



BILL NO. 6

Government Bill

*1st Session, 65th General Assembly
Nova Scotia
3 Charles III, 2025*

An Act Respecting Agriculture, Energy and Natural Resources

CHAPTER 4
ACTS OF 2025

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MARCH 26, 2025**

The Honourable Tory Rushton
Minister of Natural Resources

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

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An Act Respecting Agriculture, Energy and Natural Resources

Be it enacted by the Governor and Assembly as follows:

PART I

AGRICULTURAL WEED CONTROL ACT

1 Schedule A, the *Agricultural Weed Control Act*, comes into force as provided in that Schedule.

PART II

AGROLOGISTS ACT

2 Schedule B, the *Agrologists Act*, comes into force as provided in that Schedule.

PART III

PETROLEUM RESOURCES ACT

3 Chapter 54 of the Acts of 2014, *An Act to Amend Chapter 342 of the Revised Statutes, 1989, the Petroleum Resources Act*, is repealed.

4 Chapter 342 of the Revised Statutes, 1989, the *Petroleum Resources Act*, is amended by adding immediately after Section 1 the following Section:

1A The purpose of this Act is to support and facilitate safe and responsible onshore petroleum-resources management consistent with sustainable development while recognizing the goals of

- (a) providing a framework for efficient and effective petroleum rights administration;
- (b) encouraging and facilitating petroleum exploration, development and production;
- (c) ensuring an effective regulatory framework for all stages of petroleum exploration and production including
 - (i) geophysical exploration,
 - (ii) well drilling and construction,
 - (iii) completion activities such as hydraulic fracturing and gas injection,
 - (iv) production, and

- (v) decommissioning and abandonment;
- (d) providing a fair royalty regime; and
- (e) improving and ensuring the retention of the knowledge of petroleum resources in the Province for the future benefit of the Province.

5 Section 2 of Chapter 342, as amended by Chapter 12 of the Acts of 2000, is further amended by

- (a) striking out clause (b) and substituting the following clause:**
 - (b) “Department” means the Department of Energy;
- (b) striking out clause (d) and substituting the following clause:**
 - (d) “Minister” means the Minister of Energy;
- (c) striking out “Her Majesty” in clause (g) and substituting “the Crown”; and**
- (d) adding immediately after clause (g) the following clause:**
 - (ga) “Registrar” means the Registrar appointed under the *Mineral Resources Act*.

6 Subsection 3(2) of Chapter 342 is amended by striking out “he” and substituting “the Minister”.

7 Section 4 of Chapter 342 is repealed and the following Section substituted:

4 The Minister may create and administer an orphan well fund in accordance with the regulations.

8 Subsection 5(2) of Chapter 342 is amended by striking out “him” and “he” and substituting “the Minister” in each case.

9 Section 6 of Chapter 342 is amended by striking out “The Registrar and all” and substituting “All”.

10 Section 11 of Chapter 342 is amended by adding “(1)” immediately after the Section number and adding the following subsection:

(2) For greater certainty, no person shall undertake any drilling or well-completion activities, including hydraulic fracturing, unless authorized by this Act or the regulations.

11 (1) Clause 15(2)(a) of Chapter 342 is amended by striking out “he” and substituting “the holder”.

(2) Subsection 15(4) of Chapter 342 is amended by striking out “his” and substituting “the holder’s”.

12 Subsection 16(1) of Chapter 342 is amended by striking out “he” and substituting “that person”.

13 Section 18 of Chapter 342 is amended by striking out “his” and substituting “the Minister’s”.

14 Subsection 19(1) of Chapter 342 is amended by striking out “his” and substituting “the Minister’s”.

15 Section 21 of Chapter 342 is amended by

- (a) striking out “he” wherever it appears and substituting “the Minister” in each case; and
- (b) striking out “his” in clause (6)(c) and substituting “the”.

16 Subsection 24(3) of Chapter 342 is amended by striking out “he” and substituting “the Minister”.

17 Subsection 27(1) of Chapter 342, as amended by Chapter 12 of the Acts of 2000, is further amended by

(a) relettering clause (a) as (aaa) and adding immediately before clause (aaa), as relettered, the following clause:

(a) respecting the creation and administration of an orphan well fund;

(b) adding immediately after clause (aaa), as relettered, the following clause:

(aab) respecting drilling or well-completion activities, including hydraulic fracturing;

(c) striking out “Directorate” in clause (r) and substituting “Department”;

(d) adding “other” immediately after “any” in clause (r);

(e) striking out “Directorate” in clause (zb) and substituting “Department”;
and

(f) adding “decommissioning” immediately after “maintenance” in clause (zg).

18 Section 29 of Chapter 342 is amended by

- (a) striking out “his” and substituting “the accused’s”; and
- (b) striking out “he” and substituting “the accused”.

19 Subsection 5(1) of Chapter 37 of the Acts of 2001, the *Subsurface Energy Storage Act*, is repealed and the following subsection substituted:

(1) The Registrar appointed under the *Mineral Resources Act* shall serve as Registrar under this Act.

PART IV

PUBLIC UTILITIES ACT

20 Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, is amended by adding immediately after Section 79I the following Section:

79J (1) Notwithstanding clause 79I(2)(a), the demand-side management purchase agreement approved by the Board to the end of the 2025 calendar year is extended to include the 2026 calendar year.

(2) The amount payable under the one-year extension is \$63,750,000.

(3) The franchise holder shall submit its targets for the one-year extension to the Board for approval in sufficient time to allow for the Board to approve the extension plans prior to January 1, 2026.

