

# Royal Gazette

## Part II Regulations under the Regulations Act

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*Printed by the Queen's Printer*

Halifax, Nova Scotia

Vol. 31, No. 21

October 12, 2007

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**N.S. Reg. 389/2007**

Made: September 20, 2007

Filed: September 21, 2007

Prescribed Petroleum Products Prices

Order dated September 20, 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 September 13, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on September 14, 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 September 21, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on September 20, 2007.

Sgd.: *Jamie Muir*  
Honourable Jamie Muir  
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 September 21, 2007**

<b>Table 1: Benchmark Prices for Regulated Petroleum Products</b> (cents/litre)	
Regular unleaded gasoline	57.4
Mid-grade unleaded gasoline	60.4
Premium unleaded gasoline	63.4
Ultra low-sulfur diesel oil	63.0

<b>Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products</b> (cents/litre)									
		<b>Retail Mark-up</b>				<b>Retail Price</b> (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	<b>Fixed Wholesale Price</b> (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
<b>Zone 1</b>									
Regular Unleaded	89.2	4.0	5.5	4.0	999.9	106.2	108.0	106.2	999.9
Mid-Grade Unleaded	92.2	4.0	5.5	4.0	999.9	109.7	111.4	109.7	999.9
Premium Unleaded	95.2	4.0	5.5	4.0	999.9	113.1	114.8	113.1	999.9
Ultra Low-Sulfur Diesel	88.7	4.0	5.5	4.0	999.9	105.7	107.4	105.7	999.9
<b>Zone 2</b>									
Regular Unleaded	89.6	4.0	5.5	4.0	999.9	106.7	108.4	106.7	999.9
Mid-Grade Unleaded	92.6	4.0	5.5	4.0	999.9	110.1	111.8	110.1	999.9
Premium Unleaded	95.6	4.0	5.5	4.0	999.9	113.5	115.3	113.5	999.9
Ultra Low-Sulfur Diesel	89.1	4.0	5.5	4.0	999.9	106.1	107.8	106.1	999.9
<b>Zone 3</b>									
Regular Unleaded	90.1	4.0	5.5	4.0	999.9	107.3	109.0	107.3	999.9
Mid-Grade Unleaded	93.1	4.0	5.5	4.0	999.9	110.7	112.4	110.7	999.9
Premium Unleaded	96.1	4.0	5.5	4.0	999.9	114.1	115.8	114.1	999.9
Ultra Low-Sulfur Diesel	89.6	4.0	5.5	4.0	999.9	106.7	108.4	106.7	999.9
<b>Zone 4</b>									
Regular Unleaded	90.1	4.0	5.5	4.0	999.9	107.3	109.0	107.3	999.9
Mid-Grade Unleaded	93.1	4.0	5.5	4.0	999.9	110.7	112.4	110.7	999.9
Premium Unleaded	96.1	4.0	5.5	4.0	999.9	114.1	115.8	114.1	999.9
Ultra Low-Sulfur Diesel	89.6	4.0	5.5	4.0	999.9	106.7	108.4	106.7	999.9
<b>Zone 5</b>									
Regular Unleaded	90.1	4.0	5.5	4.0	999.9	107.3	109.0	107.3	999.9
Mid-Grade Unleaded	93.1	4.0	5.5	4.0	999.9	110.7	112.4	110.7	999.9
Premium Unleaded	96.1	4.0	5.5	4.0	999.9	114.1	115.8	114.1	999.9
Ultra Low-Sulfur Diesel	89.6	4.0	5.5	4.0	999.9	106.7	108.4	106.7	999.9

<b>Zone 6</b>									
Regular Unleaded	90.9	4.0	5.5	4.0	999.9	108.2	109.9	108.2	999.9
Mid-Grade Unleaded	93.9	4.0	5.5	4.0	999.9	111.6	113.3	111.6	999.9
Premium Unleaded	96.9	4.0	5.5	4.0	999.9	115.0	116.7	115.0	999.9
Ultra Low-Sulfur Diesel	90.4	4.0	5.5	4.0	999.9	107.6	109.3	107.6	999.9

**N.S. Reg. 390/2007**

Made: September 20, 2007

Filed: September 21, 2007

Birth Registration Regulations

Order in Council 2007-498 dated September 20, 2007

Regulations made by the Governor in Council  
pursuant to Section 51 of the *Vital Statistics Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated September 19, 2007, and pursuant to Section 51 of Chapter 494 of the Revised Statutes of Nova Scotia, 1989, the *Vital Statistics Act*, is pleased to make regulations respecting birth registrations in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 20, 2007.

