

# BILL NO. 33

(as passed, with amendments)



*2nd Session, 58th General Assembly  
Nova Scotia  
50 Elizabeth II, 2001*

Government Bill

## Scalers Act

CHAPTER 11 OF THE ACTS OF 2001

The Honourable Ernest L. Fage  
Minister of Natural Resources

[First Reading](#): April 17, 2001

Second Reading: May 18, 2001

[Third Reading](#): May 29, 2001 (WITH COMMITTEE AMENDMENTS)

Royal Assent: June 1, 2001



**An Act Respecting the Scaling  
of Primary Wood Products**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Scalers Act*.

**2** In this Act,

- (a) "active scaling licence" means the status of a licence issued to a scaler who has attended the requisite scaling and refresher courses and passed the required examinations;
- (b) "Board" means the Board of Examiners appointed under this Act;
- (c) "Department" means the Department of Natural Resources;
- (d) "enforcement officer" means a person designated as a conservation officer under the *Crown Lands Act*, the *Forests Act* or the *Wildlife Act*, a regional, municipal or town police officer, a member of the Royal Canadian Mounted Police or a person designated under this Act;
- (e) "licence" means a licence issued under this Act;
- (f) "Minister" means the Minister of Natural Resources;
- (g) "primary wood products" means any commercially valuable raw material, consisting essentially of xylem, obtained from the stems or limbs of a felled or cut tree including, but not limited to, roundwood and woodchips;
- (h) "scale" means to measure or estimate the quantity, expressed as the volume, area, length, mass or number, of products obtained from trees after they are felled;
- (i) "scaler" means a person qualified to scale primary wood products who is licensed under this Act;
- (j) "scaling manual" means the manual prepared by the Supervisor of Scaling pursuant to this Act;
- (k) "stacked wood" means primary wood products measured collectively;
- (l) "Supervisor of Scaling" means the person appointed by the Minister to supervise scaling practices in the Province.

**3** The Minister may, in writing, delegate to any person a power or duty conferred or imposed on the Minister under this Act or the regulations.

**4 (1)** The Governor in Council may appoint a Board of Examiners consisting of four persons.

**(2)** One member of the Board shall be appointed from the sawmill sector of the forestry industry, one member from the pulpwood sector of the forest industry, one member from the small private land tenure sector who does not operate a sawmill or pulpmill and one member from the Department.

**(3)** The members of the Board from the sawmill sector and the pulpwood sector must be or represent registered buyers, as defined in the *Forests Act* and regulations.

**(4)** The member of the Board appointed from the Department is the Chair of the Board.

**(5)** The Board shall determine the qualifications of candidates for licences as scalers and shall perform such other duties as the Minister prescribes.

**(6)** The Chair and two other members of the Board constitute a quorum.

**(7)** The members of the Board shall be paid such remuneration and be reimbursed for such reasonable expenses as determined by the Governor in Council.

**(8)** The Supervisor of Scaling and one other employee of the Department, in addition to the Department member appointed as a member of the Board, shall act as advisers to the Board.

**5 (1)** The Minister shall appoint a person to be the Supervisor of Scaling.

**(2)** The Supervisor of Scaling shall

(a) ensure that scaling courses for new scalers and refresher courses for licensed scalers are held as required;

(b) set the standards for scaling course curricula and examinations;

(c) ensure that applications to attend courses and for licences are processed in an efficient manner;

(d) oversee and monitor all scaling examination processes to ensure standards are consistently adhered to;

(e) present examination results to the Board;

(f) develop and periodically publish mathematical factors to be used when converting the volume or mass of primary wood products from one common unit of measure to another;

(g) prepare the scaling manual required by this Act;

(h) monitor the accuracy of licensed scalers by periodically carrying out check scales of primary wood products scaled by licensed scalers in accordance with the general practices and procedures identified in the scaling manual; and

(i) perform such other duties as the Minister may from time to time prescribe.

**6** The Board shall sit at such places and on such days as determined by the Board for the purpose of considering examination results and shall make recommendations regarding the licensing of each individual candidate.

**7 (1)** The Minister shall issue to any person so recommended by the Board

(a) a stacked wood licence, which authorizes a scaler to scale primary wood products measured collectively, including making deductions;

(b) a log scaling licence, which authorizes a scaler to scale primary wood products measured individually; or

(c) a primary wood products scaling licence, which authorizes a scaler to scale all primary wood products.

