



BILL NO. 111

Government Bill

*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

An Act to Amend Chapter 4 of the Acts of 2010, the Fur Industry Act

CHAPTER 58
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 6, 2012**

The Honourable John M^{ac}Donell
Minister of Agriculture

*Halifax, Nova Scotia
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**An Act to Amend Chapter 4
of the Acts of 2010,
the Fur Industry Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 4 of the Acts of 2010, the *Fur Industry Act*, is amended by

(a) relettering clause (a) as clause (aa) and adding immediately before that clause the following clause:

(a) “Administrator” means the Administrator appointed by the Minister;

(b) adding “, and includes any building or structure used to house the animals or store waste” immediately after “purposes” in the second line of clause (e);

(c) striking out the period at the end of clause (h) and substituting a semicolon; and

(d) adding immediately after clause (h) the following clauses:

(i) “prescribed animal” means a type of fur-bearing animal designated as a prescribed animal by the regulations;

(j) “waste” means feces, waste feed or carcasses from fur-bearing animals generated on a fur farm during normal farming activities.

2 Section 4 of Chapter 4 is amended by

(a) striking out “development and management” in the second line of clause (f) and substituting “sustainability”;

(b) striking out “promotion and enhancement” in the second line of clause (g) and substituting “sustainability”; and

(c) striking out “lease” in the third line of clause (h) and substituting “permit”.

3 Chapter 4 is further amended by adding immediately after Section 4 the following Section:

4A The Administrator necessary for the administration of this Act shall be appointed by the Minister in accordance with the *Civil Service Act*.

4 Subsection 5(2) of Chapter 4 is repealed and the following subsection substituted:

(2) A person appointed pursuant to subsection (1) shall be appointed in accordance with the *Civil Service Act*.

5 Section 7 of Chapter 4 is repealed.

- 6 (1) Subsection 9(1) of Chapter 4 is amended by**
- (a) striking out “or partnership” in the first line; and**
 - (b) striking out clauses (a) and (b) and substituting “a valid operating licence”.**

(2) Section 9 of Chapter 4 is further amended by adding immediately after subsection (1) the following subsection:

(1A) Subject to Section 35, no person shall, unless exempted pursuant to the regulations, operate a fur farm on which there are prescribed animals with-out

- (a) a valid operating licence; and
- (b) a valid site approval permit.

(3) Subsection 9(2) of Chapter 4 is amended by striking out “license” in the first line and substituting “licence”.

7 (1) Subsection 10(1) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

(2) Subsection 10(2) of Chapter 4 is amended by striking out “stipulated by the Minister” in the second line and substituting “required by the regulations”.

(3) Subsection 10(3) of Chapter 4 is amended by striking out “Minister” in the first and in the second lines and substituting in each case “Administrator”.

(4) Subsection 10(4) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

(5) Subsection 10(5) of Chapter 4 is amended by striking out “The Minister” in the first line and substituting “Where required pursuant to subsection 9(1A), the Administrator”.

(6) Section 10 of Chapter 4 is further amended by adding immediately after subsection (5) the following subsection:

(5A) Subject to this Act and the regulations, the Administrator may issue an operating licence for the period of time prescribed by the regulations.

(7) Subsection 10(6) of Chapter 4 is amended by striking out “Minister” in the second line and substituting “Administrator”.

(8) Subsection 10(7) of Chapter 4 is amended by striking out “Minister” in the second and third lines and substituting “Administrator”.

8 (1) Subsection 11(1) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

(2) Subsection 11(2) of Chapter 4 is amended by striking out “stipulated by the Minister” in the second line and substituting “required by the regulations”.

(3) Subsection 11(3) of Chapter 4 is amended by striking out “Minister” in the first and in the second lines and substituting in each case “Administrator”.

(4) Subsection 11(4) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

(5) Subsection 11(5) of Chapter 4 is amended by

(a) striking out “Minister may issue” in the first line and substituting “Administrator may issue or amend”; and

(b) striking out “standards” in the second line and substituting “requirements”.

