

Royal



Gazette

Part II Regulations under the Regulations Act

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

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

N.S. Reg. 122/2017

Made: August 10, 2017

Filed: August 14, 2017

Prescribed Petroleum Products Prices

Order dated August 10, 2017
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**M08230****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:** Roland A. Deveau, Q.C., Vice Chair

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 product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

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

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended August 9, 2017, are:

Grade 1 Regular gasoline	55.4¢ per litre
Ultra-low-sulfur diesel oil	54.6¢ per litre

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

Gasoline:	
Grade 1	55.4¢ per litre
Grade 2	58.4¢ per litre
Grade 3	61.4¢ per litre
Ultra-low-sulfur diesel oil	54.6¢ per litre

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

Gasoline:	plus 0.5¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.8¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., August 11, 2017.

Dated at Halifax, Nova Scotia, this 10th day of August, 2017.

sgd: Bruce A. Kiley
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on August 11, 2017**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	63.1	10.0	15.5	88.6	107.8	109.9	107.8	999.9
Mid-Grade Unleaded	66.1	10.0	15.5	91.6	111.2	113.4	111.2	999.9
Premium Unleaded	69.1	10.0	15.5	94.6	114.7	116.8	114.7	999.9
Ultra-Low-Sulfur Diesel	62.6	4.0	15.4	82.0	100.2	102.4	100.2	999.9
Zone 2								
Regular Unleaded	63.6	10.0	15.5	89.1	108.3	110.5	108.3	999.9
Mid-Grade Unleaded	66.6	10.0	15.5	92.1	111.8	114.0	111.8	999.9
Premium Unleaded	69.6	10.0	15.5	95.1	115.2	117.4	115.2	999.9
Ultra-Low-Sulfur Diesel	63.1	4.0	15.4	82.5	100.7	102.9	100.7	999.9
Zone 3								
Regular Unleaded	64.0	10.0	15.5	89.5	108.8	111.0	108.8	999.9
Mid-Grade Unleaded	67.0	10.0	15.5	92.5	112.2	114.4	112.2	999.9
Premium Unleaded	70.0	10.0	15.5	95.5	115.7	117.9	115.7	999.9
Ultra-Low-Sulfur Diesel	63.5	4.0	15.4	82.9	101.2	103.4	101.2	999.9
Zone 4								
Regular Unleaded	64.1	10.0	15.5	89.6	108.9	111.1	108.9	999.9
Mid-Grade Unleaded	67.1	10.0	15.5	92.6	112.4	114.5	112.4	999.9
Premium Unleaded	70.1	10.0	15.5	95.6	115.8	118.0	115.8	999.9
Ultra-Low-Sulfur Diesel	63.6	4.0	15.4	83.0	101.3	103.5	101.3	999.9
Zone 5								
Regular Unleaded	64.1	10.0	15.5	89.6	108.9	111.1	108.9	999.9
Mid-Grade Unleaded	67.1	10.0	15.5	92.6	112.4	114.5	112.4	999.9
Premium Unleaded	70.1	10.0	15.5	95.6	115.8	118.0	115.8	999.9
Ultra-Low-Sulfur Diesel	63.6	4.0	15.4	83.0	101.3	103.5	101.3	999.9
Zone 6								
Regular Unleaded	64.8	10.0	15.5	90.3	109.7	111.9	109.7	999.9
Mid-Grade Unleaded	67.8	10.0	15.5	93.3	113.2	115.3	113.2	999.9
Premium Unleaded	70.8	10.0	15.5	96.3	116.6	118.8	116.6	999.9
Ultra-Low-Sulfur Diesel	64.3	4.0	15.4	83.7	102.1	104.3	102.1	999.9

N.S. Reg. 123/2017

Made: July 26, 2017

Approved: July 28, 2017

Filed: August 15, 2017

Chicken Farmers of Nova Scotia Regulations—amendment

Order dated July 28, 2017
Amendment to regulations made by the Chicken Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to Section 9 of the *Natural Products Act*

Chicken Farmers of Nova Scotia

**Amendment to the *Chicken Farmers of Nova Scotia Regulations*
made under the *Natural Products Act***

I certify that on July 26, 2017, the Chicken Farmers of Nova Scotia, pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated by Section 7 of the *Nova Scotia Chicken Marketing Plan*, N.S. Reg. 241/82, carried a motion to amend the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 11/2005, approved by the Natural Products Marketing Council on December 8, 2004, in the manner set forth in the attached Schedule “A”, effective on and after September 1, 2017.

Signed at Kentville, in the County of Kings, Nova Scotia on August 8, 2017.

Chicken Farmers of Nova Scotia

per: sgd: *Shelley Acker*
Shelley Acker
General Manager

Approved by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on July 28, 2017.

Natural Products Marketing Council

per: sgd: *E. A. Crouse*
Elizabeth A. Crouse, P.Ag.
General Manager

Schedule “A”

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

1 Section 8G of the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 11/2005, approved by the Natural Products Marketing Council on December 8, 2004, is amended by

(a) repealing subsection (2) and replacing it with the following:

- (2) Subject to subsection (4), a producer who transfers all of their base quota does not retain any part of any adjustment to base quota.
- (b) adding the following subsection immediately after subsection (3):
- (4) Subsection (2) will not apply when a producer who is a natural person applies to and obtains approval from the Commodity Board to transfer all of their base quota and any adjustment to base quota to a corporation, partnership or trust in which the natural person is a beneficial shareholder, partner or beneficiary.

