

Royal



Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 31, No. 18

August 31, 2007

Contents

Act	Reg. No.	Page
Credit Union Act		
Credit Union Regulations—amendment	359/2007	854
Dairy Industry Act		
Dairy Farmers of Nova Scotia By-laws	366/2007	898
Dispensing Opticians Act		
Proclamation, S. 46, S.N.S. 2005, c. 39	360/2007	854
Dispensing Opticians Regulations	361/2007	856
Health Services and Insurance Act		
Ambulance Subsidy Program Regulations—repeal	362/2007	872
Liquor Control Act		
Liquor Licensing Regulations	365/2007	875
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices	367/2007	913
Protection for Persons in Care Act		
Proclamation, S. 19, S.N.S. 2004, c. 33	363/2007	872
Protection for Persons in Care Regulations	364/2007	873

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. 359/2007

Made: August 17, 2007

Filed: August 17, 2007

Credit Union Regulations

Order in Council 2007-433 dated August 17, 2007
Amendment to regulations made by the Governor in Council
pursuant to clause 257(1)(j) of the *Credit Union Act*

The Governor in Council on the report and recommendation of the Minister assigned responsibility for the *Credit Union Act* dated July 13, 2007, and pursuant to clause 257(1)(j) of Chapter 4 of the Acts of 1994, the *Credit Union Act*, is pleased to amend the regulations respecting credit unions, N.S. Reg. 45/95, made by the Governor in Council by Order in Council 95-304 dated April 11, 1995, to change the restrictions on making residential mortgage loans, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 17, 2007.

Schedule "A"

**Amendment to the Regulations Respecting Credit Unions
made by the Governor in Council under Section 257
of Chapter 4 of the Acts of 1994,
the *Credit Union Act***

Section 16 of the regulations respecting credit unions, N.S. Reg. 45/95, made by the Governor in Council by Order in Council 95-304 dated April 11, 1995, is amended by

- (a) striking out "75%" and substituting "80%" in clause (1)(c); and
- (b) striking out "75%" and substituting "80%" in subclauses 4(a)(i), (ii) and (iii).

N.S. Reg. 360/2007

Made: August 17, 2007

Filed: August 17, 2007

Proclamation, S. 46, S.N.S. 2005, c. 39

Order in Council 2007-434 dated August 17, 2007
Proclamation made by the Governor in Council
pursuant to Section 46 of the
Dispensing Opticians Act

The Governor in Council on the report and recommendation of the Minister of Health dated June 6, 2007, and pursuant to Section 46 of Chapter 39 of the Acts of 2005, the *Dispensing Opticians Act*, is pleased to order and declare by proclamation that Chapter 39 of the Acts of 2005, the *Dispensing Opticians Act*, do come into force on and not before August 17, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Nancy Bateman

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 46 of Chapter 39 of the Acts of 2005, the *Dispensing Opticians Act*, it is enacted as follows:

- 46** 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 39 of the Acts of 2005, the *Dispensing Opticians Act*, do come into force on and not before August 17, 2007;

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 39 of the Acts of 2005, the *Dispensing Opticians Act*, do come into force on and not before August 17, 2007, 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 Nancy J. Bateman, Administrator
of the Government of the Province of Nova
Scotia.

AT Our Law Courts in the Halifax Regional
Municipality, this 17th day of August in the year
of Our Lord two thousand and seven and in the
fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Brooke Taylor
Acting Provincial Secretary
Acting Minister of Justice and Attorney General

N.S. Reg. 361/2007

Made: August 17, 2007

Filed: August 17, 2007

Dispensing Opticians Regulations

Order in Council 2007-435 dated August 17, 2007
Regulations made by the Governor in Council
pursuant to Section 6 of the *Dispensing Opticians Act*

The Governor in Council on the report and recommendation of the Minister of Health dated June 7, 2007, and pursuant to Section 6 of Chapter 39 of the Acts of 2005, the *Dispensing Opticians Act*, is pleased, effective on and after August 17, 2007, to approve of

- (a) the repeal by the Board of Dispensing Opticians of the regulations respecting dispensing opticians made by the Board of Dispensing Opticians, N.S. Reg. 17/70, and approved by the Governor in Council by Order in Council 70-940 dated October 6, 1970; and
- (b) new regulations made by the Board of Dispensing Opticians respecting dispensing opticians in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

I hereby certify that at a duly convened meeting of the Board of Dispensing Opticians held on February 8, 2006, the Board carried a motion to approve the attached regulations pursuant to subsection 6(1) of Chapter 39 of the Acts of 2005, the *Dispensing Opticians Act*.

I further certify that at the same duly convened meeting, the Board carried a motion to approve the repeal of the regulations respecting dispensing opticians, N.S. Reg. ~~17/70~~ [17/70], approved by the Governor in Council by Order in Council 70-940 dated October 6, 1970.

Dated at Halifax, Nova Scotia, this 27th day of September, 2006.

Per: Sgd. *John Butler*
John Butler
Chair, Board of Dispensing Opticians

**Regulations Respecting Dispensing Opticians
made by the Nova Scotia College of Dispensing Opticians
pursuant to subsection 6(1) of Chapter 39 of the Acts of 2005,
the *Dispensing Opticians Act***

Interpretation**Citation**

1 These regulations may be cited as the *Dispensing Opticians Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Dispensing Opticians Act*;

- (b) “contact lens examination” means an examination or examinations approved by the Board that are a prerequisite to qualifying as a certified contact lens fitter;
- (c) “contact lens program” means such program or programs approved by the Board which are a prerequisite to qualifying as a contact lens fitter;
- (d) “register” means the written record maintained by the Registrar in which must be entered the name, registration number, date of entry to membership, address and the category of membership of every person who qualifies for registration according to the Act and the regulations, and includes the specialty register, student register and ~~specialty~~ [specialty] student optician register when the context requires;
- (e) “registration year” means the year that runs between April 1st of one year and March 31st of the next year;
- (f) “student” means a student optician or a specialty student optician.

Registration and Licensing

Prescribed registers

3 In addition to the register, the following registers are prescribed to be maintained by the Registrar as required by subsection 8(2) of the Act:

- (a) specialty register;
- (b) student register;
- (c) specialty student optician register.

Entries on register

4 (1) An applicant for registration who has never been registered as a dispensing optician in any jurisdiction must submit all of the following to the Registrar:

- (a) proof satisfactory to the Registrar that the applicant is a graduate of a dispensing optician education program approved by the Board, or has passed an accreditation exam approved by the Board;
- (b) proof satisfactory to the Registrar that the applicant has passed any registration examinations as may be approved by the Board;
- (c) a completed application on the application form approved by the Board;
- (d) the registration fee established under the by-laws;
- (e) any information the Registrar requires to establish that the applicant is competent and capable and of such character to safely and ethically practise optical dispensing.

(2) An applicant for registration who has been previously registered as a dispensing optician either in the Province or in another jurisdiction must submit all of the following to the Registrar:

- (a) a completed application on the application form approved by the Board, including a statement verifying that the applicant is not currently subject to any disciplinary finding that would prohibit the applicant from practising optical dispensing;

- (b) the registration fee established under the by-laws;
- (c) proof satisfactory to the Registrar that the applicant
 - (i) holds a current licence to practice in another jurisdiction, or has passed any applicable examination approved by resolution of the Board,
 - (ii) is a graduate of a dispensing optician education program approved by the Board, or has passed an accreditation exam approved by the Board,
 - (iii) has passed any registration examinations approved by the Board;
- (d) any information the Registrar requires to establish that the applicant is competent and capable and of such character to safely and ethically practise optical dispensing.

Specialty register

- 5 (1) The Registrar must enter the name of any member who meets all of the following criteria on the specialty register:
- (a) they have successfully completed a contact lens program;
 - (b) they have passed the contact lens examination;
 - (c) they are certified by the Board as qualified to fit contact lenses.
- (2) A person whose name is entered on the special register under the former Act as qualified to measure, fit, or adjust contact lenses must be entered in the specialty register, but must continue under any conditions or limitations attached to the person's previous registration.

Student register

- 6 (1) Subject to subsection (2), the Registrar must enter all of the following for each entrant on the student register:
- (a) the name of the student optician;
 - (b) the student optician's address;
 - (c) the name of the student optician's sponsor;
 - (d) the name of the dispensing optician education program that the student optician is enrolled in or has completed.
- (2) Before a student optician's information is entered on the student register, the student optician must obtain a sponsor.

Specialty student optician register

- 7 (1) Subject to subsection (2), the Registrar must enter all of the following for each entrant on the specialty student optician register:
- (a) the specialty student optician's name;
 - (b) the specialty student optician's address;

- (c) the name of the specialty student optician's sponsor;
 - (d) the name of the contact lens program that the student is enrolled in or has completed.
- (2) Before a specialty student optician's information is entered on the specialty student optician register, the specialty student optician must obtain a sponsor.

Categories of membership

8 The 2 categories of membership and corresponding licences are as follows:

- (a) practising;
- (b) non-practising.

Non-practising licences

9 (1) To apply for a non-practising licence, a member must submit all of the following to the Registrar:

- (a) a completed application on the application form approved by the Board, including a statement verifying that the applicant is not currently subject to any disciplinary finding that would prohibit the applicant from practising optical dispensing;
- (b) the applicable licence fee established under the by-laws;
- (c) a statement verifying that the applicant will not be practising optical dispensing in the Province during the registration year applied for.

(2) A member who holds a non-practising licence is entitled to do all of the following:

- (a) attend and participate in, but not vote at, meetings of the College;
- (b) serve as a member of any committee of the College.

Renewing non-practising licences

10 To renew a non-practising licence, a member must submit all of the following to the Registrar:

- (a) a completed application on the application form approved by the Board, including a statement verifying that the applicant is not currently subject to any disciplinary finding that would prohibit the applicant from practising optical dispensing;
- (b) the applicable licence renewal fee established under the by-laws;
- (c) a statement verifying that the applicant will not be practising optical dispensing in the Province during the registration year applied for.

Practising licences

11 (1) To apply for a practising licence, a member must submit all of the following to the Registrar:

- (a) a completed application on the application form approved by the Board, including a statement verifying that the applicant is not currently subject to any disciplinary finding that would prohibit the applicant from practising optical dispensing;
- (b) the applicable licence fee established under the by-laws;

- (c) proof satisfactory to the Registrar that the applicant
 - (i) has liability insurance coverage in the amount set by resolution of the Board,
 - (ii) has passed any applicable examinations approved by the Board, if they have not held a practising licence in the 2 years immediately before applying for a practising licence,
 - (iii) has completed any professional development requirements approved by the Board;
 - (d) any information the Registrar requires to establish that the applicant is competent and capable and of such character to safely and ethically practise optical dispensing.
- (2) A member who holds a practising licence is entitled to all of the following:
- (a) use the title “dispensing optician”;
 - (b) if elected, hold office on the Board;
 - (c) serve as an appointed member on any committee of the College;
 - (d) attend, participate in and vote at meetings of the College.

Practising licences endorsed with contact lens certification

- 12 (1) A member whose name is entered on the specialty register may apply for a practising licence endorsed with a contact lens certification if the member meets the requirements in subsection 11(1) for a practising licence and submits the following additional information:
- (a) a statement verifying that the applicant is not currently subject to any disciplinary finding that would prohibit the applicant from practising as a certified contact lens fitter;
 - (b) any information the Registrar requires to establish that the applicant is competent and capable and of such character to safely and ethically practise as a certified contact lens fitter;
 - (c) proof satisfactory to the Registrar that the applicant has passed any applicable examinations approved by the Board, if they have not held a practising licence endorsed with a contact lens certification in the 2 years immediately before applying for a practising licence endorsed with a contact lens certification.
- (2) A member who holds a practising licence endorsed with a contact lens certification is authorized to use any and all instruments required to ensure that a contact lens is adequately fitted and that the best possible visible acuity is achieved.

Continuation of deemed practising licences from former Act

- 13 (1) A person who was approved under the former Act to practise optical dispensing is deemed to hold a practising licence under the Act and these regulations until the end of the registration year immediately following the year these regulations come into force.
- (2) A person who was entitled to measure, fit, or adjust contact lenses under the former Act is deemed to hold a practising licence endorsed with a contact lens certification under the Act and these regulations until the end of the registration year immediately following the year these regulations come into force.

Renewing practising licences

- 14 (1)** A practising licence remains in effect until the end of the registration year in which it is issued, unless it is suspended or revoked.
- (2)** To renew a practising licence, a member must submit all of the following to the Registrar:
- (a)** a completed application on the application form approved by the Board, including a statement verifying that the applicant is not currently subject to any disciplinary finding that would prohibit the applicant from practising optical dispensing;
 - (b)** the applicable licence renewal fee established under the by-laws;
 - (c)** proof satisfactory to the Registrar that the applicant
 - (i)** has liability insurance coverage in the amount set by resolution of the Board,
 - (ii)** has completed any professional development requirements approved by the Board;
 - (d)** any information the Registrar requires to establish that the applicant is competent and capable and of such character to safely and ethically practise optical dispensing.

Renewing practising licences endorsed with contact lens certification

- 15 (1)** A practising licence endorsed with a contact lens certification remains in effect until the end of the registration year in which it is issued, unless it is suspended or revoked.
- (2)** To renew a practising licence endorsed with a contact lens certification, a member must submit all of the following to the Registrar:
- (a)** a completed application on the application form designated by the Board, including a statement verifying that the applicant is not currently subject to any disciplinary finding that would prohibit the applicant from practising as a certified contact lens fitter;
 - (b)** the applicable licence renewal fee established under the by-laws;
 - (c)** proof satisfactory to the Registrar that the applicant
 - (i)** has liability insurance coverage in the amount set by the Board,
 - (ii)** has completed the professional development requirements approved by the Board;
 - (d)** any information the Registrar requires to establish that the applicant is competent and capable and of such character to safely and ethically practise as a certified contact lens fitter.