(4) For greater certainty, the next demand-side management purchase agreement begins on January 1, 2027, and the franchise holder must file the new five-year agreement for Board approval in sufficient time to allow for the Board to approve the agreement prior to January 1, 2027.

PART V

URANIUM EXPLORATION AND MINING PROHIBITION ACT

21 Chapter 6 of the Acts of 2009, the *Uranium Exploration and Mining Prohibition Act*, is repealed.

SCHEDULE A

**An Act Respecting
Agricultural Weed Control**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Agricultural Weed Control Act*.

2 In this Act,

“Chief Inspector” means the Chief Inspector appointed under this Act;

“contaminated material” means any material or substance, including farm equipment, that has been or may have been exposed to a noxious weed;

“Federation” means the Nova Scotia Federation of Agriculture;

“Minister” means the Minister of Agriculture;

“municipality” means a municipality as defined in the *Municipal Government Act*;

“noxious weed” means a plant, including its seeds, designated as a noxious weed under this Act;

“occupier” means a person who

- (a) leases land from its owner;
- (b) is in physical possession of land; or

(c) has responsibility for and control over the condition of land, the activities conducted on land or the persons allowed to enter land,

but does not include the Nova Scotia Farm Loan Board;

“owner” means a person who holds title to land in fee simple, as shown on the last revised assessment roll of the municipality in which the land is located, but does not include the Nova Scotia Farm Loan Board;

“responsible person” means

- (a) the owner or occupier of land on which a noxious weed is present or may occur;
- (b) a successor, assignee, executor, administrator, receiver, receiver manager or trustee of a person referred to in clause (a); or
- (c) a person who acts as the principal or agent of a person referred to in clause (a) or (b).

3 This Act and the regulations bind the Crown in right of the Province in respect to public highways to which the *Public Highways Act* applies.

4 For the purpose of the administration and enforcement of this Act, the Minister may

- (a) establish and administer policies, programs and guidelines pertaining to the control of noxious weeds;
- (b) consult with and coordinate the work and efforts of other departments and agencies of the Government respecting any matter relating to the control of noxious weeds;
- (c) enter into agreements with the Government of Canada, the government of any other province of Canada or any other person on matters relating to the control of noxious weeds;
- (d) develop scientific databases to assist in the control of noxious weeds;
- (e) gather, compile, publish and disseminate information, including statistical data, relating to the control of noxious weeds;
- (f) establish and assist with demonstration programs that are consistent with the intent of this Act;
- (g) convene conferences and conduct seminars and educational programs relating to the control of noxious weeds;
- (h) give financial assistance to any person, group, society or association for purposes relating to the control of noxious weeds;
- (i) consult with agricultural representatives and other relevant experts as necessary; and
- (j) prescribe forms.

5 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.

6 (1) The Minister may designate, in respect of all or any part of the Province, any plant that may negatively impact agricultural activities as a noxious weed.

(2) The Federation may recommend to the Minister any plant for review for designation as a noxious weed.

(3) Any person may apply to the Chief Inspector, in writing, to have the Chief Inspector recommend to the Minister any plant for review for designation as a noxious weed.

(4) Where an application is made under subsection (3), the Chief Inspector may consult with the Federation before making a recommendation to the Minister.

(5) The Minister may require a recommendation to include information outlined in a form prescribed by the Minister.

7 (1) The Minister may appoint a Chief Inspector and inspectors for the enforcement of this Act.

(2) The Chief Inspector has the general supervision and direction of all inspectors appointed under this Act.

(3) Where a person appointed under subsection (1) is not an employee of the Department of Agriculture, the Minister shall, before making the appointment, consult with and obtain the consent of the person or, where applicable, the employer of the person.

(4) An appointment under subsection (1) may direct that the authority of the inspector be exercised subject to any terms and conditions that the Minister prescribes in the appointment, including limitations on the scope of the appointment.

8 (1) An inspector may enter upon any land or premises, other than a private dwelling, for the purpose of determining compliance with this Act or the regulations.

(2) An inspector may, while carrying out duties under this Act or the regulations, enter on or pass over any land or water, whether enclosed or not, without being liable for trespass and without the owner of the land having the right to object.

(3) An inspector may post signs, in such form as the Minister determines, on, around or adjacent to any land to identify the presence of a noxious weed.

(4) For the purpose of subsection (3), signage must be posted so that it is clearly visible in the daylight under normal conditions from the approach to each usual point of access to the land to which it applies.

(5) An inspector may take samples or photographs or conduct any test as required.

(6) An inspector, in carrying out any duties or exercising any powers under this Act or the regulations, may seek the aid of and be accompanied by one or more persons considered by the inspector to be necessary to enable the inspector to carry out those duties and exercise those powers, including

- (a) peace officers;
- (b) persons in the Civil Service as defined in the *Civil Service Act*;
- (c) agricultural representatives; and
- (d) other relevant experts.

(7) An inspector, in carrying out duties under this Act or 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).

9 (1) No person shall plant a noxious weed or deposit or permit to be deposited any noxious weed in any place where the noxious weed might grow or spread.

(2) No person shall sell, offer for sale, barter, trade or give away a noxious weed.

10 (1) At the responsible person's cost, the responsible person shall treat, destroy and dispose of noxious weeds as often and at such times as necessary to control the noxious weeds.

(2) Where the Nova Scotia Farm Loan Board is the owner of land under an agreement of sale, the occupier of the land is responsible for treating, destroying and disposing of noxious weeds at the occupier's cost.

11 (1) Where an inspector finds a noxious weed on any land and the responsible person can be located, the inspector shall confer with the responsible person as to a satisfactory method of destroying the noxious weed.