**Schedule "A"**

**Regulations Respecting Birth Registration  
made by the Governor in Council pursuant to  
Section 51 of Chapter 494 of the Revised Statutes of Nova Scotia, 1989,  
the *Vital Statistics Act***

**Citation**

1 These regulations may be cited as the *Birth Registration Regulations*.

**Definitions**

2 In these regulations,

- (a) "Act" means the *Vital Statistics Act*;
- (b) "assisted conception" means conception that occurs as a result of artificial reproductive technology, using an anonymous sperm donor;
- (c) "spouse" means the person to whom a child's mother is married.

**Assisted conception**

- 3 (1) Despite Section 4 of the Act, if the mother of a child who was conceived as the result of assisted conception is married, the birth of the child must be registered showing the spouse of the mother as the child's other parent.
- (2) Despite Section 4 of the Act, if the mother of a child who was conceived as the result of assisted conception is unmarried and the person whom the child's mother acknowledges as the child's other parent files a statutory declaration with the Registrar or the division registrar acknowledging that

that person intends to assume the role of parent of the child, the birth of the child must be registered showing that person as the child's other parent.

- (3) If a request to register an assisted conception is made after the registration of the birth in accordance with Section 4 of the Act, the Registrar may amend the registration in accordance with the request by making the necessary notation.

### **Mother of child**

**4** A woman who gives birth to a child must be recorded as the mother of the child.

### **Surrogacy**

- 5** (1) In this Section, "court" means the Supreme Court of Nova Scotia (Family Division) or the Family Court of Nova Scotia as the case may be.
- (2) On application by the intended parents in a surrogacy arrangement, the court may make a declaratory order with respect to the parentage of the child if all of the following apply:
    - (a) the surrogacy arrangement was initiated by the intended parents;
    - (b) the surrogacy arrangement was planned before conception;
    - (c) the woman who is to carry and give birth to the child does not intend to be the child's parent;
    - (d) the intended parents intend to be the child's parents;
    - (e) one of the intended parents has a genetic link to the child.
  - (3) If the court makes a declaratory order under subsection (2), the court may order that
    - (a) the name and particulars of the parents be registered and the name and particulars of a surrogate mother be removed; and
    - (b) the surname of the child be registered in accordance with the surname chosen by the intended parents.
  - (4) An order made under subsection (3) must contain all of the following:
    - (a) the full names of the parents of the child;
    - (b) the date and place of the birth of the parents of the child;
    - (c) sufficient particulars of the birth of the child to identify the birth record that is to be changed.
  - (5) On receipt of an order made under subsection (3), the Registrar must amend the child's birth registration as required by the order.
  - (6) If a child's birth registration is amended in accordance with subsection (5), every birth certificate subsequently issued for the child must reflect the amended birth registration.

**N.S. Reg. 391/2007**

Made: September 25, 2007

Filed: September 25, 2007

Employment Support and Income Assistance Regulations

Order in Council 2007-504 dated September 25, 2007  
 Amendment to regulations made by the Governor in Council  
 pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated September 11, 2007, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, by replacing the table immediately following the heading "Personal Allowance" in Appendix "A" with the following table, effective on and after October 1, 2007:

<b>Adult</b>	<b>Dependent Child (under age 18)</b>	<b>Dependent Child (age 18 to 20 inclusive)</b>
\$204	\$133	\$204

**N.S. Reg. 392/2007**

Made: September 25, 2007

Filed: September 25, 2007

Air Quality Regulations

Order in Council 2007-505 dated September 25, 2007  
 Amendment to regulations made by the Governor in Council  
 pursuant to Section 112 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated September 4, 2007, and pursuant to Section 112 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Air Quality Regulations*, N.S. Reg. 28/2005, made by the Governor in Council by Order in Council 2005-87 dated February 25, 2005, to revise mercury emission caps to implement the *Canada-Wide Standards for Mercury Emissions from Coal-Fired Electric Power Generation Plants* and to make certain administrative changes in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 25, 2007.

