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N.S. Reg. 59/2001

Made: June 8, 2001

Filed: June 11, 2001

Governor in Council Education Act Regulations

Order in Council 2001-269 made June 8, 2001
Amendment to regulations made by the Governor in Council
pursuant to Section 146
of the *Education Act*

The Governor in Council on the report and recommendation of the Minister of Education dated May 18, 2001, and pursuant to Section 146 of Chapter 1 of the Acts of 1995-96, the *Education Act*, is pleased to amend the *Governor in Council Education Act Regulations* in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 8, 2001.

Schedule "A"

**Amendments to the *Governor in Council Education Act Regulations*
made by the Governor in Council pursuant to Section 146
of Chapter 1 of the Acts of 1995-96, the *Education Act***

The *Governor in Council Education Act Regulations* made by the Governor in Council by Order in Council 97-405 on June 24, 1997, are amended by adding the following Section immediately after Section 30N:

Further provision respecting a person registered in a pre-service teacher education program

30NA Despite Section 30N, and any other provision of the post-July 31, 2000 certification system, a person who

- (a) is registered and in attendance in the undergraduate studies component of a pre-service teacher education program that commences before August 31, 2000; and
- (b) is not a person to whom subsection 30N(2) applies,

and who has either

- (c) received
 - (i) approval from the Minister of the professional studies component of a pre-service teacher education program, and
 - (ii) confirmation from the Minister that the person is eligible to receive, upon completion of the pre-service teacher education program, the classification of certificate requested by the person,

before August 31, 2000;

- (d) registered and been in attendance in an approved program of professional studies in Nova Scotia that commenced either September 1, 1999, or September 1, 2000; or
 - (e) applied for a teacher's certificate on or after August 1, 2000, and before June 1, 2001,
- shall, subject to the terms and conditions of an approval referred to [in] clause (c),
- (f) be subject to the requirements for teacher certification in effect as of the date the person registered and commenced attendance in the undergraduate studies component of the pre-service teacher education program; and
 - (g) receive a teacher's certificate pursuant to the pre-August 1, 2000 certification system upon the Minister being satisfied that the requirements pursuant to the pre-August 1, 2000 certification system for the class of teacher's certificate applied for have been met.

N.S. Reg. 60/2001

Made: June 8, 2001

Filed: June 11, 2001

Governor in Council Education Act Regulations

Order in Council 2001-270 made June 8, 2001
Amendment to regulations made by the Governor in Council
pursuant to Section 146
of the *Education Act*

The Governor in Council on the report and recommendation of the Minister of Education dated May 18, 2001, and pursuant to Section 146 of Chapter 1 of the Acts of 1995-96, the *Education Act*, is pleased to amend the *Governor in Council Education Act Regulations* made by the Governor in Council by Order in Council 97-405 dated June 24, 1997, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 8, 2001.

SCHEDULE “A”

**Amendments to the *Governor in Council Education Act Regulations*
made by the Governor in Council pursuant to Section 146
of Chapter 1 of the Acts of 1995-96, the *Education Act***

The *Governor in Council Education Act Regulations* made by the Governor in Council by Order in Council 97-405 dated June 24, 1997, are amended by adding the following Section immediately after Section 30R:

- 30S** (1) In this Section, “jurisdiction” means province, territory, state or country.
- (2) Despite Sections 30A to 30R, the Minister may grant a Bridging Teacher’s Certificate, to take effect on or after the coming into force of this Section, as described in subsection (3), to a person who
- (a) has not previously been granted a teacher’s certificate by the Minister;
 - (b) does not satisfy the requirements for an Initial Teacher’s Certificate;
 - (c) holds a valid teacher’s certificate granted by an authority in another jurisdiction on the condition that the person has satisfied the academic and professional studies requirements prescribed by that jurisdiction; and
 - (d) has completed a minimum of 4 years of undergraduate education, including
 - (i) an approved bachelors degree from a recognized university, and
 - (ii) an approved program of professional studies, completed in another jurisdiction, consisting of a minimum of 30 semester hours of course work and practicum.

- (3) A Bridging Teacher's Certificate granted pursuant to subsection (2) shall be an interim certificate that is valid for a term of 4 years and may be renewed by the Minister for not more than 2 further terms of 1 year each.
- (4) During the term of a Bridging Teacher's Certificate, the holder of the Bridging Teacher's Certificate shall

 - (a) pursue the academic and professional studies

 - (i) prescribed in Section 30D to fulfil the requirements for the granting of an Initial Teacher's Certificate, or
 - (ii) that the Minister considers necessary to fulfil the equivalent of the requirements prescribed in Section 30D for the granting of an Initial Teacher's Certificate; and
 - (b) report annually to the Minister on or before the anniversary date of the holder's Bridging Teacher's Certificate, describing the academic and professional studies pursued during the year.
- (5) In determining whether to renew a Bridging Teacher's Certificate pursuant to subsection (3), the Minister may consider the circumstances that the Minister considers appropriate, including whether the holder of the certificate failed to pursue the academic and professional studies required pursuant to clause 4(a).

