

# Royal



# Gazette

## Part II Regulations under the Regulations Act

---

*Printed by the Queen's Printer*

Halifax, Nova Scotia

Vol. 35, No. 21

October 21, 2011

### Contents

Act	Reg. No.	Page
<b>Atlantic Provinces Special Education Authority Act</b>		
Handicapped Persons' Education Regulations—amendment .....	279/2011	794
<b>Chartered Accountants Act</b>		
Chartered Accountants By-laws—amendment .....	277/2011	789
<b>Consumer Protection Act</b>		
Payday Lenders Regulations—amendment .....	288/2011	826
<b>Counselling Therapists Act</b>		
Proclamation of Act, S. 67, S.N.S. 2008, c. 37 .....	286/2011	806
Counselling Therapists Regulations .....	287/2011	807
<b>Halifax Regional Municipality Charter and Municipal Government Act</b>		
Proclamation of amendments to Acts, S. 4, S.N.S. 2011, c. 17 .....	278/2011	793
<b>Homes for Special Care Act</b>		
Homes for Special Care Regulations—amendment .....	284/2011	802
<b>Municipal Government Act and Halifax Regional Municipality Charter</b>		
Proclamation of amendments to Acts, S. 4, S.N.S. 2011, c. 17 .....	278/2011	793
<b>Pension Benefits Act</b>		
Pension Benefits Regulations—amendment .....	282/2011	798
<b>Petroleum Products Pricing Act</b>		
Prescribed Petroleum Products Prices .....	280/2011	796
Prescribed Petroleum Products Prices .....	285/2011	804

**Special Places Protection Act**

Mary Harper Nature Reserve Ecological Site Designation .....	283/2011	799
--	----------	-----

**Summary Proceedings Act**

Summary Offence Tickets Regulations—dispensation from publication of N.S. Reg. 281/2011		798
—amendment .....	289/2011	830

**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. 277/2011**

Made: June 20, 2011

Approved: September 27, 2011

Filed: September 30, 2011

Chartered Accountants By-laws

Order in Council 2011-350 dated September 27, 2011  
Amendment to by-laws made by the Institute of Chartered Accountants of Nova Scotia  
and approved by the Governor in Council  
pursuant to Sections 3 and 25 of the *Chartered Accountants Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated September 7, 2011, and pursuant to Section 3 and Section 25 of Chapter 154 of the Acts of 1900, the *Chartered Accountants Act*, is pleased to approve of amendments to the by-laws of the Institute of Chartered Accountants of Nova Scotia made and approved by the members of the Institute of Chartered Accountants of Nova Scotia at their annual general meeting held on June 20, 2011, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 27, 2011.

**Schedule "A"**

This is to certify that at a regularly called meeting on June 20, 2011, the Institute of Chartered Accountants of Nova Scotia passed a resolution to amend the by-laws of the Institute, N.S. Reg. 13/64, approved by the Governor in Council by Order in Council dated November 23, 1964, in the manner set forth in the attached, effective on and after the date these amendments are approved by the Governor in Council.

This is to further certify that these amendments were duly approved by a majority of over two-thirds of the members of the Institute present at the meeting, and that the Notice calling the same contained a copy of the proposed amendments and stated that the same would be submitted at the meeting for consideration, in accordance with Section 25 of the *Chartered Accountants Act*.

Given under the hands of the President and Secretary of the Institute of Chartered Accountants of Nova Scotia under the corporate seal of the Institute on July 5th, 2011.

The Institute of Chartered Accountants of Nova Scotia

Per: sgd.: *Kelly Nelson*

Kelly Nelson, FCA

President

Per: sgd.: *Diane Cameron*

Diane Cameron, CA

Secretary

**Amendments to the By-Laws of  
The Institute of Chartered Accountants of Nova Scotia  
made pursuant to Section 25 of Chapter 154 of  
the Acts of 1900, the *Chartered Accountants Act***

- 1 The Definitions section of the By-Laws of The Institute of Chartered Accountants of Nova Scotia (N.S. Reg. 13/64), approved by the Governor in Council by Order in Council dated November 23, 1964 is amended by adding the following definitions where they belong in alphabetical order:

“Executive Director” means the Executive Director of the Institute;

“extra-provincial LLP” has the same meaning as in Part II of the *Partnership Act*, but is limited to an LLP;

“LLP” means a limited liability partnership under Part II of the *Partnership Act* that is engaged in, or holds itself out as engaging in, the profession, whether as a Nova Scotia LLP or an extra-provincial LLP;

“Nova Scotia LLP” has the same meaning as in Part II of the *Partnership Act*, but is limited to an LLP;

“Nova Scotia partner” means a member who is a partner in an extra-provincial LLP or a proposed extra-provincial LLP and who is either engaged in the profession or intends to be so engaged following registration of the proposed extra-provincial LLP;

“Registrar of Joint Stock Companies” means the Registrar of Joint Stock Companies of the Province;

- 2 By-Law 1 of [the By-Laws of] The Institute of Chartered Accountants of Nova Scotia (N.S. Reg. 13/64), approved by the Governor in Council by Order in Council dated November 23, 1964 is amended by striking out “and addresses of all members of the Institute and all registered students of the Institute” immediately after “recorded therein the names” and substituting “, mailing addresses and email addresses, if applicable, of all members of the Institute and all registered students of the Institute and such other information as Council may require”.
- 3 By-Law 20(1) of the By-Laws of The Institute of Chartered Accountants of Nova Scotia (N.S. Reg. 13/64), approved by the Governor in Council by Order in Council dated November 23, 1964 and later amended by the Governor in Council by Order in Council dated September 27, 1977 (N.S. Reg. 119/77) is amended by repealing By-Law 20(1) and substituting the following By-Law 20(1):
  - [20 (1)] On or before the fifteenth day of April in each year the Secretary shall prepare a nomination document in a form satisfactory to the Council for the nomination of members of the Council. On or before the twentieth day of April, in each year, the Secretary shall send the nomination document to each member of the Institute by mail, by courier, electronically or by any other means approved by Council to the member’s mailing or email address as shown on the register of members. The Secretary shall select the means or combination of means by which the nomination document shall be sent to members. The Secretary shall cause to be included in the nomination document a notice to the effect that unless the signed nomination document is returned to the Secretary on or before the first day of May following it shall not be counted as a nomination.
- 4 The By-Laws of The Institute of Chartered Accountants of Nova Scotia (N.S. Reg. 13/64), approved by the Governor in Council by Order in Council dated November 23, 1964 are further amended by adding the following By-Laws after By-Law 31:
  - 31A All notices that the Secretary is required to mail to members pursuant to by-laws 28 and 29 may alternatively be sent to members by courier, electronically or by any other means approved by Council to each member’s mailing or email address as shown on the register of members. The Secretary shall select the means or combination of means by which the notice shall be sent to members.
  - 31B Meetings of Council and any committee appointed by Council, including any sub-committee thereof, may be conducted in person or by teleconference, video conference or other means of electronic communication approved by Council.
- 5 By-Law 46 of [the By-Laws of] The Institute of Chartered Accountants of Nova Scotia (N.S. Reg. 13/64), approved by the Governor in Council by Order in Council dated November 23, 1964 and amended by the

Governor in Council by Order in Council dated August 15, 1978 (O.I.C. 78-935, unpublished regulation) is amended by striking out “dispatched by prepaid post to all members of the Institute” and substituting “sent by mail, by courier, electronically or by any other means approved by Council to each member of the Institute at the member’s mailing or email address as shown on the register of members. The Executive Director shall select the means or combination of means by which the notice shall be sent to members”.

- 6 By-Law 56 of the By-Laws of The Institute of Chartered Accountants of Nova Scotia (N.S. Reg. 13/64), approved by the Governor in Council by Order in Council dated November 23, 1964 and amended by the Governor in Council by Order in Council dated August 15, 1978 (O.I.C. 78-935, unpublished regulation) is amended by striking out “to all registered students” and substituting “by mail, by courier, electronically or by any other means approved by Council to each registered student at the student’s mailing or email address as shown on the register of members. The Executive Director shall select the means or combination of means by which the notice shall be sent to registered students”.
- 7 The By-Laws of The Institute of Chartered Accountants of Nova Scotia (N.S. Reg. 13/64), approved by the Governor in Council by Order in Council dated November 23, 1964 are further amended by adding the following By-Law immediately after By-Law 68:

#### **Definitions for by-law 68A**

**68A (1)** In this by-law 68A,

- (a) “liability insurance” has the same meaning as in Part II of the *Partnership Act*;
- (b) “professional liability claim” has the same meaning as in Part II of the *Partnership Act*.

#### **Registration of a Nova Scotia LLP**

(2) A partnership or 2 or more persons that propose to register as a Nova Scotia LLP under Part II of the *Partnership Act* must make an application to the Executive Director, which application shall be in the form prescribed by Council and, in addition to the information required on the form, shall contain:

- (a) the completed application for registration as a Nova Scotia LLP that the proposed LLP intends to submit to the Registrar of Joint Stock Companies; and
- (b) documentation, in a form prescribed by Council, confirming that all members who are partners in the proposed LLP have and maintain the liability insurance required by this by-law.

#### **Receipt of application**

(3) On receipt of an application pursuant to by-law 68A(2), the Executive Director shall verify that:

- (a) the partnership and its partners meet all of the applicable eligibility requirements for practice as an LLP that are imposed under the Act; and
- (b) the members who are partners of the proposed LLP have liability insurance in the form and amount required by this by-law.

(4) When the Executive Director is satisfied that the requirements of by-law 68A(3) have been met, the Executive Director shall issue to the Registrar of Joint Stock Companies the statement required by clause 7A(1)(e) of the *Partnerships and Business Names Registration Act*.

#### **Registration of an extra-provincial LLP**

(5) A partnership with the status of a limited liability partnership under the laws of a jurisdiction outside Nova Scotia that proposes to register as an extra-provincial LLP under Part II of the

*Partnership Act* must make an application to the Executive Director, which application shall be in the form prescribed by Council and, in addition to the information required on the form, shall contain:

- (a) the completed application for registration as an extra-provincial LLP that it proposes to submit to the Registrar of Joint Stock Companies; and
- (b) documentation, in a form prescribed by Council, confirming that all of the Nova Scotia partners have and maintain the liability insurance required by this by-law.