(2) Where, after conferring with the responsible person, prompt effective action is not taken by the responsible person, the inspector may issue an order in the form prescribed by the Minister requiring the responsible person to destroy the noxious weed, at the expense of the responsible person, within the period of time specified in the order, which may not be less than seven days after the person named in the order has been served with a copy of the order.

12 Where an inspector finds a noxious weed on any land and the responsible person cannot be located, the inspector may issue an order in the form prescribed by the Minister requiring the responsible person to destroy the noxious weed, at the expense of the responsible person, within the period of time specified in the order, which may not be less than seven days after the person named in the order has been served with a copy of the order.

13 (1) Where an inspector finds a noxious weed on any land, the inspector may, to effectively destroy the noxious weed, issue an order in the form prescribed by the Minister prohibiting the responsible person from sowing a crop of any kind on the land.

(2) An order issued under subsection (1) ceases to have effect three years after the date it is issued, unless it is sooner rescinded by the inspector.

14 (1) No person shall move or transfer contaminated material from land where a noxious weed is found until the contaminated material has been treated, at the responsible person's cost, in a manner that reduces or eliminates the risk of the noxious weed from the contaminated material spreading.

(2) Where an inspector finds a noxious weed on any land, the inspector may issue an order in the form prescribed by the Minister to the responsible person directing that contaminated material be treated, destroyed or disposed of in a manner determined by the inspector that reduces or eliminates the risk of the noxious weed from the contaminated material spreading.

(3) An inspector may issue an order in the form prescribed by the Minister to the responsible person to prohibit the movement of contaminated material until the requirements of this Act and the regulations have been met.

(4) No person shall sell, offer for sale, barter, trade or give away contaminated material unless the contaminated material has first been treated, in accordance with the regulations, to the extent that all noxious weeds are destroyed or prevented from growing or spreading.

15 (1) An order issued by the inspector may be served by leaving a copy with an adult person at, or by sending a copy by registered post addressed to, the usual place of residence of the person named in the order.

(2) Where the responsible person is unknown or cannot be located, an order is deemed to have been served by posting it in a conspicuous place on the land to which the order relates.

16 A responsible person to whom an inspector's order has been directed may appeal the order, within 10 business days after the order is served, by sending a notice setting out the reasons for the appeal by registered post to the Chief Inspector who may confirm, vary or rescind the order.

17 (1) Where a responsible person fails or refuses to comply with an inspector's order, the inspector may cause any noxious weed to be destroyed in the manner determined by the inspector.

(2) An inspector shall keep a record of the expenses incurred in the discharge of duties under subsection (1) with respect to each parcel of land inspected.

(3) A responsible person who has failed or refused to comply with an inspector's order is liable for payment of the inspector's expenses in the discharge of duties under subsection (1).

(4) A statement of expenses must be served on the responsible person in the same manner as an order issued by the inspector.

(5) The responsible person on whom a statement of expenses is served may, within 10 business days after the statement is served, appeal the amount of the expenses to the Chief Inspector who may confirm or vary the statement.

(6) Where a responsible person fails or refuses to pay

(a) the amount set out in the statement of expenses within 15 days after request for payment has been made; or

(b) in the event of an appeal, the amount determined on appeal to be payable within 15 days after disposition of the appeal,

the amount may be recovered as a debt due from the responsible person by action brought in the name of the Minister in any court of competent jurisdiction.

18 No person shall

(a) hinder or obstruct an inspector carrying out duties under this Act or the regulations;

- (b) furnish an inspector with false information;
- (c) refuse to furnish an inspector with information; or
- (d) without legal justification, whether conferred by an enactment or otherwise, remove a sign or notice posted by an inspector.

19 (1) Every person who contravenes this Act, the regulations or any order made under this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$500 for a first offence and not less than \$500 for a second or subsequent offence.

(2) Every day during which a contravention continues is a separate offence.

(3) The *Summary Proceedings Act* and forms authorized thereunder apply to all prosecutions and proceedings under this Act and the regulations as far as they are applicable and not inconsistent with this Act and the regulations.

20 (1) The Minister may make regulations

- (a) prescribing forms;
- (b) designating noxious weeds;
- (c) respecting the process for designating noxious weeds;
- (d) designating an area of the Province to which the designation of a noxious weed applies;
- (e) respecting signage;
- (f) designating treatment methods to prevent the growth or spread of noxious weeds;
- (g) designating treatment methods for contaminated material;
- (h) for any other purpose the Minister deems necessary to carry out the functions of this Act.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

21 (1) The Governor in Council may make regulations

- (a) respecting inspections and the authority of inspectors;
- (b) prescribing methods and procedures to prevent the establishment of any noxious weed;
- (c) prescribing methods and procedures for the destruction of noxious weeds;
- (d) regulating or prohibiting the movement of contaminated material;
- (e) respecting the process for appeals;
- (f) further defining any word or expression defined in this Act;
- (g) defining any word or expression used but not defined in this Act;
- (h) respecting any other matter 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 a regulation within the meaning of the *Regulations Act*.

22 Chapter 501 of the Revised Statutes, 1989, the *Agricultural Weed Control Act*, is repealed.

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

SCHEDULE B

An Act Respecting the Practice of Agrology

Be it enacted by the Governor and Assembly as follows:

- 1** This Act may be cited as the *Agrologists Act*.

