

# Royal Gazette

## Part II Regulations under the Regulations Act

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N.S. Reg. 192/2000

Made: November 17, 2000

Filed: November 21, 2000

Designation of Vegetables as an Insurable Crop and  
Nova Scotia Crop and Livestock Insurance Plan for Vegetables

Order in Council 2000-571 made November 17, 2000  
Designation made and regulations approved by the Governor in Council  
pursuant to Section 6 and clause 7(1)(a)  
of the *Crop and Livestock Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated October 18, 2000, and pursuant to Section 6 and clause 7(1)(a) of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act*, is pleased to

- (a) make regulations respecting the designation of vegetables as an insurable crop in the form set forth in Schedule “A”;
- (b) approve the making by the Nova Scotia Crop and Livestock Insurance Commission of a Crop and Livestock Insurance Plan for Vegetables in the form set forth in Schedule “B”

which Schedules are attached to and form part of the report and recommendation, effective on and after April 1, 2000.

#### **Schedule “A”**

#### **Regulations Respecting the Designation of Vegetables as an Insurable Crop made under clause 7(1)(a) of the Crop and Livestock Insurance Act Revised Statutes of Nova Scotia, Chapter 113**

- 1 In these regulations “vegetables” is as defined in the *Nova Scotia Crop and Livestock Insurance Plan for Vegetables*.
- 2 Vegetables is designated as an insurable crop.

**Schedule “B”****Regulations Establishing the Nova Scotia Crop and Livestock Insurance Plan for Vegetables made pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act*****Citation**

- 1** This plan may be cited as the *Nova Scotia Crop and Livestock Insurance Plan for Vegetables*.

**Purpose**

- 2** The purpose of this plan is to provide for insurance against a reduction in yield of vegetables resulting from one or more of the perils designated in Section 4.

**Interpretation**

- 3** In this plan,
- (a) “average insurable yield” means the potential production per acre of vegetables as determined by the Nova Scotia Crop and Livestock Insurance Commission (“Commission”) from an insured person’s yield records over the preceding 10 years, and where the required number of production records are not available, the Commission shall use industry averages indexed to the insured person’s records for the missing years, subject to a methodology approved by the Commission;
  - (b) “contract of insurance” means a contract in Form 1 of the regulations respecting General (Field Crop) Insurance;
  - (c) “final acreage declaration” means a signed declaration of cropping intentions submitted to the Commission by an insured person pursuant to Section 14;
  - (d) “insurable crop” means any crop of vegetables that has been planted by an insured person in a crop year;
  - (e) “total guaranteed production” means the guaranteed production as determined pursuant to Section 9;
  - (f) “vegetables” means all cultivars of broccoli, Brussels sprouts, cauliflower, cabbage, fresh carrots, lettuce, onions, parsnips, processing carrots, rutabagas, and winter squash produced in Nova Scotia, that are recommended by the Department of Agriculture and Marketing.

**Designation of perils**

4 The following are designated as perils for vegetables:

- (a) frost;
- (b) hail;
- (c) disease;
- (d) drought;
- (e) excessive moisture;
- (f) off crop due to adverse weather;
- (g) wind;
- (h) insects;
- (i) wildlife.

**Designation of crop year**

5 The crop year for vegetables is the period from March 15 in any year to November 15 of the same year.

**Application**

6 An application for a contract of insurance shall be

- (a) on a Contract of Insurance Application Form in Form A of the *Crop and Livestock Insurance Forms Regulations*;
- (b) accompanied by a premium deposit of at least \$50; and
- (c) filed with the Commission before the start of the first crop year to be insured.

**Contract of insurance**

7 For the purpose of this plan, the contract of insurance for vegetables shall comprise

- (a) a contract of insurance;
- (b) a completed application filed pursuant to clause 6(a);
- (c) a final acreage declaration for each crop year; and
- (d) a copy of this plan.

and if a document referred to in clause (a), (b), (c) or (d) is subsequently amended while the contract of insurance is still in force, a copy of the amendment shall be delivered to the insured person.