#### **Receipt of application**

- (6) On receipt of an application pursuant to by-law 68A(5) the Executive Director shall verify that:
  - (a) the partnership and its partners meet all of the applicable eligibility requirements for practice as an LLP that are imposed under the Act; and
  - (b) the Nova Scotia partners have liability insurance in the form and amount required by this by-law.
- (7) When the Executive Director is satisfied that the requirements of by-law 68A(6) have been met, the Executive Director shall issue to the Registrar of Joint Stock Companies the statement required by clause 7A(2)(g) of the *Partnerships and Business Names Registration Act*.

#### **Insurance requirements**

- (8) Except as provided in by-law 68A(9), each member who is a partner of a Nova Scotia LLP and each member who is a Nova Scotia partner of an extra-provincial LLP must have and maintain liability insurance that:
  - (a) includes the LLP as a named insured;
  - (b) provides minimum coverage in respect of professional liability claims in the amount of \$1,500,000 if the member practices in an LLP having 3 or fewer members or \$2,000,000 if the member practices in an LLP having 4 or more members; and
  - (c) provides that the minimum coverage of any policy required by this by-law be available in respect of all claims made 6 years following the coverage period stipulated in the policy.
- (9) If the member has and maintains professional liability insurance pursuant to by-law 68 that meets all the requirements of the liability insurance required by this by-law then no additional insurance is required by this by-law.

#### **Notification of non-compliance**

- (10) The Executive Director shall provide notification to the Registrar of Joint Stock Companies in accordance with subclause 16A(1)(b)(i) of the *Partnerships and Business Names Registration Act* if the Executive Director becomes aware that:
  - (a) the LLP or 1 or more of the partners no longer meets all of the applicable eligibility requirements for practice as an LLP that are imposed under the Act; or
  - (b) 1 or more of the members who are partners of the LLP no longer have liability insurance in the form and amount required by this by-law.

**Information required annually**

- (11) Each LLP registered pursuant to Part II of the *Partnership Act* shall annually provide, in a form prescribed by Council, the following information to the Executive Director:
- (a) confirmation that the LLP continues to be engaged in the profession;
  - (b) full particulars of any change in the partners in the Nova Scotia LLP or the Nova Scotia partners of an extra-provincial LLP since the later of the LLP's registration with the Registry of Joint Stock Companies and the LLP's most recent report to the Executive Director under this by-law; and
  - (c) documentation, in a form prescribed by Council, confirming that each member who is a partner of a Nova Scotia LLP or each member who is a Nova Scotia partner of an extra-provincial LLP has and maintains the liability insurance required by this by-law.

**N.S. Reg. 278/2011**

Made: September 27, 2011

Filed: September 30, 2011

Proclamation, S. 4, S.N.S. 2011, c. 17

Order in Council 2011-351 dated September 27, 2011

Proclamation made by the Governor in Council

pursuant to Section 4 of

*An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, and Chapter 18 of the Acts of 1998, the Municipal Government Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated September 6, 2011, and pursuant to Section 4 of Chapter 17 of the Acts of 2011, *An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, and Chapter 18 of the Acts of 1998, the Municipal Government Act*, is pleased to order and declare by proclamation that Chapter 17 of the Acts of 2011, *An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, and Chapter 18 of the Acts of 1998, the Municipal Government Act*, do come into force on and not before September 27, 2011.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

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 4 of Chapter 17 of the Acts of 2011, *An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, and Chapter 18 of the Acts of 1998, the Municipal Government Act*, it is enacted as follows:



- 4 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 17 of the Act[s] of 2011, *An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, and Chapter 18 of the Acts of 1998, the Municipal Government Act*, do come into force on and not before September 27, 2011;

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 17 of the Act[s] of 2011, *An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, and Chapter 18 of the Acts of 1998, the Municipal Government Act*, do come into force on and not before September 27, 2011, 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 Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 27th day of September in the year of Our Lord two thousand and eleven and in the sixtieth year of Our Reign.

BY COMMAND:

**sgd: Graham Steele**  
Provincial Secretary  
Minister of Justice and Attorney General

---

**N.S. Reg. 279/2011**

Made: June 10, 2011

Approved: September 27, 2011

Filed: September 30, 2011

Handicapped Persons' Education Regulations

Order in Council 2011-353 dated September 27, 2011  
Amendment to regulations made by the Atlantic Provinces Special Education Authority  
and approved by the Governor in Council  
pursuant to Section 20 of the *Atlantic Provinces Special Education Authority Act*

The Governor in Council on the report and recommendation of the Minister of Education dated August 25, 2011, and pursuant to Section 20 of Chapter 194 of the Revised Statutes of Nova Scotia, 1989, the *Atlantic Provinces Special Education Authority Act*, is pleased to approve amendments made by the Board of Directors of the Atlantic Provinces Special Education Authority to the *Handicapped Persons' Education Regulations*, N.S. Reg. 103/75, made by the Board of Directors of the Atlantic Provinces Special Education Authority and approved by the Governor in Council by Order in Council 75-838 dated July 22, 1975, to make the regulations consistent with recent amendments to the Act, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 27, 2011.



### Schedule "A"

I certify that the Atlantic Provinces Special Education Authority, at its meeting on 10 June 2011, carried a motion to amend the *Handicapped Persons' Education Regulations*, N.S. Reg. 103/75 (as amended) made by the Atlantic Provinces Special Education Authority and approved by the Governor in Council by Order in Council 75-838 dated 22 July 1975 (as amended) in the manner set forth below

1. Add a new provision to provide for the title of the Regulations as the "*Atlantic Provinces Special Education Authority Act Regulations*".
2. In subsection 1(a) of the Regulations, repeal the term "handicapped person" and substitute the term "persons with low incidence sensory impairments".
3. Repeal subsection 1(b) of the Regulations in order to remove the definitions of the term "Atlantic Provinces" because the term "Atlantic Provinces" is already defined in the legislation with an updated reference to "Newfoundland and Labrador".
4. Repeal subsection 1(f) of the Regulations to remove the definition of "handicapped person" because the term "persons with low incidence sensory impairments" (as the substitute for term "handicapped person") is already defined in the legislation.

The amendments shall be effective on and after the date they are approved by the Governor in Council.

Signed at Halifax Regional Municipality, Nova Scotia on the 10th day of June 2011

per: sgd.: *Darrin Pike*  
Signature of Authorized Signer

Darrin Pike  
Name of Authorized Signer (Print)

**Amendment to the *Handicapped Persons' Education Regulations*  
made by the Board of Directors of the  
Atlantic Provinces Special Education Authority  
under Section 20 of Chapter 194 of the Revised Statutes of Nova Scotia, 1989,  
the *Atlantic Provinces Special Education Authority Act***

- 1 (1) The *Handicapped Persons' Education Regulations*, N.S. Reg. 103/75, made by the Board of Directors of the Atlantic Provinces Special Education Authority and approved by the Governor in Council by Order in Council 75-838 dated July 22, 1975, are amended by renumbering Section 1 as Section 1A.
  - (2) Clause 1A(a) of the regulations is amended by striking out "handicapped persons" and substituting "persons with a low-incidence sensory impairment".
  - (3) Section 1A of the regulations is further amended by
    - (a) repealing clause (b); and
    - (b) repealing clause (f).
- 2 The regulations are further amended by adding the following Section immediately before Section 1A:
  - 1 These regulations may be cited as the *Atlantic Provinces Special Education Authority Regulations*.

**N.S. Reg. 280/2011**

Made: September 29, 2011

Filed: September 30, 2011

Prescribed Petroleum Products Prices

Order dated September 29, 2011  
 made by the Nova Scotia Utility and Review Board  
 pursuant to Section 14 of the *Petroleum Products Pricing Act*  
 and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****NSUARB-GAS-W-11-41****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Roberta J. Clarke, Q.C., Member**Order**

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

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

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended September 28, 2011, are:

Grade 1 Regular gasoline	71.7¢ per litre
Ultra-low-sulfur diesel oil	78.1¢ per litre

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

Gasoline:	
Grade 1	71.1¢ per litre
Grade 2	74.7¢ per litre
Grade 3	77.7¢ per litre
Ultra-low-sulfur diesel oil	78.1¢ per litre

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

Gasoline:	minus 1.0¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.1¢ per litre

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., September 30, 2011.

