



## Part II Regulations under the Regulations Act

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Halifax, Nova Scotia	Vol. 26, No. 13	June 28, 2002	
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N.S. Reg. 74/2002  
Made: June 3, 2002  
Filed: June 7, 2002  
Traffic Control Signals Regulations

Order dated June 3, 2002  
made under subsections 87(2) and 89(3) of the  
*Motor Vehicle Act*

**Amendments to the Conditions Respecting Traffic Control Signals  
made by the Department of Transportation and Public Works  
pursuant to subsections 87(2) and 89(3) of  
Chapter 293 of the Revised Statutes of Nova Scotia, 1989,  
the *Motor Vehicle Act***

- 1 Section 1) of the conditions respecting traffic control signals made by the Department of Transportation and Public Works on June 6, 2001, is amended by striking out “November 30, 2001” and substituting “December 31, 2002”.
- 2 Section 4) of the conditions is repealed and the following Section[s] substituted:
  - 4) On-going data collection must be carried out during the testing and evaluation period while the transit priority signal is in use.
- 3 Section 5) of the conditions is amended by striking out “December 15, 2001” and substituting “August 31, 2002”.

Dated at Halifax, Nova Scotia, June 3, 2002.

Sgd. *Ralph E. Hessian*  
Ralph E. Hessian, P.Eng.  
Provincial Traffic Authority

N.S. Reg. 75/2002  
Made: June 6, 2002  
Filed: June 10, 2002  
Firearm and Bow Regulations

Order in Council 2002-268 made June 6, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 113  
of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated April 24, 2002, and pursuant to Section 113 of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Firearm and Bow Regulations* made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 6, 2002.

**Schedule "A"**

**Amendments to the *Firearm and Bow Regulations* made by the Governor  
in Council pursuant to Section 113 of Chapter 504 of  
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Section 3 of the *Firearm and Bow Regulations* made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, is amended by repealing clause (e) and substituting the following clause:
  - (e) shot larger than .24 inches (AAA or No. 4 Buckshot) except rifled slugs or ball during
    - (i) an open season for big game, or
    - (ii) the period from the closure of the general open season for hunting deer until March 31 of the following year.
- 2 Subsection 5(2A) of the regulations is repealed and the following subsection substituted:
 

**(2A)** During the period of time that the open season for hunting snowshoe hare overlaps another open season or time period listed below, a person may hunt snowshoe hare with the items specified, in addition to the items listed in subsection (1):

  - (a) **open season for hunting big game** - any firearm permitted under Section 4, provided that the person holds a valid licence and a valid unused tag for hunting the type of big game that corresponds to the open season;
  - (b) **the time period from the closure of the general open season for hunting deer to March 31 of the following year** - any weapon permitted under subsection 6(2), provided that the person holds a valid base licence and is hunting coyote in accordance with subsection 6(2); or

- (c) **open season for harvesting fur-bearing animals** - any weapon permitted under subsection 7(2), provided that the person holds a valid Fur Harvester's Licence, as defined in the *Fur Harvesting Regulations*.
- 3 Subsection 6(2) of the regulations is amended by
- (a) striking out “who is the holder of a special coyote hunting permit”; and
- (b) adding “or shotgun with rifled slugs or ball” immediately following “rifle”.
- 4 Subsection 7(2) of the regulations is amended by repealing clause (d) and substituting the following clause:
- (d) during the period of time that the open season for hunting fur-bearing animals overlaps another open season or time period listed below, with the items specified, in addition to the items listed in clauses (a), (b) and (c):
- (i) **open season for hunting big game** - any firearm permitted under Section 4, provided that the person holds a valid licence and a valid unused tag for hunting the type of big game that corresponds to the open season; or
- (ii) **the time period from the closure of the general open season for hunting deer to the end of the open season for hunting fur-bearing animals in the following year** - any weapon permitted under subsection 6(2).
- 6 Subsection 9(1) of the regulations is amended by striking out “For the purposes of these regulations, a “disabled person” means” and substituting “Despite the definition of “disabled person” in the *General Wildlife Regulations*, for the purposes of these regulations, “disabled person” also means”.

N.S. Reg. 76/2002

Made: June 6, 2002

Filed: June 10, 2002

Moose Hunting Regulations

Order in Council 2002-269 made June 6, 2002  
Amendment to regulations made by the Governor in Council pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated April 24, 2002, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Moose Hunting Regulations* made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 31, 2002.

#### Schedule “A”

##### Amendments to the *Moose Hunting Regulations* made by the Governor in Council pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*

- 1 Section 2 of the *Moose Hunting Regulations* made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, is amended by adding the following clause immediately after clause (da):
- (db) “Moose Management Zone” means an area of the Province described in Schedule “A”;
- 2 (1) Subsections 4(1) and (2) of the regulations are repealed and the following subsections substituted:
- (1) The Minister may determine, on an annual basis, the number of moose hunting stamps to be issued in each Moose Management Zone.
- (1A) The Minister may issue moose hunting stamps to persons selected on a random basis from the total number of valid applications received for each Moose Management Zone.
- (2) A successful applicant shall be notified in writing that the applicant will be issued a moose hunting stamp for a particular Moose Management Zone provided the applicant pays a fee of \$50.00.
- (2) Clause 4(5)(a) of the regulations is amended by adding “and is hunting in the Moose Management Zone specified on the stamp” immediately following “companion moose hunting stamp”.
- 3 (1) Subsection 5(1) of the regulations is repealed and the following subsections substituted:
- (1) There shall be 2 open seasons for hunting moose:

- (a) the early season is the period from the last Monday in September until the following Saturday in any year; and
- (b) the late season is the period from the first Monday in October until the following Saturday in any year.
- (1A) The holder of a valid moose hunting stamp or a valid companion moose hunting stamp may take, hunt or kill or attempt to take, hunt or kill one moose regardless of its sex in the Moose Management Zone and during the open season that are specified on the stamp.
- (2) Subsection 5(2) of the regulations is amended by striking out “during the open season as prescribed in these regulations” and substituting “in accordance with subsection (1A)”.
- 4 The regulations are further amended by adding Schedule A, in the form attached hereto, immediately after Section 15.

**Schedule A**  
**Moose Management Zones**

**Moose Management Zone 1**

Moose Management Zone 1 includes certain lands within Nova Scotia and is more particularly described as follows:

**Beginning** at a point where the northern boundary of The Cape Breton Highlands National Park meets the ordinary high water mark (OHWM) of the northern shoreline of Neils Harbour;

**Thence**, in a generally westerly direction following the northern boundary of the said Park across the northern peninsula of Cape Breton Island to the OHWM of the Gulf of St. Lawrence at the mouth of the MacKenzie River;

**Thence**, in a northerly direction along the OHWM of the Gulf of St. Lawrence to Cape St. Lawrence;

**Thence**, in an easterly direction along the OHWM of the Cabot Strait and Bay St. Lawrence to Money Point;

**Thence**, in a southerly direction along the OHWM of Aspy Bay, Cabot Strait and Neils Harbour to the **Point of Beginning**. Together with all inshore and offshore islands, and including all harbours, bays, coves, rivers and inlets.

**Moose Management Zone 2**

Moose Management Zone 2 includes certain lands within Nova Scotia and comprises parcels “A” and “B”, being more particularly described as follows:

**Parcel “A”**

**Beginning** at a point where the southern boundary of The Cape Breton Highlands National Park meets the ordinary high water mark (OHWM) of the western shoreline of South Bay Ingonish;

**Thence**, in a generally westerly direction along the southern boundary of the said Park across the northern peninsula of Cape Breton Island to the OHWM of the Gulf of St. Lawrence at the mouth of the Cheticamp River;

**Thence**, in a generally southerly direction along the OHWM of the Gulf of St. Lawrence to the mouth of the Margaree River;

**Thence**, in a southeasterly direction along OHWM of the southern shoreline of the Margaree River to the Cabot Trail;

**Thence**, in a southerly and easterly direction along the Cabot Trail to North East Margaree at a point where the road southerly from Kingross meets the Cabot Trail;

**Thence**, in a northerly direction along the said Kingross Road a distance of approximately 4.5 km to Margaree Valley at a point where the Frasers Mountain Road to the Highlands joins the said Kingross Road;

**Thence**, in a generally easterly direction along the said Frasers Mountain Road to the point where it meets the main road in the Highlands running northerly from Hunters Mountain;

**Thence**, in a northerly direction along the main road through the Highlands a distance of approximately 2.5 km to a secondary road just past the Middle Branch North River, the said road leading easterly to the MacDonalds Mountain fire tower;

**Thence**, in an easterly and northerly direction along the said secondary road a distance of approximately 11 km to the point where it crosses the Barachois River;

**Thence**, in a generally southeasterly direction downstream along the said River to the point where the said River meets the OHWM of St. Anns Bay;

**Thence**, in a northeasterly direction along the OHWM of St. Anns Bay and the Atlantic Ocean to Stanley Point at the northerly edge of Cape Smokey;

**Thence**, westerly along the OHWM of the southern and western shorelines of South Bay Ingonish to the **Point of Beginning**. Together with all inshore and offshore islands, and including all harbours, bays, coves, rivers and inlets .