INTERPRETATION

- 2** In this Act,
- “bylaw” means a bylaw of the Council;
 - “Council” means the Council of the Institute;
 - “former Act” means Chapter 8 of the Revised Statutes, 1989, the *Agrologists Act*;
 - “Institute” means the Nova Scotia Institute of Agrologists;
 - “licensed agrologist” means a person licensed by the Institute to practise agrology;
 - “Minister” means the Minister of Agriculture;
 - “practice of agrology” means the practice of, for gain or hope of reward, investigating, experimenting with, teaching or providing knowledge or advice on the application of scientific and management principles to agriculture and its associated natural resources;
 - “register” means the register of persons currently or formerly licensed by the Institute to practise agrology.
- 3** The following persons are deemed not to be practising agrology:
- (a) a person carrying on the business of farming;
 - (b) a person who is working or studying under the supervision of a licensed agrologist and is not independently taking responsibility for the work;
 - (c) a person who holds professional status in another profession recognized by statute in the Province who is acting within the scope of the person’s profession and does not purport to be practising agrology;
 - (d) a person who practises the profession of chemist or land appraiser and who does not purport to be practising agrology.

NOVA SCOTIA INSTITUTE OF AGROLOGISTS

- 4** corporate.
- (1)** The Nova Scotia Institute of Agrologists continued under the former Act is continued as a body corporate.
 - (2)** For greater certainty,
 - (a) all matters, affairs and actions of the Nova Scotia Institute of Agrologists continue to be the matters, affairs and actions of the Institute;
 - (b) all assets of the Nova Scotia Institute of Agrologists continue to be the assets of the Institute;
 - (c) all employees of the Nova Scotia Institute of Agrologists continue to be the employees of the Institute;
 - (d) all obligations and liabilities of the Nova Scotia Institute of Agrologists continue to be the obligations and liabilities of the Institute; and
 - (e) where the Nova Scotia Institute of Agrologists is a party to an agreement in effect immediately before the coming into force of this Act, the Institute remains a party to the agreement and is bound by and may enforce the agreement.

5 (1) The objects of the Institute are to serve and protect the public interest in the practice and regulation of agrology and, subject to the public interest, to preserve the integrity of the profession.

- (2)** In order to effectively carry out the objects of the Institute, the Institute shall
- (a) establish and promote standards of professional practice for the practice of agrology;
 - (b) establish and promote a code of ethics for the practice of agrology;
 - (c) in accordance with this Act, regulate the practice of agrology through the establishment of licensing, training and professional conduct requirements;
 - (d) promote the knowledge, skill and proficiency of licensed agrologists in the practice of agrology.

6 In addition to any other power conferred by this or any other enactment, the Institute may, subject to the regulations and bylaws, do such things as it considers appropriate to advance the objects of the Institute and, without limiting the generality of the foregoing, may

- (a) purchase, take in, lease, exchange, hire, construct and otherwise acquire and hold, sell, mortgage, hypothecate, lease out and otherwise deal with any real or personal property;
- (b) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, warrants and other negotiable and transferable instruments;
- (c) engage such agents and employees as it, from time to time, considers expedient;
- (d) expend the money of the Institute in the advancement of its objects in such manner as it considers expedient;
- (e) establish and maintain such offices and agencies as it considers expedient;
- (f) invest and deal with any money and funds of the Institute that are not immediately required, in such manner as it considers expedient;
- (g) improve, manage, develop, exchange, dispose of, turn to account or otherwise deal with the real or personal property of the Institute;
- (h) borrow money for the use of the Institute on its credit, limit or increase the amount to be borrowed, issue bonds, debentures, debenture stock and other securities on the credit of the Institute and pledge or sell such securities for such sums or at such prices as it considers expedient;
- (i) secure the repayment of money borrowed, in such manner and upon such terms and conditions as it considers fit, and, in particular, by the execution and delivery of mortgages of all or any part of the real or personal property of the Institute, both present and future; and
- (j) do such things as are incidental or necessary to the exercise of the powers referred to in clauses (a) to (i).

7 (1) The Institute is governed by the Council of the Nova Scotia Institute of Agrologists.

(2) The Council must be composed of no fewer than three voting members and the number of voting members may not exceed the maximum number established in the bylaws.

(3) Subject to subsection (4), the voting members of the Council must be licensed agrologists residing in the Province who are elected or appointed in the manner prescribed by the bylaws.

(4) The Minister shall appoint one voting member of the Council, who must be a person residing in the Province who is not a licensed agrologist.

(5) The Registrar is a non-voting member of the Council.

(6) A majority of the voting members of Council constitute a quorum.

8 (1) The Council shall govern the Institute and manage its affairs and may, by resolution, take any action consistent with this Act, the regulations and the bylaws that it considers necessary to further the objects of the Institute.

(2) Without limiting the generality of subsection (1), the Council may, by resolution of Council,

(a) determine the remuneration payable to officers of the Institute, members of the Council and members of committees of the Council;

(b) determine the reimbursement payable to officers of the Institute, members of the Council and members of committees established by Council for expenses incurred by them in the exercise of their functions;

(c) determine the remuneration payable to employees of the Institute;

(d) determine the reimbursement payable to employees of the Institute for expenses incurred by them in the exercise of their functions;

(e) approve and establish processes for setting, revising and monitoring the annual budget of the Institute;

(f) establish committees; and

(g) establish governance policies.

(3) The Council may review the operation of this Act and the regulations and make recommendations to the Minister respecting their operation.

(4) The Council may, subject to the regulations and bylaws, oversee an external review of year-end financial statements of the Institute.