(6) Subsection 11(6) of Chapter 4 is amended by

(a) striking out “An amended site approval permit is required” in the first line and substituting “The holder of a site approval permit shall apply for an amended site approval permit”; and

(b) striking out “standards established in” in the third line and substituting “requirements established by the”.

(7) Section 11 of Chapter 4 is further amended by adding immediately after subsection (6) the following subsections:

(7) A site approval permit is subject to any terms and conditions provided in this Act or the regulations or required by the Administrator.

(8) No person shall contravene the terms and conditions of a site approval permit.

9 (1) Subsection 12(1) of Chapter 4 is amended by striking out “Minister” in the second line and substituting “Administrator”.

(2) Subsection 12(2) of Chapter 4 is amended by striking out “Minister” in the third line and substituting “Administrator”.

10 (1) Subsection 13(1) of Chapter 4 is amended by striking out “Minister” in the third line and substituting “Administrator”.

(2) Subsection 13(2) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

11 (1) Subsection 14(1) of Chapter 4 is amended by striking out “cancel” in the first line and substituting “revoke”.

(2) Subsection 14(2) of Chapter 4 is amended by

(a) striking out “cancelled” in the second line and substituting “suspended or revoked”; and

(b) adding “terms and” immediately after “any” in the second line.

(3) Subsection 14(3) of Chapter 4 is amended by

(a) striking out “cancel” in the first line and substituting “revoke”;

(b) striking out “of cancellation” in the second line; and

(c) striking out “licence or permit” in the last line and substituting “application for the licence or permit or to another address provided by the holder for that purpose”.

(4) Subsection 14(4) of Chapter 4 is amended by

(a) striking out “cancellation” in the first line and substituting “revocation”; and

(b) striking out “void and of no effect” in the fourth line and substituting “suspended or revoked, as the case may be”.

12 Section 15 of Chapter 4 is amended by striking out “Minister” in the first line and substituting “regulations”.

13 (1) Subsection 16(1) of Chapter 4 is amended by striking out “Minister” in the second line and substituting “regulations”.

(2) Subsection 16(2) of Chapter 4 is amended by striking out “Minister” in the second and third lines and substituting “regulations”.

14 (1) Clause 17(1)(d) of Chapter 4 is amended by striking out “mink or mink waste” in the second line and substituting “prescribed animals or waste from prescribed animals”.

(2) Subsection 17(4) of Chapter 4 is amended by striking out “The Minister may” in the first line and substituting “Subject to the regulations, the Administrator may and, where required by the regulations, shall”.

(3) Section 17 of Chapter 4 is further amended by adding immediately after subsection (6) the following subsection:

(7) No person shall obstruct an inspector who is acting as authorized by this Act.

15 Subsection 18(2) of Chapter 4 is amended by

(a) striking out “(b)” immediately after clause (a) and substituting “(b)”;

(b) adding “and” at the end of clause (b);

- (c) striking out “; and” at the end of clause (c) and substituting a period; and
- (d) striking out clause (d).

16 (1) Subclause 19(2)(b)(i) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

(2) Subsection 19(3) of Chapter 4 is amended by striking out “Minister” in the second and in the fourth lines and substituting in each case “Administrator”.

(3) Subsection 19(4) of Chapter 4 is amended by

(a) striking out “Minister” in the first line and substituting “Administrator”; and

(b) striking out “items” in the first line and substituting “property”.

(4) Subsection 19(5) of Chapter 4 is amended by striking out “Minister” in the first, in the second and in the fourth lines and substituting in each case “Administrator”.

17 Chapter 4 is further amended by

(a) renumbering subsection 20(1) as Section 20; and

(b) renumbering subsection 20(2) as Section 20A.

18 Subsection 20(1) of Chapter 4, renumbered as Section 20 by this Act, is amended by striking out “Minister” in the first and in the third lines and substituting in each case “Administrator”.

19 (1) Clause 20(2)(a) of Chapter 4, renumbered as clause 20A(a) by this Act, is amended by striking out “Minister” in the third line and substituting “Administrator”.