**Duration of contract**

- 8 (1) A contract of insurance shall be in force for the crop year for which it is made and shall continue in force for each crop year after that until it is cancelled by an insured person or the Commission in the manner prescribed by subsections (2) and (3).
- (2) A contract of insurance may be cancelled by an insured person or the Commission by notice in writing to the other party before March 15 effective for the start of the next crop year.

- (3) A contract of insurance may be cancelled by the Commission by notice in writing to an insured person if the insured person is in arrears in the payment of the premium under the contract.

### Coverage

- 9 (1) All acreage of vegetables owned or operated by an insured person and to be harvested shall be offered for insurance coverage.
- (2) Despite subsection (1), the Commission may insure all or part of the acreage offered for insurance coverage.
- (3) The total guaranteed production shall be 70% of the average insurable yield for the total acreage of each insured vegetable crop to be harvested.

### Established prices

- 10 (1) For each crop year, the Commission shall determine 3 price options for each insurable crop and shall announce these options to all insured persons before the start of the crop year.
- (2) An insured person shall select one of the options determined pursuant to subsection (1) as the established price for the purpose of calculating premium and indemnity.

### Maximum indemnity

- 11 The maximum indemnity for which the Commission is liable under a contract of insurance shall be the amount obtained by multiplying the total guaranteed production by the established price selected pursuant to subsection 10(2).

### Premium

- 12 (1) The base premium rate shall be determined by a method approved by the Commission, and shall be reviewed annually.
- (2) The base rate shall be adjusted by giving a discount where indemnity is less than total premiums paid or adding a surcharge where indemnity exceeds total premiums paid, and adjustments will be calculated using the formula:

$$(LR-1) \times (n \div (20+n))$$

where "LR" equals total indemnity divided by total premiums and "n" equals the number of years insured in plan.

The maximum discount shall be 50%, and the maximum surcharge shall be 100%.

- (3) Despite subsection (2), the maximum discount shall be 50% and the maximum surcharge shall be 100%.
- (4) Despite subsections (1), (2) and (3), the minimum annual premium payable by an insured person in each crop year is \$100.

(5) The premium determined pursuant to this Section includes premium payments made by the Government of Canada under the *Farm Income Protection Act* (Canada) and the Province under the Act.

13 (1) An insured person shall pay the premium less any premium deposit to the Commission not later than August 1 for the current crop year.

(2) Interest of 1.5% per month or a minimum of \$5 per month will be charged by the Commission on an overdue account.

#### **Final acreage declaration**

14 An insured person shall file a final acreage declaration with the Commission before April 15 in each crop year, indicating what eligible crops are to be planted and what levels of coverage and unit prices shall apply for the crop year.

#### **Incorrect acreage**

15 (1) The Commission may measure the insured acreage by any method that it considers proper.

(2) Despite Section 9, where the actual measured acreage of vegetables in a crop year is less than the insured acreage, the total guaranteed production and the amount of insurance shall be reduced accordingly and no refund of premium shall be made.

(3) Despite Section 9, where the actual acreage of vegetables in a crop year exceeds the insured acreage, the measured area yield will be pro-rated to the insured acres in calculating indemnity payable.

#### **Harvesting**

16 All acreage of vegetables shall be harvested unless the Commission gives consent pursuant to clause 20(b).

#### **Notice of crop loss or damage**

17 Subject to the contract of insurance, an insured person is required to notify the Commission in writing within 5 days of any loss or damage to the insured crop.

#### **Final harvest date**

18 (1) The Commission shall establish and maintain a schedule of final harvest dates for each insurable crop and shall provide these dates to an insured person before the start of each crop year.

(2) Any part of an insured crop that has not been harvested before the final harvest date established pursuant to subsection (1), shall cease to be eligible for insurance coverage unless it can be established that the harvest of that crop was delayed due to a peril designated in Section 4.