N.S. Reg. 124/2017

Made: August 17, 2017

Filed: August 18, 2017

Prescribed Petroleum Products Prices

Order dated August 17, 2017
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**M08241**

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

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 product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

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

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended August 16, 2017, are:

Grade 1 Regular gasoline	54.4¢ per litre
Ultra-low-sulfur diesel oil	53.8¢ per litre

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

Gasoline:	
Grade 1	54.4¢ per litre

Grade 2	57.4¢ per litre
Grade 3	60.4¢ per litre
Ultra-low-sulfur diesel oil	53.8¢ per litre

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

Gasoline:	plus 0.2¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.3¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., August 18, 2017.

Dated at Halifax, Nova Scotia, this 17th day of August, 2017.

sgd: *Doreen Friis*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on August 18, 2017**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	61.9	10.0	15.5	87.4	106.4	108.6	106.4	999.9
Mid-Grade Unleaded	64.9	10.0	15.5	90.4	109.8	112.0	109.8	999.9
Premium Unleaded	67.9	10.0	15.5	93.4	113.3	115.5	113.3	999.9
Ultra-Low-Sulfur Diesel	61.4	4.0	15.4	80.8	98.8	101.0	98.8	999.9
Zone 2								
Regular Unleaded	62.4	10.0	15.5	87.9	107.0	109.1	107.0	999.9
Mid-Grade Unleaded	65.4	10.0	15.5	90.9	110.4	112.6	110.4	999.9
Premium Unleaded	68.4	10.0	15.5	93.9	113.8	116.0	113.8	999.9
Ultra-Low-Sulfur Diesel	61.9	4.0	15.4	81.3	99.4	101.5	99.4	999.9
Zone 3								
Regular Unleaded	62.8	10.0	15.5	88.3	107.4	109.6	107.4	999.9
Mid-Grade Unleaded	65.8	10.0	15.5	91.3	110.9	113.0	110.9	999.9
Premium Unleaded	68.8	10.0	15.5	94.3	114.3	116.5	114.3	999.9
Ultra-Low-Sulfur Diesel	62.3	4.0	15.4	81.7	99.8	102.0	99.8	999.9
Zone 4								
Regular Unleaded	62.9	10.0	15.5	88.4	107.5	109.7	107.5	999.9
Mid-Grade Unleaded	65.9	10.0	15.5	91.4	111.0	113.2	111.0	999.9
Premium Unleaded	68.9	10.0	15.5	94.4	114.4	116.6	114.4	999.9
Ultra-Low-Sulfur Diesel	62.4	4.0	15.4	81.8	99.9	102.1	99.9	999.9

Zone 5								
Regular Unleaded	62.9	10.0	15.5	88.4	107.5	109.7	107.5	999.9
Mid-Grade Unleaded	65.9	10.0	15.5	91.4	111.0	113.2	111.0	999.9
Premium Unleaded	68.9	10.0	15.5	94.4	114.4	116.6	114.4	999.9
Ultra-Low-Sulfur Diesel	62.4	4.0	15.4	81.8	99.9	102.1	99.9	999.9
Zone 6								
Regular Unleaded	63.6	10.0	15.5	89.1	108.3	110.5	108.3	999.9
Mid-Grade Unleaded	66.6	10.0	15.5	92.1	111.8	114.0	111.8	999.9
Premium Unleaded	69.6	10.0	15.5	95.1	115.2	117.4	115.2	999.9
Ultra-Low-Sulfur Diesel	63.1	4.0	15.4	82.5	100.7	102.9	100.7	999.9

N.S. Reg. 125/2017

Made: October 14, 2016

Approved: August 21, 2017

Filed: August 22, 2017

Milk Producer Licensing Regulations—replacement

Order dated August 21, 2017

Repeal of regulations and regulations made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clauses 9(f) to (i) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia**Repeal and Replacement of the *Milk Producer Licensing Regulations***

The Dairy Farmers of Nova Scotia, pursuant to clauses 9(f) to (i) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, as delegated by clauses 2(1)(l) to (o) of the *Delegation of Powers to Dairy Farmers of Nova Scotia Regulations*, N.S. Reg. 136/2001, and pursuant to clause 15(1)(a) of the *Dairy Industry Act*, at a meeting held on October 14, 2016, carried a motion to

- (a) repeal the *Milk Producer Licensing Regulations*, N.S. Reg. 204/2003, made by the Dairy Farmers of Nova Scotia on March 25, 2003, and approved by the Natural Products Marketing Council on September 9, 2003; and
- (b) make new regulations respecting the licensing of milk producers in the form set out in Schedule “A”.

The repeal and replacement of the *Milk Producer Licensing Regulations* is effective on and after September 1, 2017.

Signed at Truro, in the County of Colchester, Nova Scotia, on August 21, 2017.

Dairy Farmers of Nova Scotia

per: sgd: *B. Cameron*
 Brian Cameron
 General Manager

Approved by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia, on August 21, 2017.

