



BILL NO. 119

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
53 Elizabeth II, 2004*

An Act Respecting the Administration of Agriculture

CHAPTER 24
ACTS OF 2004

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 18, 2004**

The Honourable Chris A. d'Entremont
Minister of Agriculture and Fisheries

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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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 (2004) Act*.

PART I

AGRICULTURE AND MARKETING ACT

2 Chapter 6 of the Revised Statutes, 1989, the *Agriculture and Marketing Act*, is amended by adding immediately after Section 4 the following Section:

- 4A** The Minister may
- (a) establish an advisory committee to advise the Minister on
 - (i) the content and administration of this Act, and
 - (ii) any policy, program, standard, guideline or other matter under the administration of the Minister;
 - (b) include a representative from the Nova Scotia Federation of Agriculture on an advisory committee; and
 - (c) provide for the remuneration of and payment of expenses of members of the advisory committee who are not in the public service.

- 3 (1) Subsection 7(1) of Chapter 6 is amended by**
- (a) striking out “Governor in Council” in the first line and substituting “Minister”;
 - (b) adding “in the public service” immediately after “person” in the second line; and
 - (c) striking out “, who shall hold office during pleasure and shall receive such salary as the Governor in Council determines” in the third and fourth lines.
- (2) Subsection 7(2) of Chapter 6 is amended by**
- (a) striking out “shall” in the first line and substituting “may”; and
 - (b) striking out “Governor in Council” in the second line of clause (g) and substituting “Minister”.

4 (1) Subsection 12(1) of Chapter 6 is amended by striking out “between the first day of October and the thirty-first day of October of each year” in the second and third lines and substituting “in accordance with the by-laws of the society”.

(2) Subsection 12(2) of Chapter 6 is amended by striking out “secretary-treasurer and not more than five directors” in the second line and substituting “secretary and such other officers and directors as may be required for the proper conduct, management and operation of the society”.

(3) Subsection 12(3) of Chapter 6 is repealed and the following subsection substituted:

(3) The quorum for a meeting shall be as prescribed by the by-laws of the society.

5 Subsection 14(3) of Chapter 6 is repealed and the following subsection substituted:

(3) The quorum at special meetings shall be as prescribed by the by-laws of the society.

6 Subsection 15(1) of Chapter 6 is amended by striking out “Governor in Council” in the second line and substituting “Minister”.

7 (1) Subsection 16(1) of Chapter 6 is amended by striking out “not later than the fifteenth day of November of the year in which the meeting is held” in the last two lines and substituting “within thirty days following the annual meeting held in accordance with subsection (1) of Section 12”.

(2) Section 16 of Chapter 6 is further amended by adding immediately after subsection (1) the following subsections:

(1A) Notwithstanding subsection (1), the officers and directors may, subject to the approval of the Minister, provide, for the preceding year, in place of the audited report and statement referred to in subsection (1),

(a) a report of the proceedings of the society stating the names of the members of the society and the amount paid by each;

(b) a statement in the form of a balance sheet of its liabilities and assets signed by two officers; and

(c) a statement of its income and expenditures signed by two officers.

(1B) The officers and directors shall enter the report and statements referred to in subsection (1A) in the journal of the society and a true copy, verified by the oath of the president or secretary, shall be sent to the Superintendent within thirty days following the annual meeting held in accordance with subsection (1) of Section 12.

(3) Subsection 16(2) of Chapter 6 is amended by striking out “its claim to any share of the Provincial grant to societies for the year then ended” in the second and third lines and substituting “any claim to participate in any grant or sum appropriated by the Legislature for the benefit of agriculture”.

- 8 Section 21 of Chapter 6 is repealed.**
- 9 Section 161 of Chapter 6 is amended by striking out “and Farm” in the first line.**
- 10 Section 162 of Chapter 6 is repealed and the following Section substituted:**
- 162 The mandate of the College shall be
- (a) to
 - (i) provide theoretical and practical education, and
 - (ii) conduct research,
 respecting agriculture, horticulture and arboriculture and such other subject areas as are approved by the Minister; and
 - (b) to be of service to the agricultural community.
- 11 Sections 163 and 164 of Chapter 6 are repealed and the following Sections substituted:**
- 163 The Governor in Council may make regulations
- (a) authorizing the College to confer degrees in any faculty that may be specified;
 - (b) authorizing the College to enter into an agreement with any university, college, school or other institution of higher learning respecting co-operation in the exercise of any right, power, privilege or function of a university, including the conferring of degrees in any faculty;
 - (c) authorizing the name or any change of name of the College.
- 164 The Minister shall establish such rules, policies, programs, standards, guidelines, directives and approval processes as are necessary for the proper administration and operation of the College and in order to fulfil its mandate, including, but not limited to,
- (a) approving subject areas for education and research;
 - (b) providing for the standard and method of admission to the College, a course of study and apprenticeship in each subject area in which instruction is given;
 - (c) authorizing diplomas, certificates of proficiency, scholarships or other awards to be given after examination in any subject area in which instruction is given;
 - (d) imposing reasonable fees for attendance; and
 - (e) setting out the requirements and conditions with which a person must comply in order to successfully complete any educational program offered by the College.
- 164A The Minister, or the Minister’s designate, may enter into an agreement with any federal, provincial or municipal government or any agency of them, or with any person, for any purpose under this Part or regulations made under this Part.