**Parcel “B”**

**Beginning** at a point where the southern boundary of the Cape Breton Highlands National Park (CBHNP), just to the north of Ingonish, meets the Ordinary High Water Mark (OHWM) of the Atlantic Ocean;

**Thence**, in a westerly, southerly and easterly direction following the said boundary of the CBHNP, and enclosing the communities of Ingonish Centre and Ingonish, and the surrounding area, to a point where the said boundary meets the OHWM of the Clyburn Brook;

**Thence**, in an easterly direction downstream along the OHWM of the Clyburn Brook to the point where the said Brook meets the OHWM of North Bay Ingonish.

**Thence**, in a generally westerly, northerly, easterly and northerly direction following the OHWM of the western shoreline of North Bay Ingonish and the Atlantic Ocean to the **Point of Beginning**. Together with all inshore and offshore islands, and including all harbours, bays, coves, rivers and inlets.

**Moose Management Zone 3**

Moose Management Zone 3 includes certain lands within Nova Scotia and is more particularly described as follows:

**Beginning** at a point where the Barachois River meets the ordinary high water mark (OHWM) of the western shoreline of St. Anns Bay;

**Thence**, in a southerly and easterly direction following the OHWM of the western, southern and eastern shorelines of St. Anns Bay to Cape Dauphin;

**Thence**, easterly in a straight line across the mouth of The Great Bras d'Or to Table Head;

**Thence**, easterly along the OHWM of the Atlantic Ocean to the county boundary between Victoria and Cape Breton Counties;

**Thence**, in a generally southwesterly direction along the said County boundary across Boularderie Island and the waters of St. Andrews Channel to a point where the waters of the St. Andrews Channel join the waters of the Great Bras d'Or;

**Thence**, northwesterly in a straight line to a point midway between McKay Point to the south and Red Head to the north;

**Thence**, in a westerly direction along the centreline of St. Patricks Channel to the mouth of Nyanza Bay;

**Thence**, northerly and easterly along the centreline of Nyanza Bay to the mouth of the Baddeck River;

**Thence**, upstream along the centre of Baddeck River to its intersection with the centreline of Highway No. 105;

**Thence**, northwesterly along the said Highway to its intersection with the Cabot Trail;

**Thence**, northerly along the Cabot Trail to North East Margaree at a point where the road southerly from Kingross meets the Cabot Trail;

**Thence**, in a northerly direction along the said Kingross Road a distance of approximately 4.5 km to Margaree Valley at a point where the Frasers Mountain Road to the Highlands joins the said Kingross Road;

**Thence**, in a generally easterly direction along the said Frasers Mountain Road to the point where it meets the main road in the Highlands running northerly from Hunters Mountain;

**Thence**, in a northerly direction along the main road through the Highlands a distance of approximately 2.5 km to a secondary road just past the Middle Branch North River, the said road leading easterly to the MacDonalds Mountain fire tower;

**Thence**, in an easterly and northerly direction along the said secondary road a distance of approximately 11 km to the point where it crosses the Barachois River;

**Thence**, in a generally southeasterly direction downstream along the said River to the point where the said River meets the OHWM of St. Anns Bay at the **Point of**

**Beginning**. Together with all inshore and offshore islands, and including all harbours, bays, coves, rivers and inlets.

**Moose Management Zone 4**

Moose Management Zone 4 includes certain lands within Nova Scotia and is more particularly described as follows:

**Beginning** at a point where the centre of Baddeck River intersects with the centerline of Highway No. 105;

**Thence**, northwesterly along the said Highway to its intersection with the Cabot Trail;

**Thence**, in a northerly, westerly and northerly direction along the Cabot Trail to the point where the Cabot Trail intersects the western shoreline of the Margaree River near Margaree Harbour;

**Thence**, northerly along the said western shoreline to the ordinary high water mark (OHWM) of the Gulf of St. Lawrence;

**Thence**, in a generally southerly direction along the OHWM of the Gulf of St. Lawrence to Hefferman Point on the northeastern shoreline of the Strait of Canso;

**Thence**, in a southeasterly direction along the OHWM of the northeastern shoreline of the Strait of Canso to Grant Point near the mouth of Ship Harbour;

**Thence**, in a southeasterly direction along the OHWM of the northeastern shoreline of Ship Harbour to the county boundary between Inverness and Richmond Counties;

**Thence**, northeasterly along the said County boundary to the point where it meets the OHWM of West Bay;

**Thence**, northerly along the said County boundary across the waters of West Bay and The Bras d'Or Lake to the county boundary line between Victoria and Cape Breton Counties;

**Thence**, in a northeasterly direction along the Victoria-Cape Breton County boundary through the Barra Strait to a point where the waters of the St. Andrews Channel join the waters of the Great Bras d'Or;

**Thence**, northwesterly in a straight line to a point midway between McKay Point to the south and Red Head to the north;

**Thence**, in a westerly direction along the centreline of St. Patricks Channel to the mouth of Nyanza Bay;

**Thence**, northerly and easterly along the centreline of Nyanza Bay to the mouth of the Baddeck River;

**Thence**, upstream along the centre of the Baddeck River to its intersection with the centreline of Highway No. 105 at the **Point of Beginning**. Together with all inshore and offshore islands, and including all harbours, bays, coves, rivers and inlets.

N.S. Reg. 77/2002  
 Made: June 6, 2002  
 Filed: June 10, 2002  
 Fur Harvesting Regulations

Order in Council 2002-270 made June 6, 2002  
 Amendment to regulations made by the Governor in Council  
 pursuant to subsection 113(1)  
 of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated April 24, 2002, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Fur Harvesting Regulations* made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 6, 2002.

**Schedule "A"**

**Amendments to the *Fur Harvesting Regulations* made by the Governor in Council pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

Subsection 11(12) of the *Fur Harvesting Regulations* made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, is amended by

- (a) striking out the period at the end of clause (b) and substituting ", or"; and
- (b) adding the following clause immediately following clause (b):
- (c) complete an accidental kill report, in a form prescribed by the Minister, prior to removing it from the trap site.

N.S. Reg. 78/2002  
 Made: June 6, 2002  
 Filed: June 10, 2002  
 Minimum Wage Orders: General; Road Building and Heavy Construction Industry; and Logging and Forest Operations

Order in Council 2002-273 made June 6, 2002  
 Amendment to regulations made by the Governor in Council  
 pursuant to Sections 50 and 52  
 of the *Labour Standards Code*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated May 2, 2002, and pursuant to Sections 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, is pleased, effective October 1, 2002, to:

- (a) amend the *Minimum Wage Order (General)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation;
- (b) amend the *Minimum Wage Order (Road Building and Heavy Construction Industry)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation; and
- (c) amend the *Minimum Wage Order (Logging and Forest Operations)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, in the manner set forth in Schedule "C" attached to and forming part of the report and recommendation.