Natural Products Marketing Council

per: *sgd: E. A. Crouse*
Elizabeth A. Crouse, P.Ag.
General Manager

Schedule "A"

**Regulations Respecting Milk Producer Licensing
made by the Dairy Farmers of Nova Scotia
pursuant to clauses 9(f)-(i) and 15(1)(a) of Chapter 24 of the Acts of 2000,
the *Dairy Industry Act***

Citation

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

Application

2 These regulations apply only to producers of cow's milk.

Definition

3 In these regulations,

"*Abnormal Freezing Point Standard for Cow's Milk Regulations*" means the *Abnormal Freezing Point Standard for Cow's Milk Regulations* made under the Act;

"Act" means the *Dairy Industry Act*;

"cow" means the mature female of domestic cattle, genus *Bos*;

"director" means a member of the Board of Directors of the Board;

"milk production regulations" means the regulations respecting milk production (Schedule 2) made under the Act;

"milk quality standards" means all of the following standards:

- (i) the standards referred to in Sections 56 and 62 of the milk production regulations for bacteria count, somatic cell count and unnatural inhibitors,
- (ii) the standard referred to in the *Abnormal Freezing Point Standard for Cow's Milk Regulations*;

"proAction program" means all of the following modules of the Dairy Farmers of Canada proAction program:

- (i) Food Safety Workbook and Reference Manual, as amended from time to time;
- (ii) Livestock Traceability Workbook and Reference Manual, as amended from time to time;

(iii) Animal Care Workbook and Reference Manual, as amended from time to time;

“shut-off” means a penalty described in Section 12 and imposed by the Board on a producer under Section 13, 14 or 19.

Board is licensing authority

4 The Board is the licensing authority referred to in Section 7 of the Act for the issuance of a producer licence.

Eligibility for producer licence

5 For a producer to obtain a producer licence, the operations of the producer’s dairy farm must meet the requirements of all applicable regulations under the Act, including regulations relating to raw milk production, transfer and transportation, and must comply with Board policies.

Applying for producer licence

6 An application for a producer licence must be made to the Board on a form provided by the Board, and must include all of the following information:

- (a) application date;
- (b) dairy farm name and producer name;
- (c) mail and civic addresses for each of the producer’s dairy farm locations;
- (d) phone and fax numbers;
- (e) e-mail address;
- (f) processor and transporter recommendations.

Locations identified in producer licence

7 Each of a producer’s dairy farm locations must be identified in the producer’s producer licence.

Producer may sell only to Board

8 A producer may sell milk only to the Board, and must not sell or offer to sell milk to any other person.

Producer selling certified organic milk

- 9** (1) In this Section, “certified organic milk” means milk that is produced by a producer who is certified as meeting organic production standards by an organic certification body recognized by the Board and the Council.
- (2) A producer who wishes to sell certified organic milk must
- (a) provide a copy of their certification on request by the Board; and
 - (b) in accordance with the DFNS Organic Milk Policy, sign an Acknowledgment and Undertaking Agreement with the Board.

Milk quality standards and proAction program requirements

- 10** (1) Each producer is subject to the milk quality standards and proAction program requirements.
- (2) Each producer must provide proof of their validation under the proAction program to the Board.

Notifying producers of penalties

11 If a producer becomes subject to a penalty under these regulations, the Board must promptly notify the producer of the penalty and of the consequences of further violations.

Conditions of shut-off

12 The milk of a producer who is subject to a shut-off must not be marketed for a period of time or until certain conditions are met, or both, as set out in these regulations.

Penalty for violating bacteria count, somatic cell count or abnormal freezing point standard

13 (1) A producer is subject to a penalty as set out in subsection (2) if, in any month, a test of the producer's milk results in any of the following findings and the same result has been found in at least 40% of the tests of the producer's milk in that month and the 2 previous months:

- (a) a bacteria count higher than the bacteria count standard in Section 56 of the milk production regulations;
- (b) a somatic cell count higher than the somatic cell count standard in Section 56 of the milk production regulations;
- (c) an abnormal freezing point as defined in the *Abnormal Freezing Point Standard for Cow's Milk Regulations*.

(2) The penalty incurred by a producer under subsection (1) is as set out in the following table:

Penalty for Violating Bacteria Count Standard, Somatic Cell Count Standard or Abnormal Freezing Point Standard	
Penalty Instance	Penalty
1st penalty incurred within 12-month period	\$3.00/hl*
2nd penalty incurred within 12-month period for violation of same standard	\$4.00/hl*
3rd penalty incurred within 12-month period for violation of same standard	\$5.00/hl*
4th or subsequent penalty incurred within 12-month period for violation of same standard	\$5.00/hl* plus shut-off
(*A monetary penalty applies per hectolitre of all of the producer's milk sold in the month the producer incurred the penalty.)	

Penalties and other consequences for unnatural inhibitor

14 (1) If a test for unnatural inhibitors under Section 62 of the milk production regulations shows that a producer's milk contains an unnatural inhibitor,

- (a) any compartment of milk on the tank truck containing the milk that was found to contain an unnatural inhibitor must not be accepted for processing, and the transporter of the milk must dispose of that milk;
- (b) the milk from the producer's next milking must be tested from the producer's bulk tank for unnatural inhibitors, and if the milk from that milking is found to contain an unnatural inhibitor, the producer's milk must not be offered for sale until the Board is satisfied that the

milk is free from unnatural inhibitors.