**(2)** The Minister shall revoke the licence of any scaler who neglects or fails to comply with this Act or the regulations, upon the recommendation of the Board.

**(3)** A person is not required to have a licence to weigh primary wood products if no conversions, deductions or quality assessments are made on the weighed primary wood products.

**(4)** A person who holds a licence pursuant to Chapter 411 of the Revised Statutes, 1989, the *Scalers Act*, on the coming into force of this Act shall be granted a licence pursuant to subsection (1) to carry out the activities referred to in clauses (a), (b) and (c), whichever licence is equivalent to the licence held by that person on the coming into force of this Section.

**8 (1)** Subject to subsections (3) and (5), no person shall be employed as a scaler or act as a scaler unless that person holds an active scaling licence.

**(2)** An individual or organization involved in the scaling of primary wood products, other than the weighing only of those products, in quantities exceeding one thousand cubic metres per year shall use the services of a licensed scaler to scale those products.

**(3)** A scaling licence is not required

(a) if a person or organization is involved in the measurement of primary wood products in quantities less than one thousand cubic metres per year;

(b) to count or grade Christmas trees; or

(c) to fulfil the practical requirements of a novice scaler under the supervision of a licensed scaler.

**(4)** A scaler shall complete a refresher course every five years in order to retain a valid and active scaling licence.

**(5)** The Supervisor of Scaling may issue a special authorization to a person competent in scaling, authorizing that person to act as a scaler, but the special authorization is valid only until the first day of the next scheduled scaler licensing course.

**9 (1)** Subject to the approval of the Board, the Supervisor of Scaling shall prepare, and amend as required from time to time, in accordance with subsection (2), a scaling manual.

**(2)** The scaling manual may set out

(a) the qualifications necessary for each type of scaling licence;

(b) how examinations will be conducted, listing the pass requirements in written and practical scaling examinations and species identification;

(c) the terms and conditions of scaling licences;

(d) the acceptable units of measure;

(e) the duties of licensed scalers;

(f) scaling standards and procedures for the scaling of primary wood products in the Province;

(g) the mathematical factors to be used to convert the volume or mass of primary wood products from one common unit of measure to another common unit of measure;

(h) methods of settling scaling disputes;

(i) such other information as the Board deems pertinent to scaling.

**(3)** The scaling manual shall be published by the Department.

**(4)** Every scaler shall comply with the provisions of the scaling manual.

**10 (1)** The Minister may designate any person or class of persons having, in the opinion of the Minister, the qualifications and experience to act as enforcement officers to be enforcement officers for the purpose of this Act and the regulations.

**(2)** Enforcement officers are responsible for the enforcement of this Act and the regulations.

**(3)** An enforcement officer, in carrying out duties pursuant to this Act and the regulations, has and may exercise in any part of the Province all the powers, authorities and immunities of a peace officer as defined in the *Criminal Code* (Canada).

**(4)** The protection afforded by this Act and any other enactment to an enforcement officer extends to any other person

while and to the extent that that person is in the course of assisting an enforcement officer under the direction of an enforcement officer.

**11 (1)** A person who hinders, obstructs or interferes with a scaler in the discharge of the scaler's duties, is guilty of an offence.

**(2)** A person who contravenes this Act or the regulations is guilty of an offence.

**(3)** A person who is guilty of an offence contrary to this Act or the regulations is liable to the penalties provided for in the *Summary Proceedings Act*.

**12 (1)** The Governor in Council may make regulations

(a) authorizing the Board to exempt applicants from licensing requirements;

(b) authorizing the Minister to set the conditions for licensing;

(c) authorizing the Minister to prescribe the fees for each type of licence or examination;

(d) authorizing the Supervisor of Scaling and the Board to investigate and hear complaints regarding scalers or scales;

(e) authorizing the Minister to suspend or revoke a licence and set conditions for re-application for a licence;

(f) authorizing the Minister to require licensed scalers to keep books and records and to prepare returns as directed by the Minister;

(g) defining any word or expression used but not defined in this Act;

(h) respecting any matter the Governor in Council deems necessary or advisable to carry out effectively the intent and purpose of this Act.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**13** Chapter 411 of the Revised Statutes, 1989, the *Scalers Act*, is repealed.

**14** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