**Schedule "A"**

**Amendments to the *Minimum Wage Order (General)* made by the Governor in Council pursuant to Sections 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code***

- 1 Section 6 of the *Minimum Wage Order (General)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is repealed and the following Section substituted:
- 6 The minimum wages for experienced and inexperienced employees are fixed at the following hourly rates:

Effective Date	Class of Employees	Rate per Hour
October 1, 2002	Experienced (employees who are not inexperienced employees)	\$6.00
	Inexperienced	\$5.55

2 Subsection 8(1) of the regulations is repealed and the following subsection substituted:

8 (1) Where an employer furnishes board or lodging, or both, to an employee, an employer shall not deduct from the minimum wage of the employee an amount exceeding the following:

	Effective October 1, 2002
for board and lodging, per week	\$55.15
for board only, per week	\$44.65
for lodging only, per week	\$12.40
for single meals	\$2.85

**Schedule “B”**

**Amendments to the *Minimum Wage Order (Road Building and Heavy Construction Industry)* made by the Governor in Council pursuant to Sections 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code***

1 Section 4 of the *Minimum Wage Order (Road Building and Heavy Construction Industry)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is repealed and the following Section substituted:

4 The minimum wage for employees engaged in road building and heavy construction is fixed at the following hourly rate:

Effective Date	Rate per Hour
October 1, 2002	\$6.00

**Schedule “C”**

**Amendments to the *Minimum Wage Order (Logging and Forest Operations)* made by the Governor in Council pursuant to Sections 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code***

1 Section 5 of the *Minimum Wage Order (Logging and Forest Operations)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is repealed and the following Section substituted:

5 (1) The minimum wages for employees in a logging or forest operation are fixed at the following rates:

Effective Date	Class of Employees	Rate
October 1, 2002	Time workers	\$6.00 per hour
	Other workers	\$1175.00 per month

(2) In subsection (1) “other workers” means persons who have no fixed work week or whose hours are unverifiable, including but not limited to camp, gate and dam guardians, cooks and kitchen employees, stable hands, watch employees, and fire rangers and wardens.

2 Subsection 6(1) of the regulations is repealed and the following subsection substituted:

6 (1) Effective October 1, 2002, where an employer furnishes board and lodging to an employee, the employer shall not deduct from the minimum wage fixed by this Order an amount exceeding \$8.65 per day.

N.S. Reg. 79/2002  
Made: June 6, 2002  
Filed: June 10, 2002  
Proclamation, S. 73, S.N.S. 2001, c. 7

Order in Council 2002-274 made June 6, 2002  
Proclamation made by the Governor in Council  
pursuant to Section 73  
of the *Licensed Practical Nurses Act*

The Governor in Council on the report and recommendation of the Minister of Health dated May 21, 2002, and pursuant to Section 73 of Chapter 7 of the Acts of 2001, the *Licensed Practical Nurses Act*, is pleased to order and declare by proclamation that Chapter 7 of the Acts of 2001, the *Licensed Practical Nurses Act*, come into force on and not before June 10, 2002.

PROVINCE OF NOVA SCOTIA Sgd: *Myra A. Freeman*

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

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

#### A PROCLAMATION

WHEREAS in and by Section 73 of Chapter 7 of the Acts of 2001, the *Licensed Practical Nurses Act*, it is enacted as follows:

73 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 7 of the Acts of 2001, the *Licensed Practical Nurses Act*, come into force on and not before June 10, 2002;

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 7 of the Acts of 2001, the *Licensed Practical Nurses Act*, come into force on and not before June 10, 2002, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Myra A. Freeman,  
Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 6th day of June, in the year of Our Lord two thousand and two and in the 51st year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*  
Provincial Secretary  
Minister of Justice and Attorney General



N.S. Reg. 80/2002  
Made: June 6, 2002  
Filed: June 10, 2002  
Licensed Practical Nurses Regulations

Order in Council 2002-275 made June 6, 2002  
Regulations approved by the Governor in Council  
pursuant to subsection 27(2)  
of the *Licensed Practical Nurses Act*

The Governor in Council on the report and recommendation of the Minister of Health dated May 21, 2002, and pursuant to subsection 27(2) of Chapter 7 of the Acts of 2001, the *Licensed Practical Nurses Act*, is pleased to

- (a) approve the repeal by the Board of the College of Licensed Practical Nurses of Nova Scotia of regulations respecting licensed practical nurses approved by the Governor in Council by Order in Council 96-919, dated December 17, 1996; and
- (b) approve the making by the Board of the College of Licensed Practical Nurses of Nova Scotia of new regulations respecting licensed practical nurses in the form set forth in Schedule “A” attached to and forming part of the report and recommendation,

effective on and after June 10, 2002.

**Schedule “A”**

**Regulations Respecting Licensed Practical Nurses  
approved by the Governor in Council pursuant to subsection 27(2)  
of Chapter 7 of the Acts of 2001, the *Licensed Practical Nurses Act***

**General**

**Citation**

1 These regulations may be cited as the *Licensed Practical Nurses Regulations*.

**Definitions**

2 (1) In these regulations,

- (a) “Act” means the *Licensed Practical Nurses Act*;
- (b) “Board by-laws” means the by-laws made by the Board pursuant to subsection 27(1) of the Act;
- (c) “caution” in the context of the powers of a complaints committee, means to express a higher level of concern over a respondent’s conduct than a counsel, and is intended to forewarn a respondent that, if the conduct recurs, disciplinary action may result;
- (d) “competence assessment” means a program approved by the Board that uses methods and tools as described in Section 7 for assessing competencies;

- (e) “competencies” means the specific knowledge, skills and judgment required for a licensed practical nurse to be considered competent in a designated role and practice setting;
- (f) “competent” means, in relation to a licensed practical nurse, able to integrate and apply the knowledge, skills, and judgement required to practise safely and ethically in a designated role and setting;
- (g) “counsel” means, in the context of the powers of a complaints committee, to express concern over a respondent’s conduct and to provide advice to address the conduct;
- (h) “fee” means a fee established pursuant to the Board by-laws;
- (i) “licensure year” means a 12-month period determined by the Board by-laws;
- (j) “practical-nursing education program” means a practical-nursing education program that is held in Nova Scotia;
- (k) “practical-nursing education program equivalent” means a practical nursing program held outside of Nova Scotia that the Board has approved by resolution as being substantially equivalent to the practical-nursing education programs that exist in Nova Scotia at the time of an applicant’s graduation from the program.

(2) In the Act and these regulations, “conduct unbecoming the profession” or “conduct unbecoming a licensed practical nurse” means conduct that demonstrates lack of integrity, dishonesty, abuse of power and authority, or disregard for the welfare and safety of members of the public and conduct that could be regarded as disgraceful, dishonourable or unprofessional, and includes, but is not limited to,

- (a) assisting a client who is under a custody warrant issued by the Lieutenant Governor to escape from a psychiatric facility;
- (b) trafficking in a controlled substance as defined in the *Controlled Drugs and Substances Act* (Canada);
- (c) failing to maintain acceptable boundaries in a relationship with a client as set out in the code of ethics established by the Board by-laws;
- (d) falsifying research data;
- (e) sleeping while on duty; and
- (f) accepting an inappropriate gift or borrowing money from a client.

**Practical-nursing Education Programs****Admission standards for practical-nursing education programs**

- 3** No person shall be accepted for enrolment in a practical-nursing education program unless the person
- (a) is in good health and immunized in accordance with the Nova Scotia Department of Health's immunization programs; and
  - (b) has
    - (i) earned a certificate of education, issued under the authorization of a school board, indicating completion of Grade XII, and a transcript showing credits at the Grade XII level prescribed or approved by the Nova Scotia Department of Education in English, Mathematics, and 2 sciences, or
    - (ii) attained the equivalent of the credits specified in subclause (i), as determined by the Nova Scotia Department of Education.

**Practical-nursing education program**

- 4** (1) No person or institution in Nova Scotia shall offer, or cause to be offered, a program for the purpose of preparing persons for entry into the profession of practical nursing unless the program is a practical-nursing education program.
- (2) A practical-nursing education program shall
- (a) consist of instruction in the theory and practice of nursing; and
  - (b) continue for a period of not less than 1 academic year.

**Practical-nursing education program standards and requirements****Institution to demonstrate compliance**

- 5** (1) An educational institution seeking approval from the Board for a practical-nursing education program shall comply with the requirements and standards set out in this Section, and shall demonstrate compliance to the satisfaction of the Board.