**Harvest yield report**

**19** An insured person shall file a harvest yield report within 15 days of the completion of harvest on a Harvest Yield Report Form in Form B of the *Crop and Livestock Insurance Forms Regulations*.

**Evaluation of loss**

**20** The reduction in yield of an insured crop in a crop year and the indemnity payable shall be determined as follows:

- (a) where the actual production is less than the total guaranteed production, the adjustment of loss shall be calculated by subtracting the actual production from the total guaranteed production and multiplying the difference by the established price; or
- (b) where the loss or damage occurs before the completion of harvest, the Commission may consent in writing to a written request to abandon damaged acreage, and shall determine the number of damaged acres and any potential production.

**Notice of claim**

**21 (1)** Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield shall be made to the Commission within 15 days on a Proof of Loss Form in Form C of the *Crop and Livestock Insurance Forms Regulations*.

**(2)** Before a payment for an indemnity pursuant to subsection (1) is made, a Claim Release Form in Form D of the *Crop and Livestock Insurance Forms Regulations* must be received by the Commission.

**Arbitration**

**22** Where the Commission and an insured person have failed to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a Proof of Loss Form in Form C of the *Crop and Livestock Insurance Forms Regulations* have been complied with, and either party wishes the dispute determined by arbitration, it shall be the responsibility of that party to notify the other party in writing within 90 days after the end of the crop year that the dispute be determined in accordance with the requirements of the *Arbitration Proceedings Regulations*.

N.S. Reg. 193/2000

Made: November 23, 2000

Filed: November 28, 2000

Freedom of Information and Protection  
of Privacy Regulations

Order in Council 2000-602 made November 23, 2000  
Amendment to regulations made by the Governor in Council  
pursuant to Section 49  
of the *Freedom of Information and Protection of Privacy Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated November 9, 2000, and pursuant to Section 49 of Chapter 5 of the Acts for [of] 1993, the *Freedom of Information and Protection of Privacy Act*, is pleased to amend the *Freedom of Information and Protection of Privacy Regulations* made by the Governor in Council by Order in Council 94-537 dated June 28, 1994, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after November 23, 2000.

#### SCHEDULE "A"

**Amendments to the *Freedom of Information and Protection of Privacy Regulations* made by the Governor in Council pursuant to Section 49 of Chapter 5 of the Acts of 1993, the *Freedom of Information and Protection of Privacy Act***

- 1 The *Freedom of Information and Protection of Privacy Regulations* made by the Governor in Council by Order in Council 94-537 dated June 28, 1994, are amended by adding the heading "Interpretation of administrative proceeding" immediately before Section 15.
- 2 The regulations are further amended by adding the following headings and Sections immediately after Section 15:

**Interpretation of terms with respect to local public bodies**

- 16 For the purpose of the Act, "enactment" includes, in the case of a university, any legal authority pursuant to which the university acts.
- 17 For the purpose of clause 4(2)(d) of the Act, a "person acting in a judicial or quasi-judicial capacity" includes, in the case of a university,
  - (a) a person; or
  - (b) a member or a chair of a committee

authorized, under the enactment of the university, to act in a judicial or quasi-judicial capacity.

- 18** For the purpose of clause 4(2)(e) of the Act, “Ombudsman” includes, in the case of a university, an officer of the university responsible, under the enactment of the university, for making inquiries and recommendations respecting complaints against the university.
- 19** For the purpose of Section 19A of the Act, “governing body” includes, in the case of a university, the faculties and the senate of the university.
- 20** For the purpose of subsection 19B(2) of the Act, “employee of the local public body” includes
- (a) an employee of the employee of the local public body;
  - (b) an individual engaged by the employee of the local public body under contract whether as an independent contractor or otherwise;
  - (c) an individual engaged under a contractual arrangement by or with the local public body;
  - (d) a student attending or providing services to a local public body; and
  - (e) a visiting professor at the local public body,
- and the “employee’s employment” shall be read accordingly.
- 21** For the purpose of Section 19D of the Act, the definition of “hospital” in clause 3(1)(ca) of the Act is enlarged to include a university, or part of a university, associated with a hospital for the purpose of medical care.