Provisional permits for student opticians

- 16 (1)** The Registrar must issue a provisional permit to a student optician if all of the following conditions are met:
- (a)** the student optician has paid the applicable permit fee established under the by-laws;
 - (b)** the student optician is registered in the student register;
 - (c)** either

- (i) the student optician has successfully completed the portion of their dispensing optician education program required by the Board; or
 - (ii) the student optician graduated from their dispensing optician education program on a date that was within the required period of time set by the Board before they applied for a provisional permit.
- (2) A provisional permit for a student optician expires on the earliest of the following dates:
- (a) 1 month immediately after the date the student optician passes the registration examination for dispensing opticians;
 - (b) the date of the student optician's third failure of the registration examination for dispensing opticians;
 - (c) the date of the third offering of the registration examination for dispensing opticians in the Province immediately after the eligibility date of the student optician to write the examination.
- (3) A student optician is permitted to write the registration examination once their provisional permit as a student optician expires only if they meet the requirements determined by the Board.
- (4) A student optician who holds a valid provisional permit as a student optician may practise optical dispensing only under the direct and constant supervision of their sponsor.

Provisional permits for specialty students opticians

- 17 (1) The Registrar must issue a contact lens provisional permit to a specialty student optician if all of the following conditions are met:
- (a) the specialty student optician has paid the applicable permit fee established under the by-laws;
 - (b) the specialty student optician is registered in the specialty student optician register;
 - (c) either
 - (i) the specialty student optician has successfully completed the portion of their contact lens program required by the Board, or
 - (ii) the specialty student optician graduated from their contact lens program on a date that was within the required period of time set by the Board before they applied for a provisional permit.
- (2) A contact lens provisional permit expires upon the earliest of the following dates:
- (a) 1 month immediately after the date the specialty student optician passes the contact lens examination;
 - (b) the date of the specialty student optician's third failure of the contact lens examination;
 - (c) the date of the third offering of the contact lens examination in the Province immediately after the eligibility date of the specialty student optician to write the examination.
- (3) A specialty student optician is permitted to write the contact lens examination once their contact lens provisional permit expires only if they meet the requirements determined by the Board.

- (4) A specialty student optician who holds a valid contact lens provisional permit may fit, measure, or adjust contact lenses only under the direct and constant supervision of their sponsor.

Sponsors

- 18** (1) A sponsor may sponsor a maximum of 2 students at a time, which, subject to the definition of sponsor in the Act, may include 2 student opticians, 2 specialty student opticians or 1 student optician and 1 specialty student optician.
- (2) A sponsor must provide direct and constant supervision of their student opticians or specialty student opticians while the students are engaging in the practice of optical dispensing.
- (3) Only fittings performed or hours worked under the supervision of a sponsor qualify as fittings or hours required to complete the course of study required in Section 19.
- (4) A sponsor is responsible for immediately notifying the Registrar when they stop sponsoring a student optician, but the sponsor remains responsible for the student optician until the notification is received in writing by the Registrar.
- (5) A student optician who changes their sponsor must immediately notify the Registrar in writing of the change.

Course of study for student opticians and specialty student opticians

- 19** (1) Before taking the exam for registration as a dispensing optician, a student optician must complete all of the following under the supervision of a sponsor within 3 years from the date they pass the mid-term examination of their dispensing optician education program:
- (a) 250 fittings, at least 100 of which are multi-focal vision fittings;
- (b) 2000 hours of practising optical dispensing.
- (2) Before taking the contact lens examination, a specialty student optician must complete all of the following under the supervision of a sponsor in 3 years:
- (a) 35 fittings for soft lenses;
- (b) 15 fittings for rigid lenses.

Information on member's registration and licensing status

- 20** Any dispensing optician or any member of the public may request verification of the registration or licensing status of a member from the Registrar.

Removal of name from registers

- 21** (1) The Registrar must remove the name of a member or a student from the appropriate register if any of the following occurs:
- (a) the member or student requests it and surrenders all their licences and permits;
- (b) the Registrar is notified of the death of the member or student;
- (c) the registration of the member or student is revoked.

- (2) The Registrar may suspend the licence of a member or the provisional permit of a student if the member or the student fails to pay fees required by the Act or these regulations or if the member or the student is otherwise suspended under the Act.
- (3) The Registrar may restore the name of a person removed from a register to the register, and may issue an appropriate licence if the person
 - (a) pays the applicable fee established under the by-laws; and
 - (b) complies with the Act, these regulations and the by-laws.

Professional Conduct

Code of ethics

22 After consulting with the members, the Board must adopt a code of ethics and standards of practice for members.

Preliminary investigation of complaint

- 23** (1) On receiving a complaint, the Registrar must forward copies of the complaint to both of the following:
- (a) the respondent;
 - (b) an investigator.
- (2) On receiving a complaint, an investigator must conduct an investigation, including doing any of the following:
- (a) requesting additional written or oral explanations from the complainant, the respondent or a third party;
 - (b) requesting an interview of the complainant, the respondent or a third party;
 - (c) informally resolving the complaint in the interests of the respondent, the complainant, the public and the College.
- (3) An investigator may investigate any matter that may constitute any of the following relating to the respondent that arises in the course of the investigation:
- (a) professional misconduct;
 - (b) conduct unbecoming the profession;
 - (c) incompetence;
 - (d) incapacity.
- (4) A respondent may submit medical information and any information relevant to the complaint to an investigator.

Powers of Complaints Committee and disposition of Complaints Committee

24 (1) On receiving a report from an investigator, a Complaints Committee must do one of the following:

- (a) accept any informal resolution made by the investigator under clause 23(2)(c) and take no further action;
 - (b) dismiss the complaint, if a determination is made by the Complaints Committee that the College does not have jurisdiction to resolve the complaint or the complaint cannot be substantiated or is frivolous or vexatious, and provide guidance to the complainant, the respondent or any person associated with the complaint, if the Complaints Committee considers guidance to be useful;
 - (c) give the complainant, the respondent and any other person it considers appropriate the opportunity to appear before the Complaints Committee and to submit representations or explanations or documentation, including medical and any other information relevant to the complaint, in accordance with clause 28(c) of the Act.
- (2) After the Complaints Committee has given the parties an opportunity to appear before the committee under clause (1)(c), the committee may require the respondent to do one or more of the following:
- (a) submit to physical or mental examinations by a qualified person or persons designated by the Complaints Committee and authorize the examination reports to be given to the Complaints Committee;
 - (b) 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;
 - (c) submit to any examination the Complaints Committee directs, to determine whether the respondent is competent to practise optical dispensing, and authorize the examination report to be given to the Complaints Committee;
 - (d) produce any records kept about the respondent's practice that the Complaints Committee considers appropriate.
- (3) If a respondent fails to comply with subsection (2), the Complaints Committee may suspend the licence to practice or restrict the licence of a respondent, or both, until the suspension is lifted, superseded, or annulled by the Complaints Committee or Professional Conduct Committee, as the case may be.
- (3) If a respondent fails to comply with subsection (2), the Complaints Committee may suspend the respondent's licence to practice or restrict the respondent's licence to practice, or both, until the suspension or restriction is lifted, superseded or annulled by the Complaints Committee or Professional Conduct Committee, as the case may be.
- (4) After the Complaints Committee has given the parties an opportunity to appear before the committee under clause (1)(c), the committee must do one of the following:
- (a) dismiss the complaint;
 - (b) counsel the respondent;
 - (c) caution the respondent;
 - (d) counsel and caution the respondent;

- (e) with the consent of the respondent and notwithstanding that the complaint has not been forwarded to the Professional Conduct Committee, order that the respondent receive a reprimand and that the reprimand be communicated to the respondent and the complainant, and such other persons as the Complaints Committee considers appropriate;
 - (f) refer a matter or matters to the Professional Conduct Committee if a determination is made that the matter or matters warrant a hearing;
 - (g) informally resolve the complaint.
- (5) A counsel or a caution issued under clause (4)(b), (c) or (d) is not a disciplinary finding against the respondent and must not be published or disclosed to the public, except that it must be disclosed to all of the following:
- (a) the respondent;
 - (b) the complainant;
 - (c) any person the Complaints Committee considers appropriate;
 - (d) the Complaints Committee in any subsequent complaints filed against the respondent.
- (6) A reprimand issued under clause (4)(e) is a disciplinary finding against the respondent and subsection 30(2) of the Act requiring publication and notification applies.

Costs of respondent complying with requirement

25 The costs for a respondent to comply with a requirement under subsection 24(2) must initially be paid by the Complaints Committee, but may be awarded as costs against the respondent under Section 40.

Suspended respondent may request hearing

26 On receiving a request for a hearing from a respondent who has been suspended by a Complaints Committee, the Complaints Committee must refer the complaint about the respondent directly to a Professional Conduct Committee for a hearing.

Settlement proposals

- 27 (1) A settlement proposal proposed by a respondent must be consented to by the College, submitted to the Complaints Committee in writing and must include all of the following:
- (a) an admission or admissions 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 Professional Conduct Committee.
- (2) A settlement proposal may include any disposition that could be ordered by a Professional Conduct Committee under Section 38.
- (3) The Complaints Committee retains jurisdiction over a complaint until a hearing before the Professional Conduct Committee begins, or the settlement proposal is accepted by the Professional Conduct Committee.
- (4) The parties may agree to use the services of a mediator to prepare a settlement proposal, and the costs of the mediator must be divided equally between the College and the respondent, unless the parties agree to a different division of the costs.

- (5) The Complaints Committee may recommend acceptance of a settlement proposal if it is satisfied that all of the following are met:
 - (a) the public is protected;
 - (b) the conduct or its causes can be, or are, 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 dispensing optician profession.
- (6) If a Complaints Committee does not recommend accepting a settlement proposal, the complaint considered by the Complaints Committee must be referred to the Professional Conduct Committee for hearing.
- (7) If a Complaints Committee recommends accepting a settlement proposal, the settlement proposal must be referred to the Professional Conduct Committee.

Professional Conduct Committee actions when settlement proposal referred

- 28** (1) On receiving a settlement proposal that the Complaints Committee recommends be accepted, the Professional Conduct Committee must do one of the following:
- (a) accept the settlement proposal, in which case the settlement proposal forms part of the Professional Conduct Committee's order disposing of the matter and, other than a hearing for a breach of the settlement proposal under subsection (5), a hearing before the Professional Conduct Committee is not held;
 - (b) reject the settlement proposal, in which case the complaint considered by the Complaints Committee must be referred to a panel of the Professional Conduct Committee, made up of persons who did not sit on the panel that reviewed the settlement proposal, for a hearing;
 - (c) amend the settlement proposal and return it to the Complaints Committee for review.
- (2) If the Complaints Committee does not agree with amendments made under clause (1)(c), the settlement proposal is deemed to be rejected and the complaint considered by the Complaints Committee must be forwarded to a panel of the Professional Conduct Committee, made up of persons who did not sit on the panel that reviewed the settlement proposal, for a hearing.
- (3) If the Complaints Committee agrees with amendments made under clause (1)(c), the settlement proposal is returned to the Professional Conduct Committee for approval.
- (4) If a settlement proposal is rejected by a Professional Conduct Committee, the hearing must proceed without reference to the settlement proposal or any admissions contained in the settlement proposal.
- (5) A breach by a respondent of an undertaking given in an accepted settlement proposal or a condition of an accepted settlement proposal constitutes professional misconduct and may form the subject of a hearing before a panel of the Professional Conduct Committee, made up of persons who did not sit on the panel that reviewed the settlement proposal.

Notice of hearing

- 29** (1) The Professional Conduct Committee that prepares a notice of hearing under subsection 32(2) of the Act must serve a copy of the notice either personally or by registered mail on each of the following:
- (a) the respondent, at the respondent's last known address;

- (b) the complainant, at the complainant's last known address.
- (2) A notice of hearing must state all of the following:
- (a) the nature of the conduct to be inquired into;
 - (b) the details of the charges;
 - (c) the date, time and place of the hearing;
 - (d) that the respondent may be represented at the hearing by counsel.

Amendment of notice of hearing

- 30 (1) At any time before or during a hearing, the Professional Conduct Committee may amend or alter any 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 potential for any of the following that is not stated in the notice:
 - (i) professional misconduct,
 - (ii) conduct unbecoming a dispensing optician,
 - (iii) incapacity,
 - (iv) incompetence.
- (2) A respondent must be given opportunity to prepare an answer to any amendment or alteration to a notice of hearing made by the Professional Conduct Committee.
- (3) A Professional Conduct Committee may decide that an amendment or alteration to the notice of hearing should not be made after receiving the respondent's answer under subsection (2), and if it considers it appropriate, may refer any new allegations to an investigator under Section 23.

Attendance at a hearing

- 31 (1) Except as provided in subsections (2) and (3), a hearing is open to the public.
- (2) At the request of a party, the Professional Conduct Committee may order that the public, in whole or in part, be excluded from a hearing or any part of it if the Professional Conduct 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~~ [principle] that hearings should be open to the public;
 - (b) the safety of any person may be jeopardized by permitting public attendance.
- (3) The Professional Conduct Committee may order that the public be excluded from a part of a hearing that deals with a request for an order to exclude the public in whole or in part under subsection (2).