- (2) A producer whose milk is found to contain an unnatural inhibitor is not entitled to be paid for any of their milk that is disposed of under clause (1)(a).
- (3) A producer whose milk is found to contain an unnatural inhibitor is liable to the Board for all of the following:
- (a) all expenses incurred by the Board in disposing of milk under clause (1)(a) and conducting additional testing of the producer's milk under clause (1)(b);
- (b) an amount calculated in accordance with the formula $(TV - PV) \times 4(d)$ price, in which
- (i) TV is the total volume of milk disposed of,
- (ii) PV is the volume of milk disposed of from the producer whose milk contained the unnatural inhibitor,
- (iii) 4(d) price is the component price for the 4(d) class of milk under the *Milk Pricing Regulations* made under the Act.
- (4) Except as provided in subsection (5) with respect to a 2nd, 3rd or subsequent violation within the same month, a producer whose milk is found to contain an unnatural inhibitor is subject to a penalty as set out in the following table:

Penalty for Milk Containing Unnatural Inhibitor	
Penalty Instance	Penalty
1st penalty incurred within 12-month period	\$3.00/hl*
2nd penalty incurred within 12-month period	\$4.50/hl* plus shut-off
3rd or subsequent penalty incurred within 12-month period	\$6.00/hl* plus shut-off
(*A monetary penalty applies per hectolitre of all of the producer's milk sold in the month the producer incurred the penalty.)	

- (5) A producer whose milk is found to contain an unnatural inhibitor twice or more in the same month is subject only to the penalty for the most recent instance.

Application of penalty when producer operates with multiple farms

15 If a producer operates with 2 or more dairy farms, a penalty under Section 13 or 14 applies only to the milk from each of the producer's farms on which the milk quality standards are not met.

Lifting 1st shut-off for violating milk quality standards

16 A producer who incurs a 1st shut-off in a 12-month period for violating milk quality standards remains subject to the shut-off until both of the following have occurred:

- (a) the shut-off has been in place for at least 6 days;
- (b) the producer's milk meets all of the milk quality standards.

Lifting 2nd shut-off for violating milk quality standards

17 A producer who incurs a 2nd shut-off in a 12-month period for violating the same milk quality standard remains subject to the shut-off until all of the following have occurred:

- (a) the shut-off has been in place for at least 12 days;
- (b) the producer's milk meets all of the milk quality standards;
- (c) if both shut-offs were incurred under Section 13 for violating one of the standards referred to in that Section, the producer's farm has undergone a new inspection and meets the requirements of the milk production regulations;
- (d) if both shut-offs were incurred under Section 14 for violating the unnatural inhibitor standard, the producer's farm has undergone a new validation and the producer has provided the Board with proof that the farm meets the requirements of the proAction program.

Lifting 3rd shut-off or cancelling licence for violating milk quality standards

18 (1) If a producer incurs a 3rd shut-off in a 12-month period for violating the same milk quality standard, the Board may cancel the producer's producer licence or impose by order any conditions that the producer must meet before the shut-off is lifted, but the Board must hold a hearing in accordance with Section 22 before cancelling or imposing conditions on the licence.

- (2) A producer who incurs a third shut-off in a 12-month period for violating the same milk quality standard is not entitled to a review of the shut-off under Section 20.
- (3) A producer who incurs a third shut-off in a 12-month period for violating the same milk quality standard remains subject to the shut-off for at least 24 days, unless the Board cancels the producer's producer licence sooner.

Penalties for non-compliance with proAction program

19 (1) A producer is subject to a penalty as set out in subsection (2) for failing to comply with the proAction program.

- (2) The penalty incurred by a producer under subsection (1) is as set out in the following table:

Penalty for Non-Compliance with proAction Program	
Consecutive Days of Non-Compliance	Penalty
30	\$3.00/hl*
60	\$4.00/hl*
90	\$5.00/hl*
105	shut-off
(*A monetary penalty applies per hectolitre of all of the producer's milk sold in the month in which the specified period of non-compliance expires.)	

- (3) A shut-off under this Section must remain in place until the producer's farm undergoes a new validation and the producer provides the Board with proof that the farm meets the requirements of the proAction program.

- (4) After a producer has been subject to a shut-off under this Section for 60 consecutive days, the Board may cancel the producer's producer licence or impose by order any conditions that the producer must meet before the shut-off is lifted, but the Board must hold a hearing under Section 22 before cancelling or imposing conditions on the licence.
- (5) Sections 16, 17 and 18, respecting shut-offs incurred for violating the milk quality standards, do not apply to a shut-off under this Section.
- (6) A producer who is subject to a shut-off under this Section is not entitled to a review under Section 20.

Board review of shut-off

- 20** (1) A producer may request the Board to review a shut-off in accordance with this Section.
- (2) A request for a shut-off review must be made in writing to the General Manager of the Board no later than 5 days after the producer receives notice of the shut-off, and must state the grounds for the request.
 - (3) After receiving a request for a shut-off review from a producer under subsection (2), the General Manager must schedule the review as soon as practicable and notify the producer in writing of the date, time and location for the review.
 - (4) A shut-off review may be held in person or by telephone or video conference.
 - (5) The Board must uphold a shut-off on review unless the producer satisfies the Board that there are exceptional circumstances that justify a decision to vary or rescind the shut-off.
 - (6) A producer subject to a shut-off is not entitled to compensation if the shut-off is rescinded or varied on review.
 - (7) The Board may appoint a committee of directors to review a shut-off.
 - (8) A committee appointed under subsection (7) must consist of at least 3 directors.

