

BILL NO. 113

(as passed)



*2nd Session, 58th General Assembly
Nova Scotia
51 Elizabeth II, 2002*

Government Bill

Agriculture Administration Amendment (2002) Act

CHAPTER 1 OF THE ACTS OF 2002

The Honourable Ernest L. Fage
Minister of Agriculture and Fisheries

[First Reading](#): April 8, 2002 (LINK TO BILL AS INTRODUCED)

Second Reading: May 7, 2002

[Third Reading](#): May 28, 2002

Royal Assent: May 30, 2002



**An Act Respecting
the Administration of Agriculture**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Agriculture Administration Amendment (2002) Act*.

PART I

FARM REGISTRATION ACT

2 (1) Subsection 3(1) of Chapter 3 of the Acts of 1994-95, the *Farm Registration Act*, is amended by

(a) striking out clause (a);

(b) striking out "Marketing" in the second line of clause (c) and substituting "Fisheries"; and

(c) striking out "Marketing" in the second line of clause (e) and substituting "Fisheries".

(2) Section 3 of Chapter 3 is further amended by adding immediately after subsection (2) the following subsection:

(2A) To be considered a general farm organization for the purpose of this Act, the organization must have at least the percentage of registered farm businesses as members as prescribed in the regulations, have geographic representation from across the Province as prescribed by the regulations and meet any additional criteria prescribed by the regulations.

(3) Subsection 3(3) of Chapter 3 is amended by striking out "Advisory" in the last line and substituting "Appeal".

3 Subsection 5(2) of Chapter 3 is amended by adding immediately after clause (a) the following clause:

(aa) prescribe the forms to be used for the purpose of this Act;

4 Section 6 of Chapter 3 is repealed.

5 Section 7 of Chapter 3 is amended by adding immediately after subsection (4) the following subsection:

(5) The Appeal Committee shall determine whether an organization meets the criteria for a general farm organization and, where the organization meets the criteria, the Appeal Committee shall, by order, designate the organization as a general farm organization for the purpose of this Act.

6 (1) Subsection 8(4) of Chapter 3 is repealed and the following subsections substituted:

(4) Upon payment of the annual fees pursuant to this Section, the Registrar shall forward the fees to the appropriate general farm organization along with the names, addresses, telephone numbers and registration numbers of the farm businesses or farm operations that paid the fees.

(4A) A farm business or farm operation referred to in subsection (1) or (2) may apply to the appropriate general farm organization for a refund of the annual fee paid pursuant to this Section.

(4B) Where a request for a refund is made pursuant to subsection (4A), the general farm organization shall, within thirty days, refund the fee that was collected to the farm business or farm operation, as the case may be.

(2) Section 8 of Chapter 3 is further amended by adding immediately after subsection (5) the following subsections:

(6) For the purpose of verifying information submitted to a general farm organization pursuant to this Section, the Registrar, or a person authorized by the Registrar, may

(a) at all reasonable times, inspect, examine, check or audit the books, records and inventory of a general farm organization; or

(b) enter upon and inspect any land, place or premises owned or occupied by a general farm organization.

(7) A general farm organization shall forward to the Registrar, on a date agreed to by the Registrar and the general farm organization, a report setting out the total number of refunds and the total dollar value of refunds made by the general farm organization for the period prescribed by the Registrar.

7 Section 9 of Chapter 3 is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) For greater certainty, any personal information provided to a general farm organization pursuant to subsection 8(4) shall be kept confidential and shall not be disclosed to any person, except as may be necessary for the performance of the general farm organization's duties under Section 8.

8 Clause 12(1)(b) of Chapter 3 is repealed and the following clauses substituted:

(b) subject to subsection 3(2A), prescribing the criteria for a general farm organization;

(ba) prescribing the percentage for the purpose of subsection 3(2A);

PART II

FENCES AND DETENTION OF STRAY LIVESTOCK ACT

9 Clauses 2(b) and (c) of Chapter 166 of the Revised Statutes, 1989, the *Fences and Detention of Stray Livestock Act*, are repealed and the following clauses substituted:

(b) "livestock" means cattle, sheep, swine, goats, horses, ponies, mules, ratites, farmed deer and game farm animals and any other livestock designated by the Minister;

(c) "livestock farm" means that portion of land used for livestock, including land used for grazing purposes;

(ca) "Minister" means the Minister of Agriculture and Fisheries;

10 Section 3 of Chapter 166 is amended by striking out "of Agriculture and Marketing" in the fourth and fifth lines.

11 Section 4 of Chapter 166 is repealed and the following Section substituted:

4 (1) There shall be established for each municipality a committee to be known as the fences arbitration committee consisting of one member for each municipality appointed by the Nova Scotia Federation of Agriculture and one member appointed by the council of the municipality.