**Schedule "A"**

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

- 1 Section 2 of the *Air Quality Regulations*, N.S. Reg. 28/2005, made by the Governor in Council by Order in Council 2005-87 dated February 25, 2005, is amended by adding the following clause immediately after clause 2(e):

- (ea) "fossil fuel" means a hydrocarbon deposit such as petroleum, coal or natural gas, derived from living matter of a previous geologic time and used for fuel;
- 2 The regulations are further amended by adding the following subsections immediately after subsection 6(3):
- (3A)** If persons assigned emission allocations listed in Schedule C transfer ownership of a fossil fuel-fired thermal power generating station, a corresponding portion of the emission allocation and associated monitoring and reporting requirements must be transferred to the new owner in accordance with subsection (3B).
- (3B)** Before ownership of a fossil fuel-fired thermal power generating station is transferred, the apportioning of its emission allocation and associated monitoring and reporting requirements must be approved in writing by the Administrator.
- 3 Subsection 3(1) of Schedule C of the regulations is repealed and the following subsection substituted:
- 3 (1)** Commencing March 1, 2005, and in each calendar year thereafter until December 31, 2009, the annual emissions of mercury from the following coal-fired thermal power generating stations owned or operated by Nova Scotia Power Incorporated and affiliated companies must not in any calendar year exceed, in the aggregate, 168 kg:
- (a) Lingan;
- (b) Point Tupper;
- (c) Trenton; and
- (d) Point Aconi.
- 4 Schedule C of the regulations is further amended by adding the following subsections immediately after subsection 3(1):
- (1A)** Commencing January 1, 2010, and in each calendar year thereafter, the annual emissions of mercury from units in place and state as of October 11, 2006, within the coal-fired thermal power generating stations referred to in subsection (1) must not in any calendar year exceed, in the aggregate, 65 kg.
- (1B)** If a unit in place and state as of October 11, 2006, within a coal-fired thermal power generating station referred to in subsection (1) is replaced with equivalent technology or any other steam-generating technology based on coal combustion, the unit must meet the standard for new facilities under the *Canada-Wide Standards for Mercury Emissions from Coal-Fired Electric Power Generation Plants*, endorsed by the Canadian Council of Ministers of the Environment, October 11, 2006, and is no longer included in the emission allocation of subsection (1A).
- (1C)** Monitoring and testing of mercury emissions from coal-fired thermal power generating stations owned or operated by Nova Scotia Power Incorporated and affiliated companies must be conducted in accordance with a standard prescribed by the Administrator.

**N.S. Reg. 393/2007**

Made: September 6, 2007

Filed: September 27, 2007

Species-at-Risk List Regulations

Order dated September 6, 2007  
made by the Species-at-Risk Working Group  
pursuant to Sections 10 and 12 of the *Endangered Species Act*

**The Species-at-Risk Working Group**, pursuant to Sections 10 and 12 of Chapter 11 of the Acts of 1998, the *Endangered Species Act*, on 6 September 2007,

**Hereby** lists by category species at risk in the Province of Nova Scotia, which are in addition to those listed in the Species-at-Risk List Regulations made by Order dated June 5, 2000, N.S. Reg. 109/2000;

<b>Peregrine Falcon</b>	<i>Falco peregrinus</i>	Vulnerable
<b>Red Knot</b>	<i>Calidris canutus rufa</i>	Endangered
<b>Chimney Swift</b>	<i>Chaetura pelagica</i>	Endangered
<b>Common Nighthawk</b>	<i>Chordeiles minor</i>	Threatened
<b>Ram's-head Lady Slipper</b>	<i>Cypripedium arietinum</i>	Endangered
<b>Rockrose (Canada Frostweed)</b>	<i>Helianthemum canadense</i>	Endangered

**N.S. Reg. 394/2007**

Made: September 27, 2007

Filed: October 1, 2007

Prescribed Petroleum Products Prices

Order dated September 27, 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 September 20, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on September 21, 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 September 28, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on September 27, 2007.

Sgd.: *Jamie Muir*  
Honourable Jamie Muir  
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 September 28, 2007**

<b>Table 1: Benchmark Prices for Regulated Petroleum Products</b> (cents/litre)	
Regular unleaded gasoline	56.2
Mid-grade unleaded gasoline	59.2
Premium unleaded gasoline	62.2
Ultra low-sulfur diesel oil	61.8