N.S. Reg. 61/2001

Made: March 29, 2001

Filed: June 11, 2001

Delegation of Powers to Dairy Farmers
of Nova Scotia Regulations

Order dated March 29, 2001
made under Section 13 of the
Dairy Industry Act

**Nova Scotia Natural Products Marketing Council
Delegation of Powers to Dairy [Dairy] Farmers of Nova Scotia**

The Natural Products Marketing Council, pursuant to Section 13 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, effective on April 1, 2001:

Hereby orders that Dairy Farmers of Nova Scotia is delegated the following powers under the *Dairy Industry Act* including the power to make regulations, which regulations shall be subject to Council approval:

- (a) fixing and allotting quota for marketing or production (clause 9(a) and subclause 14(1)(e)(i));
- (b) subject to Section 25, prescribing the price structure for raw milk and any component of milk and the basis of the calculation of the price structure having regard to any or all of the following circumstances:
 - (i) the prevailing market price of milk,
 - (ii) the conditions of production,
 - (iii) the manner of delivery,
 - (iv) the cost of handling and delivering milk,
 - (v) any other circumstance that has an effect on the price of milk;(clauses 9(b) and 14(1)(c))
- (c) fixing, imposing upon and collecting fees, levies or charges from persons engaged in the production of milk and designating to whom the fees, levies or charges shall be paid (clause 9(u));
- (d) authorizing the payment of expenses from fees, levies or charges imposed pursuant to clause (u) (clause 9(w));
- (e) providing for the making of grants or other like payments to any person or association or body of persons (clause 9(aa));
- (f) requiring that no charges, costs or expenses relating to the producing or marketing of milk shall be made, other than such charges, costs or expenses as provided for in this Act or the regulations (clause 9(ab));
- (g) designating payment agents authorized to act on behalf of the Board to pay producers for milk (clause 14(1)(d));
- (h) providing for the regulation of the supply of milk by producers to processors, including the marketing or production of milk on a quota basis, and for that purpose

- (i) fixing and allotting quota for marketing or production,
- (ii) refusing to fix and allot quota to persons;
- (iii) subject to Section 10, transferring quota among producers supplying milk and setting the terms and conditions on which the transfer may take place,
- (iv) canceling, reducing or refusing to increase the quota fixed and allotted to any person,
- (v) prohibiting any person to whom a quota has not been fixed and allotted from marketing and producing milk,
- (vi) prohibiting any person to whom a licence has been issued and a quota allotted from marketing or producing milk in excess of the quota,
- (vii) prohibiting the purchase, sale or transfer of quota by any person,
- (viii) authorizing the assignment of quota to a creditor as security for money loaned or advanced,
- (ix) subject to Section 10, providing for the purchase, sale or transfer of quota through a quota exchange,
- (x) providing for the purchase and sale of quota by the Board,
- (xi) providing for the retention of a percentage of quotas as an assessment on each transfer of quota;
(clause 14(1)(e))
- (i) providing for the establishing and administering of a pooling program whereby all producers receive a comparable price for milk that is adjusted for any geographic pricing considerations (clause 14(1)(f));
- (j) prescribing the information the Board or its payment agent shall supply in a milk statement to each producer (clause 14(1)(g));
- (k) providing for the purchasing of raw milk from producers and the selling of the raw milk to processors (clause 14(1)(h)).

N.S. Reg. 62/2001

Made: March 29, 2001

Filed: June 11, 2001

Transfer of Information to Dairy Farmers
of Nova Scotia Regulations

Order dated March 29, 2001
made under clause 9(ae) of the
Dairy Industry Act

**Nova Scotia Natural Products Marketing Council
Transfer of Information to Dairy Farmers of Nova Scotia**

The Natural Products Marketing Council, pursuant to clause 9(ae) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, effective on April 1, 2001:

Hereby orders that all information in the possession of [the] Natural Products Marketing Council which is necessary for the proper administration of the milk quota system, the price calculations and producer payments for raw milk be transferred to [the] Dairy Farmers of Nova Scotia.

N.S. Reg. 63/2001

Made: March 29, 2001

Filed: June 11, 2001

Producer and Distributor Licence Fees Regulations

Order dated March 29, 2001
made under Section 9 of the
Dairy Industry Act

The Natural Products Marketing Council, pursuant to Section 9 of the *Dairy Industry Act*, hereby orders, effective on April 1, 2001, that:

- 1 A milk producer to whom a licence has been issued as a producer shall pay to the Council a fee for such licence to be calculated and paid at the rate of \$1.00 per hundred kilograms of butterfat sold or delivered to a processor.
- 2 A distributor to whom a licence has been issued as a distributor shall pay to the Council a fee for Council services to be calculated and paid at the rate of \$1.00 per hundred kilograms of butterfat purchased from producers during such calendar month, to be paid within 25 days after the close of each calendar month.
- 3 The collection of producer and distributor licence fees referred to Sections 1 and 2 is hereby suspended.
- 4 This regulation is made in substitution for subsection 5(1) and clause 7(a) of Schedule 1 of the regulations made pursuant to the *Dairy Commission Act*.