9 (1) The Council may make bylaws, not inconsistent with this Act and the regulations,

(a) prescribing the composition of the Council and the manner of election or appointment of Council members other than the member appointed by the Minister under subsection 7(4);

(b) respecting the term of office of Council members and the manner in which interim vacancies on the Council may be filled;

(c) respecting the removal of Council members;

(d) prescribing the duties of the members of the Council;

(e) respecting a code of conduct for Council members;

(f) respecting a conflict of interest policy for Council members;

(g) prescribing the manner in which proposed resolutions are forwarded to the Council;

(h) respecting meetings of the Council or committees of the Council and the conduct of such meetings;

(i) respecting officers of the Institute, including establishing officer positions, determining the manner of election or appointment of officers and determining the duties and powers of officers;

(j) respecting an Executive Committee, including establishing such a committee, determining its composition and determining its duties, powers and manner of operation;

(k) respecting the holding of the annual meeting and special meetings of the Institute, including the notice required for such meetings, the content of such meetings, the quorum, the procedures to be followed and the manner of voting;

(l) prescribing fees payable under this Act by licensed agrologists and applicants, which may, where applicable, be set by category or by any other criteria;

(m) providing for the payment of honoraria and expenses;

(n) respecting the establishment of committees by Council, and providing for the holding and conduct of meetings of such committees and the process for approving terms of reference for such committees;

(o) respecting the external financial review of the Institute;

(p) establishing the fiscal year of the Institute;

(q) respecting the seal of the Institute;

(r) respecting the location of the head office of the Institute;

(s) respecting all other things necessary for the administration of the affairs of the Council and the Institute.

(2) A bylaw made by Council does not come into force until the bylaw has been voted on and approved by the majority of licensed agrologists entitled to vote at an annual meeting or a special meeting of the Institute.

10 A member of the Council shall comply with the bylaws of the Institute.

PROTECTION OF TITLE AND PROTECTION OF PRACTICE

11 (1) No person shall use any of the following titles or any derivation or abbreviation of such title unless the person is a licensed agrologist and is authorized under this Act or the regulations to use the title:

- (a) professional agrologist;
- (b) articling agrologist;
- (c) technical agrologist;
- (d) articling technical agrologist;
- (e) temporary licence agrologist.

(2) Where a title has been prescribed by the regulations as a title reserved for the use of persons who are licensed agrologists and who are authorized under this Act and the regulations to use such title, no person shall use the prescribed title or any derivation or abbreviation of the prescribed title unless the person is a licensed agrologist and is authorized under this Act and the regulations to use the prescribed title.

12 No person shall, by use of any word, name or title, purport to be a licensed agrologist unless the person is a licensed agrologist holding a current certificate of licence.

13 No person shall describe the person's activities as practising agrology unless the person

- (a) is a licensed agrologist holding a current certificate of licence; or
- (b) is otherwise authorized under this Act and the regulations to engage in the practice of agrology.

14 No person shall engage in the practice of agrology unless the person

- (a) is a licensed agrologist holding a current certificate of licence; or
- (b) is otherwise authorized under this Act and the regulations to engage in the practice of agrology.

LICENSING AND REGISTER OF LICENSED AGROLOGISTS

15 (1) The Registrar shall issue a licence to practise agrology to a person if the person has

- (a) applied for a licence in the manner set out in the regulations;
- (b) submitted any materials and followed any procedures required by the regulations;
- (c) demonstrated that the person meets the qualifications for licensing set out in the regulations;
- (d) paid any required fee; and
- (e) met any other requirement established by the regulations.

(2) No partnership, company, corporation, other body corporate or other entity prescribed by the regulations is entitled to be issued a licence to practise agrology.

(3) When issuing a licence to practise agrology, the Registrar may

- (a) specify the category applicable to the licence or licensee; and
- (b) impose such conditions and restrictions on the licence as the Registrar considers advisable.

16 The Council shall appoint a Registrar who shall perform the duties set out in this Act, the regulations and the bylaws, and such other duties are assigned by the Council.

- 17** (1) The Institute shall keep a register in which must be entered
- (a) the name of each person holding or previously holding a licence to practise agrology issued by the Institute;
 - (b) the category and licence status of each person, including any conditions or restrictions on the licence held by the person; and
 - (c) any additional information prescribed by the regulations.
- (2) The Registrar shall maintain the register and any other records associated with licensing.
- 18** The Registrar shall enter an amended licence status for a person listed in the register
- (a) if the person is no longer eligible to hold a licence;
 - (b) if the person has requested a change in licence status and the Council has approved the request;
 - (c) if the person has failed to make a payment required under this Act or the regulations;
 - (d) if the person has failed to fulfill professional development requirements applicable to that person;
 - (e) if the person's licence has been suspended;
 - (f) if the person's licence has been revoked;
 - (g) if the Professional Conduct Committee or another committee designated in the bylaws has authorized the resignation of the person's licence;
 - (h) if the Registrar is notified of the death of the person;
 - (i) if required to correct an error in the register;
 - (j) in any other circumstance prescribed by the regulations.
- 19** (1) Subject to subsections (2) and (3), where an amended licence status was entered in the register under clauses 18(1)(a) to (g), the Registrar shall restore the person's previous licence status if the person has complied with this Act and the regulations and has paid the fee required by the bylaws.
- (2) Where an amended licence status was entered in the register under clause 18(1)(e), the Registrar shall restore the person's previous licence status only at the conclusion of the suspension.
- (3) Where an amended licence status was entered in the register under clause 18(1)(g), the previous licence status may be restored only if the committee that authorized the resignation of the person's licence permits the person to reapply for a licence and, upon the person reapplying, the committee determines that the application be granted, subject to such conditions as the committee may determine.
- 20** (1) A licensed agrologist shall pay such annual fee to the Institute as is prescribed by the bylaws.
- (2) Upon payment of the required fee and subject to the bylaws and regulations, the Registrar shall issue a certificate of licence to each licensed agrologist.