Board may suspend or cancel licence

- 21** (1) In addition to any other reason set out in these regulations, the Board may suspend or cancel a producer's producer licence in whole or in part for any of the following reasons:
- (a) the producer fails to comply with any provision of a federal or Provincial Act or regulation related to milk production;
 - (b) the producer fails to comply with an order made or policy established by the Council or the Board.
- (2) The Board must hold a hearing in accordance with Section 22 before suspending or cancelling a producer licence under this Section.

Procedure for hearing

- 22** (1) A hearing to be held by the Board as required by subsection 18(1), 19(4) or 21(2) before cancelling or imposing conditions on a producer licence must proceed in accordance with this Section.
- (2) The Board must notify both of the following in writing of the date, time, location and reason for the

hearing:

- (a) the affected producer;
 - (b) a representative of the processor used by the affected producer.
- (3) A hearing may be held in person or by telephone or video conference.
- (4) A processor representative may attend a hearing and, in accordance with procedures established by the Board, may make representations at the hearing.
- (5) The Board must not cancel a producer's producer licence under Section 18 after a 3rd shut-off in a 12-month period for violation of the milk quality standards if, after the hearing for the producer, the Board determines that
- (a) there are exceptional circumstances that justify a decision not to cancel the licence; and
 - (b) the producer has taken appropriate steps to ensure their milk meets all milk quality standards.

Transition: milk quality history

- 23 (1) During September, 2017, a producer's milk quality test results for bacteria count, somatic cell count and abnormal freezing point during July, August and September, 2017, must be used for the purpose of determining whether the producer is subject to a penalty under Section 13.
- (2) During October, 2017, a producer's milk quality test results for bacteria count, somatic cell count and abnormal freezing point during August, September and October, 2017, must be used for the purpose of determining whether the producer is subject to a penalty under Section 13.

Transition: penalty history

- 24 A producer's penalty history for bacteria count, somatic cell count and abnormal freezing point under the *Milk Producer Licensing Regulations*, N.S. Reg. 204/2003, must be used in determining whether a penalty under Section 13 is a 1st, 2nd, 3rd or subsequent penalty in a 12-month period.

N.S. Reg. 126/2017

Made: August 18, 2017

Approved: August 22, 2017

Filed: August 22, 2017

Abnormal Freezing Point Standard for Cow's Milk Regulations—amendment

Order dated August 22, 2017

Amendment to regulations made by the Natural Products Marketing Council
and approved by the Minister of Agriculture
pursuant to Section 11 of the *Dairy Industry Act*

Order

**In the matter of Section 11 of Chapter 24 of the Acts of 2000,
the *Dairy Industry Act***

-and-

**In the matter of an amendment to the
*Abnormal Freezing Point Standard for Cow's Milk Regulations***

I, Keith Colwell, Minister of Agriculture for the Province of Nova Scotia, pursuant to Section 11 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, hereby approve an amendment to the *Abnormal Freezing Point Standard for Cow's Milk Regulations*, N.S. Reg. 59/2012, made by the Natural Products Marketing Council in the manner set forth in the attached Schedule "A".

This order is effective on and after September 1, 2017.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, August 22, 2017.

sgd: *Keith Colwell*
Honourable Keith Colwell
Minister of Agriculture

Schedule "A"**Natural Products Marketing Council**

I certify that the Natural Products Marketing Council has consulted with the Dairy Farmers of Nova Scotia and the Processor Association in accordance with Section 11 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act* ("the Act"), and, at a meeting held August 18, 2017, the Council, pursuant to clause 11(c) of the Act, carried a motion to amend the *Abnormal Freezing Point Standard for Cow's Milk Regulations* to update a cross-reference to the *Milk Producer Licensing Regulations* in the manner attached, effective on and after September 1, 2017.

Signed at Truro, in Colchester County, Nova Scotia, on August 18, 2017.

Natural Products Marketing Council

per: sgd: *E. A. Crouse*
Elizabeth A. Crouse, P. Ag.
General Manager

**Amendment to the *Abnormal Freezing Point Standard for Cow's Milk Regulations*
made by the Natural Products Marketing Council pursuant to
Sections 9 and [Section] 11 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

Section 6 of the *Abnormal Freezing Point Standard for Cow's Milk Regulations*, N.S. Reg. 59/2012, made by the Natural Products Marketing Council and approved by the Minister of Agriculture on February 19, 2012, is repealed and the following subsection substituted:

- 6** In accordance with Section 11 of the *Milk Producer Licensing Regulations* made under the *Dairy Industry Act*, the Board must notify a producer if the results of a test carried out under these regulations show that the producer's milk is subject to the penalties prescribed in Section 13 of the *Milk Producer Licensing Regulations*.