**Dated** at Halifax, Nova Scotia, this 29th day of September, 2011.

Sgd: *Elaine Wagner*  
 Clerk of the Board

## Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on September 30, 2011**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	77.0	10.0	15.5	102.5	122.5	124.2	122.5	999.9
Mid-Grade Unleaded	80.0	10.0	15.5	105.5	125.9	127.7	125.9	999.9
Premium Unleaded	83.0	10.0	15.5	108.5	129.4	131.1	129.4	999.9
Ultra-Low-Sulfur Diesel	84.5	4.0	15.4	103.9	124.1	125.8	124.1	999.9
<b>Zone 2</b>								
Regular Unleaded	77.4	10.0	15.5	102.9	122.9	124.7	122.9	999.9
Mid-Grade Unleaded	80.4	10.0	15.5	105.9	126.4	128.1	126.4	999.9
Premium Unleaded	83.4	10.0	15.5	108.9	129.8	131.6	129.8	999.9
Ultra-Low-Sulfur Diesel	84.9	4.0	15.4	104.3	124.5	126.3	124.5	999.9
<b>Zone 3</b>								
Regular Unleaded	77.9	10.0	15.5	103.4	123.5	125.2	123.5	999.9
Mid-Grade Unleaded	80.9	10.0	15.5	106.4	127.0	128.7	127.0	999.9
Premium Unleaded	83.9	10.0	15.5	109.4	130.4	132.1	130.4	999.9
Ultra-Low-Sulfur Diesel	85.4	4.0	15.4	104.8	125.1	126.8	125.1	999.9
<b>Zone 4</b>								
Regular Unleaded	77.9	10.0	15.5	103.4	123.5	125.2	123.5	999.9
Mid-Grade Unleaded	80.9	10.0	15.5	106.4	127.0	128.7	127.0	999.9
Premium Unleaded	83.9	10.0	15.5	109.4	130.4	132.1	130.4	999.9
Ultra-Low-Sulfur Diesel	85.4	4.0	15.4	104.8	125.1	126.8	125.1	999.9
<b>Zone 5</b>								
Regular Unleaded	77.9	10.0	15.5	103.4	123.5	125.2	123.5	999.9
Mid-Grade Unleaded	80.9	10.0	15.5	106.4	127.0	128.7	127.0	999.9
Premium Unleaded	83.9	10.0	15.5	109.4	130.4	132.1	130.4	999.9
Ultra-Low-Sulfur Diesel	85.4	4.0	15.4	104.8	125.1	126.8	125.1	999.9
<b>Zone 6</b>								
Regular Unleaded	78.7	10.0	15.5	104.2	124.4	126.2	124.4	999.9
Mid-Grade Unleaded	81.7	10.0	15.5	107.2	127.9	129.6	127.9	999.9
Premium Unleaded	84.7	10.0	15.5	110.2	131.3	133.1	131.3	999.9
Ultra-Low-Sulfur Diesel	86.2	4.0	15.4	105.6	126.0	127.8	126.0	999.9

**N.S. Reg. 281/2011**

Made: October 4, 2011

Filed: October 4, 2011

## Summary Offence Tickets Regulations

Order in Council 2011-317 dated August 16, 2011  
Dispensation from publication made by the Governor in Council  
pursuant to subsection 4(3) of the *Regulations Act* of an  
Order dated October 4, 2011 (N.S. Reg. 281/2011)  
made by the Minister of Justice pursuant to  
Sections 8, 8A and 8B of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated July 11, 2011, and pursuant to subsection 4(3) of Chapter 393 of the Revised Statutes of Nova Scotia, 1989, the *Regulations Act*, is pleased, due to the length of the regulations, to dispense with publication in the Royal Gazette Part II of the regulations respecting designation of offences as summary offence ticket offences made by the Minister of Justice and Attorney General pursuant to Sections 8 and 8A of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, to replace the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001.

**N.S. Reg. 282/2011**

Made: October 4, 2011

Filed: October 5, 2011

## Pension Benefits Regulations

Order in Council 2011-363 dated October 4, 2011  
Amendment to regulations made by the Governor in Council  
pursuant to Section 105 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated September 28, 2011, and pursuant to Section 105 of Chapter 340 of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, to allow for the appointment of a new administrator for the NewPage Port Hawkesbury pension plans, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 4, 2011.

**Schedule "A"**

**Amendment to the *Pension Benefits Regulations*  
made by the Governor in Council under Section 105 of Chapter 340  
of the Revised Statutes of Nova Scotia, 1989,  
the *Pension Benefits Act***

The *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, are amended by adding the following heading and Section immediately after Section 49:

**Exemption for NewPage Port Hawkesbury pension plans**

- 49A (1)** For the purpose of this Section, “Section” in the regulation-making authority in clause 105(1)(v) of the Act means any or all words in a Section, and “subsection” has a corresponding meaning.
- (2)** All of the following pension plans are exempt from the application of the words “that is to be wound up in whole or in part” in subsection 76(1) of the Act:
- (a) Pension Plan for Mill Employees of NewPage Port Hawkesbury Corp.—Registration No.: 0522722;
  - (b) Pension Plan for the Office and Clerical Hourly Employees of NewPage Port Hawkesbury Corp.—Registration No.: 0401059;
  - (c) Pension Plan for the Woodland Hourly Employees of NewPage Port Hawkesbury Corp.—Registration No.: 0379008;
  - (d) Pension Plan for the Salaried Non-Union Employees of NewPage Port Hawkesbury Corp. and Associated and Affiliated Companies—Registration No.: 0522714.
- 

**N.S. Reg. 283/2011**

Made: [unknown]

Approved: October 4, 2011

Filed: October 5, 2011

Mary Harper Nature Reserve Ecological Site Designation

Order in Council 2011-364 dated October 4, 2011  
Designation made by the Minister of Environment  
and approved by the Governor in Council  
pursuant to Section 14 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated September 8, 2011, and pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased to approve the designation of a new ecological site by the Minister of Environment to be known as the Mary Harper Nature Reserve, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after the date of the publication of the designation in the Royal Gazette.

**Schedule “A”**

**In the matter of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989,  
the *Special Places Protection Act***

**- and -**

**In the matter of the designation of an ecological site near St. Patricks Channel, Victoria County, to be  
known as Mary Harper Nature Reserve**

I, Sterling Belliveau, Minister of Environment for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate

the area of land described in Appendix A and shown on the map attached as Appendix B to be known as the Mary Harper Nature Reserve.

In accordance with subsection 14(6) of the Act, this description will be registered in the Registry of Deeds office for the registration district in which the lands are situated.

The written consent to the designation of these lands has been granted by the owner, the Bras d'Or Preservation Nature Trust, and filed with the Department of Environment.

Pursuant to subsection 14(3) of the Act, this designation is effective on and after the date it is published in the Royal Gazette.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, \_\_\_\_\_, 2011. [sic]

Sgd.: *Sterling Belliveau*  
Honourable Sterling Belliveau  
Minister of Environment

#### **Appendix A** **Description of Mary Harper Nature Reserve**

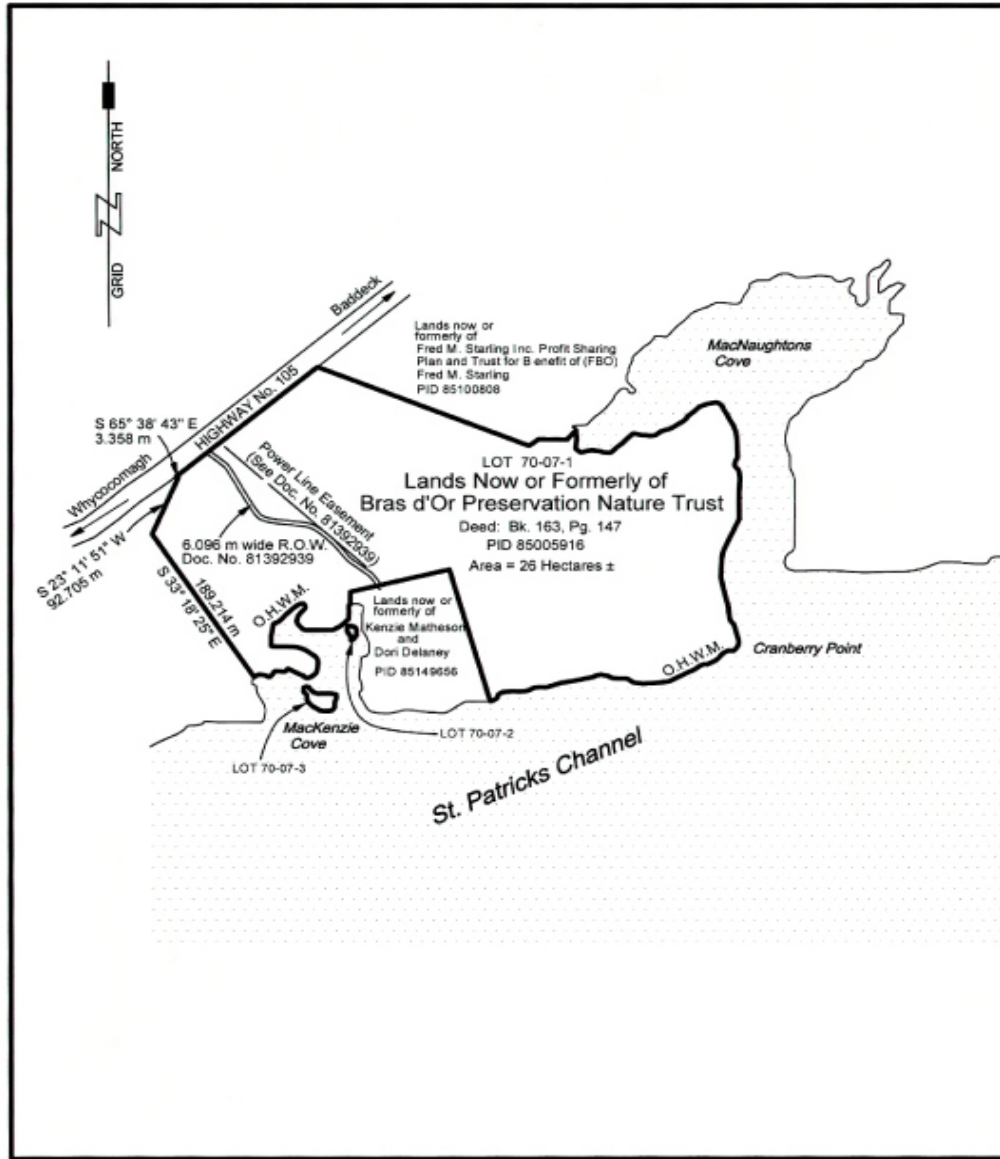
**All and singular those certain parcels**, or tracts of land and land covered by water shown outlined in bold line as ~~Compiled~~ [Compiled] Plan Showing Lot 70-07-2, Lot 70-07-2 and Lot 70-07-3, as lands now or formerly owned by Bras d'Or Preservation Nature Trust, filed in the Department of Natural Resources Office at Halifax, under Field Plot P-070/07-1, said tract of land located near St. Patricks Channel, Victoria County, Province of Nova Scotia.