- (4) The Professional Conduct Committee may make any order it considers necessary, including prohibiting the publication or broadcasting of matters, to prevent the public disclosure of matters disclosed in a hearing or any part of a hearing dealing with an order under subsection (2) or (3).
- (5) Subject to any order made under this Section, the Professional Conduct Committee must state at a hearing its reasons for any order made under this Section.

Hearing procedures

- 32** (1) Subject to the Act and these regulations, the Professional Conduct Committee may determine its own rules of procedure.
- (2) A complainant cannot participate as a party at a hearing.
 - (3) Witnesses at a hearing must testify under oath or affirmation.
 - (4) An oath or affirmation taken at a hearing may be administered by any member of the Professional Conduct Committee or other person in attendance who is authorized by law to administer oaths or affirmations.
 - (5) The Professional Conduct Committee may require the respondent to do one or more of the following during a hearing:
 - (a) submit to physical or mental examinations by a qualified person or persons designated by the Professional Conduct Committee and authorize the examination reports to be given to the Professional Conduct Committee;
 - (b) submit to a review of the respondent's practice by a qualified person or persons designated by the Professional Conduct Committee and authorize a copy of the review to be given to the Professional Conduct Committee;
 - (c) submit to any examination the Professional Conduct Committee directs, to determine whether the respondent is competent to practise optical dispensing, and authorize the examination report to be given to the Professional Conduct Committee;
 - (d) produce any records kept about the respondent's practice that the Professional Conduct Committee considers appropriate.
 - (6) If a respondent fails to comply with a requirement under subsection (3) the Professional Conduct Committee may direct the Registrar to suspend the registration and any licences or permits of the respondent until the respondent complies.

Costs of complying with requirement

- 33** The costs for a respondent to comply with a requirement under subsection 32(5) must initially be paid by the Professional Conduct Committee, but may be awarded as costs against the respondent under Section 40.

Respondent fails to attend hearing

- 34** After receiving proof of service of the notice of hearing, a Professional Conduct Committee may proceed with a hearing in a respondent's absence and take any action authorized under the Act without further notice to the respondent.

Subpoenaed witness fees

35 Witnesses who are present under subpoena at a hearing before the Professional Conduct Committee are entitled to the same allowances as witnesses attending a trial or an action in the Supreme Court of Nova Scotia.

Recording of evidence at hearing

- 36** (1) Any evidence presented at a hearing before the Professional Conduct Committee must be recorded by a person authorized by the College.
- (2) Evidence may be presented at a hearing before the Professional Conduct Committee in any manner that the committee considers appropriate, and the committee is not bound by the rules of law respecting presenting evidence that apply to judicial proceedings.

Preserving evidence

37 Evidence obtained by a Professional Conduct Committee, and information obtained by a Complaints Committee or an investigator for a complaint that has not been dismissed by the Complaints Committee, must be preserved for at least 5 years from the date of the evidence is presented or the information is obtained.

Disposition by Professional Conduct Committee

- 38** A Professional Conduct Committee that finds professional misconduct, conduct unbecoming a dispensing optician, incompetence or incapacity on the part of a respondent may include any of the following in the order of the committee disposing of the matter:
- (a) revoking the respondent's registration and directing that the respondent's name be removed from any register it is entered in;
 - (b) suspending the respondent's licence to practise optical dispensing for a specific period;
 - (c) suspending the respondent's license to practise optical dispensing pending the satisfaction and completion of any conditions the Professional Conduct Committee orders;
 - (d) imposing any restrictions or conditions on the respondent's practice of optical dispensing for any period [and] direct[ing] that the restrictions and conditions be recorded on their licence;
 - (e) fining the respondent to a maximum amount of \$5000;
 - (f) reprimanding the respondent and, if the Professional Conduct Committee considers it appropriate, directing that the reprimand be recorded;
 - (g) directing that the respondent pass a particular course of study or satisfy the Professional Conduct Committee, or any other committee established under the Act, of the respondent's general competence to practice optical dispensing or competence in a specific field of practice;
 - (h) directing that the respondent obtain medical treatment;
 - (i) directing that the respondent obtain any counselling that the Professional Conduct Committee considers appropriate;
 - (j) publishing its findings in any manner that the Professional Conduct Committee considers appropriate;

- (k) informing any person of its findings that the Professional Conduct Committee considers appropriate.

Written decision of Professional Conduct Committee

- 39 (1)** A Professional Conduct Committee must prepare a written record of its decision in a hearing and the reasons for the decision.
- (2)** Within a reasonable time frame after the decision, a copy of the Professional Conduct Committee's record of decision must be sent to all of the following by registered mail or personal service:
- (a) the respondent;
 - (b) the complainant;
 - (c) any person the Professional Conduct Committee considers appropriate.

Costs

- 40 (1)** In this Section, "costs" include all of the following:
- (a) expenses incurred by the College in the investigation of a complaint;
 - (b) expenses incurred by the College for the activities of the Complaints Committee and the Professional Conduct Committee;
 - (c) the College's solicitor and client costs, including disbursements and HST, relating to the investigation and hearing or to the resolution of the complaint, including those of any College counsel and counsel for the Professional Conduct Committee;
 - (d) fees for retaining a court reporter and preparing transcripts of the proceeding; and
 - (e) travel costs and reasonable expenses of any witnesses, including expert witnesses, who are required to appear at the hearing or who are required for the resolution of the matter.
- (2)** Except when awarded costs under this Section, a respondent is responsible for all expenses incurred in their defence.
- (3)** If the Professional Conduct Committee finds professional misconduct, conduct unbecoming, incompetence or incapacity on the part of a respondent, it may order the respondent to pay costs in whole or in part and the costs are a debt to be recovered by civil action for debts.
- (4)** If the Professional Conduct Committee considers that a hearing was not necessary, it may order the College to pay some or all of the respondent's legal costs and the costs are a debt to be recovered by civil action for debts.
- (5)** The Registrar may suspend the licence of a respondent who fails to pay costs within the time ordered until payment is made or satisfactory arrangements for payment are made.

N.S. Reg. 362/2007

Made: August 17, 2007

Filed: August 17, 2007

Ambulance Subsidy Program Regulations

Order in Council 2007-436 dated August 17, 2007
 Repeal of regulations made by the Governor in Council
 pursuant to Section 17 of the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated July 12, 2007, and pursuant to Section 17 of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, and clause 19(f) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to repeal the regulations respecting ambulance subsidy program, N.S. Reg. 245/89, made by the Governor in Council by Order in Council 89-1366 dated December 5, 1989, effective on and after August 17, 2007.

N.S. Reg. 363/2007

Made: August 17, 2007

Filed: August 17, 2007

Proclamation, S. 19, S.N.S. 2004, c. 33

Order in Council 2007-440 dated August 17, 2007
 Proclamation made by the Governor in Council
 pursuant to Section 19 of the
Protection for Persons in Care Act

The Governor in Council on the report and recommendation of the Minister of Health dated June 27, 2007, and pursuant to Section 19 of Chapter 33 of the Acts of 2004, the *Protection for Persons in Care Act*, is pleased to order and declare by proclamation that Chapter 33 of the Acts of 2004, the *Protection for Persons in Care Act*, do come into force on and not before October 1, 2007.

PROVINCE OF NOVA SCOTIA

sgd: **Nancy Bateman**

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 19 of Chapter 33 of the Acts of 2004, the *Protection for Persons in Care Act*, it is enacted as follows:

- 19** 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 33 of the Acts of 2004, the *Protection for Persons in Care Act*, do come into force on and not before October 1, 2007;

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 33 of the Acts of 2004, the *Protection for Persons in Care Act*, do come into force on and not before October 1, 2007, 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 Nancy J. Bateman, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 17th day of August in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Brooke Taylor
Acting Provincial Secretary
Acting Minister of Justice and Attorney General

N.S. Reg. 364/2007

Made: August 17, 2007

Filed: August 17, 2007

Protection for Persons in Care Regulations

Order in Council 2007-441 dated August 17, 2007
Regulations made by the Governor in Council
pursuant to Section 18 of the *Protection for Persons in Care Act*

The Governor in Council on the report and recommendation of the Minister of Community Services and the Minister of Health dated June 27, 2007, is pleased, effective on and after October 1, 2007, to

- (a) pursuant to Section 4 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act*, assign to the Minister of Community Services responsibility for the administration of the *Protection for Persons in Care Act* in relation to health facilities that fall under the mandate of the Department of Community Services, and assign to the Minister of Health responsibility for the administration of the *Protection for Persons in Care Act* in relation to health facilities that fall under the mandate of the Department of Health; and **[Clause (a) not filed as a regulation.]**
- (b) pursuant to Section 18 of Chapter 33 of the Acts of 2004, the *Protection for Persons in Care Act*, make regulations in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"**Regulations Respecting Persons in Care made pursuant to
Section 18 of Chapter 33 of the Acts of 2004,
the *Protection for Persons in Care Act*****Citation**

1 These regulations may be cited as the *Protection for Persons in Care Regulations*.

Definitions

2 (1) In these regulations,

(a) "Act" means the *Protection for Persons in Care Act*;

(b) "adult" means a person 16 years of age or older.

(2) In subsection 8(2) of the Act, "investigation" includes a referral of an allegation of abuse to the appropriate police service and receipt of information concerning the disposition of the allegation from the police service.

3 (1) Subject to subsection (2), in the Act and these regulations, "abuse" means, with respect to adult patients or residents, any of the following:

(a) the use of physical force resulting in pain, discomfort or injury, including slapping, hitting, beating, burning, rough handling, tying up or binding;

(b) mistreatment causing emotional harm, including threatening, intimidating, humiliating, harassing, coercing or restricting from appropriate social contact;

(c) the administration, withholding or prescribing of medication for inappropriate purposes;

(d) sexual contact, activity or behaviour between a service provider and a patient or resident;

(e) non-consensual sexual contact, activity or behaviour between patients or residents;

(f) the misappropriation or improper or illegal conversion of money or other valuable possessions;

(g) failure to provide adequate nutrition, care, medical attention or necessities of life without valid consent.

(2) "Abuse" does not occur in situations in which a service provider carried out their duties in accordance with professional standards and practices and health facility based policies and procedures.

Designation of health facilities

4 A group home or residential centre that has adult residents and is approved or licensed under the *Children and Family Services Act* is hereby designated as a health facility under the Act.

N.S. Reg. 365/2007

Made: August 17, 2007

Filed: August 17, 2007

Liquor Licensing Regulations

Order in Council 2007-445 dated August 17, 2007
Regulations made by the Governor in Council
pursuant to Section 50 of the *Liquor Control Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated July 8, 2007, and pursuant to Section 50 of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*, is pleased, effective on and after August 17, 2007, to

- (a) repeal the regulations respecting liquor licensing, N.S. Reg. 156/83, made by the Liquor License Board and approved by the Governor in Council by Order in Council 83-755 dated July 12, 1983; and
- (b) make new regulations respecting liquor licensing in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Respecting Liquor Licensing
made by the Governor in Council under Section 50 of
Chapter 260 of the Revised Statutes of Nova Scotia, 1989,
the *Liquor Control Act***

Citation

1 These regulations may be cited as the *Liquor Licensing Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Liquor Control Act*;
- (b) "adult entertainment" means entertainment that is designed to appeal to erotic or sexual appetites, and includes the display of nudity or engagement in real or simulated sexually explicit actions;
- (c) "customer accommodation area" means the area of a licensed premises in which liquor can be served to and consumed by customers of the licensed premises;
- (d) "fire official" means a fire official as defined in the *Fire Safety Act*, acting as authorized under the *Fire Safety Act*;
- (e) "license certificate" means a document issued by the Minister under Section 23 to evidence the grant of a permanent license by the Review Board;
- (f) "licensee" means a person who holds a valid license under the Act and these regulations;
- (g) "Minister" means the Minister of Environment and Labour;

- (h) “permanent license” means any license other than a special occasion license;
- (i) “permanent licensee” means a person who holds a permanent license;
- (j) “registered representative” means a registered representative as defined in the *Nova Scotia Liquor Corporation Regulations* made under the Act;
- (k) “stage” means the designated area of a licensed premises, as described in the approved floor plan, in which entertainment is exhibited.

Permanent Licenses

Application for permanent license

3 A person may apply for a permanent license by submitting all of the following to the Minister:

- (a) a completed application form;
- (b) the applicable application fee set out in Section 5;
- (c) the applicable license fee set out in Section 6;
- (d) all of the information as required by Section 4.