N.S. Reg. 64/2001

Made: May 24, 2001

Filed: June 11, 2001

Dairy Farmers of Nova Scotia By-laws

Order dated May 24, 2001
made under clause 15(1)(h) of the
Dairy Industry Act

Dairy Farmers of Nova Scotia - By-laws

Regulations respecting the by-laws of the Dairy Farmers of Nova Scotia made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clause 15(1)(h) of the Dairy Industry Act.

PART I - DEFINITIONS

Definitions

1 In these by-laws,

- (a) “Act” means the Dairy Industry Act;
- (b) “board of directors” means the board of directors of Dairy Farmers of Nova Scotia;
- (c) “DFNS” means the body corporate known as Dairy Farmers of Nova Scotia, established pursuant to Section 5 of the Act;
- (d) “milk” means milk as defined in the Act;
- (e) “member” means a producer engaged in the production of milk or cream and who holds a licence issued under the Act to sell raw milk that has been produced by a herd of dairy cows that the producer owns or controls;
- (f) “producer” shall have the meaning given to it pursuant to the Act;
- (g) these regulations shall apply to cows’ milk only.

PART II - BOARD OF DIRECTORS

Establishment of board of directors

2 There shall be a board of directors of DFNS established pursuant to these by-laws.

Powers of board of directors

3 The board of directors shall have the authority to exercise any of the powers conferred on DFNS by the Act or by the regulations to the Act.

Size of board of directors

4 Subject to Section 5, the board of directors shall be composed of not more than nine elected members.

Person appointed by minister

- 5 (1) The Minister may appoint one person as a member of the board of directors of DFNS in addition to the directors who are elected under Section 11.
- (2) The person appointed by the Minister shall be a senior official from the Nova Scotia Department of Agriculture and Fisheries and shall be a non-producer, a non-processor and, a non-distributor, and shall not have a vote at any meetings of the board of directors or any meeting of the members.
- (3) The person appointed by the Minister shall hold office for a term of one year.
- (4) The person appointed by the Minister may attend, with the representatives of DFNS, all regional and national meetings relevant to regional and national protocols, memoranda or agreements affecting the industry in the Province.
- (5) The Minister may appoint a replacement person to hold office for the remainder of the term of office of an appointed person to the board of directors who dies, resigns or ceases to be a member of the board of directors.
- (6) The costs of the attendance and participation by the person appointed by the Minister shall be the responsibility of the Nova Scotia Department of Agriculture and Fisheries.

Newly elected director

- 6 A newly elected director of DFNS shall take office upon the adjournment of the annual general meeting of members and shall hold office until his or her successor takes office.

Director becoming non-member and removal of director

- 7 A director of the board of directors:
- (1) ceases to be a director upon ceasing to be a member of DFNS during his or her term of office;
- (2) may be removed from the board of directors, at any time, by a majority vote of the remaining directors, if either
- (i) the director has missed three consecutive meetings of the board of directors or,
- (ii) if in the case of a director elected from a region, several members from that region have expressed to the board of directors, concerns about that director's representation of the members from that region.
- (3) When there is a vacancy on the board of directors, the board of directors may, in consultation with the milk committee if the vacancy is from a region, appoint a member to the board of directors, until it is convenient, as determined by the board of directors, to have an election to fill the vacancy.

- (4) The term of office of the person elected to fill the vacancy, shall be the remaining balance of the term of office of the person who vacated the position.

First board of directors

- 8 Until the first annual general meeting of members, the board of directors of the Nova Scotia Milk Producers shall be deemed to be the board of directors of DFNS for the purposes of these by-laws.

PART III - ELECTION OF BOARD OF DIRECTORS

Members divided into regions

- 9 Members are divided into 6 regions as follows:
- (a) Region 1 encompassing the counties of Richmond, Inverness, Cape Breton and Victoria;
 - (b) Region 2 encompassing the counties of Antigonish, Guysborough and Pictou;
 - (c) Region 3 encompassing the counties of Cumberland and the area designated as “North Colchester”;
 - (d) Region 4 encompassing the area designated as “South Colchester”, the county of Halifax and the area designated as East Hants;
 - (e) Region 5 encompassing the area designated as “West Hants” and the area designated as “East Kings”;
 - (f) Region 6 encompassing the counties of Yarmouth, Lunenburg, Queens, Annapolis and the area designated as “West Kings”.