PROFESSIONAL CONDUCT AND DISCIPLINE

- 21** A licensed agrologist shall
- (a) comply with this Act;
 - (b) comply with the bylaws;
 - (c) comply with the code of ethics;
 - (d) comply with any applicable standards of practice; and
 - (e) comply with any conditions or restrictions on the person's licence.

22 A licensed agrologist shall co-operate with the Institute, the Council, the Registrar and any committees of the Council with respect to any regulatory process or requirements under this Act, the regulations and the bylaws.

23 The Council shall, in the manner prescribed by the regulations, establish a Professional Conduct Committee and appoint the members of the committee.

24 The Registrar, an investigator, the Professional Conduct Committee and each member of the Professional Conduct Committee has, while performing the committee's or member's functions under this Act, all the rights, powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment.

25 Where a person, for any reason, ceases to be licensed by the Institute, that person remains subject to the jurisdiction of the Professional Conduct Committee for the purpose of the professional conduct processes if the subject-matter of the complaint arose out of the person's conduct while licensed by the Institute.

- 26** (1) A complaint against a licensed agrologist may be initiated by
- (a) a committee of the Institute, including the Professional Conduct Committee;
 - (b) any other person.
- (2) A complaint must be made to the Registrar.
- (3) A complaint must be made in the manner required by the regulations and using the forms prescribed by the regulations.
- (4) A complaint may be made against a licensed agrologist in respect of
- (a) an alleged violation of this Act, the regulations or the bylaws;
 - (b) an alleged breach of a professional standard;
 - (c) an alleged breach of the code of ethics;
 - (d) alleged incompetence in carrying on the practice of agrology.
- 27** A respondent to a complaint has the right to
- (a) at the respondent's own expense, be represented by legal counsel or another representative;
 - (b) be notified of any matters under investigation;
 - (c) a reasonable opportunity to present a response to the complaint and to make submissions in such form as permitted by the Professional Conduct Committee or prescribed by the regulations; and
 - (d) disclosure of the complaint, any written investigation reports, any other document produced or received by the committee and any other information required by natural justice to be disclosed.
- 28** (1) Upon receiving a complaint, the Registrar may
- (a) where the regulations so provide, dismiss the complaint and notify the complainant and respondent that the complaint has been dismissed;
 - (b) informally resolve the complaint if the Registrar considers doing so to be consistent with the objects of the Institute; or
 - (c) refer the complaint to the Professional Conduct Committee.
- (2) Where the Registrar takes an action set out in clause (1)(a) or (b), the Registrar shall notify the Professional Conduct Committee.
- 29** (1) Upon being referred a complaint, the Professional Conduct Committee may appoint one or more investigators to investigate the complaint.
- (2) An investigator or investigators appointed under subsection (1) shall conduct an investigation in accordance with the regulations.

(3) Upon concluding an investigation, the investigator or investigators shall submit a written investigation report to the Professional Conduct Committee.

(4) Upon receiving an investigation report, the Professional Conduct Committee shall review the report and, in accordance with the regulations, take such action as the committee determines.

30 (1) Where a complaint is referred to the Professional Conduct Committee, the committee shall, in accordance with the regulations, fix a date, time and place for a hearing.

(2) The Professional Conduct Committee shall conduct hearings in accordance with the regulations.

31 Notwithstanding subsection 30(1), where a complaint is referred to the Professional Conduct Committee, the committee may, without holding a hearing and where it is fair and reasonable to do so, dismiss the complaint if the Professional Conduct Committee determines that

- (a) the complaint is outside the jurisdiction of the Institute;
- (b) the complaint cannot be substantiated;
- (c) the complaint is frivolous or vexatious;
- (d) the complaint constitutes an abuse of process;
- (e) the facts alleged, even if proven, would not constitute misconduct; or
- (f) the processing of the complaint would not advance the objects of the regulatory body.

32 The Professional Conduct Committee shall issue written reasons for its decisions and determinations.

33 The Professional Conduct Committee may, on holding a hearing of a complaint,

- (a) dismiss the complaint on any of the grounds set out in Section 31; or
- (b) where the Professional Conduct Committee has made an adverse determination against the respondent, do one or more of the following:
 - (i) reprimand the respondent,
 - (ii) impose an administrative penalty on the respondent, as prescribed by the regulations,
 - (iii) impose conditions on the respondent's licence,
 - (iv) require the respondent to complete a remedial program to the satisfaction of the Professional Conduct Committee or the Council,
 - (v) suspend the respondent's licence
 - (A) for a specified period of time,
 - (B) until the respondent complies with a requirement imposed under subclause (iii) or (iv), or
 - (C) for a specified minimum period of time and until the respondent complies with a requirement imposed under subclause (iii) or (iv),
 - (vi) revoke the respondent's licence.

34 (1) A person who has been subject to a disciplinary sanction may appeal the refusal or disciplinary sanction to the Nova Scotia Court of Appeal.

(2) A notice of appeal must be filed at the Nova Scotia Court of Appeal not later than 30 days after the date of the decision appealed from and must be in the form prescribed by the Court.

(3) The *Civil Procedure Rules* governing appeals from the Supreme Court of Nova Scotia to the Court of Appeal, to the extent that they are not inconsistent with this Act, apply with necessary changes to appeals to the Court of Appeal under this Section.

(4) Where a decision of the Professional Conduct Committee is appealed to the Nova Scotia Court of Appeal under this Section, the decision of the Professional Conduct Committee takes effect immediately unless the Court of Appeal grants a stay of the decision.