Information required with application for permanent license

- 4 (1) An applicant must submit all items required by this Section no later than 1 year after submitting the application form or the application file may be closed and the applicant will be required to re-apply.
- (2) An applicant for a permanent license must submit all of the following information about the applicant:
- (a) the applicant’s
 - (i) name,
 - (ii) address,
 - (iii) phone number,
 - (iv) fax number;
 - (b) any information requested by the Minister or the Review Board about liquor licenses the applicant has held or applied for before the application;
 - (c) for an applicant who is an individual, a report on the results of a criminal record search on the applicant;
 - (d) for an applicant that is a partnership, all of the following:
 - (i) a copy of the applicant’s certificate of registration of partnership,
 - (ii) unless otherwise directed by the Review Board, the following information for each partner:

- (A) name,
 - (B) address,
 - (C) telephone number,
 - (D) fax number,
- (iii) unless otherwise directed by the Review Board, a report on the results of a criminal record search on each partner;
- (e) for an applicant that is a for-profit corporation, all of the following:
- (i) a copy of the applicant's certificate of incorporation,
 - (ii) unless otherwise directed by the Review Board, all of the following for each officer and director of the corporation:
 - (A) name,
 - (B) address,
 - (C) telephone number,
 - (D) fax number,
 - (iii) unless otherwise directed by the Review Board, a report on the results of a criminal record search on each officer and director of the corporation;
- (f) for an applicant that is a club or association, all of the following:
- (i) a copy of the applicant's certificate of registration under the *Societies Act* or other statute of incorporation,
 - (ii) a copy of the applicant's memorandum of association or equivalent document,
 - (iii) a copy of the applicant's by-laws,
 - (iv) a copy of minutes of a meeting at which the membership of the applicant club or association supported the application for a permanent license,
 - (v) all of the following for each executive member of the club or association:
 - (A) name,
 - (B) address,
 - (C) telephone number,
 - (D) fax number,
 - (vi) a report on the results of a criminal record search on each executive member of the club or association;

- (g) for an applicant for an eating establishment license, a copy of the applicant's food establishment permit issued under the *Food Safety Regulations* made under the *Health Protection Act*.
- (3) An applicant for a permanent license must submit all of the following information about the proposed manager of the premises to be licensed:
- (a) all of the following for the proposed manager of the premises to be licensed:
 - (i) name,
 - (ii) address,
 - (iii) phone number,
 - (iv) fax number;
 - (b) a report on the results of a criminal record search on the proposed manager of the premises to be licensed.
- (4) An applicant for a permanent license must submit all of the following information about the proposed premises to be licensed:
- (a) the proposed operating name;
 - (b) the address;
 - (c) a letter from the municipal council or the clerk for the municipality in which the premises is located confirming that the proposed licensed premises meets all municipal zoning requirements and will not contravene municipal land use by-laws;
 - (d) a copy of each of the following that is applicable:
 - (i) the deed,
 - (ii) the lease,
 - (iii) the purchase agreement,
 - (iv) the option to purchase,
 - (v) the option to lease;
 - (e) a floor plan, drawn to scale and including any patio or outdoor space to be licensed;
 - (f) a letter from a fire official confirming that the premises meets the requirements of the *Fire Safety Act* and its regulations;
 - (g) a copy of the occupancy permit;
 - (h) any information requested by the Minister or the Review Board about sources of financing;
 - (i) whether the applicant proposes to present amplified entertainment;

- (j) whether the applicant proposes to present adult entertainment;
- (k) any information requested by the Minister or the Review Board about the entertainment to be presented;
- (l) any information requested by the Minister or the Review Board about the ownership and management interests.

Application fees for permanent licenses

5 (1) The application fees for permanent licenses are as set out in the following table:

Type of Permanent License	Application Fee
beverage room license	\$267.00
cabaret license	\$267.00
club license - class A	\$106.50
club license - class B	\$106.50
eating establishment license	\$267.00
lounge license	\$267.00
special premises license	\$267.00
tavern license	\$267.00

(2) An application fee is not refundable.

License fees for permanent licenses

6 (1) The license fees for a permanent license are as set out in the following table:

Type of Permanent License	License Fee
beverage room license	\$480.60
cabaret license	\$1602.00
club license - class A	\$480.60
club license - class B	\$480.60
eating establishment license	\$480.60
lounge license	\$480.60
special premises license	\$480.60
tavern license	\$480.60

(2) A license fee for a permanent license must be refunded to an applicant if a permanent license is not granted or renewed.

(3) A license fee for a permanent license is not refundable for a permanent license that is cancelled by the Review Board.

Application and information referred to Review Board

7 (1) Except as provided in subsection (2), once the Minister receives all the information required from an applicant under Sections 3 and 4, the Minister must forward it to the Review Board for review.

- (2) The Minister may forward an application to the Review Board that is incomplete only because it is missing one or more of the following items that are not available at the time because the proposed licensed premises is under construction or is not operational:
- (a) the fire official's letter required by clause 4(4)(f);
 - (b) the copy of the occupancy permit required by clause 4(4)(g);
 - (c) the food establishment permit required by clause 4(2)(g).
- (3) The Minister must forward any item listed in subsection (2) that is missing to the Review Board as soon as it is received.

Eligibility criteria for permanent license

8 In addition to the criteria in subsection 48(3) and (5) to (9) of the Act and the requirements for specific classes of permanent licenses set out in Sections 9 to 14, a permanent license may be granted, renewed or transferred by the Review Board only if all of the following eligibility criteria are met:

- (a) the applicant is the owner or lessee of the proposed licensed premises or holds an option to purchase or lease the proposed licensed premises;
- (b) the Review Board is satisfied that operating the licensed premises will not interfere in any way with the quiet enjoyment of neighbouring properties;
- (c) the Review Board is satisfied that operating the licensed premises will not interfere in any way with or cause inconvenience to schools, churches, hospitals, nursing homes or similar institutions.

Eligibility for cabaret license

9 (1) A cabaret license may be granted, renewed or transferred by the Review Board only if the proposed licensed premises is unlicensed at the time of the application and the applicant meets all of the following requirements:

- (a) the applicant must satisfy the Review Board that the primary business to be conducted in the proposed premises to be licensed is providing live entertainment;
 - (b) the applicant must undertake to present live entertainment at least 4 days a week;
 - (c) the applicant must satisfy the Review Board that the entertainment aspect of the applicant's business is self-sustaining and supply a supporting pro-forma business plan to the Review Board.
- (2) In determining whether providing live entertainment is the primary business to be conducted in a proposed licensed premises, the Review Board may consider any of the following for the premises:
- (a) the amount of time a week that entertainment will be presented;
 - (b) entertainment equipment.

Classes of club license

10 The following are the 2 classes of club licenses:

- (a) a class A club license;

- (b) a class B club license.

Eligibility for club license

- 11** (1) A class A club license may be granted or renewed by the Review Board only to an applicant that is a club or association operated for objects other than monetary gain and that can demonstrate that the club or association has been active for at least 3 years before the date of their application.
- (2) A class B club license may be granted or renewed by the Review Board only if the proposed licensed premises are under the direction of one of the following:
- (a) the Canadian Forces;
 - (b) the Royal Canadian Mounted Police;
 - (c) the Canadian Coast Guard.

Eligibility for eating establishment license

- 12** (1) Except as provided in subsection (3), an eating establishment license may be granted, renewed or transferred by the Review Board only to an applicant that satisfies the Review Board that the primary business to be conducted in a proposed licensed premises is providing food.
- (2) In determining whether providing food is the primary business to be conducted in a proposed licensed premises, the Review Board may consider any of the following for the premises:
- (a) kitchen equipment;
 - (b) menu;
 - (c) advertising.
- (3) An eating establishment license may be granted, renewed or transferred by the Review Board that authorizes selling and serving liquor in a hotel guest room if meal service to the guest room is regularly provided.

Eligibility for lounge license

- 13** A lounge license may be granted, renewed or transferred by the Review Board only if all of the following requirements are met:
- (a) the applicant must hold or be concurrently granted an eating establishment license;
 - (b) the customer accommodation area covered by the eating establishment license must make up at least 25% of the total customer accommodation area covered by both licenses or a lesser percentage approved by the Review Board.

Eligibility for special premises license

- 14** A special premises license may be granted, renewed or transferred by the Review Board only to an applicant that does not qualify for any other class of permanent license.

Term of permanent license

- 15** A permanent license expires 3 years from the date that it is issued or renewed.

Renewing permanent license

- 16 (1)** A permanent licensee may apply to renew their permanent license by submitting all of the following to the Minister:
- (a) a completed renewal application form;
 - (b) the applicable license fee set out in Section 6;
 - (c) notice of any of the following that have changed since their license was granted or renewed:
 - (i) for a permanent licensee that is a club or association, the directors of the club or association,
 - (ii) for a permanent licensee that is a class A club licensee, the memorandum of association or by-laws of the club or association, in a manner that affects how a person becomes a member.
- (2)** An application for renewing a permanent license must be submitted at least 4 weeks before the permanent license expires, but the Minister may extend the deadline for renewal.
- (3)** Subject to subsection (4), on receiving an application for renewing a permanent license, the Minister may do one of the following:
- (a) renew the permanent license;
 - (b) refer the application to the Review Board.
- (4)** The Minister must refer an application for renewing a permanent license to the Review Board if either or both of the following occurs:
- (a) the Minister receives an objection to the renewal;
 - (b) the Minister receives a notice of a change under clause (1)(c).
- (5)** On receiving an application to renew a permanent license, the Review Board must do one of the following:
- (a) renew the license;
 - (b) renew the license and add or amend the conditions of the license;
 - (c) refuse to renew the license;
 - (d) cancel the license.

Returning license certificate for expired permanent license

17 A person whose permanent license has expired must return their license certificate to the Minister.

Notice to Corporation if permanent license expires or is cancelled

18 The Review Board must notify the Corporation of any permanent license that expires or is cancelled.

Reinstating permanent licenses

19 The Review Board may reinstate a permanent license that has expired if the person who held the license applies for reinstatement of the license no later than 30 days after the date their license expires.

Transfer of permanent license must be approved

20 (1) Except as prohibited in subsection (2), a permanent licensee may transfer their permanent license only if the Review Board approves the transfer in accordance with Section 21.

(2) A club license is not transferrable.

Application for transfer of permanent license

21 (1) A permanent licensee may apply for a transfer of their permanent license by submitting all of the following to the Minister:

(a) a completed transfer application form;

(b) a transfer fee of \$106.50.

(2) The Review Board may approve a transfer of a permanent license only if the person to whom the permanent license is proposed to be transferred

(a) meets the same eligibility requirements they would be required to meet under these regulations as an applicant for a new permanent license; and

(b) complies with the requirements of Section 3.

(3) The Review Board may impose conditions on a transfer of a permanent license.

Maximum number of persons for premises specified by Review Board

22 (1) Before granting a permanent license, the Review Board must determine the number of persons the proposed premises can safely hold and include that information in the notice of a public hearing on the license application.

(2) If the number of persons determined by the Review Board for a premises under subsection (1) is more than the occupant load for the premises subsequently determined by a fire official, the Review Board must, before the license certificate is issued by the Minister, reduce the number in the license to be granted to equal the occupant load.

Issuance of license certificate

23 On being advised by the Review Board that a permanent license has been granted, and of any terms and conditions of the license, the Minister must issue a license certificate to the permanent licensee.

Posting license certificate in licensed premises

24 A permanent licensee must ensure that their license certificate is posted in their licensed premises in a place where it can be easily seen and read by customers.

Hours must be specified on license

25 On each permanent license it grants, the Review Board must specify the hours during which the licensee is authorized to sell or serve liquor.

Conditional grant of license for premises under construction

26 The Review Board may grant a permanent license to an applicant whose application is missing information because it was not available at the time of application, as permitted by subsection 7(2), subject to the following conditions:

- (a) the Review Board must not advise the Minister to issue a license certificate until the Review Board receives all of the missing information; and
- (b) the licensed premises must not be operated under the permanent license until the Minister issues a license certificate to the licensee.

Conditions set by Review Board on permanent license

27 The Review Board may add additional conditions to a permanent license and may alter or remove existing license conditions.

Conditions on permanent license to ensure quiet enjoyment of properties

28 The Review Board may impose conditions on a permanent licensee to ensure that operating the licensed premises will not interfere with the quiet enjoyment of neighbouring properties, including conditions on the entertainment to be presented in the licensed premises.

Change to entertainment presented in licensed premises

- 29** (1) A permanent licensee may change the entertainment they present in their licensed premises from that indicated in their application for a license only if the Review Board approves the change.
- (2) A permanent licensee that holds a license and an entertainment permit issued by the Review Board on the date these regulations come into force may change the entertainment they present in their licensed establishment only if the Review Board approves the change.
- (3) A permanent licensee that holds a license but that does not hold an entertainment permit issued by the Review Board on the date these regulations come into force may present entertainment in their licensed premises only if the Review Board approves the entertainment.

Change in ownership of permanent licensees that are corporations or partnerships

- 30** (1) A permanent licensee that is a corporation in which the shares are redistributed in a manner that does not result in a change in control of the corporation must notify the Review Board of the redistribution in writing no later than 30 days after the date the redistribution occurs.
- (2) Any change in the share structure or ownership of a permanent licensee that is a corporation other than one referred to in subsection (1) is considered to be a transfer of the license, and the licensee must apply for a transfer in accordance with Section 21.
- (3) A change in the ownership of a permanent licensee that is a partnership is considered to be a transfer of license, and the licensee must apply for a transfer in accordance with Section 21.

Change in ownership or management interests of licensed premises

31 A permanent licensee must notify the Review Board of any change in the ownership or management interests in their licensed premises without delay after the change occurs.

Review Board must approve change to size, structure or location of licensed premises

- 32** (1) A permanent licensee may change the size of their licensed premises or make a structural change to their licensed premises only if the permanent licensee submits a proposed replacement floor plan to the Review Board and the Review Board approves the replacement floor plan.

- (2) A permanent licensee may change the location of their licensed premises only if the permanent licensee submits a proposed replacement floor plan for the new location to the Review Board and the Review Board approves the replacement floor plan and the new location.
- (3) The Review Board may hold a public hearing before approving a change under this Section.

Review Board must approve change in manager of licensed premises

- 33** (1) Except as provided in subsection (3) for an acting manager, a permanent licensee may change the manager of their licensed premises only if the licensee applies to the Review Board for approval of the change and the Review Board approves the change.
- (2) An application for approval of a change in the manager of a licensed premises must include all of the following:
- (a) the following information for the proposed manager:
 - (i) name,
 - (ii) address,
 - (iii) phone number;
 - (b) a report on the results of a criminal record search on the proposed manager.
- (3) A permanent licensee may appoint an acting manager for their licensed premises for no longer than 30 days without the approval of the Review Board.