**Containing a total of 24.3 hectares**, more or less.

Being and intended to be all those lands registered as:

Parcel Description: Lot 70-07-2, Lot 70-07-2 and Lot 70-07-3 at St. Patricks Channel  
Municipality/County: Victoria County  
Registration District: Victoria County  
Registration Reference of Plan: PID 85005916  
Nova Scotia Department of Natural Resources Field Plot P-070/07-1

**Appendix B**  
**Map of Mary Harper Nature Reserve**



COMPILED PLAN SHOWING LOT 70-07-1,  
LOT 70-07-2 AND LOT 70-07-3

**BRAS d'OR PRESERVATION  
NATURE TRUST**

ST. PATRICKS CHANNEL

COUNTY OF VICTORIA  
PROVINCE OF NOVA SCOTIA

SCALE 1 : 7,500

DEPARTMENT OF NATURAL RESOURCES, HALIFAX,  
NOVA SCOTIA

**RESOURCE INFORMATION:**

Index Sheet No. 116  
C.L.F.S. No. CB-61  
Resource Map 11K/02-R3

Note: See Field Plot No. P-050/08 by Joseph R. Harvie  
showing certain boundaries of Mary Harper Nature Reserve,  
dated June 19, 2008.

**LEGEND:**

Metres ..... m  
Ordinary High Water Mark..... O.H.W.M.  
Boundary Dealt With By This Plan.....

cp287

	FIELD PLOT
	P-070/07-1



**N.S. Reg. 284/2011**

Made: October 4, 2011

Filed: October 5, 2011

Homes for Special Care Regulations

Order in Council 2011-365 dated October 4, 2011  
Amendment to regulations made by the Governor in Council  
pursuant to Section 19 of the *Homes for Special Care Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated September 13, 2011, and pursuant to Section 19 of Chapter 203 of the Revised Statutes of Nova Scotia, 1989, the *Homes for Special Care Act*, is pleased to amend the *Homes for Special Care Regulations*, N.S. Reg. 127/77, made by the Governor in Council by Order in Council 77-1261 dated October 11, 1977, to reflect recent amendments to the Act, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 4, 2011.

**Schedule "A"**

**Amendment to the *Homes for Special Care Regulations*  
made by the Governor in Council under Section 19 of Chapter 203  
of the Revised Statutes of Nova Scotia, 1989,  
the *Homes for Special Care Act***

The *Homes for Special Care Regulations*, N.S. Reg. 127/77, made by the Governor in Council by Order in Council 77-1261 dated October 11, 1977, are amended by adding the following Sections immediately after Section 55:

**Appointments made under Section 8B of the Act****Application of Sections 56 to 60**

**56 (1)** This Section and Sections 57 to 60 do not apply to a residential care facility licensed by the Minister of Health and Wellness, a home for the aged or a nursing home.

**(2)** In this Section and Sections 57 to 60,

"appointee" means a person appointed under Section 8B of the Act to manage and administer, or to assist in managing or administering, and generally oversee the operations of a licensee;

"appointment" means an appointment made under Section 8B of the Act.

**Appointment**

**57 (1)** Upon appointment, the Minister may

(a) fix the remuneration and reimbursement of expenses payable to an appointee; and

(b) issue a temporary license to an appointee in respect of the home for special care.

**(2)** An appointee may be appointed without security.

**Notice of appointment**

**58 (1)** The Minister shall create a notice of any appointment made under Section 8B of the Act and send a copy of the notice to the licensee and to the appointee.

- (2) A notice of appointment shall set out all of the following:
- (a) the name of the appointee;
  - (b) the name of the licensee and all homes for special care to which the appointment applies;
  - (c) the date and time when the appointment becomes effective;
  - (d) the reasons for the appointment;
  - (e) any other terms and conditions of the appointment considered necessary by the Minister, including those that end the appointment.

#### **Powers and duties of appointee**

- 59** (1) An appointee has all the powers and duties of the licensee with respect to the home for special care, including all of the following:
- (a) occupying, managing, and administering the home;
  - (b) controlling all assets of the licensee that are necessary for or are used in the operation of the home;
  - (c) carrying out all of the obligations of the licensee, including any obligations arising from the normal course of operations of the home before and during the period of the appointment.
- (2) If the licensee is an incorporated body, the appointee has all of the powers and duties of the directors and officers of the incorporated body with respect to the home for special care.
- (3) While the powers and duties of a licensee and any directors or officers are vested in an appointee, the licensee and the directors or officers shall not exercise those powers or carry out those duties.

#### **Matters appointee must consider when exercising powers and duties**

- 60** All of the following matters must be considered by an appointee when exercising their powers and duties:
- (a) the compliance requirements of enactments that apply to the licensee, its employees and the home for special care;
  - (b) compliance with the Minister's and Department of Community Service's policies, directives and standards that apply to the licensee, its employees and the home for special care;
  - (c) that the actions of the appointee must be incidental to the attainment of the objects for which the licensee was incorporated, and must be in conformance with the governance requirements of the licensee;
  - (d) that the appointee must be able to maintain sufficient control over the operations of the licensee, including the care of its residents, and its premises, accommodation, equipment and homes;
  - (e) the terms and conditions set by the Minister for the appointment.

**N.S. Reg. 285/2011**

Made: October 6, 2011

Filed: October 11, 2011

Prescribed Petroleum Products Prices

Order dated October 6, 2011  
 made by the Nova Scotia Utility and Review Board  
 pursuant to Section 14 of the *Petroleum Products Pricing Act*  
 and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****NSUARB-GAS-W-11-42****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Peter W. Gurnham, Q.C., Chair**Order**

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

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

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended October 5, 2011, are:

Grade 1 Regular gasoline	72.6¢ per litre
Ultra-low-sulfur diesel oil	78.2¢ per litre

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

Gasoline:	
Grade 1	72.6¢ per litre
Grade 2	75.6¢ per litre
Grade 3	78.6¢ per litre
Ultra-low-sulfur diesel oil	78.2¢ per litre

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

Gasoline:	nil
Ultra-low-sulfur diesel oil:	minus 0.4¢ per litre

**And whereas** a winter blending adjustment of plus 0.4¢ per litre is required for ultra-low-sulfur diesel oil;

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., October 7, 2011.

**Dated** at Halifax, Nova Scotia, this 6th day of October, 2011.

Sgd: *Elaine Wagner*  
 Clerk of the Board

## Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on October 7, 2011**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	78.9	10.0	15.5	104.4	124.7	126.4	124.7	999.9
Mid-Grade Unleaded	81.9	10.0	15.5	107.4	128.1	129.8	128.1	999.9
Premium Unleaded	84.9	10.0	15.5	110.4	131.6	133.3	131.6	999.9
Ultra-Low-Sulfur Diesel	84.5	4.0	15.4	103.9	124.1	125.8	124.1	999.9
<b>Zone 2</b>								
Regular Unleaded	79.3	10.0	15.5	104.8	125.1	126.8	125.1	999.9
Mid-Grade Unleaded	82.3	10.0	15.5	107.8	128.6	130.3	128.6	999.9
Premium Unleaded	85.3	10.0	15.5	110.8	132.0	133.7	132.0	999.9
Ultra-Low-Sulfur Diesel	84.9	4.0	15.4	104.3	124.5	126.3	124.5	999.9
<b>Zone 3</b>								
Regular Unleaded	79.8	10.0	15.5	105.3	125.7	127.4	125.7	999.9
Mid-Grade Unleaded	82.8	10.0	15.5	108.3	129.1	130.9	129.1	999.9
Premium Unleaded	85.8	10.0	15.5	111.3	132.6	134.3	132.6	999.9
Ultra-Low-Sulfur Diesel	85.4	4.0	15.4	104.8	125.1	126.8	125.1	999.9
<b>Zone 4</b>								
Regular Unleaded	79.8	10.0	15.5	105.3	125.7	127.4	125.7	999.9
Mid-Grade Unleaded	82.8	10.0	15.5	108.3	129.1	130.9	129.1	999.9
Premium Unleaded	85.8	10.0	15.5	111.3	132.6	134.3	132.6	999.9
Ultra-Low-Sulfur Diesel	85.4	4.0	15.4	104.8	125.1	126.8	125.1	999.9
<b>Zone 5</b>								
Regular Unleaded	79.8	10.0	15.5	105.3	125.7	127.4	125.7	999.9
Mid-Grade Unleaded	82.8	10.0	15.5	108.3	129.1	130.9	129.1	999.9
Premium Unleaded	85.8	10.0	15.5	111.3	132.6	134.3	132.6	999.9
Ultra-Low-Sulfur Diesel	85.4	4.0	15.4	104.8	125.1	126.8	125.1	999.9
<b>Zone 6</b>								
Regular Unleaded	80.6	10.0	15.5	106.1	126.6	128.3	126.6	999.9
Mid-Grade Unleaded	83.6	10.0	15.5	109.1	130.1	131.8	130.1	999.9
Premium Unleaded	86.6	10.0	15.5	112.1	133.5	135.2	133.5	999.9
Ultra-Low-Sulfur Diesel	86.2	4.0	15.4	105.6	126.0	127.8	126.0	999.9

**N.S. Reg. 286/2011**

Made: October 11, 2011

Filed: October 11, 2011

Proclamation, S. 67, S.N.S. 2008, c. 37

Order in Council 2011-367 dated October 11, 2011  
Proclamation made by the Governor in Council  
pursuant to Section 67 of  
*An Act Respecting the Practice of Counselling Therapists*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated September 13, 2011, and pursuant to Section 67 of Chapter 37 of the Acts of 2008, *An Act Respecting the Practice of Counselling Therapists*, is pleased to order and declare by proclamation that Chapter 37 of the Acts of 2008, *An Act Respecting the Practice of Counselling Therapists*, do come into force on and not before October 11, 2011.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

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 67 of Chapter 37 of the Acts of 2008, *An Act Respecting the Practice of Counselling Therapists*, it is enacted as follows:

**67** 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 37 of the Acts of 2008, *An Act Respecting the Practice of Counselling Therapists*, do come into force on and not before October 11, 2011;

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 37 of the Acts of 2008, *An Act Respecting the Practice of Counselling Therapists*, do come into force on and not before October 11, 2011, 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 Mayann E. Francis, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 11th day of October in the year of Our Lord two thousand and eleven and in the sixtieth year of Our Reign.