(2) Clause 20(2)(c) of Chapter 4, renumbered as clause 20A(c) by this Act, is amended by

(a) striking out “includes” in the first line and substituting “include”; and

(b) striking out “Minister” in the first line and substituting “Administrator”.

20 (1) Subsection 21(2) of Chapter 4 is amended by striking out “Minister” in the second and in the third lines and substituting in each case “Administrator”.

(2) Subsection 21(3) of Chapter 4 is amended by

(a) striking out “Minister” in the first and second and in the second lines and substituting in each case “Administrator”;

(b) striking out “materials” in the second line of clause (b) and substituting “property”; and

(c) striking out “Minister” in the second and third lines of clause (c) and substituting “Administrator”.

(3) Subsection 21(4) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

(4) Subsection 21(6) of Chapter 4 is amended by striking out “Minister” in the second line and substituting “Administrator”.

(5) Subsection 21(7) of Chapter 4 is amended by striking out “Minster” in the first line and substituting “Administrator”.

(6) Section 21 of Chapter 4 is further amended by adding immediately after subsection (8) the following subsections:

(9) Notice of an order must be served personally on the operator or by mailing by registered mail or transmitting by electronic communication a notice to the address of the operator as noted on the operator’s application for a licence or permit pursuant to this Act or to another address provided by the operator for that purpose.

(10) A notice served in accordance with subsection (9) is served on the date of delivery by hand, five business days after the mailing of the notice or three days after the electronic transmission of the notice.

21 Subsection 22(1) of Chapter 4 is amended by striking out “commits an offence under this Act or the regulations” in the first and second lines and substituting “fails to comply with or otherwise contravenes this Act or the regulations, and a director or officer of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and upon summary conviction”.

22 Section 24 of Chapter 4 is amended by

(a) striking out “cancelled or forfeited” in the second line and substituting “suspended or revoked”;

(b) striking out “as is prescribed by the regulations or” in the fourth and fifth lines; and

(c) striking out “cancellation or forfeiture” in the fifth line and substituting “suspension or revocation”.

23 Subsection 25(1) of Chapter 4 is amended by striking out “accepted agricultural” in the third and fourth lines and substituting “normal farm”.

24 (1) Subsection 27(1) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

(2) Subsection 27(2) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

(3) Subsection 27(3) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

25 (1) Subsection 28(1) of Chapter 4 is repealed and the following subsection substituted:

(1) No person shall import fur-bearing animals into or export fur-bearing animals from a quarantined site, area or region without a permit issued by the Administrator.

(2) Subsection 28(2) of Chapter 4 is amended by striking out “Minister” in the first line and substituting “Administrator”.

26 (1) Subsection 29(1) of Chapter 4 is amended by striking out “Minister” in the last line and substituting “Administrator”.

(2) Subsection 29(2) of Chapter 4 is amended by

(a) striking out “Minister” in the second line of clause (a) and substituting “Administrator”; and

(b) striking out “Minster” in the first line of clause (b) and substituting “Administrator”.

27 Subsection 33(1) of Chapter 4 is repealed and the following subsections substituted:

(1) Unless exempted pursuant to the regulations, every operator of a fur farm on which there are prescribed animals shall develop and follow a management plan for the operation of the fur farm that includes provisions for minimizing water and soil contamination.

(1A) The Minister may designate an individual or a member of an organization or group of individuals with the qualifications required by the regulations as a designated professional for the purpose of subsection (2).

28 (1) Subsection 34(1) of Chapter 4 is amended by striking out “, soil and air by a designated professional” in the second and third lines and substituting “and soil by a person who is independent of the farm operation and has the training required by the regulations”.

(2) Subsection 34(2) of Chapter 4 is amended by striking out “requested by the Minister” in the second line and substituting “required by the regulations”.