**Administration, organization and policies**

- (2) The administration, organization, and policies of the educational institution must facilitate the delivery of a practical-nursing education program, as follows:
- (a) there must be a functional organizational relationship, documented by a chart, between the practical-nursing education program and the educational institution and between the practical-nursing education program and the other programs and departments within the educational institution;
  - (b) there must be adequate financial resources for the successful administration of the practical-nursing education program;
  - (c) the administrative policies and procedures must allow for the necessary flexibility to meet demands in developing, implementing, and evaluating the practical-nursing education program;

- (d) the practical-nursing education program's administrator within the faculty of the educational institution must have the authority and responsibility for the development and administration of the practical-nursing education program within the general policies of the educational institution;
- (e) a written agreement must exist between the educational institution and each facility that provides clinical experience, and the agreement must identify the authority and responsibility of the educational institution and the authority and responsibility of the facility, and must be reviewed annually by the parties;
- (f) the educational institution must have a system of record-keeping that provides information about the practical-nursing education program, the faculty, and the students; and
- (g) there must be a committee structure that provides for regular faculty meetings and faculty participation on other committees contributing to the overall functioning of the educational institution.

**Faculty and conditions of employment**

- (3) The faculty of the educational institution and the conditions of employment for the faculty must be appropriate for the delivery of the practical-nursing education program, as follows:
- (a) the co-ordinator of the practical-nursing education program must be a registered nurse with administrative and nursing education qualifications;
  - (b) each teacher in the practical-nursing education program must be a registered nurse with a combination of education in nursing and work experience in nursing totalling 6 years;
  - (c) there must be adequate numbers of faculty to achieve the goals of the practical-nursing education program;
  - (d) there must be a written job description for each administrative and faculty position in the practical-nursing education program; and
  - (e) the ratio of teaching staff to practical nursing students for the clinical experience portion of the practical-nursing education program must be no less than 1 teacher for every 10 students.

**Philosophy, objectives and frame of reference**

- (4) The philosophy, objectives and frame of reference of the practical-nursing education program must provide a foundation for the practical-nursing education program, as follows:
- (a) there must be a written statement of philosophy that
    - (i) is consistent with the objectives of the educational institution, and
    - (ii) includes the practical-nursing education program's principles respecting

- (A) the students,
  - (B) the environment,
  - (C) health and wellness,
  - (D) nursing and practical nursing,
  - (E) nursing education, and
  - (F) teaching and learning;
- (b) there must be written objectives that
- (i) are consistent with the statement of philosophy,
  - (ii) specify the entry-level competencies that must be demonstrated by each graduate, and
  - (iii) identify the practice context in which a graduate will be able to function and apply their skills and knowledge;
- (c) the practical-nursing education program must implement the philosophy and objectives through a frame of reference that
- (i) is consistent with the statement of philosophy,
  - (ii) reflects the health care needs of the jurisdiction in which the practical-nursing education program is located,
  - (iii) is appropriate to the entry-level characteristics of the student,
  - (iv) identifies the focus, goals, and scope of practical nursing practice,
  - (v) explains a systematic approach to the practice of practical nursing,
  - (vi) identifies the relationship and correlation of theory to the practice of practical nursing at each level of the practical-nursing education program, and
  - (vii) provides a rationale for the selection and organization of the practical-nursing education program content and learning experiences.

**Curriculum**

- (5) The practical-nursing education program's curriculum must be consistent with the frame of reference and realistic in terms of time and resources available, as follows:
- (a) the objectives for each course, module or semester of the practical-nursing education program must reflect the statement of philosophy, the program objectives and the frame of reference;
  - (b) the content and learning experiences of the practical-nursing education program must be derived from the frame of reference and curriculum design and be sufficient to achieve the goals of the practical-nursing education program;

- (c) the curriculum content must integrate scientific knowledge, nursing theory, and nursing practice relevant to practical nursing;
- (d) there must be a balanced correlation of theory and clinical practice at each level of progression within the curriculum; and
- (e) the curriculum's clinical learning experiences must provide opportunities for each student to develop skills necessary to meet the goals of the practical-nursing education program.

**Evaluation of students**

- (6) There must be an evaluation system in place to monitor the progression of students in meeting the practical-nursing education program's goals, as follows:
- (a) evaluations must be carried out at regular intervals as specified in the practical-nursing education program's design;
  - (b) an evaluation must be based on clearly stated objectives;
  - (c) a variety of methods and tools must be used for evaluations; and
  - (d) the evaluation system must allow for both formative and summative evaluation.

**Systematic evaluation of program**

- (7) There must be a process in place for the systematic evaluation of the total practical-nursing education program, as follows:
- (a) there must be a written plan for the systematic evaluation of the practical-nursing education program,
  - (b) the evaluation must allow for input from faculty, students and other significant individuals and groups;
  - (c) a variety of methods and tools must be used for the evaluation;
  - (d) the evaluation must include a follow-up evaluation of graduates; and
  - (e) the outcomes of the evaluation must be used in planning and improving the practical-nursing education program.

**Provision of written policies and procedures**

- (8) The students must be made aware of written policies and procedures relevant to their successful progression in the practical-nursing education program, as follows:
- (a) written policies and procedures must be established with respect to admission, evaluation, promotion, graduation, and appeal processes, and copies of the policies and procedures must be provided to the students; and
  - (b) students must have access to written information related to other institutional policies, facilities, and student resources, such as academic counselling.

**Resources**

- (9) The resources allocated to the practical-nursing education program must be adequate for the delivery of the practical-nursing education program, as follows:
- (a) the physical facilities must meet the needs of the practical-nursing education program by providing
    - (i) adequate classroom space for academic instruction,
    - (ii) a demonstration area that is equipped with simulated units for client care that is sufficient for clinical instruction as indicated by the curriculum,
    - (iii) adequate audio-visual aides and other equipment to facilitate learning, and
    - (iv) adequate workspaces for the practical-nursing education administrative staff and faculty;
  - (b) the library resources must provide books, journals, and other reference materials that are current, accessible, and relevant to the needs of the students;
  - (c) the administrative resources must include
    - (i) secretarial services that meet the needs of the practical-nursing education program,
    - (ii) Registrar services, and
    - (iii) educational counselling services for students.

**Re-evaluation every 5 years**

- 6 In order to approve practical-nursing education programs on an on-going basis, the Board shall re-evaluate existing practical-nursing education programs at least once every 5 years in accordance with the standards set out in Section 5.

**Registration Examinations****Competence assessment**

- 7 (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.

**Registration examinations and rewrites**

- 8 (1) The Executive Director-Registrar shall
- (a) develop and administer the policies and procedures related to conducting examinations for the registration of applicants as licensed practical nurses;

- (b) review the examination results of each applicant and make a determination respecting each applicant's qualification for registration; and
  - (c) notify each applicant of their examination results as soon as practicable.
- (2) The Board shall conduct, or cause to be conducted, a registration examination at least once a year at such times and places as the Board determines.
- (3) The Executive Director-Registrar shall, at least 3 months before the date fixed for the next registration examination, give notice to the director of each practical-nursing education program in Nova Scotia of
- (a) the date fixed for the examination; and
  - (b) the date by which an application to write the examination must be received by the Executive Director-Registrar.
- (4) A person may write the registration examination if they
- (a) submit an application in the form approved by the Board to the Executive Director-Registrar on or before the date referred to in clause 3(b);
  - (b) provide proof to the satisfaction of the Board that they have successfully completed a practical-nursing education program or a practical-nursing education program equivalent within the 24 months immediately preceding the date fixed for the registration examination; and
  - (c) pay the examination fee.
- (5) A person who fulfills the application requirements of subsection (4) may write the registration examination a maximum of 3 times during the 24 months immediately following their graduation from a practical-nursing education program, without being required to reapply.
- (6) If a person does not pass the registration examination within the 24-month period referred to in subsection (5), they must repeat and successfully complete a practical-nursing education program in its entirety, before applying to write any subsequent examinations.