N.S. Reg. 127/2017

Made: August 22, 2017

Filed: August 23, 2017

Proclamation, S. 30, S.N.S. 2015, c. 34

Order in Council 2017-206 dated August 22, 2017
Proclamation made by the Governor in Council
pursuant to Section 30 of the
Public Services Sustainability (2015) Act

The Governor in Council on the report and recommendation of the Minister of Labour Relations dated August 18, 2017, and pursuant to Section 30 of Chapter 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Chapter 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act*, except the heading immediately preceding Section 24, Sections 24 to 26 and clauses 29(1)(m) and (n), do come into force on and not before August 22, 2017.

PROVINCE OF NOVA SCOTIA

sgd: J. J. Grant

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 30 of Chapter 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act*, it is enacted as follows:

- 30** 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 34 of the Acts of 2015, the *Public Services Sustainability*

(2015) Act, except the heading immediately preceding Section 24, Sections 24 to 26 and clauses 29(1)(m) and (n), do come into force on and not before August 22, 2017;

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 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act*, except the heading immediately preceding Section 24, Sections 24 to 26 and clauses 29(1)(m) and (n), do come into force on and not before August 22, 2017, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved His Honour
Arthur J. LeBlanc, ONS, Q.C., Lieutenant Governor of
the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 22nd day of August in the year of
Our Lord two thousand and seventeen and in the sixty-
sixth year of Our Reign.

BY COMMAND:

sgd: Honourable Mark Furey
Provincial Secretary
Attorney General and Minister of Justice

N.S. Reg. 128/2017

Made: August 22, 2017

Filed: August 23, 2017

Public Services Sustainability General Regulations

Order in Council 2017-207 dated August 22, 2017
Regulations made by the Governor in Council
pursuant to Section 29 of the *Public Services Sustainability (2015) Act*

The Governor in Council on the report and recommendation of the Minister of Labour Relations dated August 18, 2017, and pursuant to Section 29 of Chapter 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act*, is pleased to make regulations designating certain persons as not being “public-sector employees” in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after August 22, 2017.

Schedule "A"

**General Regulations Respecting Public Services Sustainability
made by the Governor in Council under Section 29 of
Chapter 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act***

Citation

1 These regulations may be cited as the *Public Services Sustainability General Regulations*.

Definitions

2 In these regulations,

“Act” means the *Public Services Sustainability (2015) Act*;

“CUPE” means the Canadian Union of Public Employees;

“Eastern Mainland Housing Authority” means the body corporate constituted as a housing authority by the Governor in Council by Order in Council 97-183 dated March 11, 1997, under Section 24 of the *Housing Act*;

“NSGEU” means the Nova Scotia Government Employees Union;

“PSAC” means the Public Service Alliance of Canada;

“USW” means the United Steelworkers.

Persons who are not public-sector employees

3 For the purposes of the definition of “public sector employee” in clause 3(n) of the Act, all of the following persons are prescribed as not being public-sector employees:

- (a) a person who is employed by any of the following employers, or their successors, and is subject to a collective agreement between that employer and the specified bargaining agent, or its successor:

Employer	Bargaining Agent
Canadian Mental Health Association, Kings County Branch	NSGEU, Local 49
Adsum Association for Women & Children	CUPE, Local 4291
Veith House	NSGEU, Local 67
Community Inclusion Society	NSGEU, Local 51
Her Majesty the Queen in Right of the Province of Nova Scotia, represented by the Public Service Commission	Nova Scotia Crown Attorneys’ Association
Celtic Community Homes Association	NSGEU, Local 54
Eastern Mainland Housing Authority	USW, Local 3172-09
DASC–Dartmouth Adult Service Centre Association, carrying on business as DASC Industries	PSAC, Local 80023

Chrysalis House Association	PSAC, Local 80024
Louisdale Community Homes Association	NSGEU, Local 105
Hub Residential Services Society	NSGEU, Local 110
King's Meadow Residence Society	NSGEU, Local 52
Gateway Homes Incorporated	NSGEU, Local 58
Hillside Pines Home for Special Care Society	Nova Scotia Nurses' Union, Hillside Pines Home for Special Care Local

- (b) a teacher;
- (c) a person who is otherwise included in the definition of "public-sector employee" by any of subclauses 3(n)(i) to (viii) of the Act, but who is not represented by a bargaining agent.

N.S. Reg. 129/2017

Made: August 22, 2017

Filed: August 23, 2017

Public Services Sustainability Board Regulations

Order in Council 2017-208 dated August 22, 2017

Regulations made by the Governor in Council

pursuant to Section 29 of the *Public Services Sustainability (2015) Act*

The Governor in Council on the report and recommendation of the Minister of Labour Relations dated August 22, 2017, and pursuant to Section 29 of Chapter 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act*, is pleased to make regulations respecting the Public Services Sustainability Board and related matters, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 22, 2017.

Schedule "A"

**Regulations Respecting the Public Services Sustainability Board
made by the Governor in Council under Section 29 of
Chapter 34 of the Acts of 2015, the *Public Services Sustainability (2015) Act***

Citation

1 These regulations may be cited as the *Public Services Sustainability Board Regulations*.

Definitions

2 In these regulations,

"Act" means the *Public Services Sustainability (2015) Act*;

"Chair" means the Chair of the Board;

"hearing" means a hearing in any proceeding;

“member” means a member of the Board;

“panel” means the member or members established as a panel of the Board by the Chair in accordance with Section 15;

“party” means a party to a proceeding;

“proceeding” means a proceeding before the Board in relation to any matter that the Board has jurisdiction to determine under the Act or these regulations;

“Vice-chair” means the Vice-chair of the Board.