BY COMMAND:

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

---

**N.S. Reg. 287/2011**

Made: March 28, 2009

Approved: October 11, 2011

Filed: October 11, 2011

Counselling Therapists Regulations

Order in Council 2011-368 dated October 11, 2011

Regulations made by the Board of Directors of the Nova Scotia Association of Counselling Therapists and approved by the Governor in Council pursuant to Section 12 of the *Counselling Therapists Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated September 8, 2011, and pursuant to Section 12 of Chapter 37 of the Acts of 2008, the *Counselling Therapists Act*, is pleased to approve new regulations respecting counselling therapists made by the Board of Directors of the Nova Scotia Association of Counselling Therapists, functioning as the Board of the Nova Scotia College of Counselling Therapists in accordance with subsection 8(4) of the *Counselling Therapists Act*, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 11, 2011.

**Schedule "A"**

I hereby certify that at a duly convened meeting of the Board of Directors of the Nova Scotia Association of Counselling Therapists held on Saturday, March 28, 2009, the Board carried a motion to approve the attached regulations pursuant to Section 12 of Chapter 37 of the Acts of 2008, the *Counselling Therapists Act*.

Dated at Brookfield, Nova Scotia, this 3<sup>rd</sup> day of March, 2010.

Per: sgd.: *Marian McDonald*

Marian H. McDonald

Chair

Board of Directors of the Nova Scotia Association of Counselling Therapists

**Regulations Respecting Counselling Therapists made  
pursuant to Section 12 of Chapter 37 of the Acts of 2008,  
the *Counselling Therapists Act***

**Interpretation**

**Citation**

**1** These regulations may be cited as the *Counselling Therapists Regulations*.

**Definitions for Act and regulations**

2 (1) In these regulations,

“Act” means the *Counselling Therapists Act*;

“active-practising candidate” means a person whose name is entered in the active-practising candidate roster ;

“competence assessment” means a process approved by the Board that uses the methods and tools described in Section 3.

“competencies” means the specific knowledge, skills and judgment required for a counselling therapist to be considered competent in a designated role and practice setting;

“licensing year” means a 12-month period determined by the Board;

“notice of hearing” means the notice required by Section 44 of the Act;

“prescribed fee” means the applicable fee set out in the bylaws of the Board under Section 11 of the Act;

“Registration Committee” means the Committee appointed under Section 15 of the Act;

“supervisor” means a counselling therapist or other registered mental health professional approved by the Registration Committee to supervise an active-practising candidate.

(2) In the Act and these regulations,

“counselling therapist candidate” has the same meaning as “active-practising candidate”;

“licence” is further defined to include an active-practising candidate licence and a temporary with conditions or restrictions licence.

(3) In clause 2(o) of the Act, “equivalent to the programs approved by the Board” means a program that meets both of the following criteria:

- (a) the program is obtained from a government-authorized degree-granting institution in Canada or a degree-granting institution in another country that has been recognized or authorized by a governmental or other authority approved by the Board; and
- (b) the program is subject to the oversight of a recognized external academic authority recognized and approved by the Board.

**Registration, Licensing and Membership****Competence assessment**

3 (1) The methods used in a competence assessment may include but are not limited to interviewing, verification of documents, observation, reflective practice, self-assessments or testing.

(2) The tools used in a competence assessment may include, but are not limited to, chart audits, self-assessments, written tests or live demonstrations of competencies.



**Information in Register**

**4** In addition to the name of each person entitled to be registered, as required by subsection 13(1) of the Act, the Register must contain all of the following information for each member:

- (a) name and location of the school of counselling therapy attended;
- (b) year the member graduated from the school of counselling therapy;
- (c) date of entry in the Register.

**Categories of licences**

**5 (1)** The following are the categories of licences:

- (a) active-practising;
- (b) active-practising with conditions or restrictions;
- (c) active-practising candidate;
- (d) temporary;
- (e) temporary with conditions or restrictions.

**(2)** All information about the licensing status of persons in a roster must be available to the public.

**Criteria for registration**

**6 (1)** An applicant for registration must submit a completed application form together with the prescribed fee along with proof that the applicant meets the registration criteria in subsection (2).

**(2)** In addition to completion of a counselling-therapy education program, as required by subsection 16(1) of the Act, the following are the criteria for registration:

- (a) successful completion of any registration examinations approved by the Board;
- (b) no outstanding complaints or licensing sanctions against the applicant from any jurisdiction where the applicant was previously practising counselling therapy;
- (c) demonstration of proficiency in the English language in the manner required by the Registrar;
- (d) meeting the criteria for entry in any of the following rosters:
  - (i) the active-practising roster in Section 7,
  - (ii) the active-practising with conditions or restrictions roster in Section 10,
  - (iii) the active-practising candidate roster in Section 14;
- (e) successful completion of 1 of the following:
  - (i) an ethics course as part of the counselling-therapy education program completed,
  - (ii) an ethics workshop approved by the Registration Committee after completing the counselling-therapy education program,

- (iii) an ethics exam as approved by the Registration Committee;
- (f) successful completion of 1 of the following:
  - (i) a supervised practicum or internship as part of the counselling-therapy education program completed, with a minimum of 120 practice hours of direct contact between the counselling therapist and clients,
  - (ii) a supervised practicum or internship after completing the counselling-therapy education program, with a minimum of 120 practice hours of direct contact between the counselling therapist and clients and in a setting approved by the Registration Committee.

**Criteria for entry in the active-practising roster**

- 7** (1) An applicant for entry in the active-practising roster must submit a completed application form together with the prescribed fee, along with proof that the applicant meets the criteria in subsection (2).
- (2) The following are the criteria for entry in the active-practising roster:
- (a) the member is not currently subject to any disciplinary finding that would prohibit the practice of counselling therapy;
  - (b) the member has completed at least 2 years of supervised experience in the practice of counselling therapy in accordance with Section 8;
  - (c) the member's eligibility to practise counselling therapy is not subject to any conditions or restrictions;
  - (d) the member has provided any information the Registration Committee requires to establish that the member has the capacity, competence, capability and character to safely and ethically practise counselling therapy;
  - (e) the member has provided any information the Registration Committee requires to establish that Section 41 of the Act does not apply to the member;
  - (f) the member has completed the continuing-education credits required by the Board;
  - (g) unless the requirement for professional liability insurance is waived by the Registration Committee, the member has provided any information the Registration Committee requires to establish that the member is covered by professional liability insurance in at least the minimum amount approved by the Board.

**Supervised experience**

**8** The 2 years of supervised experience required by clause 7(2)(b) must include at least 2000 hours in the practice of counselling therapy as an active-practising candidate, with the following minimum content:

- (a) 50 hours spent as direct contact hours with a supervisor;
- (b) 800 hours counselling with individuals, couples, families or groups.

**Entitlements of members in active-practising roster**

**9** A member whose name is in the active-practising roster is entitled to all of the following:

- (a) use the designation “counselling therapist”, “registered counselling therapist”, “RCT” or any derivation or abbreviation of those designations, in accordance with Section 33 of the Act;
- (b) practise counselling therapy;
- (c) if elected, hold office on the Board;
- (d) attend, participate and vote at meetings of the College;
- (e) serve as an appointed member on any committee of the College;
- (f) receive all official College publications.

**Active-practising with conditions or restrictions roster**

**10 (1)** The Registrar must record the name of a member in the active-practising with conditions or restrictions roster who meets all of the criteria for entry in the active-practising roster in subsection 7(2), except the criterion in clause 7(2)(c), and has conditions or restrictions imposed on their licence by 1 of the following:

- (a) the Registrar under Section 16 of the Act at the time of application for registration or licensing;
  - (b) a decision of the Complaints Committee, the Professional Conduct Committee, the Reinstatement Committee, the Registration Appeal Committee or any other Committee of the College authorized to impose conditions or restrictions on a licence, or an equivalent committee from another jurisdiction.
- (2)** A member in the active-practising with conditions or restrictions roster is entitled to all of the privileges listed in Section 9, subject to the particular conditions or restrictions that are imposed on their licence.

**Term of licences other than temporary licences**

**11 (1)** A licence remains in effect until the end of the licensing year in which it is issued, unless

- (a) these regulations provide that the licence expires earlier than the end of the licensing year;
  - (b) it is suspended;
  - (c) it is revoked;
  - (d) it is replaced with a licence with restrictions or conditions.
- (2)** The Registrar must renew a licence if the licence holder does all of the following:
- (a) applies for renewal and pays the prescribed fee, including any penalty for late applications;
  - (b) satisfies the Registration Committee that all remaining criteria for entry in the applicable roster have been met.

**Restrictions or conditions on a previous licence**

**12** Restrictions or conditions imposed on any member’s licence that have not expired remain in effect on any new licence issued to the member.

**Member struck from the Register [roster] if licence not renewed**

- 13** (1) The Registrar must strike ~~from the applicable roster~~ the name of a member who does not renew their licence in accordance with subsection 11(2) from the applicable roster, effective the day after their licence expires, and the member remains non-active until their name is restored under subsection (2).
- (2) The Registrar must restore the name of a non-active member referred to in subsection (1) to the applicable roster when the member meets the criteria for entry in the roster and pays any prescribed fee and penalty.

**Active-practising candidate roster**

- 14** (1) An applicant for entry in the active practising candidate roster must submit a completed application form together with the prescribed fee along with proof that the applicant meets the criteria in subsection (2).
- (2) Except as provided in subsection (3), in addition to completion of a counselling-therapy education program as required by subsection 16(1) of the Act, the following are the criteria for entry in the active-practising candidate roster:
- (a) the applicant is of good character;
  - (b) the applicant has entered into a supervisory relationship to complete the supervised experience required by clause 7(2)(b) for entry in the active-practising roster;
  - (c) the applicant is not subject to any disciplinary finding that has suspended or revoked their ability to practise as an active-practising candidate;
  - (d) the applicant has completed the required continuing-education credits required by the Board.
- (3) An active-practising candidate who does not meet the criteria for an active-practising licence within 5 years of becoming an active-practising candidate is no longer eligible for the active-practising candidate roster, unless they meet additional criteria determined by the Registration Committee.
- (4) Membership on the active-practising candidate roster must be renewed annually.