**Registration, Licensing and Membership****Criteria for entry in active-practising class**

- 9 The Executive Director-Registrar shall record in the Register under the active-practising class the name of an applicant for registration who has graduated from a practical-nursing education program within 5 years immediately preceding the applicant's application and who
- (a) pays the applicable fee;
  - (b) applies for entry in the active-practising class;

- (c) has satisfactorily passed the registration examination as approved by the Board;
  - (d) is not currently subject to any disciplinary finding that would prohibit the practice of practical nursing; and
  - (e) provides such information as the Executive Director-Registrar may require to establish that the applicant is competent and capable and of such character as to safely conduct the practice of practical nursing.
- 10** The Executive Director-Registrar shall record in the Register under the active-practising class the name of an applicant for registration who has not graduated from a practical-nursing education program within the 5 years immediately preceding the applicant's application if the applicant
- (a) fulfils the requirements of clauses 9(a) to (e); and
  - (b) has
    - (i) completed at least 1000 hours in the practice of practical nursing within the 5 years immediately preceding their application for entry in the active-practising class, or
    - (ii) completed at least 500 hours in the practice of practical nursing within the year immediately preceding their application for entry in the active-practising class, or
    - (iii) successfully completed a refresher program or other program approved by the Board within the 5 years immediately preceding their application for entry in the active-practising class.
- 11 (1)** The Executive Director-Registrar shall record in the Register under the active-practising class the name of an applicant for registration from another jurisdiction who establishes that
- (a) the applicant
    - (i) has graduated from a practical-nursing education program equivalent within the 5 years immediately preceding their application,
    - (ii) falls within the scope of the Agreement on Internal Trade that mandates registration for such an applicant in Nova Scotia, or
    - (iii) has satisfactorily completed a competence assessment within the 5 years immediately preceding their application; and
  - (b) the applicant
    - (i) is or was registered as a licensed practical nurse in the jurisdiction where the applicant originally qualified to become a licensed practical nurse, and is or was registered as a licensed practical nurse in the jurisdiction where the applicant last practised,

- (ii) if their first language is other than English, has passed the Test of English as a Foreign Language or such other tests as may be determined by the Board with a score determined by the Board, and
  - (iii) has fulfilled the requirements of clauses 9(a) to (e).
- (2)** "Agreement on Internal Trade" in clause (1)(a)(ii) means the agreement to facilitate the free movement of persons, goods, services and investments throughout Canada that was signed by the federal, provincial and territorial governments of Canada and came into force on July 1, 1995.

**Absence of 30 or more days requires proof of no disciplinary findings**

**12** A registrant referred to in Section 44 of the Act who is absent from the Province for 30 or more consecutive days must provide proof in accordance with that Section that the registrant was not subject to any disciplinary findings and has no disciplinary matters pending in any jurisdiction in which the registrant practised nursing during their absence.

**Term and renewal of licence**

- 13 (1)** A licence shall remain in effect until the expiration of the licensure year in which it is issued unless otherwise suspended, revoked or amended by the imposition of restrictions or conditions.
- (2)** The Executive Director shall renew a licence, if the registrant who holds the licence
- (a) applies for renewal and pays the applicable fee; and
  - (b) fulfils the requirements of clauses 10(a) and (b), with the exception of the fee required by clause 9(a).

**Failure to renew**

- 14 (1)** The name of a registrant who fails to satisfy the criteria for renewal of a licence in subsection 13(2) shall be struck from the class of active-practising registrants and the registrant's licence shall be suspended effective the day following the expiration of the licence.
- (2)** The Executive Director-Registrar shall restore to the active-practising class the name of a registrant struck pursuant to subsection (1) and shall reinstate the registrant's licence, if the registrant
- (a) pays any reinstatement fee; and
  - (b) fulfils the requirements of clauses 10(a) and (b), with the exception of the fee required by clause 9(a).

**Temporary licensing and registration for graduate practical nurses**

- 15 (1)** The Executive Director-Registrar shall record in the Register of Graduate Practical Nurses the name of any person who has applied for registration and has
- (a) successfully completed a practical-nursing education program or a practical-nursing education program equivalent in the 6 months prior to the person's registration;

- (b) paid the applicable fee for a temporary licence; and
  - (c) applied to take the registration examination in accordance with subsection 8(4).
- (2) The Executive Director-Registrar shall issue a non-renewable temporary licence to a graduate practical nurse pursuant to subsection 31(1) of the Act.

**Term of temporary licence**

16 A temporary licence issued pursuant to subsection 31(1) of the Act shall cease to be valid upon the earliest of

- (a) receipt by the College of notice that the holder of the temporary licence has failed their registration examination;
- (b) the issuance of a licence to the holder of the temporary licence; or
- (c) the expiry date of the temporary licence.

**Records**

**Registrant to maintain records**

17 (1) Every registrant shall maintain a record of hours that the registrant has worked in the practice of practical nursing.

- (2) The record maintained pursuant to subsection (1) shall be retained by the registrant for 5 years.

**Audit of records**

18 The College may conduct an audit of a record of hours kept pursuant to Section 17, on a random or other basis as determined by the Board, to ensure the validity of data recorded on applications to the College respecting hours worked in the practice of practical nursing.

**Additional Duties of Registrant**

**Standards of practical nursing practice**

19 A registrant shall

- (a) work within, be limited by, and inform clients regarding
  - (i) the registrant's educational preparation and level of competency, and
  - (ii) any terms, conditions or limitations that are attached to the registrant's licence;
- (b) maintain currency in knowledge and skill in the practice of practical nursing in accordance with new developments, procedures and equipment;
- (c) report to the appropriate authorities in accordance with and under circumstances described in Section 20;

- (d) hold in confidence all client information unless the registrant is permitted by the client or required by the Act or any other enactment or by order of a court to disclose information; and
- (e) practise practical nursing under the general direction of a duly qualified medical practitioner or a registered nurse.

**Duty to report**

20 (1) A registrant has a duty to report to the Executive Director-Registrar if the registrant has reasonable grounds to believe that another registrant of the College

- (a) has abused a client either sexually, physically, verbally, psychologically, financially, or otherwise;
- (b) is practising in a manner that constitutes a danger to the public;
- (c) is exhibiting conduct that suggests a physical or mental disorder, emotional disturbance or impairment due to substance abuse that may affect his or her ability to practise and may constitute a danger to the public;
- (d) has delegated components of care to another caregiver without due concern regarding the competence of that individual; or
- (e) is practicing in contravention of the standards of practice established in Section 19.

(2) A registrant has a duty to report to the Executive Director-Registrar or equivalent authority of another health professional body if the registrant has reasonable grounds to believe that a registrant of the other professional body

- (a) has abused a client either sexually, physically, verbally, psychologically, financially or otherwise; or
- (b) is exhibiting conduct that suggests a physical or mental disorder, emotional disturbance or impairment due to substance abuse that may affect his or her ability to practise and may constitute a danger to the public.

**Professional liability insurance**

21 A registrant must be insured against liability for negligence in an amount of at least \$1 000 000.00 per occurrence.

**Complaints and Discipline**

**Complaints against registrants**

22 (1) A complaint initiated by a body corporate, association or person other than the Executive Director-Registrar shall be executed in writing and forwarded to the Executive Director-Registrar.

- (2) Where the College receives notification that a registrant's employment as a licensed practical nurse has been terminated because of professional misconduct, conduct unbecoming the profession, incompetence or

incapacity, the termination letter is deemed to constitute a complaint pursuant to subsection 52(1) of the Act.

#### **Preliminary investigation**

- 23 (1)** The Executive Director-Registrar shall, immediately upon initiating or receiving a complaint,
- (a) forward a copy of the complaint to the respondent; and
  - (b) notify the respondent in writing that the respondent may, within 15 days of the date of the notice, submit an explanation or representation concerning the complaint to the complaints committee.
- (2)** An investigation conducted pursuant to subsection 52(2) of the Act may include
- (a) requests for additional written or oral explanations from the complainant, the respondent, or third parties; and
  - (b) a request for an interview of the complainant, the respondent or a third party.