(5) An appeal may be taken on a question of law or fact, or both.

(6) The Nova Scotia Court of Appeal, on hearing an appeal, may

- (a) confirm, vary or rescind the decision appealed from;
- (b) exercise all the powers of the Institute, the Professional Conduct Committee or any other committee of the Institute;
- (c) direct the Institute to take any action the Institute is empowered to take;
- (d) refer the matter back to the Professional Conduct Committee for rehearing, in whole or in part.

35 (1) Notwithstanding any other provision of this Act or the regulations, where a person

- (a) has pleaded guilty to or been convicted of any offence in or outside Canada that is inconsistent with the proper professional behaviour of an agrologist;
- (b) has been found guilty of a disciplinary finding in another jurisdiction;
- (c) has had a licensing sanction imposed by another jurisdiction; or
- (d) is the subject of an investigation or disciplinary process in any jurisdiction,

and the person is a licensed agrologist or has applied for a licence to practise agrology, the Registrar may require the person to attend a meeting before the Professional Conduct Committee to fully disclose the facts and circumstances of any of the matters referred to in clauses (a) to (d).

(2) Clause (1)(a) does not apply with respect to a matter for which a pardon has been issued or a record suspension has been ordered.

(3) After hearing from a person under subsection (1), the Professional Conduct Committee may take any action permitted by this Act or the regulations.

(4) For the purpose of subsection (1), a certificate of conviction of a person is conclusive evidence that the person has committed the offence stated in the certificate, unless it is proved that the conviction has been quashed or set aside.

(5) Where any of the criteria set out in clauses (1)(a) to (d) apply to a person who is a licensed agrologist or who has applied for a licence to practise agrology, the person shall immediately report the matter to the Registrar.

OFFENCES AND PENALTIES

36 (1) Every person who

- (a) knowingly furnishes false information in an application under this Act or in a statement required to be furnished under this Act, the regulations or the bylaws;
- (b) engages in the practice of agrology in the Province in violation of this Act, the regulations or the bylaws;
- (c) engages in the practice of agrology in violation of any condition or limitation imposed on the person's licence; or
- (d) otherwise contravenes this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

(2) Where a person is found guilty of an offence under this Act or the regulations, a judge may make an order requiring the person to comply with such conditions as the judge considers appropriate and just in the circumstances for securing the person's good conduct and for preventing the person from repeating the same offence or committing other offences, which conditions may be in lieu of or in addition to the penalties set out in subsection (1).

37 The *Summary Proceedings Act* applies in addition to any regulatory process or penalty otherwise provided for in this Act or the regulations.

38 An information to be laid under this Act or the *Summary Proceedings Act* may be laid by the Registrar or a person authorized by the Council.

39 In a prosecution for an offence under this Act or the regulations, the onus of proof that a person accused of an offence had the right to practise, or that a person came within an exemption provided by this Act, is on the accused person.

40 Where an offence under this Act or the regulations is committed on or continues for more than one day, the offender is guilty of a separate offence for each day that the violation is committed or continues.

GENERAL

41 (1) A certificate purporting to be signed by the Registrar stating that the person named in the certificate was or was not, on a specified day or during a specified period, a licensed agrologist or a person holding a specified licence status is prima facie evidence in any court of that fact without proof that the person signing it is the Registrar or of the Registrar's signature.

(2) The presence of the name of any person in the register is prima facie evidence in any court of the fact that the person is a licensed agrologist.

(3) The absence of the name of any person in the register is prima facie evidence in any court of the fact that the person is not a licensed agrologist.

42 For the purpose of this Act and the regulations, proof of the performance by a unlicensed person of one act of practice is sufficient to establish that a person has engaged in practice.

43 A licensed agrologist shall promptly notify the Institute of any change in the contact information that the licensed agrologist has on file with the Institute.

44 (1) In the event of a threatened or continuing contravention of this Act or the regulations, the Institute may apply to a judge for an injunction to restrain the person from committing or continuing the contravention and the judge, where the judge considers it just, may grant such an injunction.

(2) A judge may, on application, grant an interim injunction pending the hearing of an application for an injunction under subsection (1) if the judge is satisfied that there is reason to believe that a person is likely to commit or is continuing to commit a contravention of this Act or the regulations.

(3) In a proceeding under this Section, a judge may make such order as to costs as the judge considers appropriate.

45 No action or other proceeding for damages may be brought against any of the following persons or entities for anything done in good faith for or on behalf of the Institute under this Act, the regulations or the bylaws:

- (a) the Institute;
- (b) the Council or any committee of the Council;
- (c) a licensee of the Institute;
- (d) a member of the Council or of any committee of the Council;
- (e) an officer, employee, agent or appointee of the Institute.

REGULATIONS

- 46 (1)** The Council may, with the approval of the Governor in Council, make regulations
- (a) respecting licences and licensing, including