**Entitlements of members in active-practising candidate roster**

- 15** A member whose name is in the active-practising candidate roster is entitled to all of the following:
- (a) use the designation “active-practising candidate”, “registered counselling therapist candidate” or derivations or abbreviations of these designations;
  - (b) practise counselling therapy under supervision in accordance with the Act and these regulations;
  - (c) display a certificate of registration as an active-practising candidate;
  - (d) if elected, hold office on the Board, other than the positions of chair and vice chair;
  - (e) attend, participate and vote at meetings of the College;
  - (f) serve as an appointed member on any committee of the College;
  - (g) receive all official College publications.

**Entitlements of temporary licence holders**

**16** The Registrar may determine whether the holder of the temporary licence or a temporary licence with conditions or restrictions is authorized to use any of the designations permitted in clauses 9(a) and 15(a).

**Expiry of temporary licences**

**17** A temporary licence or a temporary licence with conditions or restrictions ceases to be valid upon the earliest of all of the following dates:

- (a) the date the licence holder is no longer eligible to write the registration examination;
- (b) the date that a licence, other than a temporary licence, is issued to the licence holder;
- (c) the expiry date of the temporary licence;
- (d) the date the temporary licence is suspended or revoked under the professional conduct process.

**Waiver by Registration Committee**

**18** The Registration Committee may waive any of the criteria for registration or licensing required by these regulations for either of the following reasons:

- (a) it is required by the Agreement on Internal Trade or by law;
- (b) it is consistent with the objects and purposes of the College and the Registration Committee considers it necessary.

**Affiliated Members****Categories of affiliation**

**19** The following are the categories of affiliation with the College:

- (a) retired;
- (b) student;
- (c) associate;
- (d) honorary.

**Retired member affiliation**

**20 (1)** A member is eligible for affiliation with the College as a retired member if the member submits a completed application form and pays the prescribed fee and meets all of the following criteria:

- (a) they are not practising as a counselling therapist;
- (b) they do not hold a licence, but previously held an active-practising licence.

**(2)** A retired member is entitled to all of the following:

- (a) attend, participate and vote at general meetings of the College;
- (b) if elected, hold office on the Board;
- (c) serve as an appointed member on any committee of the College;

- (d) receive all official College publications.

**Student affiliation**

- 21** (1) A person who is engaged in full- or part-time studies in a counselling-therapy education program is eligible for affiliation with the College as a student if the person submits a completed application form and pays the prescribed fee.
- (2) After completing their counselling-therapy education program, a student may retain student affiliation with the College until the end of the current College licensing year.
- (3) A student affiliated with the College is entitled to all of the following:
- (a) if elected, hold office as an *ex officio* member of the Board;
  - (b) serve as an appointed member on any committee of the College, except where indicated otherwise in the Act;
  - (c) receive all official College publications.

**Associate affiliation**

- 22** (1) A person who supports the objects of the College but does not meet the criteria for membership or another category of affiliation is eligible for affiliation with the College as an associate of the College if the person submits a completed application form, pays the prescribed fee, and receives the Registration Committee's approval.
- (2) An associate of the College is entitled to all of the following:
- (a) serve as an appointed member on any committee of the College, except where indicated otherwise in the Act;
  - (b) receive all official College publications.

**Honorary affiliation**

- 23** (1) The Board may grant an honorary affiliation to a person in any circumstances the Board considers appropriate.
- (2) A person granted honorary status is entitled to the rights and privileges determined by the Board.

**Professional Conduct****Functions of Registrar**

- 24** (1) On receiving a complaint, the Registrar must send copies of the complaint to both of the following:
- (a) the respondent;
  - (b) the Complaints Committee.
- (2) The Complaints Committee may appoint an investigator, who may or may not be a member of the Complaints Committee, to investigate a complaint.
- (3) The investigator may do 1 or more of the following:

- (a) request additional written or oral explanation from the complainant, the respondent or a third party;
  - (b) request an interview with the complainant, the respondent or a third party;
  - (c) informally resolve the complaint in the interests of the respondent, the complainant, the public and the College.
- (4) An investigator may investigate any matter relating to the respondent, in addition to the complaint, that arises in the course of the investigation that may constitute any of the following:
- (a) professional misconduct;
  - (b) conduct unbecoming the profession;
  - (c) incompetence;
  - (d) incapacity.
- (5) A respondent may submit medical information and any other information relevant to the complaint to an investigator.
- (6) When an investigation is finished, the investigator must prepare a report of the investigation and give a copy to the Complaints Committee and a copy to the respondent.

#### **Additional information to Complaints Committee**

- 25 (1) At any time, the Complaints Committee may direct an investigator to conduct any investigation the Complaints Committee considers necessary.
- (2) At any time before or during a meeting, the Complaints Committee may receive information in addition to the report of the investigation if the information is relevant to the matters before it.
- (3) If the Complaints Committee receives additional information under subsection (1) or (2), the respondent must be given sufficient opportunity to respond to the information.

#### **Powers of Complaints Committee and disposition of complaint**

- 26 (1) For purposes of this Section:
- (a) “caution” by the Complaints Committee means a determination that a member has breached the standards of professional ethics or practice expected of members, but the breach does not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, and a caution is not considered to be a licensing sanction;
  - (b) “counsel” by the Complaints Committee means a determination that a member could benefit from professional guidance from the College about the subject matter of the complaint, but the member’s conduct does not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, and a counsel is not considered to be a licensing sanction.
- (2) When a matter is referred to a Complaints Committee, it must do 1 of the following:
- (a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent or any other person associated with the complaint, if the Complaints Committee decides that any of the following apply:



- (i) the subject matter of the complaint is outside the jurisdiction of the College,
  - (ii) the complaint is frivolous, vexatious or constitutes an abuse of process,
  - (iii) the complaint does not allege facts that, if proven, would constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, or would merit a counsel or a caution, or both,
  - (iv) the complaint cannot be substantiated;
- (b) give the complainant, the respondent and any person it considers appropriate a reasonable opportunity to appear before the Complaints Committee and to submit representations, explanations or documentation, including medical information and other information relevant to the complaint.
- (3) After the Complaints Committee has given the parties the opportunity to appear before the Complaints Committee under clause (2)(b), the Complaints Committee may require the respondent to do 1 or more of the following:
- (a) submit to disciplinary examinations by a qualified person or persons designated by the Complaints Committee, and authorize the reports from the examinations 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) complete a competence assessment or other assessment or examination the Complaints Committee directs to determine whether the respondent is competent to practise counselling therapy, and authorize the assessment or the report of the examination to be given to the Complaints Committee;
  - (d) produce any records or documents kept at the respondent's practice.
- (4) After the Complaints Committee has given the parties the opportunity to appear before the Committee under clause (2)(b), the Committee must do one or more of the following:
- (a) dismiss the complaint and provide any guidance the Complaints Committee considers useful to the complainant, the respondent, or any other person associated with the complaint;
  - (b) counsel the respondent;
  - (c) caution the respondent;
  - (d) with the respondent's consent, order that the respondent receive a reprimand, or that conditions or restrictions be placed on their licence and that the reprimand, conditions or restrictions be communicated to the respondent, the complainant and any other person the Complaints Committee considers appropriate;
  - (e) if a determination is made that the matter or matters before the Complaints Committee warrant a hearing, refer the matter or matters to the Professional Conduct Committee;
  - (f) informally resolve the complaint.

- (5) A reprimand issued under clause (4)(d) and conditions or restrictions placed on a respondent's licence under clause (4)(d) are licensing sanctions against the respondent and must be dealt with in the same manner as a finding made under Section 51 of the Act.

#### **Compliance with requirements of Complaints Committee**

- 27** (1) If a respondent fails to comply with subsection 26(3), the Complaints Committee may suspend or restrict the respondent's licence until the suspension or restriction is lifted, superseded or annulled by the Complaints Committee or Professional Conduct Committee.
- (2) Expenses incurred for a respondent to comply with a requirement of the Complaints Committee under subsection 26(3) must be initially paid by the College but may be awarded as costs against the respondent under Section 47.

#### **Preparing and tendering settlement proposals**

- 28** (1) A settlement proposal may be tendered in writing to the other party.
- (2) A settlement proposal must include all of the following:
    - (a) an admission or admissions by the respondent to 1 or more of the allegations set out in the notice of hearing;
    - (b) the respondent's consent to a specified disposition, conditional upon the acceptance of the settlement proposal by the Complaints Committee and the Professional Conduct Committee.
  - (3) If both parties agree with a settlement proposal tendered under subsection (1), the College must send the settlement proposal to the Complaints Committee for consideration.
  - (4) The parties may agree to use a mediator to prepare a settlement proposal and the costs of the mediator must be divided equally between the College and the respondent, unless the parties agree to a different division of the costs.

#### **Complaints Committee actions when settlement proposal referred**

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

- (b) reject the settlement proposal and forward the complaint considered by the Complaints Committee to the Professional Conduct Committee for hearing.

### **Professional Conduct Committee actions when settlement proposal referred**

- 30** (1) If the Professional Conduct Committee accepts a settlement proposal, the settlement proposal forms part of the order of the Professional Conduct Committee disposing of the matter and, except as provided in subsection 31(3), there is no hearing.
- (2) If the Professional Conduct Committee does not accept a settlement proposal, it must do 1 of the following:
- (a) suggest amendments to the settlement proposal and return it to the parties for review;
  - (b) reject the settlement proposal, in which case the matter must be forwarded to another panel of the Professional Conduct Committee for a hearing.
- (3) If both parties do not agree with the amendments to the settlement proposal made under clause 2(a), the settlement proposal is deemed to be rejected and the matter must be referred to another panel of the Professional Conduct Committee for a hearing.
- (4) If both parties agree with the amendments to the settlement proposal made under clause 2(a), the settlement proposal must be sent back to the Complaints Committee who must do 1 of the following:
- (a) accept the settlement proposal;
  - (b) reject the settlement proposal and refer the matter to another panel of the Professional Conduct Committee for a hearing.
- (5) A person who sits on a panel of the Professional Conduct Committee that reviews a rejected settlement proposal must not sit on the panel of the Professional Conduct Committee that conducts a hearing related to the same complaint.