Boundaries of designated areas

- 10 For purposes of Section 9, the boundaries of the designated areas are:

<u>Designated Area</u>	<u>Boundary</u>
North Colchester	the area in the county of Colchester north of the Cobequid Bay as well as north of the #104 Highway, plus the area bounded by the Cobequid Bay to the north, Shubenacadie River to the west, on the south from Green Oaks to Brookfield (#289 Highway), to the east by the #102 Highway
South Colchester	all that area in the county of Colchester not included in North Colchester
East Hants	the area in the county of Hants east of a line drawn from Selma to the Nine Mile River Bridge in Nine Mile River
West Hants	all that area in the county of Hants not included in East Hants
West Kings	the area in the county of Kings west of a line drawn from Halls Harbour to Lakeville to South Alton

East Kings

all that area in the county of Kings not included in West Kings

One director per region

11 One member of DFNS shall be elected as a director in each region in the election year prescribed for the region under Section 25 and, in addition, three members of DFNS shall be elected as directors-at-large.

Directors at large

12 For purposes of electing the three directors-at-large, the provisions in Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 shall apply, with such modifications as may be determined by the board of directors to be necessary, with a separate ballot for the directors-at-large.

Eligibility to vote

- 13 (1)** Subject to Section 14, no person is eligible to vote or be elected in the election of directors of DFNS unless the person is a member residing in the region in which the election takes place.
- (2)** Where a member is a corporation or partnership, the person eligible to vote or be elected in the election of directors of DFNS or eligible to vote at a meeting of the members shall be the shareholder or partner designated by the corporation or partnership for that purpose.
- (3)** No person who is a director on the board of directors of a processor, transporter or distributor, as defined in the Act, is eligible to be elected to serve as a director of DFNS.

Designation of proxy

- 14 (1)** Where, by reason of absence or illness there are no shareholders or partners of the corporation or partnership, able to vote on the day set for the election of the milk committee or a meeting of the members, the corporation or partnership may designate a member of the immediate family of a shareholder or partner to vote on his or her behalf, where the person designated
- (a)** is the spouse, or a parent, son or daughter of the shareholder or partner; and
- (b)** is 18 years of age or over.
- (2)** Where, by reason of absence or illness, a member who is not a corporation or partnership is unable to vote on the day set for the election of the milk committee or a meeting of the members, the member may designate a member of his or her immediate family to vote on his or her behalf where the person designated
- (a)** is the spouse, or a parent, son or daughter, or an employee of the member; and
- (b)** is 18 years of age or over.
- (3)** There shall be no proxy voting, otherwise than provided in subsections (1) and (2).

One ballot per member

15 No member is entitled to cast more than one ballot in any election.

Nomination of directors

16 (1) Nominations for election to the board of directors shall be submitted to DFNS on or after the 1st day of September and not later than the 21st day of September in an election year.

(2) DFNS shall not accept a nomination unless

- (a)** the nominee is qualified under Sections 13 and 14;
- (b)** the nomination is in a form provided by DFNS;
- (c)** the nomination bears the signature of the nominee indicating his or her acceptance of the nomination;
- (d)** the nomination bears the signatures of 5 members as nominators, each of whom is qualified under Sections 13 and 14; and
- (e)** the nomination was received not later than the date specified in subsection (1).

No candidates for election in a region

17 (1) Where no person is a candidate for election to the board of directors in respect of a region, the board of directors may, at its first meeting after the annual general meeting, designate one of its directors-at-large, in addition to any other duties and responsibilities of that director-at-large, to represent that region for one year.

- (2)** At the end of the year there shall be nominations for the election of a candidate for that region, to complete the remaining balance of the 3-year term for a director in that region.
- (3)** If there is no person nominated as a candidate, at the end of the year as described in subsection (2) then the board of directors shall again designate, for one year, one of its directors-at-large to represent that region.

List of nominees

18 (1) Where the board of directors is satisfied that nominations under Section 16 are complete, DFNS shall immediately provide each nominee with the list of nominees for the region in respect of which he or she is nominated.

- (2)** A nominee may withdraw his or her nomination by notice in writing to DFNS delivered or mailed so that it is received not later than the 10th day after the date of delivery or mailing to the nominee of the list of nominees for his or her region.

Acclamation and election

19 (1) Where not more than one person is a candidate for election to the board of directors in respect of a region, or as a director-at-large, DFNS shall declare such person elected to the board of directors by acclamation.

- (2) Where 2 or more persons are candidates for election to the board of directors in respect of a region, or as a director-at-large, DFNS shall conduct an election.

Election officials

- 20 (1)** For each region in which an election is to be conducted DFNS shall appoint a returning officer and such deputy returning officers and other persons as it considers necessary for the conduct of the election.
- (2) No director of DFNS shall be appointed as a returning officer or deputy returning officer.

