



**Nova Scotia Utility and Review Board**  
**French-language Services Plan**  
**Fiscal Year Ending March 31, 2009**

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## A. INTRODUCTION

The Nova Scotia Utility and Review Board is an independent quasi-judicial tribunal tasked by Government with the legal responsibility to carry out the mandate assigned through statute and regulation.

This Plan is made pursuant to s. 4 of the *French-language Services Regulations*, which provides that each designated public institution must develop and publish a French-language services plan.

Sections 5, 8, 12 and 13 of the *Regulations* provide:

### **Content of French-language services plans**

**5(1)** A French-language services plan must describe all of the following:

- (a) how the designated public institution's staff have been instructed to respond to verbal and written requests from the public to communicate in French;
- (b) the French-language services offered by the designated public institution;
- (c) the steps the designated public institution will take to preserve or improve its French-language services in the next fiscal year;
- (d) if the designated public institution intends to improve its French-language services in the next fiscal year, the specific goals and objectives that have been established for improving French-language services and the specific measures that it will take to achieve these goals and objectives;
- (e) how the plan will contribute to the preservation or growth of the Acadian and francophone community.

### **Developing French-language services plans**

**8** In establishing specific goals and objectives in accordance with clause 5(1)(d), a designated public institution must give priority to services to which one or both of the following apply:

- (a) there is a demand from the Acadian and francophone community for the services to be provided in French;

(b) failure to provide the services in French may compromise the health, safety or security of members of the public.

### **Communicating with public**

**12** Each designated public institution must ensure all of the following:

(a) that all written correspondence in French that is received by the designated public institution is replied to in French;

(b) that all information material issued to the public simultaneously in French and English displays a bilingual Provincial logo;

(c) that reasonable and appropriate steps are taken to make members of the public aware that services are available in French and English.

### **Information material**

**13** In determining which of its information material that is intended for the general public will be issued simultaneously in French and English, a designated public institution must give priority to information material to which one or more of the following apply:

(a) the information material is of particular relevance to the Acadian and francophone community;

(b) the information material pertains to French-language service delivery from the designated public institution;

(c) failure to provide the information in French may compromise the health, safety or security of members of the public.

The *Regulations* were adopted effective December 31, 2006.

## **B. PLANNING CONTEXT**

### **General**

The Board arguably has the greatest impact on the lives of ordinary Nova Scotians of any administrative tribunal in the Province. Its quasi-judicial mandate is set by legislation and associated regulations. The Board carries out a broad range of adjudicative and regulatory functions under the statutes listed in Appendix A.

## Stakeholders

There are a number of key stakeholders serviced by the Board. They are:

- ▶ utility ratepayers (e.g., residential, commercial, institutional, industrial and government users) and the utilities themselves (e.g., electric, water, and natural gas),
- ▶ consumers purchasing gasoline and fuel oils, wholesalers and retailers selling gasoline and fuel oils,
- ▶ members of the public, commercial enterprises and governments participating in alcohol and gaming proceedings,
- ▶ members of the public seeking redress through the various appeal processes (e.g., assessment, planning, victims of crime),
- ▶ members of the public, commercial enterprises, and governments seeking to resolve disputes relating to the value of expropriated land,
- ▶ users of public passenger vehicles (including public transit; commuter vans; school, not-for-profit and charter busses) and the licenced carriers,
- ▶ municipalities and school boards,
- ▶ the Halifax-Dartmouth Bridge Commission and those using the bridges, and
- ▶ the citizens and governments of Nova Scotia who are generally affected by widespread economic changes resulting from Board decisions.

## Challenges

The most significant challenges facing the Board in the planning year are:

- ▶ Continuing to manage a busy case load. The Board strives to be as efficient as possible in its operations, keeping its costs to a minimum and rendering decisions within a reasonable time period. As any court-like entity having specific regulatory, adjudicative and administrative responsibilities set out in statute or regulation, the UARB is essentially demand driven. Matters vary in complexity and volume of evidence submitted. Some matters require public hearings, some *in camera* hearings, while others can be decided without a formal hearing. The total number of matters varies from year to year making advance planning difficult. During fiscal 2005 a total of 617 matters of all types were decided by the Board (fiscal 2004: 718).