Proposed contracts, leases and agreements to be submitted to Review Board

- 34** (1) A permanent licensee must submit any proposed management contract under which their licensed premises will be managed on their behalf to the Review Board for approval before completing the contract.
- (2) A permanent licensee must submit any proposed lease agreement for their licensed premises to the Review Board for approval before completing the agreement.
- (3) A permanent licensee must submit any proposed agreement with a brewery, distillery or winery to the Review Board for approval before completing the agreement.

Caterer extension to eating establishment license

- 35** (1) On application, the Minister may add a caterer extension to an applicant's eating establishment license that authorizes the eating establishment licensee to sell or serve liquor at the premises specified in the caterer extension, subject to any conditions set for the extension by the Minister.
- (2) An application for a caterer extension must be made at least 1 week before the date of the proposed catered event.
- (3) The same requirements and prohibitions that apply to a licensee's eating establishment apply to a premises covered by a caterer extension added to their eating establishment license.

Special Occasion Licenses

Classes of special occasion license

- 36** The following are the 3 classes of special occasion licenses:

- (a) class 1 special occasion license: authorizes a licensee to give away liquor for persons to consume at a licensed premises, at a private event that is open only to invited guests;
- (b) class 2 special occasion license: authorizes a licensee to sell liquor for persons to consume at a licensed premises, at a private event that is open only to invited guests;
- (c) class 3 special occasion license: authorizes a licensee to sell liquor for persons to consume at a licensed premises, at a community fund-raising event that is open to the public.

Application for special occasion license

- 37 (1)** A person may apply for a special occasion license by submitting all of the following to the Minister:
- (a) a completed application form;
 - (b) the applicable fee set out in Section 38;
 - (c) a letter from a fire official confirming that the proposed licensed premises meets the requirements of the *Fire Safety Act* and its regulations, if considered necessary by the Minister.
- (2)** An application for a special occasion license must be submitted at least 10 days before the date of the event that the license is for, but the Minister may extend the deadline for applying.

Fees for special occasion licenses

38 The license fees payable per day for a special occasion license are as set out in the following table:

Class of License	Fee/Day
class 1 special occasion license	\$10.68
class 2 special occasion license	\$21.36
class 3 special occasion license	\$53.40

Suspension of permanent license while special occasion license in effect

39 If a special occasion license is granted for all or part of a premises that is the subject of a permanent license, the permanent license for that part of the premises is deemed to be suspended while the special occasion license is in effect.

No admission fee or cover charge by special occasion licensee

40 A class 1 special occasion licensee must not charge an admission fee or cover charge to anyone attending an event their license is issued for.

Liquor purchased from Corporation or agency store

41 A special occasion licensee must not sell or give away liquor other than liquor purchased by the licensee from the Corporation or an agency store.

Storing of unused liquor for next licensed event

42 The Minister may authorize a class 2 or class 3 special occasion licensee to store excess liquor from 1 licensed event to sell at the licensee's next licensed event, if the licensee satisfies the Minister that the liquor can be stored safely and securely.

Suspension or revocation of license

- 43 (1) The Minister may suspend or revoke a special occasion license if the licensee has violated these regulations or a condition of the license.
- (2) An inspector may suspend a special occasion license if, in the opinion of the inspector, the licensee is providing liquor to patrons in an irresponsible manner, is unable to ensure the care and control of the licensed premises or is otherwise acting in a manner that may threaten public safety.

Minors in Licensed Premises**Duty to prevent liquor being sold to, served to or consumed by minors**

- 44 (1) A licensee must ensure that a person who is under 19 years old is not sold, supplied or given liquor in their licensed premises.
- (2) A licensee must ensure that a person who is under 19 years old does not consume liquor in their licensed premises.

When accompanied minor may be in tavern, lounge, beverage room or cabaret

45 Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a premises for which a tavern license, beverage room license, lounge license or cabaret license is in effect until 9:00 p.m. if all of the following conditions are met:

- (a) the person is accompanied at all times by a parent, legal guardian or spouse who is 19 years old or older;
- (b) full meal service is provided in the licensed premises;
- (c) the person enters the licensed premises for the purpose of eating a meal.

Minor entertainer may be in tavern, lounge, beverage room or cabaret if authorized

- 46 (1) Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a premises for which a tavern license, beverage room license, lounge license or cabaret license is in effect if the licensee applies to the Minister for authorization and the Minister authorizes the minor to do so to provide entertainment at the premises.
- (2) A licensee may apply for an authorization under subsection (1) by submitting all of the following at least 5 days before the proposed entertainment will take place:
- (a) a completed application form;
 - (b) the written consent of the parent or legal guardian of the minor entertainer for the minor to provide entertainment at the premises on the proposed date.
- (3) A minor entertainer who is authorized under this Section to provide entertainment must be accompanied by one of the following while in the licensed premises:
- (a) their parent;
 - (b) their legal guardian;
 - (c) a person over 19 years old who is designated in writing by the minor's parent or legal guardian as responsible for the minor.

Minors not permitted in premises if adult entertainment presented

47 A licensee must not permit a person who is under 19 years old to enter or be in a licensed premises while adult entertainment is presented in the licensed premises.

Duty to ensure minor does not dispense liquor

- 48 (1) Except as provided in subsection (2) for an eating establishment, a licensee must ensure that liquor is not dispensed by an employee who is under 19 years old.
- (2) An eating establishment licensee may permit an employee who is under 19 years old to serve liquor at a customer's table.

Sale of Liquor in Licensed Premises**Identifying purpose of purchase of liquor from corporation or agency store**

49 When purchasing liquor from the Corporation or an agency store, a licensee must identify that the liquor is being purchased to be sold in a licensed premises and must provide their license certificate number to the Corporation or agency store.

Licensee not to sell liquor below cost

50 A licensee must not sell liquor for less than what it cost the licensee to purchase the liquor.

Posting prices of liquor in licensed premises

51 A licensee must create a list of all of the following for all liquor sold in their premises and post the list in a place where it can be easily seen and read by customers in the licensed premises:

- (a) the quantities in which the liquor is sold;
- (b) the prices at which the liquor is sold.

Method of dispensing liquor

- 52 (1) A licensee must ensure that the method used to dispense liquor in their licensed premises does not result in a customer receiving less liquor than is represented as being served.
- (2) A licensee must ensure that liquor that is sold in their licensed premises is not diluted, other than liquor in drinks that are mixed or diluted at the request of the customer.

Hours for selling and serving liquor

53 (1) Except as authorized by the Minister under Section 54 for a temporary extension, the maximum hours during which a permanent licensee may be authorized to sell or dispense liquor are as set out in the following table:

Type of Permanent License	Maximum Hours for Selling and Serving Liquor
beverage room license	10:00 a.m. Monday to 2:00 a.m. Tuesday 10:00 a.m. Tuesday to 2:00 a.m. Wednesday 10:00 a.m. Wednesday to 2:00 a.m. Thursday 10:00 a.m. Thursday to 2:00 a.m. Friday 10:00 a.m. Friday to 2:00 a.m. Saturday 10:00 a.m. Saturday to 2:00 a.m. Sunday 12:00 p.m. Sunday to 2:00 a.m. Monday

cabaret license	11:00 a.m. Monday to 3:30 a.m. Tuesday 11:00 a.m. Tuesday to 3:30 a.m. Wednesday 11:00 a.m. Wednesday to 3:30 a.m. Thursday 11:00 a.m. Thursday to 3:30 a.m. Friday 11:00 a.m. Friday to 3:30 a.m. Saturday 11:00 a.m. Saturday to 3:30 a.m. Sunday 12:00 p.m. Sunday to 3:30 a.m. Monday
club license – class A	10:00 a.m. Monday to 2:00 a.m. Tuesday 10:00 a.m. Tuesday to 2:00 a.m. Wednesday 10:00 a.m. Wednesday to 2:00 a.m. Thursday 10:00 a.m. Thursday to 2:00 a.m. Friday 10:00 a.m. Friday to 2:00 a.m. Saturday 10:00 a.m. Saturday to 2:00 a.m. Sunday 10:00 a.m. Sunday to 2:00 a.m. Monday
club license – class B	no maximum hours
eating establishment license	10:00 a.m. Monday to 2:00 a.m. Tuesday 10:00 a.m. Tuesday to 2:00 a.m. Wednesday 10:00 a.m. Wednesday to 2:00 a.m. Thursday 10:00 a.m. Thursday to 2:00 a.m. Friday 10:00 a.m. Friday to 2:00 a.m. Saturday 10:00 a.m. Saturday to 2:00 a.m. Sunday 10:00 a.m. Sunday to 2:00 a.m. Monday
lounge license	10:00 a.m. Monday to 2:00 a.m. Tuesday 10:00 a.m. Tuesday to 2:00 a.m. Wednesday 10:00 a.m. Wednesday to 2:00 a.m. Thursday 10:00 a.m. Thursday to 2:00 a.m. Friday 10:00 a.m. Friday to 2:00 a.m. Saturday 10:00 a.m. Saturday to 2:00 a.m. Sunday 12:00 p.m. Sunday to 2:00 a.m. Monday
special premises license	no maximum hours
tavern license	10:00 a.m. Monday to 2:00 a.m. Tuesday 10:00 a.m. Tuesday to 2:00 a.m. Wednesday 10:00 a.m. Wednesday to 2:00 a.m. Thursday 10:00 a.m. Thursday to 2:00 a.m. Friday 10:00 a.m. Friday to 2:00 a.m. Saturday 10:00 a.m. Saturday to 2:00 a.m. Sunday 12:00 p.m. Sunday to 2:00 a.m. Monday

- (2) Except as authorized by the Minister under Section 54 for a temporary extension, a licensee must ensure that liquor is sold and dispensed only during the hours authorized by the licensee's license.

Temporary extension of hours

54 The Minister may temporarily authorize a permanent licensee to sell or dispense liquor during any additional times the Minister considers appropriate.

Consuming liquor after time to stop selling and serving liquor

- 55** (1) Except as provided in subsection (2), a licensee must ensure that all customers leave their licensed premises no later than 30 minutes after the time authorized by their license to stop selling and dispensing liquor.
- (2) An eating establishment licensee and a class B club licensee may permit customers to remain in their licensed premises for as long as the licensee considers appropriate after the time authorized by their license to stop selling and dispensing liquor.
- (3) Any liquor sold or served before the time authorized by a licensee's license to stop selling and dispensing liquor may be consumed by customers before they leave.

Criteria for liquor permitted in licensed premises

- 56** (1) A licensee must ensure that any liquor in their licensed premises meets at least 1 of the following criteria:
- (a) it is liquor that was purchased by the licensee from the Corporation or an agency store;
- (b) it is wine that was brought into the licensed premises by a customer in accordance with Section 57;
- (c) it is liquor that was brought into the licensed premises by a registered representative in accordance with Section 62 or 63.
- (2) A licensee must ensure that only liquor purchased from or served by the licensee is consumed in their licensed premises.

Eating establishment licensee may permit customers to bring own wine

- 57** (1) An eating establishment licensee may permit a customer to bring wine into their licensed premises to consume in the premises if all of the following criteria are met:
- (a) the wine is commercially produced and bottled;
- (b) the manufacturer's seal on the wine bottle is not broken or removed.
- (2) An eating establishment licensee may serve wine that meets the criteria in subsection (1) to a customer who brings it into their licensed premises and to other customers to be consumed in the licensed premises.
- (3) For greater certainty, the following wine does not meet the criteria in subsection (1) and may not be brought into a licensed premises under this Section:
- (a) home-made wine;
- (b) wine bottled by the purchaser at a Corporation store or agency store;
- (c) boxed wine.

Removing liquor from licensed premises

- 58** (1) Except as provided in subsection (2) for re-corked wine, a licensee must not permit liquor that was sold in their licensed premises to be taken from the premises.
- (2) An eating establishment licensee may permit a customer to take an unfinished bottle of wine from their licensed premises if the licensee does all of the following:

- (a) re-corks the bottle by inserting a cork into the bottle so that the cork is flush with the top of the bottle;
- (b) informs the customer of the requirements in subsections 54(6) and (7) of the Act for transporting the open bottle of liquor in a motor vehicle.

Liquor must be sold and served with meal in eating establishment

- 59** (1) An eating establishment licensee may sell or serve liquor to a customer in their licensed premises, other than the part of their licensed premises designated as a holding area under Section 72, only if the customer is also served enough food to constitute a meal.
- (2) An eating establishment licensee must not sell or serve more liquor to a customer than the amount that would reasonably be consumed with a meal.

Who class A club licensees may sell and serve liquor to

- 60** (1) A class A club licensee may sell liquor only to the following persons:
- (a) a member of the club;
 - (b) a person who has been signed in by a member and whose name has been entered in a guest registration book kept by the licensee;
 - (c) for a class A club licensee that is a branch of the Royal Canadian Legion or another national or provincial organization, a person who has produced a membership card in the organization and whose name has been entered in a guest registration book kept by the licensee.
- (2) A class A club licensee must keep a list of all members and have the list available in their licensed premises at all times.

Persons not permitted in, or to be served in, licensed premises

- 61** (1) A licensee must not sell or provide liquor in their licensed premises to any of the following:
- (a) a person who is apparently under the influence of liquor;
 - (b) a person who it is reasonable to believe will become drunk if they consume any more liquor.
- (2) A licensee must not permit a person who is drunk to be in their licensed premises.