29 Chapter 4 is further amended by adding immediately after Section 34 the following Section:

34A A permit issued pursuant to Section 190 of the *Agriculture and Marketing Act* that is subsisting and in force immediately before this Act comes into force is deemed to be a valid operating licence issued pursuant to Section 9 of this Act on the date this Act comes into force, is enforceable as such and continues in force until it would have expired under the *Agriculture and Marketing Act* but for this Act or until

it has been varied, suspended or revoked in accordance with this Act or the regulations.

30 Section 35 of Chapter 4 is repealed and the following Sections substituted:

35 (1) Subject to subsection (2), every operator of a fur farm that exists at the time of the coming into force of this Act shall

- (a) hold a valid operating licence; and
- (b) within three years of the coming into force of this Act, unless exempted pursuant to the regulations, meet the other requirements of this Act and the regulations.

(2) Where, at any time within three years of the coming into force of this Act, the Administrator determines that a fur farm to which subsection (1) applies

- (a) has an increase, as prescribed by the regulations, in its breeding females or breeding herd; and
- (b) the animals are prescribed animals,

the operator shall meet the requirements of this Act and the regulations within six months of being notified of the determination in accordance with this Section.

(3) Notice of the Administrator's determination pursuant to subsection (2) must be served personally on the holder of the operating licence or site approval permit or by mailing by registered mail or transmitting by electronic communication a notice to the address of the holder as noted on the application for the licence or permit or to another address provided by the holder for that purpose.

(4) A notice served in accordance with subsection (3) is served on the date of delivery by hand, five business days after the mailing of the notice or three days after the electronic transmission of the notice.

35A (1) Where a fur farm ceases to be in operation, the owner of the property shall ensure that

- (a) the property is cleaned of all waste; and
- (b) all structures used for the fur farm are
 - (i) removed, or
 - (ii) maintained in adequate condition to ensure that environmental and safety hazards are minimized,

to the satisfaction of the Administrator.

(2) Where the Administrator believes, on reasonable and probable grounds, that a property owner is failing to comply with subsection (1), the Administrator may determine that the fur farm has ceased to be in operation and issue an order requiring the property owner, at the property owner's expense, to comply with subsection (1).

(3) Sections 20A and 21 apply *mutatis mutandis* to an order issued pursuant to subsection (2).

35B No action lies for any act or omission of a person that occurs while that person is carrying out duties or exercising powers pursuant to this Act in good faith.

31 Subsection 36(1) of Chapter 4 is amended by

(a) adding immediately after clause (e) the following clause:

(ea) incorporating and adopting by reference, in whole or in part, a written standard, rule, regulation, code or document as it reads on a prescribed day or as it is amended from time to time;

(b) adding immediately after clause (k) the following clauses:

(ka) requiring the Administrator to publish the results of inspections pursuant to subsection 17(4);

(kb) prescribing the manner in which the results of inspections must be published;

(kc) prescribing information that must remain confidential notwithstanding the requirement to publish the results of inspections;

(c) striking out clause (n) and substituting the following clause:

(n) respecting the qualifications required by a designated professional;

(d) adding immediately after clause (q) the following clause:

(qa) designating a type of fur-bearing animal as a prescribed animal;

(e) adding immediately after clause (t) the following clauses:

(ta) providing for the exemption, including by the Administrator, of any person or any class of persons, fur farms, fur-bearing animals, activities, matters or things from the requirements of this Act or the regulations and prescribing the terms and conditions of the exemption;

(tb) respecting the training required by a person to monitor a fur farm for the purpose of Section 34;

(tc) prescribing the increase in an operator's breeding females or breeding herd or a method of determining such an increase for the purpose of subsection 35(2);

and

(f) striking out "by" in the first line of clause (u) and substituting "but".

32 Section 39 of Chapter 4 is amended by striking out "prevails" in the third line and substituting "or the regulations prevail".

33 Section 40 of Chapter 4 is repealed and the following Section substituted:

40 Sections 190 and 191 and subsections 194(2) and (3) of Chapter 6 of the Revised Statutes, 1989, the *Agriculture and Marketing Act*, are repealed.