Ballots

- 21 (1)** Where an election is to be conducted for a region, DFNS shall mail or cause to be delivered one ballot to each member in the region, no later than October 10 in the election year, if the ballot is mailed.
- (2) Each ballot shall be in a form provided by DFNS and shall be accompanied by
- (a) an envelope identified only by the words "Ballot Envelope"; and
 - (b) a mailing envelope addressed to the returning officer appointed for the region.
- (3) If a member establishes to the satisfaction of DFNS that the member did not receive or has misplaced the ballot that DFNS mailed or delivered as required under subsection (1), DFNS shall provide a substitute ballot to the member and declare the original ballot void.

Voting

- 22 (1)** A voter shall cast a vote by
- (a) placing a mark on the ballot in the box opposite the name of the candidate for whom the voter wishes to vote;
 - (b) sealing the marked ballot within the Ballot Envelope;
 - (c) sealing the Ballot Envelope within the mailing envelope;
 - (d) affixing the voter's farm name, if any, and licence number on the mailing envelope in the spaces provided therefor[e]; and
 - (e) mailing or causing to be delivered the mailing envelope to the returning officer so that
 - (i) where mailed, it is postmarked, or
 - (ii) where delivered otherwise than by mail, it is consigned for delivery, not later than October 21 in the election year.
- (2) The returning officer shall not accept a mailing envelope unless it
- (a) is marked in accordance with clause 22(1)(d);
 - (b) is received in accordance with clause 22(1)(e).

- (3) Where the returning officer accepts a mailing envelope, he or she shall
- (a) remove the Ballot Envelope from the mailing envelope and deposit it in a sealed ballot box; and
 - (b) immediately destroy the mailing envelope bearing the identity of the voter.
- (4) The ballots shall be counted by the returning officer no later than November 5 (if November 5 is on a Sunday then the ballots shall be counted no later than November 6) in the election year, and the returning officer shall
- (a) count the ballots in the presence of at least 2 persons eligible to vote in the election;
 - (b) permit each candidate to be represented at the counting of the ballots by a scrutineer designated by the candidate;
 - (c) reject and keep separate every ballot,
 - (i) that DFNS (per [sub]section 21(1)) did not supply,
 - (ii) that contains votes for more than one candidate, or
 - (iii) upon which, or upon the Ballot Envelope containing which, there is any writing or mark by which the voter may be identified or where such ballot or Ballot Envelope has been so dealt with by the voter that he or she can thereby be identified;
 - (d) prepare and deliver to DFNS, in the form provided therefor by DFNS, a record of,
 - (i) the number of ballots cast,
 - (ii) the number of votes given and allowed for each candidate, and
 - (iii) the number of rejected ballots; and
 - (e) retain in safe custody, for such period of time as DFNS directs, all the ballots, including the rejected ballots, if any.

Declaration of winner

23 Where an election is conducted in respect of a region, or a director-at-large, DFNS shall declare elected in the region, or a[s] director-at-large, the candidate who obtained the largest number of votes and shall notify the candidates of the results of the election.

Recount

24 (1) Any candidate may request a recounting of the ballots by notice in writing to DFNS delivered or mailed so that it is received not later than 7 days after the date of giving the notice referred to in Section 23.

- (2) Upon receipt of a notice under subsection (1), the board of directors shall cause the returning officer to conduct a recounting of the ballots and each candidate may designate a scrutineer for the purposes of such recounting.
- (3) The election of a candidate on the basis of a recount pursuant to subsection (2) shall be final.
- (4) Where, by reason of a tie vote or other cause, the election of a member to the board of directors in respect of a region or as a director-at-large, is not determined upon the counting or recounting of the ballots, DFNS shall declare the election void and shall conduct a further election within 10 days from the date of such declaration.

Term of office

- 25 (1) After the first annual general meeting, the election year for a director in respect of a region, or for a director-at-large of the board of directors, as set out in Column 1 of the Table, shall be the year set out in Column 2 opposite it and every third year after that year.

TABLE

COLUMN 1	COLUMN 2
Region 1	2002
Region 2	2003
Region 3	2004
Region 4	2002
Region 5	2003
Region 6	2004
First Director-at-Large	2004
Second Director-at-Large	2003
Third Director-at-Large	2002

- (2) For purposes of initially determining which director-at-large is to be designated as the first, second or third director-at-large, the director-at-large receiving the highest number of ballots shall be the first director-at-large, the director-at-large receiving the second highest number of ballots shall be the second director-at-large and, the director-at-large receiving the third highest number of ballots shall be the third director-at-large.
- (5) Despite subsection (1), the board of directors may cause an election to be held to elect a replacement director where the director in respect of a region has died, resigned or ceased to be a member, and the replacement director shall take office upon being elected and shall hold office until a successor is elected and takes office.
- (6) An election held under subsection (3) shall be conducted in such manner and on such terms and conditions as the board of directors directs.
- (5) An election under subsection (3) may be held at such time as the board of directors decides, so long as the election is held no later than the next yearly elections occurring under subsection (1).

Agent to conduct election

26 DFNS may appoint an agent to conduct all or a part of the election of directors to DFNS in accordance with these by-laws.