Appointment of members and term

- 3 (1) The Board must have at least 3 members.
- (2) Members must be appointed by the Governor in Council.
- (3) A member may hold office for a term determined by the Governor in Council and may be reappointed.

Remuneration and expenses of Board

- 4 The expenses of the Board and remuneration and expenses of its members must be paid out of the General Revenue Fund of the Province.

Designation of Chair and Vice-chair

- 5 The Governor in Council must designate a member to be the Chair and another member to be the Vice-chair.

Remuneration and expenses of members

- 6 The Chair and the other members must be paid remuneration as fixed by the Governor in Council, and be reimbursed for actual and reasonable expenses incurred by them in the discharge of their duties.

Powers and duties of Chair

- 7 (1) The Chair has general supervision and direction over the conduct of the affairs of the Board, and is responsible for the administration of the Board.
- (2) The Chair must convene any meetings of the Board that the Chair considers advisable.
- (3) Meetings of the Board must be presided over by 1 of the following:
- (a) the Chair;
- (b) if the Chair is absent or unable to act, the Vice-chair.

Powers and duties of Vice-chair

- 8 (1) If the Chair is absent or unable to act, the Vice-chair must exercise the powers and perform the duties of the Chair, including any duties the Chair assigns to the Vice-chair.
- (2) If the office of the Chair is vacant, the Vice-chair must exercise the powers and perform the duties of the Chair until the Governor in Council designates a new Chair.

Powers, privileges and immunities of Board

- 9 (1) The Board has the jurisdiction to exercise the powers conferred on it by the Act and these

regulations and, in accordance with the limitations in subsection 8(4) of the Act, may determine all questions of fact or law that arise in any application before it.

- (2) In any matter over which the Board has jurisdiction, the Board and each member has all the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.
- (3) In performing its duties, the Board may do anything necessary to enable it to fulfill its responsibilities under the Act and these regulations, including any of the following:
 - (a) require any party, before or during a hearing, to do any of the following:
 - (i) furnish particulars in a form and manner and within a time period specified by the Board,
 - (ii) produce documents or things that may be relevant to a matter before it in a form and manner and within a time period specified by the Board;
 - (b) in the same manner as a court of record in civil cases, summon and enforce the attendance of witnesses and compel them to do any of the following:
 - (i) give oral or written evidence on oath or affirmation,
 - (ii) produce any documents or things that the Board considers necessary for the full investigation and consideration of matters within its jurisdiction;
 - (c) administer oaths and affirmations;
 - (d) accept any oral or written evidence as it considers proper, regardless of whether the evidence would be admissible in a court of law.

Vacancy on Board

10 A vacancy on the Board does not impair the power of the remaining members to act.

Continuation of jurisdiction upon resignation and expiry of term of office

- 11** (1) The jurisdiction of a member who resigns or whose term expires in respect of any application, proceeding, matter or thing heard before the person or commenced or considered by the person as a member, including the power to complete any unfinished matter and give a decision on it, continues for any period of time that the Governor in Council orders.
- (2) For greater certainty, a member whose jurisdiction has been continued under subsection (1) for a period ordered by the Governor in Council has all the powers, privileges and immunities of a member during that period.
 - (3) An order to extend a member's jurisdiction under subsection (1) may
 - (a) be made before or after the member resigns or their term of office expires;
 - (b) be made retroactive to any date determined by the Governor in Council; or
 - (c) be made to apply specifically to the member or generally to all members.

Civil servants made available to Board

12 If requested by the Board, the Public Service Commission may make the services of any employee of the

civil service available to the Board as the Commission considers necessary for the operations of the Board.

Board procedures and practices

- 13 (1)** Subject to Section 14, the Board may determine its own procedures and practices, including doing any of the following:
- (a) establishing rules governing the procedure and practice before it that are of general or particular application;
 - (b) making orders about procedures and practices that apply in a particular proceeding.
- (2)** The Board must make any rules established under clause (1)(a) that are of general application available for examination by the public.

Evidence and representations

- 14 (1)** The Board must give all parties an opportunity to present evidence and make representations.
- (2)** The Board or a panel may provide the opportunity to present evidence and make representations by any 1 or combination of the following:
- (a) oral hearing;
 - (b) written hearing;
 - (c) electronic hearing.

Establishment of panels

- 15 (1)** The Chair may establish a panel to hear or consider any matter within the jurisdiction of the Board or to exercise any power or discharge any duty of the Board.
- (2)** A panel must be made up of the following number of members, as assigned by the Chair:
- (a) 1 member; or
 - (b) 3 or more members.
- (3)** Two or more panels may act concurrently.
- (4)** The Chair may change the assignment of members to panels at any time.
- (5)** The Chair may direct any person whose services are made available under Section 12 to attend any meeting or hearing of a panel, and may prescribe their duties.
- (6)** A panel constitutes a quorum of the Board.