<b>Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products</b> (cents/litre)									
		<b>Retail Mark-up</b>				<b>Retail Price</b> (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	<b>Fixed Wholesale Price</b> (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
<b>Zone 1</b>									
Regular Unleaded	88.0	4.0	5.5	4.0	999.9	104.9	106.6	104.9	999.9
Mid-Grade Unleaded	91.0	4.0	5.5	4.0	999.9	108.3	110.0	108.3	999.9
Premium Unleaded	94.0	4.0	5.5	4.0	999.9	111.7	113.4	111.7	999.9
Ultra Low-Sulfur Diesel	87.5	4.0	5.5	4.0	999.9	104.3	106.0	104.3	999.9
<b>Zone 2</b>									
Regular Unleaded	88.4	4.0	5.5	4.0	999.9	105.3	107.0	105.3	999.9
Mid-Grade Unleaded	91.4	4.0	5.5	4.0	999.9	108.8	110.5	108.8	999.9
Premium Unleaded	94.4	4.0	5.5	4.0	999.9	112.2	113.9	112.2	999.9
Ultra Low-Sulfur Diesel	87.9	4.0	5.5	4.0	999.9	104.8	106.5	104.8	999.9

<b>Zone 3</b>									
Regular Unleaded	88.9	4.0	5.5	4.0	999.9	105.9	107.6	105.9	999.9
Mid-Grade Unleaded	91.9	4.0	5.5	4.0	999.9	109.3	111.0	109.3	999.9
Premium Unleaded	94.9	4.0	5.5	4.0	999.9	112.7	114.5	112.7	999.9
Ultra Low-Sulfur Diesel	88.4	4.0	5.5	4.0	999.9	105.3	107.0	105.3	999.9
<b>Zone 4</b>									
Regular Unleaded	88.9	4.0	5.5	4.0	999.9	105.9	107.6	105.9	999.9
Mid-Grade Unleaded	91.9	4.0	5.5	4.0	999.9	109.3	111.0	109.3	999.9
Premium Unleaded	94.9	4.0	5.5	4.0	999.9	112.7	114.5	112.7	999.9
Ultra Low-Sulfur Diesel	88.4	4.0	5.5	4.0	999.9	105.3	107.0	105.3	999.9
<b>Zone 5</b>									
Regular Unleaded	88.9	4.0	5.5	4.0	999.9	105.9	107.6	105.9	999.9
Mid-Grade Unleaded	91.9	4.0	5.5	4.0	999.9	109.3	111.0	109.3	999.9
Premium Unleaded	94.9	4.0	5.5	4.0	999.9	112.7	114.5	112.7	999.9
Ultra Low-Sulfur Diesel	88.4	4.0	5.5	4.0	999.9	105.3	107.0	105.3	999.9
<b>Zone 6</b>									
Regular Unleaded	89.7	4.0	5.5	4.0	999.9	106.8	108.5	106.8	999.9
Mid-Grade Unleaded	92.7	4.0	5.5	4.0	999.9	110.2	111.9	110.2	999.9
Premium Unleaded	95.7	4.0	5.5	4.0	999.9	113.7	115.4	113.7	999.9
Ultra Low-Sulfur Diesel	89.2	4.0	5.5	4.0	999.9	106.2	108.0	106.2	999.9

**N.S. Reg. 395/2007**

Made: September 19, 2007

Approved: September 28, 2007

Filed: September 25, 2007

Kilometrage Rates, Monthly Allowances and Transportation Allowances Regulations

Order in Council 2007-521 dated September 28, 2007

Regulations made by the Public Service Commission and approved by the Governor in Council pursuant to Sections 7 and 45 of the  
*Civil Service Act*

The Governor in Council on the report and recommendation of the Minister of Human Resources dated September 19, 2007, and pursuant to Sections 7 and 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, is pleased to approve

- (a) the repeal by the Public Service Commission of the *Car Kilometrage Rates, Monthly Car Allowances and Transportation Allowances Regulations* approved by Order in Council 2006-221 dated May 4, 2006; and
- (b) the making by the Public Service Commission of new regulations respecting kilometrage rates, monthly allowances and transportation allowances in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

The Public Service Commission, pursuant to Sections 7 and 45 of Chapter 70 of the Revised Statutes of Nova Scotia, the *Civil Service Act*, hereby repeals the *Car Kilometrage Rates, Monthly Car Allowances and Transportation Allowances Regulations*, N.S. Reg 69/2006, made by the Public Service Commission and approved by the Governor in Council by Order in Council 2006-221 dated May 4, 2006, and makes new regulations respecting kilometrage rates, monthly allowances and transportation allowances in the form attached.

Dated at Halifax, Nova Scotia, September 19, 2007.

Sgd.: *Carolyn Bolivar-Getson*  
Honourable Carolyn Bolivar-Getson  
Minister of Human Resources

**Regulations Respecting Kilometrage Rates,  
Monthly Allowances and Transportation Allowances  
made by the Public Service Commission pursuant to Sections 7 and 45 of  
Chapter 70 of the Revised Statutes of Nova Scotia, 1989,  
the *Civil Service Act***

**Citation**

1 These regulations may be cited as the *Kilometrage Rates, Monthly Allowances and Transportation Allowances Regulations*.