PART IV – MEETINGS OF THE BOARD OF DIRECTORS**Notice of meetings**

27 (1) Meetings of the board of directors shall be called by the chair or failing the chair, by at least 5 of the directors, by giving notice thereof to each director.

(2) Unless it is otherwise indicated in the notice calling the meeting, the meetings of the board of directors shall be held at the head office of DFNS.

(3) Notice of a meeting shall

(a) include the date and time of the meeting;

(b) be given in writing or by prepaid mail or electronically or orally; and

(c) be given in such a manner as to ensure that each director has sufficient time to receive the notice and to attend the meeting.

Order of business

28 (1) The order of business at a meeting of the directors shall be

(a) roll call;

(b) reading and approving of minutes of last meeting;

(c) business arising out of minutes;

(d) reports of manager, treasurer and chair;

(e) other reports, if any;

(f) unfinished business; and

(g) new business.

(2) The order of business may be varied by a majority vote of the directors present at a meeting.

No proxy voting

29 Each member of the board of directors shall have one vote and there shall be no proxy voting.

Voting by directors

30 All matters arising at any meeting of the board of directors shall be decided by the majority of the votes of the directors present and, in the event of a tie vote, the chair of the meeting has a second or casting vote.

Transaction of business other than at a meeting

31 (1) The board of directors may transact a matter of business other than at a meeting called and conducted in accordance with Sections 27 and 28, upon the conditions that

(a) the chair is of the opinion that the matter of business should be decided sooner than a meeting may be called;

- (b) the chair submits the matter to be decided to the secretary of DFNS;
 - (c) the chair or the secretary submits the matter to be decided to the directors by prepaid mail or electronically or orally; and
 - (d) the secretary makes a record in the minute book of the board of directors of the matter to be decided and the decision of each director.
- (2) Where the conditions under subsection (1) have been complied with and the record shows a majority of directors in favour of or against the matter to be decided, it shall be decided accordingly.
- (3) Where the secretary makes a record in the minute book under subsection (1), the record shall be read and confirmed at the next meeting of the board of directors.

Minutes of meeting

32 Minutes of each meeting of the board of directors shall be signed by the chair of the meeting and the secretary.

Quorum at meeting of directors

33 A majority of the elected directors of the board of directors constitutes a quorum whether or not a vacancy exists.

PART V – MEETINGS OF THE MEMBERS

34 Each director within a region is responsible to hold at least 2 meetings per year of the members.

Annual general meeting

35 The annual general meeting of the members shall be held within six months of the fiscal year end of DFNS.

Special meetings

36 (1) Special meetings of the members may be called at any time by the board of directors, or upon written request signed by at least 15% of the members.

(2) Such special meetings must be called within 30 days of a request of the members.

Notice of meetings

37 Notice of meetings shall be sufficiently given if mailed at least 2 weeks in advance to all members, but non-receipt of such notice by any member shall not invalidate the proceedings of any meeting.

Quorum at annual general meeting

38 (1) Subject to subsection (3), no business shall be transacted at any meeting of the members unless a quorum of members is present at the commencement of such meeting.

(2) A quorum shall be 15% of the members.

- (3) If at any meeting of the members there is less than a quorum, the chair of the meeting may adjourn the meeting and the quorum at any adjourned meeting shall be 10% of the members.

Quorum not present

39 (1) If within one-half hour from the time appointed for the meeting, a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved.

- (2) If the meeting was not convened upon the request of the members, it shall stand adjourned to such time and place as a majority of the members then present shall direct.

Chair of meeting

40 (1) The chair of DFNS shall preside as chair at every annual general and special meeting of the members.

- (2) If at any meeting the chair is not present, the vice-chair shall preside as chair of the meeting.

- (3) If at any meeting, neither the chair nor the vice-chair is present, the members present shall choose another member present to be chair of the meeting.

Casting vote

41 (1) The chair of the meeting shall have no vote except in the case of an equality of votes.

- (2) In the case of any equality of votes, the chair shall have the deciding vote.

One vote; no proxy voting

42 Subject to Sections 13 and 14, only members present are entitled to vote at a meeting of members and each member shall have one vote and there shall be no proxy voting.

Agenda / minutes of annual general meeting

43 (1) The order of business at the annual general meeting of the members shall be

- (a) roll call, which may be completed and tabulated prior to the call to order;
- (b) reading and approving of minutes of last meeting;
- (c) matters arising out of minutes;
- (d) reports of manager, treasurer, auditor and chair;
- (e) other reports, if any; and
- (f) such other matters as the board of directors may include in the notice calling the meeting.

- (2) The order of business may be varied by a majority vote of the members present at a meeting.

- (3) Minutes of each meeting of the members shall be signed by the chair of the meeting and the secretary.

Majority decides

- 44 All matters arising at any meeting of the members shall unless otherwise decided by the board of directors and stated in the notice calling the meeting, be decided by the majority of the votes of the members present.