12 Sections 176 to 183 of Chapter 6 are repealed and the following Section substituted:

176 The Minister may

(a) appoint an advisory committee to advise the Minister with respect to policies and agreements in relation to the use and management of community pastures; and

(b) provide for the remuneration of and payment of expenses of members of the advisory committee who are not in the public service.

PART II

AGRICULTURE AND RURAL CREDIT ACT

13 (1) Section 7 of Chapter 7 of the Revised Statutes, 1989, the *Agriculture and Rural Credit Act*, is amended by

(a) adding “, lease” immediately after “hold” in the first line of clause (b);

(b) adding “or an interest in farms or buildings” immediately after “buildings” in the second line of clause (b);

(c) adding “, lease” immediately after “hold” in the first line of clause (c);

(d) adding “, lease” immediately after “hold” in the first line of clause (d);

(e) adding “or interest therein” immediately after equipment in clause (d);

(f) by adding “or interest therein” immediately after “equipment” in the second line of clause (d); and

(g) by adding “or interest therein” immediately after Board in the third line of clause (e).

(2) Subsection (1) has effect on and after April 1, 1967.

14 Clause 8(c) of Chapter 7 is amended by

(a) adding “, including agricultural land or an interest therein,” immediately after “Board” in the second line; and

(b) adding “, leased” immediately after “sold” in the second line.

PART III

ASSESSMENT ACT

15 Clause 5(1)(l) of Chapter 23 of the Revised Statutes, 1989, the *Assessment Act*, is amended by striking out “10” in the second line and substituting “9”.

PART IV

COLD STORAGE PLANTS LOAN ACT

16 Chapter 75 of the Revised Statutes, 1989, the *Cold Storage Plants Loan Act*, is repealed.

PART V

CROP AND LIVESTOCK INSURANCE ACT

17 Section 2 of Chapter 113 of the Revised Statutes, 1989, the *Crop and Livestock Insurance Act*, is amended by

(a) striking out clause (d) and substituting the following clause:

(d) “insurable crop” means an agricultural product or plant designated as insurable by the regulations;

(b) striking out “a” in the first line of clause (e) and substituting “any”;

(c) adding “or livestock product” immediately after “livestock” the first time it appears in the second line of clause (e); and

(d) striking out “Marketing” in the second line of clause (f) and substituting “Fisheries”.

18 Section 5 of Chapter 113 is amended by adding immediately after clause (f) the following clauses:

(fa) provide any form that is necessary to administer an insurance plan;

(fb) subject to clause 6(1)(b), calculate and approve premium rates, unit prices, coverage levels and benefit levels for insurance plans established under the regulations;

19 (1) Subsection 6(1) of Chapter 113 is amended by

(a) striking out clauses (b), (c) and (d) and substituting the following clauses:

(b) respecting the manner in which base premium rates, unit prices, coverage levels and benefit levels for a plan are set by the Commission including

(i) a method for setting premium rates that is approved by an actuary,

(ii) coverage levels based on a statistical assessment of risk, and

(iii) maximum unit price options and benefit levels based on farmgate values, replacement values or cost of production;

(c) providing for the payment and collection of premiums in respect of any plan;

(d) prescribing the contract of insurance form and its use and requiring any information given in a form to be verified by statutory declaration;

and

(b) striking out clause (f) and substituting the following clause:

(f) requiring applicants for crop or livestock insurance and insured persons to furnish such information, statements and reports as are necessary to administer an insurance plan;

(2) Subsection 6(2) of Chapter 113 is amended by striking out “species of” in the second line.

20 Subsection 7(1) of Chapter 113 is amended by

(a) striking out “crop” in the first line of clause (a) and substituting “product or plant”; and

(b) adding “or livestock product” immediately after “livestock” in the first line of clause (b).

21 Subsection 8(9) of Chapter 113 is amended by striking out “Commissison” in the first line and substituting “Commission”.

22 Premium rates, unit prices and benefit levels set out in a contract of insurance under the *Crop and Livestock Insurance Act* that is in effect on the day on which this Part comes into force remain in effect for the remainder of the crop insurance year or livestock year set out in the contract of insurance.

PART VI

FARM REGISTRATION ACT

23 (1) Subsection 5(2) of Chapter 3 of the Acts of 1994-95, the *Farm Registration Act*, as amended by Chapter 1 of the Acts of 2002, is further amended by adding immediately after clause (c) the following clauses:

(ca) determine whether an organization meets the criteria for a general farm organization;

(cb) where the organization meets the criteria referred to in clause (ca), by order designate the organization as a general farm organization for the purpose of this Act;

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

(3) Where the Minister approves, the Registrar of Farms may delegate the Registrar's duties under subsection (2).

24 Subsection 7(5) of Chapter 3 is repealed.

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