### **Settlement proposals and hearings**

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

### **Consent revocation**

- 32** (1) A respondent who does not contest the allegations or admits some or all of the allegations set out in a complaint or a notice of hearing may, with the consent of the College, ask the Professional Conduct Committee to revoke the respondent's licence.

- (2) The Professional Conduct Committee may consent to revoke a respondent's licence in accordance with subsection (1) with or without conditions, or may refuse consent.
- (3) A respondent whose licence is revoked under this Section must, in all respects, be treated as though their licence has been revoked by the Professional Conduct Committee
- (4) Notification of a revocation under this Section must be given in accordance with Section 45.

**Notice of hearing**

- 33** (1) A notice of hearing must be served in accordance with Section 45 of the Act.
- (2) A notice of hearing sent by mail is deemed to have been served on the date it was posted.
  - (3) A notice of hearing must state all of the following:
    - (a) the details of the charges;
    - (b) the time and place of the hearing;
    - (c) that the respondent may be represented by legal counsel, a union representative or another representative.

**Amendment of notice of hearing**

- 34** (1) At any time before or during a hearing, the Professional Conduct Committee may, on its own motion or on the motion of a party to the hearing, amend or alter the notice of hearing for any of the following reasons:
- (a) to correct an alleged defect in substance or form;
  - (b) to make the notice conform to the evidence, if there appears to be a difference between the evidence and the notice, or if the evidence discloses any of the following that is not alleged in the notice:
    - (i) professional misconduct,
    - (ii) conduct unbecoming the profession,
    - (iii) incapacity,
    - (iv) incompetence.
  - (2) A respondent must be given an opportunity to prepare an answer to an amendment or alteration to a notice of hearing made by the Professional Conduct Committee pursuant to subsection (1).
  - (3) After receiving the respondent's answer under subsection (2), the Professional Conduct Committee may decide that an amendment or alteration to the notice of hearing should not be made, and if considered appropriate, may refer any new allegations to the Registrar for processing in accordance with Section 24.

**Public notice of hearing**

- 35** The College must give public notice of all of the following through its website or by any alternate means the College considers appropriate:
- (a) the date, time and location of the hearing;

- (b) any application being made for an order under Section 36.

### **Attendance at a hearing**

- 36** (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 criteria apply:
- (a) personal, medical, financial or other matters [that] may be disclosed at the hearing are of such a nature that avoiding public disclosure of those matters in the interest of the public or any person affected outweighs adhering to the principle that hearings be open to the public;
- (b) the safety of any person may be jeopardized by permitting public attendance.
- (3) The Professional Conduct Committee may make an order that the public be excluded from a part of a hearing that deals with an application 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 orders prohibiting publication or broadcasting, to prevent the public disclosure of matters disclosed in a hearing or in any part of a hearing.
- (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**

- 37** (1) A complainant cannot participate as a party at a hearing.
- (2) The Professional Conduct Committee may determine any additional rules of procedure for hearings not covered by the Act or these regulations.
- (3) Witnesses at a hearing must testify under oath or affirmation.
- (4) An oath or affirmation taken at a hearing may be administered by any member of the Professional Conduct Committee or other person in attendance authorized by law to administer oaths or affirmations.
- (5) The Professional Conduct Committee may require a respondent to do 1 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 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 a competence assessment, or other assessment or examination the Professional Conduct Committee directs, to determine whether the respondent is competent to practise counselling therapy, and authorize the assessment or the examination reports 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.

**Compliance with requirement of Professional Conduct Committee**

- 38** (1) If a respondent fails to comply with a requirement under subsection 37(5), the Professional Conduct Committee may order that the respondent be suspended until the respondent complies.
- (2) The costs of complying with the requirements described in subsection 37(5) must be initially borne by the College and may be awarded as costs against a respondent pursuant to Section 47.

**Respondent's failure to attend hearing**

- 39** After receiving proof of service of the notice of hearing in accordance with Section 33, the Professional Conduct Committee may proceed with a hearing in the respondent's absence and take any action authorized under the Act and these regulations without further notice to the respondent.

**Subpoenaed witness fees**

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

**Recording evidence at hearing**

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

**Preserving the evidence**

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

**Disposition by Professional Conduct Committee**

- 43** A Professional Conduct Committee that finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a respondent, may do 1 or more of the following and must include orders for it in the Committee's disposition of the matter:
- (a) revoke the respondent's registration and licence and remove the respondent's name from the appropriate rosters;
  - (b) for a respondent who held a temporary licence or a temporary licence with conditions or restrictions at the time of the incident giving rise to the complaint, revoke the respondent's ability to obtain registration, or require the respondent to comply with any conditions or restrictions imposed by the Committee if registration is granted;
  - (c) authorize the respondent to resign from the Register and remove the member's name from the appropriate rosters;
  - (d) suspend the respondent's licence for a specific period of time and remove the respondent's name from the rosters where the name is entered;
  - (e) suspend the respondent's licence until any conditions the Professional Conduct Committee orders are complied with;

- (f) suspend the respondent's ability to obtain a licence for a specified period of time;
- (g) impose any restrictions or conditions, or both, on the respondent's licence for a specified period of time;
- (h) reprimand the member and direct that the reprimand be recorded in the records of the College;
- (i) direct the respondent to 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 practise counselling therapy or competence in a particular field of practice;
- (j) for findings that involve practising counselling therapy while not holding a valid licence, direct the respondent to pay a fine in an amount determined by the Professional Conduct Committee;
- (k) publish or disclose its findings in accordance with the Act and the regulations.

#### **Written decision of Professional Conduct Committee**

**44** The Professional Conduct Committee must prepare a written report of its disposition of a hearing including the reasons for the decision in accordance with clause 48(2)(c) of the Act, and must provide copies of its decision or information from its decision in accordance with Section 45.

#### **Disclosing and publishing decisions and licensing sanctions imposed without hearing**

- 45** (1) Except as prohibited by any publication bans, the Professional Conduct Committee may disclose or publish a decision or part of a decision that dismissed a complaint in a manner determined by the Professional Conduct Committee.
- (2) Except as prohibited by any publication bans, the Registrar must do all of the following for any licensing sanction that is issued other than through a hearing:
- (a) make the appropriate entries in the Register and the rosters of the College and, if applicable, on the member's licence;
  - (b) publish a summary of the decision in accordance with subsection (3) in all of the following:
    - (i) the College website,
    - (ii) the Professional Conduct Digest retained by the College and available to the public,
    - (iii) any official publication determined by the Professional Conduct Committee;
  - (c) notify all of the following of the licensing sanction ordered, and include any other information requested:
    - (i) registering bodies in other Canadian counselling therapy jurisdictions,
    - (ii) registering bodies in a jurisdiction where the respondent was originally registered or licensed;
    - (iii) registering bodies in other jurisdictions where the member is known to have practised;
  - (d) give the respondent a copy of the decision;



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

#### **Disclosing and publishing decisions and licensing sanctions imposed through hearing**

**46** Except as prohibited by any publication bans, the Registrar must take all of the actions set out subsection 45(2) for any licensing sanction issued following a hearing, and in addition must do the following:

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

#### **Costs awarded after hearing**

**47 (1)** In this Section, "costs" includes 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) expenses incurred under subsections 27(2) and 38(2);
  - (d) the College's solicitor and client costs, including disbursements and HST, relating to the investigation and hearing of a complaint, including those of College counsel and counsel for the Professional Conduct Committee;
  - (e) fees for retaining a court reporter and preparing transcripts of the proceedings;
  - (f) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a hearing.
- (2) Except when awarded costs 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 the profession, incompetence or incapacity on the part of a respondent, it may order that the respondent pay costs in whole or in part.
- (4) If the 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.
- (5) The Registrar may suspend the licence of any respondent who fails to pay the costs under this Section within the time ordered, until payment is made or satisfactory arrangements for payment are made.

#### **Application for reinstatement**

- 48 (1) An application for reinstatement of registration or a licence under the Act or these regulations must be sent in writing to the Registrar together with the prescribed fee by the Board.
- (2) An application for reinstatement must include any information the Reinstatement Committee requires to assist it in determining whether the objects of the College will be met if reinstatement is granted.

#### **Investigation on reinstatement application**

- 49 (1) On receiving an application for reinstatement, the Registrar may request that an investigation be conducted to gather relevant information about the application.
- (2) A person who conducts an investigation must give a written report to the Reinstatement Committee and the applicant that contains all material relevant to the application, including the decision of the Professional Conduct Committee that revoked the applicant's registration or licence and any relevant information gathered during the investigation.

#### **Notice of reinstatement proceeding**

- 50 The Reinstatement Committee must set a date for a proceeding to review a reinstatement application and must
- (a) advise the applicant of the date; and
  - (b) provide notice to the public of all of the following through its website or by any alternate means the College considers appropriate:

- (i) the date, time and location of the proceeding,
- (ii) any application being made for an order under Section 51.

**Attendance at proceeding for review of reinstatement application**

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

**Reinstatement proceeding procedures**

- 52** (1) The Reinstatement Committee may determine any additional rules of procedure for its proceedings not covered by the Act or these regulations.
- (2) The evidence presented to the Reinstatement Committee must be taken under oath and recorded, and is subject to cross-examination.
- (3) An oath or affirmation required for a proceeding may be administered by any member of the Reinstatement Committee or other person in attendance authorized by law to administer oaths or affirmations.