#### **Powers of complaints committee**

- 24 (1)** On receipt of a report submitted by an investigator pursuant to subsection 52(3) of the Act, the complaints committee shall
- (a) if the investigator has proposed an informal resolution of the complaint, accept the informal resolution and take no further action; or
  - (b) if a determination is made that the complaint is not within the jurisdiction of the Board or is otherwise incapable of substantiation, or is frivolous or vexatious,
    - (i) dismiss the complaint, and
    - (ii) if considered useful by the complaints committee, provide guidance to the complainant, the respondent, or any other person associated with the complaint; or
  - (c) provide the complainant, the respondent, or such other persons as it may determine, a reasonable opportunity to appear before the complaints committee and to submit representations, explanations or documentation, including medical or other information relevant to the complaint, following which the complaints committee shall
    - (i) dismiss the complaint,
    - (ii) counsel the respondent,
    - (iii) caution the respondent,
    - (iv) counsel and caution the respondent,
    - (v) with the consent of the respondent, order that the respondent receive a reprimand and that the reprimand be

communicated to the respondent and the complainant, and such other persons as the complaints committee considers appropriate,

- (vi) if a determination is made that the matter or matters before the complaints committee warrant a hearing, refer the matter or matters to a discipline committee, or
  - (vii) informally resolve the complaint.
- (2)** In addition to the powers outlined in subsection (1), and after providing the respondent the opportunity to appear before the complaints committee and to submit representations, explanations or documentation, including medical or other information relevant to the complaint, the complaints committee may require the respondent to do one or more of the following:
- (a) submit to a physical or mental examination by a qualified person or persons designated by the complaints committee, and to authorize the provision of the report from the examination to the complaints committee;
  - (b) submit to a review of the practice of the respondent by a qualified person or persons designated by the complaints committee, and to authorize the provision of a copy of the review to the complaints committee;
  - (c) submit to an assessment or examination to determine whether the respondent is competent, and to authorize the provision of the report of the examination to the complaints committee; and
  - (d) produce records kept with respect to the respondent's practice.
- (3)** If a respondent fails to comply with a requirement made pursuant to subsection (2), the complaints committee may suspend or restrict the respondent's licence, or both, until the suspension or restriction is lifted, superseded or annulled by the complaints committee or discipline committee, as the case may be.
- (4)** If a respondent's licence is suspended by the complaints committee, the complaints committee shall, upon receipt of a request from the respondent, refer the matter directly to a discipline committee.
- (5)** If the complaints committee requires a respondent to take action in accordance with subsection (2), the costs of complying with the requirements shall be borne by the College.
- (6)** If the complaints committee issues a counsel, a caution, or a counsel and a caution pursuant to subclauses (1)(c)(ii), (iii), or (iv), that determination shall not be considered a disciplinary finding against the respondent, and shall be disclosed only to the respondent and the complainant and not published or disclosed to the public.
- (7)** If the complaints committee issues a reprimand in accordance with subclause (1)(c)(v), the reprimand shall be considered a disciplinary finding against the respondent and shall be dealt with in the same manner as a reprimand issued pursuant to subsection 64(2) of the Act.



- (8) Nothing in this Section prohibits the complaints committee from directing the Executive Director-Registrar to suspend or impose restrictions on a respondent's licence in accordance with Section 54 of the Act.

#### Settlement proposals

- 25 (1) A settlement proposal must be tendered in writing to the other party and shall include
- (a) an admission or admissions to one 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 discipline committee;
  - (c) any undertaking made by the respondent;
  - (d) the length of time that an undertaking specified in clause (c) is binding on the respondent;
  - (e) the procedure that the respondent may follow to be released from an undertaking specified in clause (c); and
  - (f) a specification of which terms of the settlement proposal may be disclosed to the public.
- (2) In preparing a settlement proposal, the parties, if agreeable, may use the services of a mediator, and the costs of the mediator shall be divided equally between the Board and the respondent, unless otherwise agreed by the parties.
- (3) If both parties are in agreement with a settlement proposal tendered pursuant to subsection (1), the College shall forward it to another complaints committee for consideration.
- (4) The complaints committee to whom a settlement proposal is forwarded may, in its discretion, recommend acceptance of the settlement proposal if satisfied that
- (a) the public is protected;
  - (b) the conduct or its cause can be, or has been, successfully remediated or treated, and if appropriate, the respondent is likely to successfully pursue remediation or treatment; and
  - (c) the settlement is in the best interests of the public and the profession,
- and shall then refer the settlement proposal to a discipline committee.
- (5) If the complaints committee does not recommend acceptance of a settlement proposal, the complaints committee shall
- (a) recommend changes to the settlement proposal and

- (i) if the changes are agreed upon by the parties, the settlement proposal shall be accepted by the complaints committee, or
  - (ii) if the changes are not agreed upon by the parties, the settlement proposal shall be rejected by the complaints committee; or
- (b) reject the settlement proposal and forward the matter referred to the complaints committee to a discipline committee for a hearing.
- (6) The complaints committee retains jurisdiction over a complaint until the commencement of a hearing or the acceptance of a settlement proposal by a discipline committee.
- (7) If the discipline committee accepts a settlement proposal,
- (a) the settlement proposal shall form part of the order of the discipline committee disposing of the matter; and
  - (b) subject to subsection (11), there shall be no hearing before the discipline committee.
- (8) If the discipline committee does not accept a settlement proposal, it shall
- (a) suggest amendments to the settlement proposal and return it to the parties for review and
    - (i) if both parties do not agree with the amendments to the settlement proposal, the settlement proposal shall be deemed to be rejected and the matter shall be referred to another discipline committee for a hearing; or
    - (ii) if both parties agree with the amendments to the settlement proposal, the settlement proposal shall be sent back to the complaints committee, who may
      - (A) accept the settlement proposal, or
      - (B) reject the settlement proposal and refer the matter to another discipline committee for a hearing; or
  - (b) reject the settlement proposal, in which case the matter shall be forwarded to another discipline committee for a hearing.
- (9) Where a settlement proposal is rejected by a discipline committee, the hearing shall proceed without reference to the settlement proposal or any admissions contained in the settlement proposal until such time as the discipline committee has determined whether professional misconduct, conduct unbecoming the profession, incompetence or incapacity has been proven.



- (10) The persons who sat on the discipline committee that reviewed a rejected settlement proposal shall not sit on the discipline committee that conducts the hearing.
- (11) Any alleged breach by a respondent of an undertaking given in, or a condition of, a settlement proposal that is accepted by a discipline committee, shall be referred to another discipline committee and may form the subject of a hearing.
- (12) A settlement proposal order in accordance with this Section may include any disposition that could be ordered by a discipline committee pursuant to Section[s] 31 or 35.

#### **Discipline committee - conflict of interest**

- 26 No person who has had any involvement in a matter that is the subject of a complaint may sit on a discipline committee to which the matter has been referred.

#### **Notice of hearing**

- 27 (1) Service of the notice of hearing required by subsection 59(2) of the Act shall be either by personal service or by registered mail at the respondent's or the complainant's last known address.
- (2) A notice of hearing sent by mail shall be deemed to have been served on the date it was posted.
- (3) The notice of hearing shall
- (a) specify the nature of the conduct to be inquired into;
  - (b) state the details of the charges;
  - (c) specify the time and place of the hearing; and
  - (d) state that the respondent may be represented by legal counsel, a union representative or other representative.

#### **Amendment of notice of hearing**

- 28 (1) A discipline committee may, at any time before or during a hearing, amend or alter any notice of hearing to correct an alleged defect in substance or form, or to make the notice conform to the evidence where there appears to be a variance between the evidence and the notice, or where the evidence discloses potential professional misconduct, conduct unbecoming the profession, incapacity or incompetence that is not alleged in the notice.
- (2) If an amendment or alteration is made by a discipline committee pursuant to subsection (1), a respondent shall be provided sufficient opportunity to prepare an answer to the amendment or alteration.
- (3) If a discipline committee determines that an amendment or alteration to a notice of hearing is not appropriate, the discipline committee may refuse to make the amendment, and if considered appropriate, may refer any new allegations to an investigator.

#### **Attendance at a hearing and public disclosure**

- 29 (1) A complainant shall not be entitled to participate as a party at a hearing.
- (2) Subject to subsection (3), a hearing shall be open to the public.