- ▶ The French-language capacities of the Board's Members and staff are anticipated to be generally limited and are not sufficient to provide any significant level of French-language services to affected stakeholders.
- ▶ The Board deals on a daily basis with a wide variety of stakeholders, including members of the public, commercial enterprises, municipalities, non-profit associations and societies, private and public institutions, as well as a large number of governmental departments and agencies (from both within and outside Nova Scotia).

### **C. CORE BUSINESS AREAS**

The Board has identified two Core Business Areas in its Business Plan for the planning year:

1. Quasi-judicial Function. This is the Board's primary function - to exercise the powers of the Legislature as delegated through various statutes. Operations are conducted by Board Members and supported with administrative and advisory staff.
2. Motor Carrier (Public Passenger) Administration. This involves the safety inspection, licensing, administration and enforcement functions relating to the public passenger industry and some not-for-profit organizations. Operations are undertaken by the staff of the Motor Carrier Division.

### **D. CURRENT FRENCH-LANGUAGE SERVICES**

The following French-language services are currently offered by the Board:

- The inspectors and other staff of the Board's Motor Carrier Division communicate in French with representatives of the Conseil scolaire acadien provincial (the "CSAP") respecting its functions relating to the carriage of students on school buses operated by, or under contract with, the CSAP.
- The Board conducts French hearings with respect to periodic applications by the CSAP for the determination of the number of school board members and the boundaries of the electoral districts for school board elections.

## **E. GOALS, OBJECTIVES AND MEASURES FOR 2008-2009**

A number of the Board's proceedings involve stakeholders, many of whom, it is anticipated, have no French-language capacities and, further, are not subject to the *French-language Services Act*, and the *Regulations* thereunder. Even in instances where matters before the Board involve other designated public institutions under the *French-language Services Regulations*, the Board is unaware of the measures which will be incorporated by such institutions in their respective French-language services plans. The resulting impact of this uncertainty makes it difficult for the Board to undertake its planning in relation to French-language services.

### **Corporate Objective 1 - Consulting with the Acadian and francophone community**

#### Specific goals and objectives for 2008-09

- To monitor the French-language services requested by the Acadian and francophone community.

#### Specific measures which will be taken to achieve these goals and objectives in 2008-09

- The Board will monitor the French-language services plans of designated public institutions which regularly appear before the Board, in order to identify opportunities to enhance the French-language services offered by the Board.
- To maintain a record of requests received by the Board for French-language services.

### **Corporate Objective 2 - Communicating, sharing information, and promoting services available in French**

#### Specific goals and objectives for 2008-09

- To inform the Acadian and francophone community about the French-language services provided by the Board.

#### Specific measures which will be taken to achieve these goals and objectives in 2008-09

- All written correspondence in French that is received by the Board will be replied to in French.
- All verbal communication in French that is received by the Board will, to the extent that appropriate human resources are available, be replied to in French.
- A notice will be posted in the Board's reception area, and on its website, that members of the public can communicate with the Board in French and English.
- A bilingual letterhead will be developed for all Board correspondence.
- Any information material issued to the public simultaneously in French and English will display a bilingual Board header or letterhead.

- To the extent possible, the Board will continue to use a bilingual search engine on its website with respect to its database of decisions.
- With respect to any notices published by the Board in the planning year, members of the Acadian and francophone community will be encouraged to apply for appointment to the Board.

**Corporate Objective 3 - Supporting French-language services development, planning and delivery in priority areas**

Specific goals and objectives for 2008-09

- To assess the human resource capabilities of the Board with respect to the delivery of French-language services.
- To offer French-language services as requested by the CSAP and municipalities serving Acadian and francophone communities.