Sampling Liquor**Samples of liquor for licensees and staff**

- 62** (1) A licensee may permit a manufacturer or a registered representative to bring liquor into their licensed premises so that the licensee or the licensee's staff may sample the liquor if all of the following requirements are met:
- (a) the licensee must ensure that the manufacturer or registered representative is present during the sampling process;
 - (b) the licensee must ensure that the total samples of products provided to the licensee by a manufacturer or registered representative is not more than the maximum amount set out in the following table for the type of product in 1 calendar year:

Type of Product	Maximum Total Samples/Year
beer or coolers	48 bottles or equivalent containers, containing 355 ml of product
wine	10 bottles or equivalent containers, containing 750 ml of product
spirits	3 bottles or equivalent containers, containing 750 ml of product

- (c) the licensee must ensure that the sample bottle or equivalent container is disposed of or removed from the licensed premises by the manufacturer or registered representative immediately after the sampling and before any further sampling begins.
- (2) The Minister may require a licensee to provide written notice before liquor sampling occurs in their licensed premises and a licensee must provide the notice when required.

Samples of liquor for customers

- 63 (1) A licensee may permit a manufacturer or a registered representative to provide a sample of liquor to a customer only if all of the following conditions are met:
- (a) the sample is purchased from the licensee by the manufacturer or registered representative;
- (b) the manufacturer or registered representative remains with the customer while the sample is consumed.
- (2) A licensee must not sell more than 1 sample to a manufacturer or registered representative in a single transaction.
- (3) A licensee must not permit a manufacturer or registered representative to serve samples to more than 1 customer at the same time.
- (4) A licensee may sell a sample to a manufacturer or registered representative that is half the size of a regular serving or less, but a licensee must not reduce the price of the sample to below half of the licensee's price for the regular serving set out in the list referred to in Section 51.

Licensed Premises

Activities not permitted in licensed premises

- 64 (1) A licensee must not permit any activity in their licensed premises that is detrimental to the orderly control and operation of the licensed premises.
- (2) A licensee must not permit any activity in their licensed premises that may interfere with the quiet enjoyment of neighbouring properties.
- (3) A licensee must not, personally or through any employee, servant or agent, in or about the licensed premises permit gambling or the use of any game of chance contrary to the *Criminal Code*.
- (4) A licensee must ensure that liquor is not offered or given as a prize for a contest that takes place in their licensed premises.
- (5) A licensee must ensure that a contest that involves consuming liquor is not held in their licensed premises.

- (6) A licensee of licensed premises that are open to the public must not permit pornographic films or programs to be shown in the licensed premises.

Requirements respecting adult entertainment

65 A licensee that presents adult entertainment in a licensed premises must ensure that all of the following requirements are met:

- (a) notice of the presentation of adult entertainment must be posted so that it is clearly visible to customers before they enter the licensed premises;
- (b) there must be no physical contact between customers and adult entertainers, including a customer placing a tip or gratuity on the adult entertainer or any part of the adult entertainer's clothing;
- (c) customers and customer seating areas must be separated from the stage by a distance of at least 1 m;
- (d) no more than 1 adult entertainer may perform at one time, unless otherwise approved by the Minister;
- (e) animals must not be used as part of adult entertainment;
- (f) any adult entertainment performance must take place exclusively on the stage.

Person in charge of licensed premises

66 A licensee must ensure that at least 1 person who is knowledgeable about the responsible sale and service of liquor is designated as being in charge of their licensed premises and is present at the licensed premises at all times.

Number of persons in licensed premises

67 A licensee must ensure that the number of persons in their licensed premises does not exceed the number of persons determined as safe for the premises by the Review Board under Section 22.

Duty to notify Minister if licensed premises closed longer than 7 days

68 A permanent licensee must notify the Minister if their licensed premises will be closed for longer than 7 days.

Cabaret licensees to present live entertainment

69 A cabaret licensee must present live entertainment in their licensed premises at least 4 days a week.

Corresponding eating establishments for lounge licensees

- 70** (1) In this Section and in Section 71, "corresponding eating establishment" means the premises covered by the eating establishment license held by a lounge licensee as required by subsection 48(7) of the Act.
- (2) Except as provided in subsection (3), a lounge licensee must operate their corresponding eating establishment as an eating establishment for at least 5 hours on any day that the licensee operates their lounge.
- (3) A lounge licensee may temporarily close their corresponding eating establishment while operating their lounge if the lounge licensee has submitted a written request to the Review Board and the Review Board has approved the temporary closure of the corresponding eating establishment.

Operating combined lounge and eating establishment

- 71 (1) The Review Board may permit a lounge licensee to operate that part of their premises covered by their lounge license under their eating establishment license if the corresponding eating establishment is adjacent to the lounge and suitable access is provided between the 2 areas.
- (2) The Review Board may permit a lounge licensee to operate that part of their premises covered by their eating establishment license under their lounge license after 9:00 p.m. if the corresponding eating establishment is adjacent to the lounge and suitable access is provided between the 2 areas.

Designation of holding area in eating establishment

- 72 (1) An eating establishment licensee may designate an area in their licensed premises as a holding area for customers who are waiting to be seated in the dining area of their licensed premises.
- (2) A holding area must not be larger than is reasonably required to accommodate customers waiting to be seated in the dining area of their licensed premises.

Duty to notify Minister of police charge laid in or about premises

- 73 A licensee must notify the Minister of any police charge laid in relation to an incident in or about their licensed premises or in relation to an activity occurring in or about their licensed premises no later than 10 days after the date the charge is laid, and must provide details of the incident or activity that is the subject of the charge.

Advertising for licensed premises

- 74 (1) A licensee may advertise liquor, beer or wine as set out in this Section.
- (2) A licensee may advertise using any medium.
- (3) A licensee may include any or all of the following information for their licensed premises in an advertisement:
- (a) liquor prices;
 - (b) hours of sale;
 - (c) names of liquor manufacturers or brands sold.
- (4) A licensee must not use an advertisement that does any of the following:
- (a) encourages people to drink liquor irresponsibly;
 - (b) depicts people drinking liquor;
 - (c) depicts a person who is intoxicated;
 - (d) depicts a person behaving irresponsibly or illegally;
 - (e) implies that driving while consuming or having consumed liquor is acceptable conduct;
 - (f) directly targets minors or is used in locations used or visited mostly by minors;
 - (g) depicts liquor as one of life's necessities;
 - (h) depicts liquor as a key to social acceptance or personal success;

- (i) depicts liquor as central to the enjoyment of any activity;
- (j) depicts liquor as a status symbol;
- (k) uses pictures or descriptions of minors or of personalities, images or activities that may appeal to minors.

Licensees' records kept at licensed premises

75 (1) A licensee must keep all of the following records and have them available in their licensed premises at all times:

- (a) liquor purchase records;
- (b) liquor sales records;
- (c) liquor disposal records;
- (d) employee records, including all of the following for each of their employees:
 - (i) name,
 - (ii) address,
 - (iii) salary,
 - (iv) primary job responsibility,
 - (v) shift schedules,
 - (vi) dates of employment;
- (e) records of the quantity and price of liquor servings;
- (f) records of any liquor sampling conducted under Section 62 or 63.

(2) A licensee must retain the records listed in subsection (1) for at least 3 years.

Licensee's Employees**Employees not to consume liquor while on duty**

76 A licensee must not permit an employee of the licensee to consume liquor in their licensed premises while on duty, other than liquor consumed in the presence of a registered representative to sample the liquor.

Employees not rewarded based on sales

77 A licensee must not pay or reward anyone based on the amount of liquor they sell at their licensed premises.

Inspections**Powers of inspectors**

78 (1) To ensure compliance with the Act and its regulations, an inspector may enter and inspect any of the following places:

- (a) a licensed premises;
 - (b) a place that is the subject of an application for license;
 - (c) any place, whether inside or outside a licensed premises, that could reasonably be expected to be used in connection with selling or storing liquor.
- (2) In carrying out an inspection, an inspector may do any or all of the following:
- (a) take samples of liquor from a licensee or any person in a licensed premises;
 - (b) inspect, audit, examine and make copies of any records, documents, books of account or receipts relating to liquor, a licensee or licensed premises;
 - (c) temporarily remove any of the items listed in clause (b) for those purposes;
 - (d) interview a licensee or any agents of a licensee about any of their records, documents, books of account or receipts;
 - (e) interview and request identification from any person who appears to be a minor and is found in a licensed premises;
 - (f) interview and request identification from any person who appears to be under the influence of liquor in a licensed premises;
 - (g) interview and request identification from any person who is found in a licensed premises after the time specified on the license for the premises to stop selling and dispensing liquor;
 - (h) seize identification from any person interviewed under this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.
- (3) An inspector must carry identification in the form determined by the Minister and present it on request to a licensee of the licensed premises being inspected or to any person being interviewed.

Obstructing inspector

79 A licensee must not obstruct an inspector while the inspector is performing their duties or exercising their powers.

Duty to assist inspector

80 A licensee must do any of the following when requested to by an inspector:

- (a) assist the inspector in carrying out an inspection;
- (b) provide the inspector with records, documents, books of account and receipts and provide a place where they may be examined, audited or copied.

Inspector may direct licensee to lower volume

- 81** (1) An inspector may direct a licensee presenting entertainment in a licensed premises, including a patio or other outdoor licensed area, to lower the volume of the entertainment or turn off the amplification of the entertainment.
- (2) A licensee must comply with a direction under subsection (1).

Disciplinary Action

Disciplinary hearings

- 82** (1) If the Review Board is notified by the Minister of an alleged infraction of the Act or its regulations, or a conviction for an offence under the *Criminal Code* or a quasi-criminal statute, the Review Board may hold a disciplinary hearing.
- (2) The Review Board may determine its own rules of proceeding for a disciplinary hearing.
- (3) A licensee may be represented by counsel at a disciplinary hearing.
- (4) Once a licensee has been notified of a disciplinary hearing and given an opportunity to attend the disciplinary hearing, the Review Board may hold a disciplinary hearing in the licensee's absence without further notice to the licensee.
- (5) If the Review Board determines at a disciplinary hearing that an infraction of the Act or regulations has occurred, the Review Board may do any of the following:
- (a) impose conditions on the licensee's license or rescind or amend existing conditions on the license;
 - (b) suspend all or any part of the licensee's license for any length of time that the Review Board considers appropriate;
 - (c) cancel all or any part of the licensee's license.

Suspended licenses

- 83** (1) The Review Board must set the date that a suspension begins.
- (2) The Review Board may order that a notice be posted at a licensed premises for which the license is suspended that states that the license has been suspended by the Review Board and giving the reason for the suspension.

Suspension of license on bankruptcy or receivership of permanent licensee

- 84** (1) The permanent license of a permanent licensee who goes into bankruptcy or receivership is suspended as of the date of the receiving order, the receivership appointment or receivership order, as the case may be.
- (2) A permanent license that is suspended because the licensee goes into bankruptcy or receivership expires 12 months from the date the license is suspended unless one of the following occurs before the end of the 12 months:
- (a) the license expires because the expiry date set out on the license passes;
 - (b) a transfer of the license is approved;
 - (c) the receiver, trustee or liquidator has applied to the Minister to approve the operation of the licensed premises under a permanent license held in trust by the receiver, trustee or liquidator and the Minister has approved the operation for a period of no longer than 6 months.

Suspension of license on foreclosure of licensed premises

- 85** (1) The license of a permanent licensee whose licensed premises is subject to foreclosure is suspended as of the date of the order for foreclosure and sale.

- (2) A permanent license suspended because a licensed premises is subject to foreclosure remains suspended for no longer than 6 months, as determined by the Review Board, after which the permanent license expires.

Transitional Provisions

Military licenses

- 86 A military license held by a person on the day before these regulations come into force is deemed to be a class B club license and remains valid until its expiry date.

Annual special occasion licenses continued

- 87 (1) An annual special occasion license that is valid on the day before these regulations come into force remains valid.
- (2) The Minister may vary the conditions of an annual special occasion license continued under subsection (1).

N.S. Reg. 366/2007

Made: January 18, 2007

Approved: August 14, 2007

Filed: August 21, 2007

Dairy Farmers of Nova Scotia By-laws

Order dated August 14, 2007

made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clause 15(1)(h) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

The Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(h) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting on January 18, 2007, repealed the Dairy Farmers of Nova Scotia By-laws, N.S. 64/2001, made May 24, 2001, and prescribed new by-laws in the form attached as Schedule "A" as recommended by producers at the 2006 Annual General Meeting held January 17, 2007.

Dated and signed at Truro, Nova Scotia Aug 15-07

Sgd.: *Brian Comeau*
 Brian Comeau
 General Manager
 Dairy Farmers of Nova Scotia

Approved by the Natural Products Marketing Council at Truro, Nova Scotia on August 14, 2007.

Sgd.: *E. A. Crouse*
 Elizabeth A. Crouse
 Acting General Manager
 Natural Products Marketing Council

Schedule "A"**Dairy Farmers of Nova Scotia By-laws
made by the Dairy Farmers of Nova Scotia
pursuant to clause 15(1)(h) of Chapter 24 of the Acts of 2000,
the Dairy Industry Act****Definitions**

1 In these by-laws,

- (a) "Act" means the *Dairy Industry Act*;
- (b) "board of directors" means the board of directors of Dairy Farmers of Nova Scotia;
- (c) "DFNS" means the body corporate known as Dairy Farmers of Nova Scotia, established by Section 5 of the Act;
- (d) "member" means a producer who is engaged in the production of milk or cream from cows and who holds a licence issued under the Act to sell raw milk that has been produced by a herd of dairy cows that the producer owns or controls.

Amendment of by-laws

- 2 (1) Subject to subsection (2), these by-laws may be amended, in whole or in part, by the board of directors.
- (2) Before amending these by-laws, the board of directors must give the members notice of the amendment and an opportunity to discuss and make recommendations to the board of directors on the amendment, either at an annual general meeting or special meeting of the members.