- (3) Upon application, the discipline committee may make an order that the public, in whole or in part, be excluded from a hearing or any part of it if the discipline committee is satisfied that
  - (a) personal, medical, financial or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of those matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principal that hearings be open to the public; or
  - (b) the safety of any person may be jeopardized.
- (4) A discipline committee may make any order that it considers necessary to prevent the public disclosure of the matters disclosed at a hearing, including an order prohibiting the publication or broadcasting of those matters.
- (5) The discipline committee may make an order that the public be excluded from a part of a hearing dealing with an application for an order pursuant to subsection (3).
- (6) The discipline committee may make any order that it considers necessary to prevent the public disclosure of matters disclosed in a hearing or a part of a hearing dealing with an order pursuant to subsection (5), or the submissions relating to an application described in subsection (3), including an order prohibiting the publication or broadcasting of those matters.
- (7) Subject to any order made pursuant to this Section, the discipline committee shall state at the hearing its reasons for any order made pursuant to this Section.

#### **Failure to attend hearing**

- 30 If a respondent does not attend a hearing, the discipline committee may, upon receiving proof of service of the notice of hearing, proceed with the hearing in the respondent's absence and, without further notice to the respondent, take any action it is authorized to take under the Act and these regulations.

#### **Hearing procedures**

- 31 (1) Subject to an award of costs made pursuant to Section 40, a respondent shall be responsible for all expenses incurred in his or her defense.
- (2) The discipline committee may determine additional rules of procedure for hearings not covered by the Act or these regulations.
- (3) The testimony of witnesses at a hearing shall be taken under oath or affirmation.
- (4) An oath or affirmation may be administered by any member of the discipline committee or other person in attendance who is authorized by law to administer oaths or affirmations.
- (5) The discipline committee may require the respondent to do one or more of the following:
  - (a) submit to a physical or mental examination by a qualified person or persons designated by the discipline committee, and to

authorize the provision of the reports from the examination to the discipline committee;

- (b) submit to a review of the practice of the respondent by a qualified person or persons designated by the discipline committee, and to authorize the provision of a copy of the review to the discipline committee;
  - (c) submit to an assessment or examination as the discipline committee directs to determine whether the respondent is competent, and to authorize the provision of the report of the assessment or examination to the discipline committee; and
  - (d) produce such records kept with respect to the member's practice as considered appropriate by the discipline committee.
- (6) Where a respondent fails to comply with a requirement made pursuant to subsection (5), the discipline committee may order that the respondent's licence be suspended until the respondent complies.
- (7) The costs of complying with a requirement made pursuant to subsection (5) shall be initially borne by the College, and may be awarded as costs against a respondent pursuant to Section 40.

#### **Witness fees**

32 Witnesses that 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 of evidence**

- 33 (1) All evidence submitted to a discipline committee shall be reduced to writing, taken down in shorthand or mechanically recorded by a person authorized by the College.
- (2) Evidence may be given before a discipline committee in any manner that the committee considers appropriate, and the committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

#### **Preservation of evidence and information**

34 Evidence submitted to a discipline committee and information submitted by a complaints committee or an investigator regarding a complaint that has not been dismissed by the complaints committee, shall be preserved for a period of not less than 5 years from the date of the submission of the evidence or information.

#### **Disposition by discipline committee**

- 35 (1) If a discipline committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a respondent, the discipline committee may impose any one or more of the following sanctions:
- (a) revoke the respondent's licence and order that the respondent's name be removed from the Register;

- (b) suspend the respondent's licence for a specific period of time during which the respondent's name removed from the Register;
  - (c) suspend the respondent's licence pending the satisfaction and completion of such conditions as may be ordered by the discipline committee;
  - (d) impose such restrictions or conditions or both on the respondent for such period of time as the discipline committee designates, and record the restrictions and conditions in accordance with subsection 64(1) of the Act;
  - (e) reprimand the respondent and direct that the fact of the reprimand be recorded in the records of the College;
  - (f) direct the respondent to pass a particular course of study or satisfy the discipline committee or any other committee established under the Act as to the respondent's competence generally or in a specific field of practice;
  - (g) direct the respondent to obtain medical treatment; or
  - (h) direct the respondent to obtain appropriate counselling.
- (2) If a discipline committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a respondent, the discipline committee shall
- (a) subject to clause 64(1)(b) of the Act, publish its findings in a manner considered appropriate; and
  - (b) inform such persons as it considers appropriate of its findings.

#### **Written decision of the discipline committee**

- 36 A discipline committee shall prepare a written report of its decision and the reasons for the decision and serve a copy by registered mail or personal service within a reasonable time on
- (a) the respondent;
  - (b) the complainant; and
  - (c) any other persons as the discipline committee considers appropriate.

#### **Notice of disciplinary decision**

- 37 (1) Where a discipline committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a registrant, the Board shall, within a reasonable time, advise every registrant of
- (a) the name of the registrant against whom the finding was made;
  - (b) the facts of the case;
  - (c) the disposition of the case, including the nature of any limitation on or suspension of the registrant's licence, and the date that it is in effect; and
  - (d) the reasons for the decisions.

- (2) Where disciplinary proceedings result in the limitation, suspension or termination of a registrant's licence, the Executive Director-Registrar shall, in addition to those parties named pursuant to clauses 64(1)(c), (d), and (e) of the Act, notify
- (a) on request, any other college or association in a jurisdiction outside Canada; and
  - (b) another individual or organization as directed by the discipline committee.

#### Retention of complaints committee and disciplinary committee records

- 38 (1) Records of complaints committees and discipline committees other than decisions shall be retained following the conclusion of an investigation for a period in accordance with College record retention policies.
- (2) Decisions of complaints committees and discipline committees shall be kept on permanent record at the College.

#### Return of licence to Board

- 39 A person whose licence has been revoked shall return the licence to the College at the Board's request.

#### Costs

- 40 (1) For purposes of this Section, "costs" include
- (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 discipline committee;
  - (c) expenses incurred as a result of a requirement made pursuant to subsection 24(2) or 31(5);
  - (d) solicitor and client costs, including disbursements and HST, of the College relating to the investigation and hearing of the complaint, including the solicitor and client costs, including disbursements and HST, of College counsel and counsel for the discipline committee;
  - (e) costs of retaining a reporter and preparing transcripts of the proceedings; and
  - (f) travel costs and reasonable expenses of any witnesses, including expert witnesses, required to appear at a hearing.
- (2) The discipline committee may award costs against any registrant of the College and may reimburse any registrant for costs incurred through disciplinary action if, in the opinion of the discipline committee, the action was unwarranted, and such costs are a debt due to be recovered by civil action for debts.
- (3) If a registrant fails to pay the costs awarded pursuant to subsection (2) within the time ordered, the Executive Director-Registrar may suspend their licence until payment is made or satisfactory arrangements for payment have been established.

N.S. Reg. 81/2002

Made: June 14, 2002

Filed: June 18, 2002

Early Retirement Eligibility Designation and Regulations

Order in Council 2002-277 made June 14, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 88  
of the *Public Service Act*

The Governor in Council on the report and recommendation of the Minister of the Public Service Commission dated June 4, 2002, and pursuant to Section 88 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act*, is pleased to amend the regulations respecting designation of a class of persons for the purposes of eligibility for early retirement made by the Governor in Council by Order in Council 1998-332 dated June 30, 1998, by

- (a) striking out "May 31, 2002" in clause 1(b) and substituting "May 31, 2003"; and
  - (b) striking out "Human Resources" in clause 1(f) and substituting "the Public Service Commission",
- effective on and after May 31, 2002.

N.S. Reg. 82/2002  
Made: June 14, 2002  
Filed: June 18, 2002  
Children and Family Services Regulations

Order in Council 2002-278 made June 14, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 99  
of the *Children and Family Services Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated May 16, 2002, and pursuant to Section 99 of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, is pleased, effective on and after April 4, 2002, to amend the *Children and Family Services Regulations* made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, by adding the following Section immediately after Section 77:

- 77A (1) A person applying for services relating to international adoption shall pay a processing fee of \$50 plus HST.
- (2) After a person is approved to adopt internationally, the person shall pay an administration fee of \$600 plus HST.