Specific measures which will be taken to achieve these goals and objectives in 2008-09

- Consistent with past practice, and if requested to do so, the inspectors and other staff of the Board's Motor Carrier Division will continue to communicate in French with representatives of the CSAP respecting its functions relating to the carriage of students on school buses operated by, or under contract with, the CSAP.
- Consistent with past practice, and if requested to do so, the Board will conduct hearings in French with respect to an application by the CSAP for the determination of the number of school board members and the boundaries of the electoral districts for the next school board elections. Such an application is scheduled to occur in the planning year.
- If requested to do so by an applicant municipality, the Board will conduct hearings in French with respect to an application by the municipality to determine the number of councillors and the boundaries of the polling districts for the next municipal elections. Such an application is scheduled to occur in the planning year.
- In the event of verbal and written requests from the public to communicate in French, Board staff have been instructed to refer the request, at the earliest opportunity, to a staff member identified by the Board to respond to such requests.
- The Board will attempt to ascertain the French-language capacities of its Members and staff to communicate in French with members of the public.
- The Board will seek to identify French-language training opportunities and resources for its Members and staff.
- The Board will review its forms and website to identify opportunities for the improved provision of French-language services.
- The Board will review the administrative, adjudicative and regulatory functions it provides to identify the priority areas for the provision of French-language services and to monitor the Board's progress in this regard.

This French-language services plan will contribute to the preservation or growth of the Acadian and francophone community by responding specifically to proceedings initiated by entities (e.g., the CSAP and municipalities) primarily serving Acadian and francophone regions. Further, the Board's communication in French with members of the public will contribute to the preservation or growth of the Acadian and francophone community by providing recognition that the French language can serve as a language of business in Nova Scotia.

**F. BUDGET CONTEXT**

The Board has already completed its budgeting process for the fiscal year ending March 31, 2009. It will endeavour to develop and include appropriate resources in future budgets for the provision of French-language services contemplated by this plan.

## **Appendix A: List of Statutes Containing Board Mandate**

1. Assessment Act, RSNS 1989, c.23 as amended
2. Education Act, SNS 1995-96, c.1 as amended
3. Electrical Installation & Inspection Act, RSNS 1989, c. 141, as amended
4. Energy and Mineral Resources Conservation Act, RSNS 1989, c.147 as amended
5. Expropriation Act, RSNS 1989, c.156 (prior to Feb. 1996)
6. Expropriation Act, RSNS 1995, c. 19 (post Feb. 1996)
7. Fire Safety Act, SNS 2002, c. 6
8. Gaming Control Act, SNS 1994-95, c.4
9. Gas Distribution Act, RSNS, 1997, c. 4 as amended
10. Halifax-Dartmouth Bridge Commission Act, RSNS 1989, c.192 as amended
11. Heritage Property Act, RSNS 1989, c.199
12. Liquor Control Act, RSNS 1989, c. 260 as amended
13. Motor Carrier Act (public passenger only), RSNS 1989, c.292 as amended
14. Motor Vehicle Transport Act of Canada, 1987 (Federal)
15. Municipal Government Act, SNS 1998, c.18 as amended
16. Nova Scotia Power Finance Corporation Act, RSNS 1989, c.351 as amended
17. Nova Scotia Power Privatization Act, SNS 1992, c.8
18. Petroleum Products Pricing Act, SNS 2005, c. 11
19. Petroleum Resources Removal Permit Act, SNS 1999, c.7 as amended
20. Pipeline Act, SNS 1980, c. 13, as amended
21. Public Utilities Act, RSNS 1989, c.380 as amended
22. Railways Act, SNS 1993, c.11 as amended
23. Revenue Act, SNS 1995-96, c.17 as amended
24. Theatres and Amusements Act, RSNS 1989, c. 466 as amended
25. Underground Hydrocarbons Storage Act, SNS 2001, c.37
26. Utility and Review Board Act, SNS 1992 as amended
27. Victims' Rights and Services Act, RSNS 1989, c.14 as amended