Milk committees

- 45 (1) Within each region there shall be a milk committee comprised of 4 members resident within the region.
- (2) The 4 members on the milk committee shall be elected by the members resident within the region.
- (3) For this purpose, a meeting of the members resident in the region shall be called and held at such time as determined by the board of directors and those members present at the meeting shall elect the milk committee members.
- (4) The terms of office for the members on the milk committee shall be 3 years, with the terms of office being staggered.
- (5) If there is ever a vacancy on the milk committee by reason of a resignation or death of a member on the milk committee, the board of directors may, in consultation with the milk committee, appoint a member from the region to the milk committee until it is convenient, as determined by the board of directors, to have an election in the region to replace the member who has resigned or died.
- (6) The director within the region shall hold periodic meetings of the milk committee, to seek advice, input and feedback on matters affecting DFNS.

PART VI – OFFICERS, MANAGER AND EXECUTIVE COMMITTEE**Election of chair and vice-chair**

- 46 (1) At its first meeting after the annual general meeting of the members, the board of directors shall elect from among themselves a chair and a vice-chair.
- (2) When the chair and vice-chair are absent from a meeting of the directors, the board of directors may elect a chair from the directors present at the meeting.

Appointment of secretary and treasurer

- 47 (1) The board of directors shall appoint a secretary and treasurer for DFNS.
- (2) The same person may be appointed secretary and treasurer.
- (3) No secretary or treasurer shall be a member of DFNS.
- (4) The secretary and treasurer shall be appointed annually, at the same meeting the chair and vice-chair are elected.

Duties of the secretary

48 The secretary of DFNS shall

- (a) attend all meetings of the members and the board of directors and keep true minutes thereof;
- (b) conduct the correspondence of the board of directors; and
- (c) keep a record of
 - (i) all transactions of the members and board of directors,
 - (ii) all resolutions, orders, directions or determinations of the members and board of directors,
 - (iii) all reports of committees that are from time to time appointed by the board of directors, and
 - (iv) all annual financial statements and auditor's reports.

Duties of the treasurer

49 The treasurer of DFNS shall

- (a) receive all money paid to DFNS and immediately deposit it to the credit of DFNS in a bank listed in Schedule I or II to the *Bank Act* (Canada), or in a credit union, as DFNS by resolution directs;
- (b) keep the securities of DFNS in safe custody;
- (c) keep or cause to be kept proper books of account and make or cause to be made therein entries of all receipts and expenditures of DFNS;
- (d) prepare the annual financial statements of DFNS; and
- (e) prepare reports showing the financial position of DFNS, as the board of directors from time to time directs.

Manager

50 DFNS may hire a manager and the duties of the manager shall be as directed by the board of directors from time to time.

Executive committee

51 (1) There shall be an executive committee of DFNS, with such duties and responsibilities as determined by the board of directors, from time to time, which shall be composed of the chair, vice-chair and one director.

(2) The director of the executive committee shall be elected from and by the board of directors, at the same meeting it elects the chair and vice-chair.

PART VII – GENERAL**Head office**

52 The head office of DFNS shall be in such place in Nova Scotia as the board of directors from time to time determines.

Fiscal year

53 The fiscal year of DFNS shall end on July 31 each year or on such other date fixed from time to time by the board of directors.

Expenditures and cheques

- 54 (1)** No expenditure shall be made unless authorized by the board of directors in accordance with the powers conferred upon the board of directors by the Act and the regulations.
- (2)** All cheques of DFNS shall require the signature of 2 persons chosen by the board of directors from time to time.

Audited accounts and appointment of auditor

- 55 (1)** DFNS shall cause its accounts to be audited annually by one or more auditors within 2 months after the end of the fiscal year.
- (2)** The auditor shall make a report to the board of directors on the accounts examined by the auditor and on every financial statement laid before the members at an annual general meeting and in the report shall state whether, in the auditor's opinion, each financial statement referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of DFNS's affairs as shown by its books and the treasurer's financial statements.
- (3)** The auditor or auditors of DFNS shall be appointed annually by the members at the annual general meeting.

Circulation of statements and report

56 Within 6 months after the end of each fiscal year, the secretary shall forward to the members a copy of the annual financial statements and auditor's report and a general report of DFNS's operations for the fiscal year last ended.

Seal

- 57 (1)** DFNS shall have a corporate seal.
- (2)** The seal shall be in the form of a concentric circle with the name of DFNS inserted in the space inside the circle.
- (3)** Where the seal is used, it shall be attested by the chair or vice-chair and the secretary.
- (4)** The secretary shall have custody of the seal.

Amendment of by-laws

58 These by-laws may be amended, in whole or in part, by the board of directors provided the board of directors have first provided the members with notice of the amendment and an opportunity to discuss and provide input on the amendment to the board of directors, either at an annual general meeting or special meeting of the members.