- (i) establishing categories and prescribing titles, permitted scopes of practice, rights, privileges, application requirements, qualifications and obligations associated with different categories,
- (ii) establishing processes and requirements for a licensee to obtain a change in category, and
- (iii) establishing an articling program and its requirements;
- (b) respecting professional standards for the practice of agrology;
- (c) respecting ethical conduct in the practice of agrology;
- (d) respecting standards for the use of artificial intelligence and other technology in the practice of agrology;
- (e) respecting professional competence, education and development;
- (f) respecting incapacity and fitness-for-practise standards, review and procedures;
- (g) respecting the audit and review of the practice of a licensed agrologist;
- (h) respecting complaints in relation to licensed agrologists and the discipline of licensed agrologists, including
 - (i) receiving, investigating, hearing and resolving complaints,
 - (ii) the revocation of licences,
 - (iii) the suspension of licences,
 - (iv) the imposition of conditions with respect to licences,
 - (v) conditions of reinstatement of licences, and
 - (vi) disciplinary sanctions and penalties;
- (i) respecting frivolous and vexatious complaints, including a process for such complaints to be dismissed;
- (j) respecting the confidentiality of complaints;
- (k) respecting inspection and inspectors;
- (l) respecting the Professional Conduct Committee, including establishing quorum of the Committee and establishing procedures for the conduct of a matter before the Committee;
- (m) respecting the confidentiality of matters before the Professional Conduct Committee;
- (n) respecting the publication of the final disposition of matters before the Professional Conduct Committee;
- (o) providing that the licence of a licensed agrologist be suspended without notice or investigation upon contravention of any regulation that requires the member to pay a fee, file a document or do any other act by a specified or ascertainable date and providing for the reinstatement of a licence so suspended upon payment of such fee as the Council determines;
- (p) respecting the awarding of costs, including allowing costs to be awarded on a solicitor-client basis or other basis;
- (q) respecting appeals and appeal procedures;
- (r) prescribing titles that are reserved for the use of persons who are licensed agrologists and who are authorized under this Act and the regulations to use such titles;
- (s) deeming persons engaging in specified activities as persons not engaging in the practice of agrology;
- (t) respecting the investigation of persons allegedly practising agrology contrary to Section 14;
- (u) respecting the recognition of agrologists from other provinces and from foreign jurisdictions;
- (v) respecting advice on agrology given from persons in the Province to persons outside of the Province and advice on agrology given to persons in the Province from persons outside of the Province;
- (w) prescribing an offence or class of offences under any enactment as an offence inconsistent with the proper professional behaviour of an agrologist;

- (x) defining any word or expression used but not defined in this Act;
- (y) further defining any word or expression defined in this Act;
- (z) respecting such other matters as the Council considers necessary or advisable for the effective discharge of its functions or the exercise of its powers.

(2) A regulation under subsection (1) may not be forwarded to the Governor in Council for approval unless the regulation has been voted on and approved by licensed agrologists entitled to vote at an annual meeting or a special meeting of the Institute.

(3) A regulation made under the authority contained in clauses (1)(f), (g), (i) to (k), (m), (n) and (r) may subdelegate authority to the Council to make bylaws on a matter set out those clauses.

(4) Where a regulation subdelegates authority to the Council under subsection (3), the regulation must specify the manner in which the bylaw must be published.

(5) The exercise by the Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

(6) For greater certainty, where a regulation subdelegates authority to the Council under subsection (3), the exercise by Council of the subdelegated authority is not a regulation within the meaning of the *Regulations Act*.

47 (1) The Minister may, with the approval of the Governor in Council, make regulations

- (a) respecting the matters set out in Sections 9 and 46;
- (b) respecting the term of office of the member of the Council appointed by the Minister.

(2) Where a regulation made under clause (1)(a) conflicts with a bylaw made under Section 9 or a regulation made under Section 46, the regulation made under clause (1)(a) prevails.

(3) The exercise by the Minister of the authority contained in subsection (1) is a regulation with the meaning of the *Regulations Act*.

48 (1) The Governor in Council may make regulations

- (a) defining any word or expression used but not defined in this Act;
- (b) further defining any word or expression defined in this Act;
- (c) respecting anything the Governor in Council considers 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 a regulation with the meaning of the *Regulations Act*.

TRANSITIONAL

49 The members of the Council of the Institute immediately before the coming into force of this Act continue in office until their successors are elected or appointed under this Act.

50 The officers of the Institute immediately before the coming into force of this Act continue in office until their successors are elected or appointed under this Act.

51 (1) A person who was a member of the Institute immediately before the coming into force of this Act is deemed to hold a current licence under this Act and, where the licence held by the member immediately before the coming into force of this Act was subject to conditions or restrictions, those conditions and restrictions apply to the licence under this Act.

(2) Where, upon the coming into force of this Act, an articling program is established by the regulations, a person who was enrolled as an agrologist in training immediately before the coming into force of this Act is deemed to be enrolled in the articling program.

(3) Notwithstanding the coming into force of this Act, an annual certificate of registration issued under the former Act continues in force until its expiry date and is deemed to be a certificate of licence issued under this Act.

52 Where, before the coming into force of this Act, the Council had received a complaint under Section 13 of the former Act and the proceedings in respect of the complaint had not been concluded before the coming into force of this Act, the complaint shall proceed and be disposed of under the former Act and the bylaws made under it as if the former Act remained in force.

53 A proceeding in respect of a complaint that is commenced after the coming into force of this Act must be dealt with under this Act and the bylaws, notwithstanding that the actions, conduct or events to which the complaint relate occurred, in whole or in part, prior to the coming into force of this Act.

54 Where, further to a disciplinary proceeding under the former Act, the Council suspended or expelled a member from membership in the institute or made any other order or direction in respect of a member, such suspension, expulsion, order or direction continues in effect, notwithstanding the coming into force of this Act.

55 Where an application for a licence to practise agrology was commenced under the former Act and had not been accepted or refused on the coming into force of this Act, the application must be dealt with under the former Act as if it remained in force, but any licence issued or granted under the authority of this Section is subject to this Act.

56 (1) The Minister may make regulations

(a) respecting the transition to this Act of anything under the former Act, including the interpretation of any transitional provision in this Act;

(b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from the former Act.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

57 **The former Act is repealed.**

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