(2) The member appointed by the council of a municipality pursuant to subsection (1) may be an employee of the municipality and shall be the chair of the committee.

(3) The Nova Scotia Federation of Agriculture and the council of the municipality shall each appoint an alternate member to serve on the committee when requested to do so by the member appointed by the council of the municipality or the Nova Scotia Federation of Agriculture, as the case may be.

(4) Two members of the committee constitute a quorum.

(5) The members of a committee hold office for a term of not more than four years.

(6) The members of a committee and the alternate members of the committee appointed pursuant to this Section may be paid remuneration, including reasonable expenses, by the municipality at such rates as the municipality may determine.

(7) Members of the committee and alternate members of the committee appointed pursuant to this Section shall be residents of the municipality for which the committee is established.

12 Section 6 of Chapter 166 is repealed and the following Section substituted:

6 (1) A person who believes that an owner of a livestock farm has not complied with or is not complying with subsection 5(1), and where the person has complied with subsection 5(2), where applicable, or any owner of a livestock farm who is unable to reach an agreement with an owner of an adjoining livestock farm pursuant to subsection 5(3) may notify, in writing, the clerk of the municipality in which the land is located and the notification shall be accompanied by the fee determined by the municipality.

(2) When a clerk of a municipality receives a notification in writing pursuant to subsection (1), the clerk shall immediately refer the matter to the chair of the committee for that municipality who shall, within seven days, convene the committee and provide an opportunity for any of the parties to make representations to the committee, unless, before the expiry of seven days, the chair is satisfied that in respect of the matter referred to the committee this Act has been or is being complied with or an agreement has been reached between the parties.

(3) With respect to a matter referred to a committee under this Section, the committee may, by order,

(a) determine the location, height and materials of construction of any fence;

(b) determine the manner of maintenance of a fence;

(c) direct the owner of a farm to construct or maintain any fence in accordance with this Act;

(d) determine the proportion of costs of building and maintaining any fences and common boundaries to be borne by each of the adjoining livestock farm owners pursuant to this Act;

(e) take any immediate action necessary including, but not limited to, the removal and boarding of livestock if it is determined there is a risk to the public, the livestock or property.

(4) Livestock removed pursuant to clause (3)(e) shall be returned only after the proper fences are constructed or maintained to the standard determined by the committee.

(5) Where any person fails to construct or maintain a fence or contribute to the costs of a fence after having been directed to do so by an order of the committee pursuant to this Section, the committee may cause the work so ordered to be done and, for that purpose, its agents and workers may enter upon any land and the costs shall be paid by the municipality in which the lands in respect of which the order was made are located and, where the person is the person assessed for the property on which the work is done, the costs paid by the municipality are a first lien on the property and may be collected in the same manner as municipal taxes.

(6) The costs incurred by a municipality with respect to any action taken pursuant to clause (3)(e) or subsections (4) or (5), including, but not limited to, the costs of constructing or maintaining fences performed by the municipality or its agents, the removal, boarding, sale of or returning of any livestock, may be recovered from the owner of the livestock by action initiated by the municipality in a court of law.

13 Section 7 of Chapter 166 is amended by striking out "Nothing" in the first line and substituting "Subject to the lien referred to in subsection 6(5), nothing".

14 Section 8 of Chapter 166 is repealed and the following Section substituted:

8 Every person aggrieved by a decision of the committee made pursuant to subsections 6(3), (4) or (5) or any order or direction made by the committee may appeal to the Supreme Court of Nova Scotia and the decision of the court is final.

15 (1) Subsection 10(2) of Chapter 166 is amended by striking out "under the hand of two or more of its members" in the third line.