**Definitions**

2 In these regulations,

- (a) "Act" means the *Civil Service Act*;
- (b) "former regulations" means the *Car Kilometrage Rates, Monthly Car Allowances and Transportation Allowances Regulations*, N.S. Reg. 69/2006, made by the Public Service Commission and approved by the Governor in Council by Order in Council 2006-221 dated May 4, 2006.

**Prior rates and allowances**

3 Kilometrage rates and allowances as authorized by the former regulations must not be paid after March 31, 2007.

**Kilometrage rates**

4 Except as provided in Section 5, effective April 1, 2007, employees must be paid in accordance with the rates set out in the following table for all kilometres driven in connection with employment:

<b>Kilometres Driven</b>	<b>Rate</b>
0–16 000 km	39.87¢/km
16 000.1–27 000 km	35.18¢/km
27 000.1 km +	26.97¢/km

**Monthly allowances**

- 5 (1) Effective April 1, 2007, an employee of the Department of Transportation and Public Works who holds the position of Engineering Survey Technician or Project Engineer must be paid a monthly allowance of \$833.71 instead of the kilometrage rates set out in Section 4.
- (2) Effective April 1, 2007, scale house operators of the Registry of Motor Vehicles and road transport inspectors in the Department of Transportation and Public Works must be paid a monthly allowance instead of the kilometrage rates set out in Section 4 in accordance with the following table:

Kilometres Driven	Rate
8–24 km	\$62.14
24–48.3 km	\$94.70
Over 48.3 km	\$159.82

- (3) An employee who has been designated by the Commission as belonging to a class of employment for which availability of a motor vehicle is deemed to be a condition of employment may opt to receive a monthly allowance in accordance with subsection (4) instead of the kilometrage rates set out in Section 4.
- (4) Effective April 1, 2007, an employee who has opted to receive a monthly allowance under subsection (3) must be paid a monthly allowance for all kilometres driven in connection with employment of \$309.92 plus 22.86¢/km.

#### **Request for change between kilometrage and allowance**

- 6 If an employee who has the option of receiving a monthly allowance under subsection 5(3) wishes to change from a monthly allowance to the kilometrage rates under Section 4 or from the kilometrage rates to a monthly allowance under subsection 5(4), the employee must notify the Public Service Commission in writing
- (a) no later than April 30 in the year for which the change is requested; or
- (b) no later than 30 days after they become eligible to make the option.

#### **Determining when vehicle is condition of employment**

- 7 (1) In this Section, “designate” and “designation” refer to the designation by the Commission of an employee as belonging to a class of employment for which availability of a motor vehicle is deemed to be a condition of employment.
- (2) A designation may be granted only on the recommendation of the Deputy Minister of the department in which the employee is employed.
- (3) Subject to subsections (4) and (5), a decision by the Commission to designate an employee must be made in accordance with the following criteria:
- (a) if the employee drives 3218.6 km per year or fewer in connection with employment, the designation must not be granted;
- (b) if the employee drives more than 3218.6 km but fewer than 16 000 km per year in connection with employment, the decision to designate the employee must be based on criteria established by the applicable department and the department’s recommendation that using a privately-owned motor vehicle is the most efficient manner of providing transportation to fulfil the employee’s job function, particularly as it relates to providing services to the public;
- (c) if the employee drives 16 000 km per year or more in connection with employment, the designation must be granted.
- (4) In making a designation, the Commission must consider all of the following:
- (a) whether the employee can travel more economically by means other than privately-owned vehicle without substantial impairment to the efficiency of service;

- (b) the nature of the job function performed by the employee and any requirements for transportation that could be met by other means of transportation, including a rental vehicle and public transportation;
  - (c) whether an employee has control over the demand for transportation and whether the demand for transportation can and does occur at any time;
  - (d) whether an employee must have transportation available, and how often transportation is needed.
- (5) After considering the matters set out in subsection (4) in deciding whether to designate an employee, the Commission may act outside the criteria set out in subsection (3) if it determines that under the circumstances the criteria should not apply.