Board of Directors Establishment, Composition and Terms of Office**Board of directors must be established**

3 A board of directors of DFNS must be established in accordance with these by-laws.

Powers of board of directors

4 The board of directors has the authority to exercise any of the powers conferred on DFNS by the Act or by the regulations made under the Act.

Size of board of directors

5 Subject to Section 6, the board of directors must be composed of no more than 8 members elected in accordance with these by-laws.

Minister may appoint person to board of directors

- 6 (1) The Minister may appoint one person as a member of the board of directors of DFNS in addition to the directors who are members.
- (2) A person appointed by the Minister must be a senior official from the Nova Scotia Department of Agriculture and must be a non-producer, a non-processor and a non-distributor.
- (3) A person appointed by the Minister is not entitled to vote at any meetings of the board of directors or any meeting of the members.
- (4) The term of office of a person appointed by the Minister is 1 year.

- (5) A person appointed by the Minister may attend, with the representatives of DFNS, all regional and national meetings relevant to regional and national protocols, memoranda or agreements affecting the industry in the Province.
- (6) The Minister may appoint a replacement person to hold office for the remainder of the term of office of a person appointed to the board of directors who dies, resigns or otherwise ceases to be a member of the board of directors.
- (7) The costs of the attendance and participation by a person appointed by the Minister are the responsibility of the Nova Scotia Department of Agriculture.

Terms of office for directors

- 7 (1) The term of office of each elected director ends in 2007.
- (2) The terms of office of the new board of directors elected in the fall of 2007 are as determined under Section 8 or, if the directors are elected by acclamation, Section 9.
- (3) The term of office of each director elected in and after 2008 is 3 years.

Terms of office of directors elected in fall 2007

- 8 (1) To determine the terms of office of the directors elected in the fall of 2007, the elected directors must be designated as Directors 1 through 8 in accordance with the number of votes each of them received in the election, as follows:
 - (a) Director 1 is the director who received the highest number of votes;
 - (b) Director 2 is the director who received the 2nd-highest number of votes;
 - (c) Director 3 is the director who received the 3rd-highest number of votes;
 and so on until all 8 designations have been made.
- (2) The term of office of each director elected in 2007, as designated under subsection (1), ends in the year indicated in the following table:

Election Years for Directors	
Director 1	2010
Director 2	2010
Director 3	2010
Director 4	2009
Director 5	2009
Director 6	2009
Director 7	2008
Director 8	2008

Terms of office of directors if 8 or fewer elected in fall 2007

- 9 (1)** If there are 8 or fewer candidates for election to the board of directors in fall 2007, and the candidates are accordingly elected by acclamation under subsection 21(1),
- (a) the board of directors may appoint any number of members to the board of directors that is required to bring the total number of directors who are members to 8; and
 - (b) DFNS must conduct an election among members to designate the directors elected by acclamation under subsection 21(1) and by appointment under clause (a) for the purpose of determining their terms of office.
- (2)** An election under subsection (1) to designate the directors must be held in accordance with these by-laws, with the following modifications, and any other modifications that the board considers necessary:
- (a) the ballots used in the election must list the members who are elected by acclamation or who are appointed to the board of directors;
 - (b) each voter must vote by writing “3” beside the names of 3 directors whom the voter wishes to serve for a term of 3 years, “2” beside the names of 3 directors whom the voter wishes to serve for a term of 2 years, and “1” beside the name of each director whom the voter wishes to serve for a term of 1 year;
 - (c) a ballot that is not completed in accordance with clause (b) must be rejected and kept separate with other rejected ballots under clause 25(2)(c);
 - (d) a score for each director must be calculated by totaling the numbers beside the name of that director on all of the ballots;
 - (e) the director with the highest score is designated as Director 1, the director with the 2nd-highest score is designated as Director 2, the director with the 3rd-highest score is designated as Director 3, and so on until all positions have been designated.
- (3)** The term of office of each director designated under this Section ends in the year indicated in the table set out in subsection 8(2).

Newly elected director

- 10** A newly elected director of DFNS takes office on the adjournment of the first annual general meeting of members following his or her election as a director and holds office until his or her successor takes office.

Directorship ceases on director becoming non-member

- 11** A director of the board of directors ceases to be a director on ceasing to be a member of DFNS during his or her term of office.

Director may be removed

- 12** At any time, an elected director may be removed from the board of directors by a majority vote of the remaining directors, if either
- (a) the director has missed 3 consecutive meetings of the board of directors; or

- (b) in the case of a director assigned to a region, several members from the region have expressed concerns to the board of directors about the director's representation of the members from the region.

Vacancy on board of directors

- 13 (1)** The board of directors may appoint a member to fill a vacancy on the board of directors to hold office until it is convenient, as determined by the board of directors, to have an election to fill the vacancy, but the election must be held no later than the next yearly election.
- (2)** The term of office of a person elected to fill a vacancy is the remaining balance of the term of office of the person who vacated the position.

Regions and Regional Milk Committees

Members divided into regions

- 14 (1)** Members are divided into 6 regions as follows:
- (a) Region 1, encompassing the counties of Richmond, Inverness, Cape Breton and Victoria;
 - (b) Region 2, encompassing the counties of Antigonish, Guysborough and Pictou;
 - (c) Region 3, encompassing Cumberland County and the area designated in subsection (2) as North Colchester;
 - (d) Region 4, encompassing Halifax County and the areas designated in subsection (2) as South Colchester and East Hants;
 - (e) Region 5, encompassing the areas designated in subsection (2) as West Hants and East Kings;
 - (f) Region 6, encompassing the counties of Yarmouth, Lunenburg, Queens, Annapolis and the area designated in subsection (2) as West Kings.
- (2)** For purposes of subsection (1), the boundaries of the designated areas are as follows:

Designated Area	Boundary
North Colchester	all the area in Colchester County north of Cobequid Bay and north of Highway 104, plus the area bounded on the north by Cobequid Bay, on the west by the Shubenacadie River, on the south by Highway 289 from Green Oaks to Brookfield, and on the east by Highway 102
South Colchester	all the area in Colchester County not included in North Colchester
East Hants	all the area in Hants County east of a line drawn from Selma to the Nine Mile River Bridge in Nine Mile River
West Hants	all the area in Hants County not included in East Hants
West Kings	all the area in Kings County west of a line drawn from Halls Harbour to Lakeville to South Alton
East Kings	all the area in Kings County not included in West Kings

Regional milk committees

- 15** (1) In each of the regions established by Section 14, there must be a milk committee composed of 4 members or designates who reside in the region and who must be elected by the members who reside in the region.
- (2) A milk committee designate elected under subsection (1) or appointed under subsection (5) must be a spouse, parent, son or daughter of a member and must be at least 18 years old.
- (3) To elect members or designates to a milk committee for a region, the board of directors must call a meeting of the members who reside in the region, to be held at a time and place determined by the board of directors, and the members present at the meeting must elect the milk committee members.
- (4) The term of office of a member or designate on the milk committee is 3 years, and the terms of office must be staggered.
- (5) If there is a vacancy on a milk committee because of the resignation or death of a member or designate on the milk committee, the board of directors may, in consultation with the milk committee, appoint a member or a designate from the region to the milk committee until it is convenient, as determined by the board of directors, to have an election in the region to replace the member who has resigned or died.

Directors assigned to regions to work with milk committees

- 16** (1) Each year at its first meeting after the annual general meeting of the members, the board of directors must appoint 6 directors from among themselves, one each to be assigned to work with the milk committee for each of the 6 regions established by Section 14.
- (2) The director assigned to a region must hold at least 2 meetings per year of the milk committee for the region to seek advice, input and feedback on matters affecting DFNS.
- (3) The board of directors must ensure that 1 or more directors meets at least twice each year with members in each of the 6 regions to seek advice, input and feedback on matters affecting DFNS.

Board of Directors Elections**Only members eligible to vote**

17 The following are eligible to vote in an election of directors of DFNS:

- (a) a member;
- (b) if a member is a corporation, an individual shareholder in the corporation who is designated by the corporation;
- (c) if a member is a partnership, an individual partner in the partnership who is designated by the partnership.

Eligibility for election to board of directors

- 18** (1) Subject to subsection (2), only the following are eligible to serve as directors of DFNS:
- (a) a member who is not a corporation or partnership;
- (b) the individual shareholder of a member corporation who is designated by the corporation in accordance with clause 17(b);

- (c) the partner of a member partnership who is designated by the partnership in accordance with clause 17(c).
- (2) A person who is a director on the board of directors of a processor, transporter or distributor is not eligible to serve as a director of DFNS.

Submitting nominations

- 19** (1) Nominations for election to the board of directors must be submitted to DFNS on or after September 1 and no later than September 21 in each year.
- (2) DFNS must not accept a nomination unless
- (a) the nominee is eligible under Section 18;
 - (b) the nomination is in a form provided by DFNS;
 - (c) the nomination is signed by the nominee, indicating his or her acceptance of the nomination;
 - (d) the nomination is signed by 5 persons who are eligible under Section 17 to vote in an election of directors; and
 - (e) the nomination was received no later than the date specified in subsection (1).

List of nominees

- 20** (1) When the board of directors is satisfied that nominations submitted under Section 19 are complete, DFNS must immediately provide each nominee with the list of nominees.
- (2) A nominee may withdraw his or her nomination by notice in writing to DFNS delivered or mailed so that it is received no later than the 10th day after the date the list of nominees was delivered or mailed to the nominee.

Acclamation and election

- 21** (1) If there are no more candidates for election to the board of directors than vacancies on the board of directors, DFNS must declare the candidates elected to the board of directors by acclamation.
- (2) If there are more candidates for election to the board of directors than vacancies on the board of directors, DFNS must conduct an election.

Election officials

- 22** (1) DFNS must appoint a returning officer and any deputy returning officers and other persons that it considers necessary for the conduct of an election of directors.
- (2) A director of DFNS must not be appointed as a returning officer or deputy returning officer.

Ballots

- 23** (1) For each election of directors, DFNS must mail or cause to be delivered 1 ballot to each member.
- (2) A ballot must be in a form provided by DFNS and must be accompanied by
- (a) an envelope identified only by the words "Ballot Envelope"; and
 - (b) a mailing envelope addressed to the returning officer appointed for the election.

- (3) If a ballot is mailed to a member, DFNS must mail it no later than October 10 in the election year.

Voting

- 24 (1)** A voter must cast only 1 ballot in an election of directors.
- (2) To cast a vote, a voter must
- (a) mark on the ballot in the box opposite the name of each candidate for whom the voter wishes to vote;
 - (b) seal the marked ballot within the ballot envelope;
 - (c) seal the ballot envelope in the mailing envelope;
 - (d) affix the voter's farm name, if any, and licence number on the mailing envelope in the spaces provided; and
 - (e) mail the mailing envelope or cause it to be delivered to the returning officer so that
 - (i) if mailed, it is postmarked no later than October 21 in the election year, or
 - (ii) if delivered other than by mail, it is consigned for delivery no later than October 21 in the election year.
- (3) The returning officer must not accept a mailing envelope unless
- (a) it is marked in accordance with clause (2)(d); and
 - (b) it is received in accordance with clause (2)(e).
- (3) On accepting a mailing envelope, the returning officer must
- (a) remove the ballot envelope from the mailing envelope and deposit it in a sealed ballot box; and
 - (b) immediately destroy the mailing envelope bearing the identity of the voter.

Counting ballots

- 25 (1)** The returning officer must count the ballots no later than November 5 or, if November 5 is on a Sunday, November 6 in the election year.
- (2) The returning officer must do all of the following:
- (a) count the ballots in the presence of at least 2 persons eligible to vote in the election;
 - (b) permit each candidate to be represented at the counting of the ballots by a scrutineer designated by the candidate;
 - (c) reject and keep separate each ballot or ballot envelope
 - (i) that is in a form other than as provided by DFNS in accordance with subsection 23(2),
 - (ii) that contains votes for more than the number of vacancies on the board of directors,

- (iii) on which there is any writing or mark by which the voter may be identified, or
- (iv) that has been submitted by the voter so that the voter can be identified;
- (d) prepare and deliver to DFNS, in the form provided by DFNS, a record of
 - (i) the number of ballots cast,
 - (ii) the number of votes given and allowed for each candidate, and
 - (iii) the number of rejected ballots;
- (e) retain in safe custody, for such period of time as DFNS directs, all the ballots, including the rejected ballots, if any.

Declaration of winner

26 After an election of directors is conducted, DFNS must declare elected the candidates who obtained the largest number of votes and must notify all candidates of the results of the election.

Recount

- 27 (1)** Any candidate in an election of directors may request a recount of the ballots by notice in writing to DFNS delivered or mailed so that it is received no later than 7 days after the date the notice of the election results is given under Section 26.
- (2)** On receipt of a request for a recount under subsection (1), the board of directors must cause the returning officer to conduct a recount of the ballots and each candidate may designate a scrutineer for the purposes of the recount.
- (3)** The election of a candidate on the basis of a recount under subsection (2) is final.
- (4)** If, because of a tie vote or other cause, the election of a member to the board of directors is not determined on the counting or recounting of the ballots, DFNS must declare the election void and must conduct a further election no later than 10 days after the date the election is declared void.

Agent to conduct election

28 DFNS may appoint an agent to conduct all or a part of an election of directors to DFNS in accordance with these by-laws.

Board of Directors Meetings**Notice of board of directors meeting**

- 29 (1)** Meetings of the board of directors must be called by the chair or, failing the chair, by at least 5 of the directors, by giving notice of the meeting to each director.
- (2)** Unless it is otherwise indicated in the notice calling the meeting, a meeting of the board of directors must be held at the head office of DFNS.
- (3)** Notice of a meeting must
- (a) include the date and time of the meeting;
 - (b) be given in writing or by prepaid mail or electronically or orally; and

- (c) be given long enough before the meeting so that each director has sufficient time to receive the notice and to attend the meeting.

