon the parties.

Cost of arbitration

- 34** An arbitrator's fees shall be paid by the Commodity Board.

N.S. Reg. 8/2003

Made: January 23, 2003

Filed: January 27, 2003

Prosthetic Devices Tariff Regulations

Order in Council 2003-16 dated January 23, 2003
Amendment to regulations made by the Minister of Health and the Governor in Council
pursuant to subsection 17(2) of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated December 13, 2002, and pursuant to subsection 17(2) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, is pleased to amend the *Prosthetic Devices Tariffs Regulations* made by the Minister of Health and the Governor in Council by Order in Council 1999-146 dated April 7, 1999, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 23, 2003, except for the amendment to subsection 2(2) of the regulations, which is effective April 1, 2002, and the amendment to subsection 3(2) of the regulations, which is effective April 1, 2001.

ORDER

**In the matter of the *Prosthetic Devices Tariffs Regulations* made pursuant to
Section 13 and subsection 17(2) of the *Health Services Insurance Act***

- and -

**In the matter of the tariff of fees established by the Minister of Health
pursuant to clause 13(1)(c) of the *Health Services Insurance Act*
with respect to prosthetic devices**

WHEREAS tariffs of fees for arm and leg prostheses and for mastectomy prostheses are set forth in the *Prosthetic Devices Tariffs Regulations* made pursuant to Section 13 and subsection 17(2) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*;

AND WHEREAS it is desirable that these tariffs be extended until April 1, 2005;

THEREFORE I, Jamie Muir, Minister of Health for the Province of Nova Scotia, pursuant to clause 13(1)(c) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, hereby extend the tariffs of fees for arm and leg prostheses and mastectomy prostheses, as established in the *Prosthetic Devices Tariffs Regulations*, as set out in the amendments to the regulations set forth in Schedule "A", and I authorize payments in respect of the extended tariffs.

This Order is effective on and after April 1, 2001, for mastectomy prostheses and on and after April 1, 2002, for arm and leg prostheses.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, December 13, 2002.

Sgd: *J. Muir*
Honourable Jamie Muir
Minister of Health

Schedule "A"

**Amendments to the *Prosthetic Devices Tariffs Regulations*
made by the Minister of Health and the Governor in Council
pursuant to Section 13 and subsection 17(2) of Chapter 197
of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act***

- 1 (1) The *Prosthetic Devices Tariffs Regulations* made by the Minister of Health and the Governor in Council by Order in Council 1999-146 dated April 7, 1999, are amended by striking out "2002" in subsection 2(2) and substituting "2005".
- (2) The regulations are further amended by striking out "2001" in subsection 3(2) and substituting "2005".
- 2 Schedule "A" of the regulations is amended by
 - (a) numbering the first paragraph as Section 1 and adding the heading "Tariff" immediately before Section 1; and
 - (b) adding the following Sections immediately after Section 1:

Definitions

2 In this Schedule,

- (a) "prosthetist" means an individual who is certified as a prosthetist by the Canadian Board for Certification of Prosthetists and Orthotists;
- (b) "qualified supplier" means
 - (i) a prosthetist who is located in the Province,
 - (ii) a company that is located in the Province and that employs a prosthetist; or
 - (iii) a company that is not located in the Province and that employs a prosthetist;
- (c) "resident" has the same meaning as defined in the regulations respecting hospital insurance made pursuant to the *Health Services and Insurance Act*.

Insured services

3 A resident who is missing part or all of a limb will be provided with the following insured services, if, in a physician's opinion, they are required:

- (a) for all residents,
 - (i) the initial fitting and provision of a prosthesis, including initial stump shrinkers, and
 - (ii) repairs to a prosthesis;
- (b) for a resident 17 years of age or younger, a replacement prosthesis once every 2 years; and
- (c) for a resident 18 years of age or older, a replacement prosthesis once every 4 years.

Payments

4 (1) Subject to subsection (2), an invoice submitted by a qualified supplier for an insured service under this tariff will be paid directly to the qualified supplier from the M.S.I. Plan on behalf of the resident.

- (2) An invoice submitted by a qualified supplier as defined in subclause 2(b)(iii) will not be paid unless there has been pre-approval under the M.S.I. Plan for the insured service specified in the invoice.
- (3) A qualified supplier will not be paid for an invoice not submitted within 12 months of the date of the insured service specified in the invoice.

N.S. Reg. 9/2003

Made: January 23, 2003

Filed: January 27, 2003

Proclamation, S. 17, S.N.S. 2002, c. 31 - except S. 9(b)

Order in Council 2003-21 made January 23, 2003
Proclamation made by the Governor in Council
pursuant to Section 17
of the *Université Sainte-Anne - Collège de l'Acadie Act*

The Governor in Council on the report and recommendation of the Minister of Education dated January 22, 2003, and pursuant to Section 17 of Chapter 31 of the Acts of 2002, the *Université Sainte-Anne - Collège de l'Acadie Act*, and subsection 7 of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Chapter 31 of the Acts of 2002, the *Université Sainte-Anne - Collège de l'Acadie Act*, except clause (b) of Section 9 thereof, come into force on and not before January 23, 2003.

PROVINCE OF NOVA SCOTIA

Sgd: *M.A. Freeman*

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 17 of Chapter 31 of the Acts of 2002, the *Université Sainte-Anne - Collège de l'Acadie Act*, it is enacted as follows:

- 17** 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 31 of the Acts of 2002, the *Université Sainte-Anne - Collège de l'Acadie Act*, except clause (b) of Section 9 thereof, come into force on and not before January 23, 2003.

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 31 of the Acts of 2002, the *Université Sainte-Anne - Collège de l'Acadie Act*, except clause (b) of Section 9 thereof, come into force on and not before January 23, 2003, 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 Her Honour
the Honourable Myra A. Freeman, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 23rd day of January, in the
year of Our Lord two thousand and two and in
the fifty-first year of Our Reign.

BY COMMAND:

Sgd: *Jamie Muir*
Provincial Secretary
Minister of Justice and Attorney General