### **Reductions in monthly car allowance**

- 8 (1) An employee's monthly allowance paid under Section 5 must not be reduced as a result of any of the following:
- (a) vacation;
  - (b) special leave with pay for 30 days or less;
  - (c) sick leave for 30 days or less.
- (2) A monthly allowance paid under Section 5 for an employee who is on special leave without pay must be reduced in proportion to the number of compensation days in the month for which the special leave was granted.
- (3) If the Minister or a departmental official delegated by the Minister directs that an employee travel outside of their regular district and receive kilometrage rates under Section 4 for that travel, the employee's monthly allowance paid under subsection 5(1) or (2) must be reduced in proportion to the number of compensation days in the month that the employee is assigned out of their regular district, and the employee must be paid at the kilometrage rates set out in Section 4 for the kilometres travelled outside of their regular district in connection with employment.

### **No government vehicle for employees receiving monthly allowance**

- 9 An employee who receives a monthly allowance under these regulations must not be assigned a government-owned motor vehicle.

### **Personal use of government-owned vehicles**

- 10 (1) In this Section, "personal use" means other than government business.
- (2) An employee must obtain proper authorization before using a government-owned motor vehicle for personal use.
  - (3) Any kilometres driven on personal use must be repaid to the Province at the rate of 24.34¢/km.

### **Approval required for other payments**

- 11 (1) If specific requirements by departments, boards, agencies and commissions cannot be accommodated under Section 4 or 5, the Minister may approve payment for using a privately-owned motor vehicle on a basis other than as prescribed by Section 4 or 5 to address specific operating requirements.

- (2) A payment approved by the Minister under subsection (1) must be approved by the Executive Council.

### **Transportation allowance**

- 12 (1) Effective April 1, 2007, an employee who is called back to work must be reimbursed for transportation to and from the place of work to a maximum of \$8.99 per call.
- (2) Effective April 1, 2007, an employee who is required to travel to and from work between midnight and six o'clock in the morning must be reimbursed for actual transportation expenses incurred to a maximum of \$7.44 per shift.

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### **N.S. Reg. 396/2007 and 397/2007**

Made: September 28, 2007

Filed: October 1, 2007

Designation of Persons Who May Access Records  
and Youth Justice Regulations

Order in Council 2007-523 dated September 28, 2007  
Designation made by the Governor in Council  
pursuant to clause 119(1)(r) of the  
*Youth Criminal Justice Act* (Canada)  
and amendment to regulations made by the Governor in Council  
pursuant to Section 37 of the  
*Youth Justice Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated September 12, 2007, is pleased, effective on and after September 28, 2007, to:

- (a) pursuant to paragraph 119(1)(r) of Chapter 1 of the Statutes of Canada, 2002, the *Youth Criminal Justice Act*, to designate classes of persons for the purpose of the *Youth Criminal Justice Act*, as set out in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 37 of Chapter 38 of the Acts of 2001, the *Youth Justice Act*, to amend the *Youth Justice Regulations*, N.S. Reg. 191/2003, made by the Governor in Council by Order in Council 2003-472 dated November 14, 2003, to identify persons to whom records may be disclosed under subsection 32(1) of the *Youth Justice Act*, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation.

### **N.S. Reg. 396/2007**

Designation of Persons Who May Access Records

#### **Schedule "A"**

#### **Designation of Classes of Person[s] Who May Access Records made under paragraph 119(1)(r) of Chapter 1 of the Statutes of Canada, the *Youth Criminal Justice Act***

Persons engaged in a research project entitled *Pathways to Resilience* are designated as persons or classes of persons under paragraph 119(1)(r) of Chapter 1 of the Statutes of Canada, 2002, the *Youth Criminal Justice Act*,

who shall have access to records kept pursuant to section 114 of the *Youth Criminal Justice Act* (Canada) and may have access to records kept pursuant to section 115 and 116 of the *Youth Criminal Justice Act* (Canada), to the extent and in the manner set out in the research agreement between the Province and Dalhousie University.

**N.S. Reg. 397/2007**

## Youth Justice Regulations

**Schedule "B"****Amendment to the *Youth Justice Regulations* made by the Governor in Council pursuant to Section 37 of Chapter 38 of the Acts of 2001, the *Youth Justice Act***

Section 3 of the *Youth Justice Regulations*, N.S. Reg. 191/2003, made by the Governor in Council by Order in Council 2003-472, dated November 14, 2003, is amended by

- (a) adding "any of the following:" immediately after "may be disclosed to";
- (b) striking out "or" after the semi-colon at the end of clause (b);
- (c) striking out the period at the end of clause (c) and substituting a semi-colon; and
- (d) adding the following clause immediately after clause (c):
  - (d) persons engaged in a research project entitled *Pathways to Resilience* to the extent and in the manner set out in the research agreement between the Province and Dalhousie University.