Order of business at board of directors meeting

30 (1) The order of business at a meeting of the directors must be as follows:

- (a) roll call;
- (b) reading and approving the minutes of the last meeting;
- (c) business arising out of the minutes of the last meeting;
- (d) reports of the manager, treasurer and chair;
- (e) other reports, if any;
- (f) unfinished business;
- (g) new business.

(2) The order of business may be varied by a majority vote of the directors present at a meeting.

One vote per director and no proxy voting

31 Each member of the board of directors has 1 vote and there must be no proxy voting.

Voting by directors

32 Each matter arising at a meeting of the board of directors must be decided by a majority vote of the directors present and, in the event of a tie vote, the chair of the meeting has a second or casting vote.

Transacting business other than at meeting

33 (1) The board of directors may transact a matter of business other than at a meeting called and conducted in accordance with Sections 29 and 30, if

- (a) the chair is of the opinion that the matter of business should be decided sooner than a meeting may be called;
- (b) the chair submits the matter to be decided to the secretary of DFNS;
- (c) the chair or the secretary submits the matter to be decided to the directors by prepaid mail or electronically or orally; and
- (d) the secretary makes a record in the minute book of the board of directors of the matter to be decided and the decision of each director.

(2) If the conditions set out in subsection (1) are complied with and the record shows a majority of directors in favour of or against the matter to be decided, it must be decided accordingly.

(3) A record made by the secretary under subsection (1) must be read and confirmed at the next meeting of the board of directors.

Minutes of board of directors meeting

34 Minutes of each meeting of the board of directors must be signed by the chair of the meeting and the secretary.

Quorum at board of directors meeting

35 A majority of the elected directors of the board of directors constitutes a quorum whether or not a vacancy exists.

Members' Meetings**Timing of annual general meeting**

36 An annual general meeting of the members must be held no later than 6 months after the fiscal year end of DFNS.

Calling special meeting of members

- 37 (1) A special meeting of the members may be called at any time by the board of directors, or on written request signed by at least 15% of the members.
- (2) A special meeting called on the written request of members must be called no later than 30 days after the date of the request.
- (3) The order of business for a special meeting may be set at the meeting by the majority of members present.

Notice of members' meeting

38 Notice of a meeting is sufficiently given if mailed at least 2 weeks in advance to all members, but non-receipt of the notice by any member does not invalidate the proceedings of the meeting.

Quorum at members' meeting

- 39 (1) Business must not be transacted at a meeting of the members unless a quorum of members is present at the beginning of the meeting.
- (2) A quorum is 15% of the members.

Quorum not present at members' meeting

- 40 If a quorum of members is not present within 30 minutes after the time appointed for a meeting of the members, the meeting,
- (a) if convened on the request of members, must be dissolved;
- (b) if convened by the board of directors, must stand adjourned to any time and place that the majority of the members then present directs.

Chair of members' meeting

- 41 (1) The chair of DFNS must preside as chair at every annual general meeting and special meeting of the members.
- (2) If at any meeting the chair is not present, the vice-chair must preside as chair of the meeting.
- (3) If at any meeting, neither the chair nor the vice-chair is present, the members present must choose another member present to be chair of the meeting.

Casting vote at members' meeting

- 42 (1) The chair of a members' meeting has no vote except in the case of an equality of votes.
- (2) In the case of an equality of votes, the chair of the meeting has the deciding vote.

One vote per member

43 Except as provided in Section 44, only members present are entitled to vote at a meeting of members, each member has 1 vote and there must be no proxy voting.

Member may designate proxy

- 44** (1) If, because of absence or illness, a member who is not a corporation or partnership is unable to vote at a meeting of members, the member may designate an individual to vote on the member's behalf.
- (2) If, because of absence or illness, there are no designated shareholders or partners of a member corporation or partnership who are able to vote at a meeting of members, the member corporation or partnership may designate an individual to vote on behalf of the member corporation or partnership.
- (3) An individual designated under subsection (1) or (2) to vote on behalf of a member must be at least 18 years old and
- (a) for a member who is not a corporation or partnership, must be a spouse, parent, son, daughter or employee of the member; or
- (b) for a member that is a corporation or partnership, must be a spouse, parent, son or daughter of a shareholder in the corporation or a partner in the partnership, as applicable.
- (4) There must be no proxy voting other than as provided in this Section.

Order of business at annual general meeting

- 45** (1) The order of business at an annual general meeting of the members must be as follows:
- (a) roll call, which may be completed and tabulated before the call to order;
- (b) reading and approving the minutes of the last meeting;
- (c) matters arising out of the minutes of the last meeting;
- (d) reports of the manager, treasurer, auditor and chair;
- (e) other reports, if any;
- (f) any other matters that the board of directors includes in the notice calling the meeting.
- (2) The order of business at an annual general meeting may be varied by a majority vote of the members present.
- (3) Minutes of an annual general meeting must be signed by the chair of the meeting and by the secretary.

Majority decides

- 46** (1) Except as provided in subsection (2), each matter arising at a meeting of the members must be decided by a majority vote of the members present.
- (2) For a meeting of members called by the board of directors, the board of directors may state in the notice calling the meeting that matters arising at the meeting must be decided other than by a majority vote of the members present.

Officers, Manager and Executive Committee**Election of chair and vice-chair of board of directors**

- 47 (1) Each year at its first meeting after the annual general meeting of the members, the board of directors must elect from among themselves a chair and a vice-chair.
- (2) If both the chair and vice-chair are absent from a meeting of the directors, the board of directors may elect a chair from the directors present at the meeting.

Appointment of secretary and treasurer

- 48 (1) Each year, at the same meeting at which the chair and vice-chair are elected under Section 47, the board of directors must appoint a secretary and treasurer for DFNS.
- (2) The same person may be appointed secretary and treasurer.
- (3) The secretary and treasurer must not be members.

Secretary's duties

- 49 The secretary of DFNS must do all of the following:
- (a) attend all meetings of the members and the board of directors and keep true minutes of the meetings;
 - (b) conduct the correspondence of the board of directors;
 - (c) keep a record of
 - (i) all transactions of the members and board of directors,
 - (ii) all resolutions, orders, directions or determinations of the members and board of directors,
 - (iii) all reports of committees that are appointed by the board of directors, and
 - (iv) all annual financial statements and auditor's reports.

Treasurer's duties

- 50 The treasurer of DFNS must do all of the following:
- (a) receive all money paid to DFNS and immediately deposit it to the credit of DFNS in a bank listed in Schedule I or II to the *Bank Act* (Canada) or in a credit union, as DFNS by resolution directs;
 - (b) keep the securities of DFNS in safe custody;
 - (c) keep or cause to be kept proper books of account and make or cause to be made entries in the books of account of all receipts and expenditures of DFNS;
 - (d) prepare the annual financial statements of DFNS;
 - (e) prepare reports showing the financial position of DFNS, as the board of directors directs.

Manager

51 DFNS may hire a manager, and the manager's duties are as directed by the board of directors.

Executive committee

- 52 (1) There must be an executive committee of DFNS composed of the chair, vice-chair and 1 director.
- (2) The director who sits on the executive committee must be elected from and by the board of directors at the same meeting at which it elects the chair and vice-chair under Section 47.
- (3) The executive committee's duties and responsibilities are as determined by the board of directors.

General and Financial Administration**Head office**

53 The head office of DFNS must be in a place in Nova Scotia determined by the board of directors.

Fiscal year

54 The fiscal year of DFNS ends on July 31 in each year, or on another date fixed by the board of directors.

Expenditures and cheques

- 55 (1) An expenditure must not be made unless it is authorized by the board of directors in accordance with the powers conferred on the board of directors by the Act and its regulations.
- (2) Each cheque of DFNS requires the signatures of 2 persons chosen by the board of directors.

Appointment of auditor and audited accounts

- 56 (1) Each year at the annual general meeting, the members must appoint an auditor for DFNS to act during the current fiscal year.
- (2) No later than 2 months and 15 days after the end of a fiscal year or the date of the DFNS board meeting held immediately before an annual general meeting, whichever is earlier, the auditor must provide the board of directors with a report on the accounts examined by the auditor for the fiscal year last ended.
- (3) An auditor's report must be accompanied by all financial statements referred to in the report, and must state whether, in the auditor's opinion, each financial report exhibits a true and correct view of the state of DFNS's affairs as shown by its books and the treasurer's financial statements.
- (4) An auditor's report, together with all financial statements referred to in the report, must be laid before the members at the annual general meeting following the board of directors' meeting at which the report is considered by the directors.

Financial statements and reports circulated to members

57 The secretary must include the following documents with notice of an annual general meeting:

- (a) a copy of the auditor's report required by Section 56 for the fiscal year last ended, together with copies of all financial statements referred to in the report; and
- (b) a general report on DFNS's operations for the fiscal year last ended.

Seal

58 (1) DFNS must have a corporate seal.

- (2) The seal must be in the form of a circle with the name of DFNS inserted in the space inside the circle.
- (3) When the seal is used, it must be attested by the chair or vice-chair and the secretary.
- (4) The secretary has custody of the seal.

Annual budget

- 59** (1) Subject to subsection (2), the annual budget for DFNS requires the approval of the board of directors only.
- (2) Before approving an annual budget, the board of directors must give the members an opportunity to discuss and make recommendations to the board of directors on the annual budget, either at an annual general meeting or special meeting of the members.

Procedure for hearing before licence suspension or cancellation

- 60** (1) Before DFNS suspends or cancels a producer's licence under Section 10 of the *Milk Producer Licensing Regulations* made under the Act, the producer must be given an opportunity for a hearing before the board of directors.
- (2) The board of directors must notify an affected producer in writing of the date, time, location and reason for the hearing.
 - (3) The board of directors must notify the processor representative of the hearing details referred to in subsection (2).
 - (4) A processor representative may attend a hearing but must not vote with respect to matters at issue in the hearing.
 - (5) Subject to procedures established by the board of directors, a processor representative may make representations at a hearing.

N.S. Reg. 367/2007

Made: August 16, 2007

Filed: August 22, 2007

Prescribed Petroleum Products Prices

Order dated August 16, 2007
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated August 9, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on August 10, 2007; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on August 17, 2007

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on August 16, 2007

Sgd.: *Angus MacIsaac*
Honourable Jamie Muir
Acting Minister of Service Nova Scotia and Municipal Relations

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 17, 2007**

Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)	
Regular unleaded gasoline	56.3
Mid-grade unleaded gasoline	59.3
Premium unleaded gasoline	62.3
Ultra low-sulfur diesel oil	58.1

Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)									
		Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	88.1	4.0	5.5	4.0	999.9	105.0	106.7	105.0	999.9
Mid-Grade Unleaded	91.1	4.0	5.5	4.0	999.9	108.4	110.1	108.4	999.9
Premium Unleaded	94.1	4.0	5.5	4.0	999.9	111.8	113.5	111.8	999.9
Ultra Low-Sulfur Diesel	83.8	4.0	5.5	4.0	999.9	100.1	101.8	100.1	999.9
Zone 2									
Regular Unleaded	88.5	4.0	5.5	4.0	999.9	105.5	107.2	105.5	999.9
Mid-Grade Unleaded	91.5	4.0	5.5	4.0	999.9	108.9	110.6	108.9	999.9
Premium Unleaded	94.5	4.0	5.5	4.0	999.9	112.3	114.0	112.3	999.9
Ultra Low-Sulfur Diesel	84.2	4.0	5.5	4.0	999.9	100.5	102.3	100.5	999.9
Zone 3									
Regular Unleaded	89.0	4.0	5.5	4.0	999.9	106.0	107.7	106.0	999.9
Mid-Grade Unleaded	92.0	4.0	5.5	4.0	999.9	109.4	111.2	109.4	999.9
Premium Unleaded	95.0	4.0	5.5	4.0	999.9	112.9	114.6	112.9	999.9
Ultra Low-Sulfur Diesel	84.7	4.0	5.5	4.0	999.9	101.1	102.8	101.1	999.9
Zone 4									
Regular Unleaded	89.0	4.0	5.5	4.0	999.9	106.0	107.7	106.0	999.9
Mid-Grade Unleaded	92.0	4.0	5.5	4.0	999.9	109.4	111.2	109.4	999.9
Premium Unleaded	95.0	4.0	5.5	4.0	999.9	112.9	114.6	112.9	999.9
Ultra Low-Sulfur Diesel	84.7	4.0	5.5	4.0	999.9	101.1	102.8	101.1	999.9
Zone 5									
Regular Unleaded	89.0	4.0	5.5	4.0	999.9	106.0	107.7	106.0	999.9
Mid-Grade Unleaded	92.0	4.0	5.5	4.0	999.9	109.4	111.2	109.4	999.9
Premium Unleaded	95.0	4.0	5.5	4.0	999.9	112.9	114.6	112.9	999.9
Ultra Low-Sulfur Diesel	84.7	4.0	5.5	4.0	999.9	101.1	102.8	101.1	999.9

Zone 6									
Regular Unleaded	89.8	4.0	5.5	4.0	999.9	106.9	108.6	106.9	999.9
Mid-Grade Unleaded	92.8	4.0	5.5	4.0	999.9	110.4	112.1	110.4	999.9
Premium Unleaded	95.8	4.0	5.5	4.0	999.9	113.8	115.5	113.8	999.9
Ultra Low-Sulfur Diesel	85.5	4.0	5.5	4.0	999.9	102.0	103.7	102.0	999.9