**Time limit for compliance by public body**

- 22** For the purpose of subsection 38(2) of the Act, the time within which a public body shall comply with a requirement imposed by the Review Officer pursuant to that subsection, shall be 15 days from the date of receipt by the public body of notice by the Review Officer of the requirement.

**Compliance by public body with time limit**

- 23** For greater certainty, where a public body is required pursuant to the Act to provide a written communication or notification within a prescribed time limit, it is sufficient compliance with the time limit if the public body deposits the communication or notification in the postal service within the time limit.

N.S. Reg. 194/2000

Made: November 30, 2000

Filed: December 1, 2000

Proclamation, S. 17, S.N.S. 2000, c. 3

Order in Council 2000-606 made November 30, 2000

Proclamation made by the Governor in Council

pursuant to Section 17  
of the *Farm Practices Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated November 15, 2000, pursuant to Section 17 of Chapter 3 of the Acts of 2000, the *Farm Practices Act*, is pleased to order and declare by proclamation that Chapter 3 of the Acts of 2000, the *Farm Practices Act*, come into force on and not before March 1, 2001.

PROVINCE OF NOVA SCOTIA

Sgd: *C. R. Glube*

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her  
Other Realms and Territories, Queen, Head  
of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE  
SAME MAY IN ANY WISE CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 17 of Chapter 3 of the Acts of 2000, the *Farm Practices Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 3 of the Acts of 2000, the *Farm Practices Act*, come into force on March 1, 2001;

Part II Regulations

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 3 of the Acts of 2000, the *Farm Practices Act*, come into force on March 1, 2001, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be hereunto  
affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Constance R. Glube,  
Administrator of the Government of the  
Province of Nova Scotia.

AT The Law Courts in the Halifax Regional  
Municipality, this 30<sup>th</sup> day of November,  
in the year of Our Lord two thousand and  
in the forty-ninth year of Our Reign.

BY COMMAND:

Sgd: *M. G. Baker*  
Provincial Secretary  
Minister of Justice and Attorney General

N.S. Reg. 195/2000

Made: November 30, 2000

Filed: December 1, 2000

Workers' Compensation General Regulations

Order in Council 2000-614 made November 30, 2000  
Amendment to regulations approved by the Governor in Council  
pursuant to clauses 39(1)(d) and 42(1)(b) and Section 184  
of the *Workers' Compensation Act*

The Governor in Council on the report and recommendation of the Acting Minister of Environment and Labour dated October 12, 2000, and pursuant to clauses 39(1)(d) and 42(1)(b) and Section 184 of Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act*, is pleased to approve the making by the Workers' Compensation Board of amendments to the *Workers' Compensation General Regulations* approved by the Governor in Council by Order in Council 96-59 dated January 31, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 1, 2000.

#### Schedule "A"

**Amendments to the *Workers' Compensation General Regulations*  
made pursuant to clauses 39(1)(d) and 42(1)(b) and Section 184 of  
Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act***

Section 20 of the *Workers Compensation General Regulations* made by the Workers' Compensation Board and approved by the Governor in Council by Order in Council 96-59 dated January 31, 1996, is repealed and the following Section substituted:

- 20 (1)** A worker's gross average earnings are the total of
- (a) the worker's regular salary or wages; and
  - (b) after the first 26 weeks of earnings-replacement benefits or for purposes of benefits other than earnings-replacement benefits and extended earnings-replacement benefits, income from
    - (i) overtime that is not regular salary or wages, and
    - (ii) federal employment insurance benefits other than those payable as maternity or parental leave benefits.
- (2)** For the purposes of calculating net average earnings under subsection 39(1) of the Act, earnings-related expenses shall be deducted from gross average earnings.