(2) Subsection 10(5) of Chapter 166 is amended by striking out "either" in the third and fourth lines and substituting "any".

(3) Subsection 10(6) of Chapter 166 is amended by striking out "twenty-five" in the last line and substituting "one hundred".

16 The heading immediately preceding Section 16 and Sections 16 to 18 of Chapter 166 are repealed.

17 Section 19 of Chapter 166 is amended by striking out "of Agriculture and Marketing" in the last line.

18 Section 20 of Chapter 166 is amended by striking out "and the *Stray Animals Act* shall" in the first and second lines and substituting "does".

PART III

NATURAL PRODUCTS ACT

19 Section 2 of Chapter 308 of the Revised Statutes, 1989, the *Natural Products Act*, is amended by

(a) striking out "Marketing" in the second line of clause (e) and substituting "Fisheries"; and

(b) repealing clause (f) and substituting the following clause:

(f) "natural product" includes any one or more of

(i) animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey and articles of food or drink manufactured or derived in whole or in part from any such product, and

(ii) any other product designated as a natural product in regulations made by the Governor in Council;

20 Subsection 3(2) of Chapter 308 is amended by striking out "during pleasure" in the third and fourth lines and substituting "for a term of up to five years and may be re-appointed".

21 Section 5 of Chapter 308 is repealed and the following Section substituted:

5 (1) There shall be appointed in accordance with the *Civil Service Act* such officers, staff and employees as may be required for the proper conduct, management and operation of the Council.

(2) The Council may engage persons to provide professional, technical or other assistance to or on behalf of the Council.

(3) The Council may engage or appoint persons as inspectors to inspect the books, records and premises of persons engaged in the production or marketing of an agricultural product.

22 (1) Clause 6(1)(a) of Chapter 308 is repealed and the following clause substituted:

(a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle

(i) any dispute between any two or more producers, distributors or transporters of natural products, or

(ii) any dispute between producers, distributors or transporters of natural products as classes of persons;

(2) Section 6 of Chapter 308 is further amended by adding immediately after subsection (4) the following subsections:

(5) The Council, each commodity board and each member of the Council or a commodity board have, for the purposes of this Act, all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

(6) No member of the Council or a commodity board is liable for any actions or decisions made in good faith in carrying out duties or responsibilities as a member of the Council or the commodity board.

23 Subsection 8(5) of Chapter 308 is amended by

(a) striking out "notify" in the fourth line and substituting "give written notice to"; and

(b) striking out "products by prepaid telegram, letter or otherwise, that the same is being detained in storage or otherwise, as the case may be" in the fifth, sixth and seventh lines and substituting "things that the products or things are detained".

24 Chapter 308 is further amended by adding immediately after Section 8 the following Section:

8A Subject to the approval of the Governor in Council, the Council may make regulations regulating, controlling or prohibiting the transfer or sale of quota outside of the Province.

25 Subsection 9(1) of Chapter 308 is amended by

(a) striking out "Subject to the approval of the Governor in Council, the" in the first and second lines and substituting "The";

(b) adding immediately after clause (h) the following clause:

(ha) respecting licence fees, levies or charges payable under plans or regulations and providing ranges for such licence fees, levies or charges within which the Council or a commodity board may fix the licence fees, levies or charges payable pursuant to the plans or regulations;

and

(c) repealing clause (j).

26 Section 13 of Chapter 308 is amended by striking out "liable to a penalty not exceeding five hundred dollars and in default of payment to a term of imprisonment for a period not exceeding fifty days" in the third, fourth, fifth and sixth lines and substituting "guilty of an offence and liable on summary conviction to the penalty provided for in the *Summary Proceedings Act*".

27 Chapter 308 is further amended by adding immediately after Section 17 the following Sections:

18 The Governor in Council may make regulations

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

(b) considered necessary or advisable to carry out effectively the intent and purpose of this Act.

19 The exercise of the authority contained in Section 6, subsection 8(4), subsection 9(1) or Sections 17 or 18 is regulations within the meaning of the *Regulations Act*.



This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2002 Crown in right of Nova Scotia. Updated May 31, 2002. Send comments to legc.office@gov.ns.ca.