Powers and decisions of panel

- 16 (1)** A panel may exercise any of the powers and may discharge any of the duties of the Board, and any decision, determination, direction, declaration, order, interim order or ruling of a panel, or any act or thing done by a panel, is a decision, determination, direction, declaration, order, interim order or ruling of the Board, or an act or thing done by the Board.
- (2)** The decision of the majority of members of a panel is the decision of the panel, and if the panel is only 1 member, the decision of the member is the decision of the panel.

Who must preside at meetings and hearings of panel

17 A meeting or hearing of a panel must be presided over by 1 of the following:

- (a) the Chair;
- (b) if the Chair is not a member of the panel, the Vice-chair;
- (c) if neither the Chair nor the Vice-chair is a member of the panel, a member of the panel designated by the Chair.

Extending or shortening set time periods

18 On application by a party, the Board may extend or shorten any time period set by the Board or these regulations for any of the following, regardless of whether the time period has expired:

- (a) serving a notice;
- (b) filing a report, document or paper;
- (c) commencing or advancing a proceeding.

Parties to proceeding before Board and persons entitled to receive documents in proceeding before Board

- 19 (1) The Board must determine the parties to a proceeding before it, and may order that any person be added or removed as a party to a proceeding or be sent any document in the proceeding.
- (2) Before an order is made under subsection (1), the Board must give any person who may be affected by the order an opportunity to be heard in relation to the issue.

Criteria for reconsideration of decision or order of Board

- 20 (1) The Board must be satisfied that 1 or more of the following grounds is established in order to reconsider any of its decisions or orders under subsection 8(3) of the Act:
- (a) the Board did not have the necessary jurisdiction to issue the decision or order;
 - (b) the Board's decision was erroneous in law;
 - (c) there are significant new facts that could not have been brought to the attention of the Board at the time of the proceeding that resulted in the decision or order;
 - (d) the Board failed to respect a principle of natural justice;
 - (e) any other substantial ground.
- (2) A party may request reconsideration of a decision or order of the Board resulting from a proceeding to which they were a party by filing an application in a form approved by the Board and containing all of the information and documents required by the Board.
- (3) An application under this Section must be filed with the Board and served on the other parties to the proceeding that resulted in the decision or order no later than 30 days after the date that the reasons for the decision or the order is issued.

Notice of hearing and effect of non-attendance

21 (1) The Board must give all parties reasonable notice of a hearing.

- (2) Once notice of a hearing is provided in accordance with this Section, the Board may proceed in the absence of any party or without the participation of any party, and the party is not entitled to any further notice in the proceeding.
- (3) A notice of a hearing must state all of the following:
 - (a) the date, time and place of the hearing;
 - (b) the purpose of the hearing;
 - (c) the form of the hearing, as determined by the Board in accordance with subsection 14(2);
 - (d) that if the party does not attend or participate in the hearing in accordance with the notice, the Board may proceed in the party's absence or without the party's participation and the party will not be entitled to any further notice in the proceeding.

Notice of decision

- 22** (1) The Board must send a copy of its final decision or order to all of the following:
- (a) each party who participated in the proceeding, or the party's representative;
 - (b) the Attorney General for the Province.
- (2) A copy of a decision or order sent under subsection (1) must be sent by 1 of the following methods, in accordance with the most recent contact information the Board has for the person:
- (a) regular mail;
 - (b) e-mail;
 - (c) fax;
 - (d) any method that allows proof of receipt.

Decision, order or ruling purporting to be signed by Chair

- 23** (1) A decision, order or other ruling of the Board must be signed by the Chair, the Vice-chair or a duly appointed officer of the Board.
- (2) A decision, order or ruling of the Board is presumed to have been signed by the person purporting to have signed it, without proof of the signature, authority or appointment of that person and, in the absence of evidence to the contrary, is admissible in evidence in any proceeding as proof of its making and of its content.

Order may be made order of Court

- 24** (1) The Board may register an order of the Board with the Supreme Court of Nova Scotia by filing a certified copy of the order endorsed in accordance with subsection (2) with the Court and, once entered as a record by the prothonotary, the order is enforceable in the same manner as a judgment of that Court.
- (2) The following endorsement, signed by the Chair, must be on any order of the Board that is to be registered under subsection (1):

Register the within with the Supreme Court of Nova Scotia.

Dated this day of, 20. . .

Chair of the Public Services Sustainability Board

- (3) Any order made by the Board that rescinds or varies an order filed under subsection (1) may also be registered in accordance with subsection (1).
- (4) On the registration of an order that rescinds or varies a previous order,
 - (a) the previous order, if rescinded, ceases to have effect; and
 - (b) the previous order, if varied, may be enforced as varied in a like manner as the original order.

Attorney General for the Province is party to judicial review or other proceeding

25 The Attorney General for the Province is a party as of right to every action, cause, matter or proceeding that may be attempted to be brought before any court or administrative tribunal from or in relation to a decision of the Board despite subsection 8(2) of the Act.

Production of evidence in relation to matter under Act

26 A member of the Executive Council, member or person employed in the administration of this Act, may not be required to give evidence in relation to a matter under the Act in any legal proceedings.

Protection from personal liability

27 No action or other proceeding for damages may be commenced against a member for any act done in good faith in the performance or intended performance of the member's duty or for any alleged neglect or default in the good faith performance of the member's duty.