N.S. Reg. 83/2002  
Made: June 14, 2002  
Filed: June 18, 2002  
Boilermaker Trade Regulations

Order in Council 2002-280 made June 14, 2002  
Amendment to regulations made by the Governor in Council  
pursuant to Section 41  
of the *Apprenticeship and Trades Qualifications Act*

The Governor in Council on the report and recommendation of the Minister of Education dated May 2, 2002, and pursuant to Section 41 of Chapter 17 of the Revised Statutes of Nova Scotia, 1989, the *Apprenticeship and Trades Qualifications Act*, is pleased to amend the regulations respecting the boilermaker trade made by the Governor in Council by Order in Council 80-296 dated March 4, 1980, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 14, 2002.

**Schedule "A"**

**Amendment to the Regulations Respecting the Boilermaker Trade made by the Governor in Council pursuant to Section 41 of Chapter 17 of the Revised Statutes of Nova Scotia, 1989, the *Apprenticeship and Trades Qualifications Act***

- 1 Section 1 of the regulations respecting the boilermaker trade made by the Governor in Council by Order in Council 80-296 dated March 4, 1980, is renumbered as Section 1A and the following Section is added immediately before Section 1A:
  - 1 These regulations may be cited as the *Boilermaker Trade Regulations*.
- 2 Section 3 of the regulations is repealed and the following Section is substituted:
  - 3 The term of apprenticeship for the trade is 5400 hours and shall include a probationary period, the minimum of which shall be 3 months and the maximum of which shall be 6 months.

N.S. Reg. 84/2002  
Made: June 14, 2002  
Filed: June 18, 2002

Registration Fees for Vehicles of Non-Profit, Charitable  
or Religious Organizations Regulations

Order in Council 2002-283 made June 14, 2002  
Regulations made by the Governor in Council  
pursuant to subsection 302(1)  
of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated May 21, 2002, and pursuant to subsection 302(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to repeal Order in Council 69-946, dated September 23, 1969, and to determine that the annual registration fee payable with respect to a vehicle operated by a non-profit, charitable or religious organization in the course of its work is the nominal registration fee set out in the regulations respecting fees for documents and services made by Order in Council 2000-276, dated May 24, 2000.

N.S. Reg. 85/2002  
Made: June 20, 2002  
Filed: June 20, 2002

Board Gas Distribution Regulations (Nova Scotia)

Order dated June 20, 2002  
made under subsection 41(1) of the  
*Gas Distribution Act*

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF THE GAS DISTRIBUTION ACT**

- and -

**IN THE MATTER OF A MOTION TO REPEAL AND ADOPT NEW BOARD  
GAS DISTRIBUTION REGULATIONS (NOVA SCOTIA)**

**BEFORE:** John A. Morash, C.A., Chair  
Margaret A. M. Shears, Vice-chair  
John L. Harris, Q.C., Member  
David J. Almon, Member  
Wayne D. Cochrane, Q.C., Member  
Kulvinder S. Dhillon, Member

**ORDER**

The Nova Scotia Utility and Review Board at a meeting of the Board held on the 20<sup>th</sup> day of June, 2002, passed a motion, pursuant to **Section 41** of Chapter 4 of the Revised Statutes of Nova Scotia, 1997, the **Gas Distribution Act**, to repeal the previous **Board Gas Distribution Regulations (Nova Scotia)** dated November 24, 1998 and adopt new **Board Gas Distribution Regulations (Nova Scotia)** in the form attached to and forming part of this Order.

**DATED** at Halifax, Nova Scotia this 20<sup>th</sup> day of June, 2002

Sgd. *Nancy McNeil*  
Nancy McNeil, Clerk

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**BOARD GAS DISTRIBUTION REGULATIONS  
(NOVA SCOTIA)**

**REGULATIONS MADE BY THE NOVA SCOTIA UTILITY AND REVIEW  
BOARD PURSUANT TO S. 41(1) OF CHAPTER 4 OF THE STATUTES OF  
NOVA SCOTIA, 1997, THE GAS DISTRIBUTION ACT**

1. These Regulations may be cited as the **Board Gas Distribution Regulations (Nova Scotia)**.
2. In these regulations, unless the context indicates otherwise, words and expressions have the same meaning as in the **Gas Distribution Act** and the **Gas Distribution Regulations (Nova Scotia)** enacted under **Section 42(1)** of the **Act**.

3. The previous **Board Gas Distribution Regulations (Nova Scotia)** dated November 24, 1998 are hereby repealed.

**PART I  
APPLICATION FOR FRANCHISE**

4. The Board may at any time invite applications for a franchise by issuing directions on procedure for the processing of applications for a franchise in accordance with a timetable specified in such directions.
5. (1) During a period that falls within a timetable specified in directions on procedure issued pursuant to Section 4, an application for a franchise shall be made in accordance with the directions on procedure.
- (2) Subject to subsection (1), a company may apply to the Board for a franchise at any time.
6. Notwithstanding anything in these regulations or directions on procedure issued by the Board, the Board may at any time request additional information from an applicant for a franchise or any participant in a proceeding to consider an application for a franchise.
7. Unless the Board otherwise directs, an application for a franchise shall include the following:
- (a) the name and, if applicable, the place of incorporation of the applicant;
  - (b) a description of the business of the applicant;
  - (c) the name and contact particulars of an individual to whom inquiries with respect to the application are to be directed;
  - (d) the class of franchise being applied for;
  - (e) the geographic boundaries of the proposed franchise area;
  - (f) the proposed term of the franchise, which shall be 25 years;
  - (g) evidence of the existence of markets, actual or potential, throughout the proposed franchise area, with annual consumption forecasts for the following categories of customers:
    - (i) users of gas in an amount less than 500 gigajoules per year,
    - (ii) users of gas in an amount equal to or greater than 500 gigajoules per year but less than 10,000 gigajoules per year,
    - (iii) users of gas in an amount equal to or greater than 10,000 gigajoules per year but less than 100,000 gigajoules per year,
    - (iv) users of gas in an amount equal to or greater than 100,000 gigajoules per year;
  - (h) the availability of adequate gas supply;
  - (i) the financial capability of the applicant;

- (j) related experience of the applicant in the delivery of gas;
- (k) the plans of the applicant to provide delivery service throughout the franchise area within 10 years from the date of the granting of the franchise, including:
  - (i) a general description of the facilities for the gas delivery system,
  - (ii) the anticipated cost of the gas delivery system,
  - (iii) a proposed timetable for construction, operation and expansion of the gas delivery system;
- (l) the Socio-Economic Impact Statement and evidence of commitments to encourage competition among agents, gas marketers, and brokers in the sale of gas within the proposed franchise area required by **subsections (c) and (e) of Section 5 of the Gas Distribution Regulations (Nova Scotia)**;
- (m) a description of the public information program conducted or being conducted by the applicant with respect to the franchise application including:
  - (i) an explanation of the steps taken to notify the public and the consultation conducted,
  - (ii) a summary of the comments received and concerns raised,
  - (iii) a discussion of the measures the applicant has taken or proposes to take to respond to the comments and resolve the concerns;
- (n) Pro forma financial statements for the proposed facilities for a period of not less than 10 years from the anticipated date of commencement of delivery service, including:
  - (i) statement of revenue and expenses and balance sheet,
  - (ii) annual capital expenditures,
  - (iii) proposed delivery service rates and estimated utility income at the proposed rates,
  - (iv) estimated rate base, including an allowance for working capital, and
  - (v) estimated rate of return.

**PART II  
ASSIGNMENT, TRANSFER OR AMENDMENT**

8. The requirements of section 7 apply to an application for an assignment, transfer or amendment of a franchise to the extent to be determined by the Board within 30 days of receipt of the application.

**PART III  
FEES**

9. (1) An application for the granting of a franchise, other than the assignment, transfer or amendment of a franchise, shall be accompanied by a fee in the amount of \$250,000. The Board may specify in the directions on procedure that a portion of the foregoing fee shall be paid upon the filing of a Notice of Intent to Apply for a franchise.
- (2) Municipalities and co-operatives are exempt from the fee in subsection 1.
10. An application for authorization of an assignment, transfer or amendment of a franchise shall be accompanied by a fee in the amount of \$5,000. The Board may waive all or any part of the prescribed fee if in the opinion of the Board the application for assignment, transfer or amendment is routine in nature.

These Regulations under the **Gas Distribution Act** were made by the Nova Scotia Utility and Review Board on the 20<sup>th</sup> day of June, 2002.

Signed  
Clerk of the Board