**Decision of Reinstatement Committee**

- 53** (1) After considering the evidence and representations from an applicant and the College representative, the Reinstatement Committee must decide to accept or reject the reinstatement application and must communicate its decision, together with reasons, in writing to the applicant and to the Registrar.
- (2) If the Reinstatement Committee decides to re-instate an applicant, the Committee may impose any restrictions and conditions it considers appropriate on the applicant's reinstatement, and the applicant must satisfy all criteria required for a licence.

- (3) Except as provided in subsection (4), a decision of the Reinstatement Committee about reinstatement of registration or a licence is final.
- (4) An applicant may resubmit an application for reinstatement after 1 year has passed since the date of the Reinstatement Committee's initial decision, or after a longer period determined by the Reinstatement Committee that rejected the application.

#### Costs of reinstatement proceeding

- 54** (1) Whether an application for reinstatement is accepted or rejected, the Reinstatement Committee may recover costs from the applicant, including any of the following:
- (a) expenses incurred by the College in investigating the reinstatement application;
  - (b) expenses incurred by the College for the activities of the Reinstatement Committee;
  - (c) the College's solicitor and client costs, including disbursements and HST, relating to a reinstatement application, including those of College counsel and counsel for the Reinstatement Committee;
  - (d) fees for retaining an expert, preparing reports and preparing transcripts of the proceedings;
  - (e) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a proceeding to review a reinstatement application.
- (2) An applicant is responsible for all expenses incurred in their reinstatement application and proceeding.
  - (3) The Registrar may suspend the licence of any member who fails to pay the costs under this Section within the time ordered, until the payment is made or satisfactory arrangements for payment are made.

---

#### N.S. Reg. 288/2011

Made: October 11, 2011

Filed: October 11, 2011

Payday Lenders Regulations

Order in Council 2011-369 dated October 11, 2011  
Amendment to regulations made by the Governor in Council  
pursuant to Section 18U of the *Consumer Protection Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated September 20, 2011, and pursuant to Section 18U of Chapter 92 of the Revised Statutes of Nova Scotia, 1989, the *Consumer Protection Act*, is pleased to amend the *Payday Lenders Regulations*, N.S. Reg. 248/2009, made by the Governor in Council by Order in Council 2009-324 dated July 17, 2009, to implement recent recommendations of the Nova Scotia Utility and Review Board, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 1, 2011.

## Schedule "A"

**Amendment to the *Payday Lenders Regulations*  
made by the Governor in Council under Section 18U  
of Chapter 92 of the Revised Statutes of Nova Scotia, 1989,  
the *Consumer Protection Act***

- 1 Subsection 2(1) of the *Payday Lenders Regulations*, N.S. Reg. 248/2009, made by the Governor in Council by Order in Council 2009-324 dated July 17, 2009, is amended by
  - (a) striking out the period at the end of clause (e) and substituting a semicolon; and
  - (b) adding the following clause immediately after clause (e):
    - (f) "repeat loan" means a payday loan granted to a borrower 24 hours or less after they repay a prior payday loan granted to them.
- 2
  - (1) Clause 5(a) of the regulations is amended by striking out "the loan agreement" immediately after "set by the Board".
  - (2) Section 5 of the regulations is further amended by repealing clause (d) and substituting the following:
    - (d) except as provided in subsection (2), all of the following information, in Form A, on loans granted by the payday lender from the location specified in their permit for the 12-month period from July 1 to June 30 immediately before the date of the permit renewal:
      - (i) the number of loans granted,
      - (ii) the average size of loans granted,
      - (iii) the number of defaults on loans granted
      - (iv) the average size of loans defaulted,
      - (v) the number of borrowers who have been granted more than 1 loan,
      - (vi) the number of repeat loans granted,
      - (vii) the total number of borrowers who have been granted repeat loans,
      - (viii) the number of borrowers who have been granted repeat loans, for the following number of times:
        - (A) 1 time,
        - (B) 2 times,
        - (C) 3 times,
        - (D) 4 times,
        - (E) 5 times,

- (F) 6 times,
- (G) 7 times,
- (H) 8 or more times.

(3) Section 5 of the regulations is renumbered as subsection 5(1) and the following subsection added immediately after subsection (1):

(2) For permit renewals from July 1, 2012, to June 30, 2013, Form B must be used and the following information supplied:

- (a) the information in subclauses (1)(d)(i) to (iv) for the entire 12-month period from July 1, 2011, to June 30, 2012; and
- (b) the additional information in subclauses (1)(d)(v) to (viii) for the 6-month period from January 1, 2012, to June 30, 2012.

3 The regulations are further amended by adding the following Section immediately after Section 9:

**Advertising**

**9A (1)** A payday lender must include all of the following in its payday loan advertisements:

- (a) the total cost of borrowing for a payday loan, expressed in dollars and cents per \$100 for a 14-day loan;
- (b) the statement “Payday Loans are High-Cost Loans”.

(2) The information required by clauses (1)(a) and (b) must be displayed at least as prominently as any other representation in an advertisement and in the same manner as other representations are made, whether visually or aurally or both.

4 The regulations are further amended by adding the attached Form A and Form B immediately after Section 23.

**Form A**

(for permit renewals on and after July 1, 2013)

**Information Required for Each Payday Lender Location for the  
12-month Period from July 1 to June 30**

(pursuant to Section 5 of the *Payday Loan Regulations*)

**Information about payday lender**

Payday lender business name: \_\_\_\_\_  
 Location civic address: \_\_\_\_\_  
 Location mailing address: \_\_\_\_\_  
 Permit number: \_\_\_\_\_

**Information about payday loans**

All of the following information must be completed in accordance with Section 5 of the *Payday Loan Regulations*:

1. Number of loans granted \_\_\_\_\_
2. Average size of loans granted \_\_\_\_\_
3. Number of defaults on loans granted \_\_\_\_\_
4. Average size of loans defaulted \_\_\_\_\_
5. Number of borrowers who have been granted more than one loan \_\_\_\_\_
6. Number of repeat loans granted \_\_\_\_\_  
*(Note: A repeat loan is defined as a payday loan granted to a borrower 24 hours or less after they repay a prior payday loan granted to them.)*
7. Total number of borrowers who have been granted repeat loans \_\_\_\_\_
8. Number of borrowers who have been granted repeat loans, for the following number of times:
  - (A) 1 time \_\_\_\_\_
  - (B) 2 times \_\_\_\_\_
  - (C) 3 times \_\_\_\_\_
  - (D) 4 times \_\_\_\_\_
  - (E) 5 times \_\_\_\_\_
  - (F) 6 times \_\_\_\_\_
  - (G) 7 times \_\_\_\_\_
  - (H) 8 or more times \_\_\_\_\_

*(Note: Do not include a borrower more than once in the totals here – include them only in the count for the total number of times they have been granted repeat loans.)*

**Form B**

(for permit renewals from July 1, 2012, to June 30, 2013, only)

**Information Required for Each Payday Lender Location**

(pursuant to Section 5 of the *Payday Loan Regulations*)

**Information about payday lender**

Payday lender business name: \_\_\_\_\_  
 Location civic address: \_\_\_\_\_  
 Location mailing address: \_\_\_\_\_  
 Permit number: \_\_\_\_\_

**Information about payday loans**

All of the following information must be completed in accordance with Section 5 of the *Payday Loan Regulations*:

**For the 12-month period from July 1, 2011, to June 30, 2012:**

1. Number of loans granted \_\_\_\_\_
2. Average size of loans granted \_\_\_\_\_
3. Number of defaults on loans granted \_\_\_\_\_
4. Average size of loans defaulted \_\_\_\_\_

**For the 6-month period from January 1, 2012, to June 30, 2012:**

5. Number of borrowers who have been granted more than one loan \_\_\_\_\_



6. Number of repeat loans granted \_\_\_\_\_

(Note: A repeat loan is defined as a payday loan granted to a borrower 24 hours or less after they repay a prior payday loan granted to them.)

7. Total number of borrowers who have been granted repeat loans \_\_\_\_\_

8. Number of borrowers who have been granted repeat loans, for the following number of times:

(A) 1 time \_\_\_\_\_

(B) 2 times \_\_\_\_\_

(C) 3 times \_\_\_\_\_

(D) 4 times \_\_\_\_\_

(E) 5 times \_\_\_\_\_

(F) 6 times \_\_\_\_\_

(G) 7 times \_\_\_\_\_

(H) 8 or more times \_\_\_\_\_

(Note: Do not include a borrower more than once in the totals here – include them only in the count for the total number of times they have been granted repeat loans.)

### **N.S. Reg. 289/2011**

Made: October 11, 2011

Filed: October 11, 2011

Summary Offence Tickets Regulations

Order dated October 11, 2011  
made by the Minister of Justice  
pursuant to Section 8 of the *Summary Proceedings Act*

#### **Order**

#### **Made under Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

I, Ross Landry, Minister of Justice and Attorney General of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, hereby

- (a) amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Minister of Justice dated October 4, 2011, to designate certain offences under the *Non-essential Pesticides Act* as summary offence ticket offences, in the manner set forth in the attached Schedule “A”; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule “A”, is the amount of the out-of-court settlement set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the date of this order.

Dated and made October 11, 2011, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*  
Honourable Ross Landry  
Minister of Justice and Attorney General

### Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*  
made by the Minister of Justice pursuant to Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Minister of Justice dated October 4, 2011, are amended by adding the following schedule immediately after Schedule 36:

#### Schedule 37 Non-essential Pesticides Act

Offence	Section	Out of Court Settlement
1 Using, causing or permitting use of pesticide in, on or over lawn other than as prescribed by regulations	4(2)	\$687.91
2 Using, causing or permitting use of pesticide in, on or over ornamental plant other than as prescribed by regulations	4(3)	\$687.91
3 Selling, supplying or offering for sale lawn or turf pesticide other than as prescribed by regulations	5(1)	\$687.91
4 Selling, supplying or offering for sale ornamental plant pesticide other than as prescribed by regulations	5(2)	\$687.91
5 Contravening Act or regulations (specify)	13(a)	\$687.91
6 Knowingly providing false or misleading information	13(b)	\$1147.41
7 Hindering or obstructing inspector	13(c)	\$1147.41