Annual budget

59 The annual budget for DFNS needs only to be approved by the board of directors provided the board of directors have first provided the members with notice and an opportunity to discuss and provide input on the annual budget to the board of directors, either at an annual general meeting or special meeting of the members.

N.S. Reg. 65/2001

Made: May 24, 2001

Filed: June 11, 2001

Advisory Committee Regulations

Order dated May 24, 2001
made under clause 15(1)(c) of the
Dairy Industry Act

Dairy Farmers of Nova Scotia - Advisory Committee Regulations

Regulations respecting Advisory Committees made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clause 15(1)(c) of the Dairy Industry Act.

Citation

1 These regulations may be cited as the *Advisory Committee Regulations*.

Advisory Committee for Milk

- 2 (1) There shall be an advisory committee to the Board known as the “Advisory Committee for Milk”, hereinafter referred to as the “Committee”.
- (2) The Committee shall consist of 7 members, of whom,
- (a) one shall be the chair of the Committee appointed for a 3-year term, subject to annual review and who shall be a non-producer, non-processor and non-distributor and who is mutually agreeable to the Board and the processors;
 - (b) three shall be appointed annually by the Board; and
 - (c) three shall be appointed annually by processors.
- (3) At least 60 days prior to the appointments of processors expiring, the Board will contact the Processor Association requesting the names of appointees for the coming year.
- (4) If no appointments are made within the 60 days mentioned in subsection (3) above, the Board will send a second request to the Processor Association by registered letter.
- (5) If no response is received within 7 days of the receipt of the registered letter, the Board may appoint processors who have not been appointed to increase the number of members to 7.
- (6) If a member of the Committee dies or resigns or becomes unavailable to act before the expiration of the term of office, the body appointing such person shall appoint a person as a member for the remainder of the term of office.
- (7) The Board shall appoint a secretary for the Committee.

Costs

- 3 (1) The Board shall be responsible for the costs of the secretary and, the costs of the 3 members appointed by the Board.

- (2) The processors shall be responsible for the costs of the 3 members appointed by the processors.
- (3) The costs of the chair shall be shared equally by the Board and the processors.

Voting

- 4 (1) Each member of the Committee shall have one vote, with the exception of the chair, who shall not have a vote.
- (2) All decisions of the Committee must be unanimous among the voting members.

Arbitration

- 5 (1) If, at any time, the Committee is unable to reach a unanimous decision and the chair is of the opinion that all avenues that might lead to unanimity have been exhausted, or at least two-thirds of the voting members concur that the matter shall be referred to arbitration, the chair, or failing the chair the secretary, shall refer the matter to arbitration.
- (2) A matter referred to arbitration shall be referred to one of the arbitrators on the panel of arbitrators maintained for this purpose.
- (3) The panel of arbitrators shall only contain the names of those arbitrators who are mutually agreeable to both the Board and the processors and, who have agreed to the terms of reference for an arbitration under these regulations.
- (4) Upon the arbitrator being appointed, the hearing of the matter shall be within 21 days of the appointment and the decision of the arbitrator shall be delivered within 7 days of the conclusion of the hearing, unless both parties agree to extend either or both deadlines.
- (5) The decision of the arbitrator shall be final and binding on the processors and the Board.
- (6) All costs of the arbitration shall be equally shared by the Board and the processors.

Processor appointees

- 6 (1) The 3 members of the Committee appointed by the processors shall be representative of different processors carrying on business in the Province.
- (2) If there is a reorganization, merger or consolidation of such processors, during any term of such members, the processors may appoint new members for the balance of the term.
- (3) The Nova Scotia representatives on the Atlantic Dairy Council shall identify and implement ways of including the input of the "cottage industry" processors in the representation of the processors on the Committee.

Compensation for Committee

- 7 (1) The remuneration or compensation paid to the chair of the Committee, and the terms of any contract for services with the chair, shall be mutually agreeable between the Board and the processors.

- (2) All such remuneration or compensation shall be shared and paid for equally between the Board and the processor.

Initial chair

- 8 (1) The initial chair of the Committee shall be agreeable to the Board and the Atlantic Dairy Council, Nova Scotia Division.
- (2) The initial remuneration or compensation shall be agreeable to the Board and the Atlantic Dairy Council, Nova Scotia Division.

Advice of Committee

- 9 The Committee may advise and make recommendations to the Board in respect of
 - (a) the promotion of harmonious relationships between persons engaged in the producing and marketing of milk;
 - (b) the promotion of greater efficiency in the marketing of milk;
 - ~~(b)~~(c) the prevention and correction of irregularities and inequities in the marketing of milk;
 - (d) the improvement of the circulation of market information respecting milk; and
 - (e) without limiting the generality of the foregoing, any matter with respect to which the Board may make regulations under the Act.

Notification to Processor Association

- 10 (1) The Processor Association shall be notified of any intended amendments to the regulations, sought by the Board and shall be given a reasonable period specified in the notification in which to raise any concerns or issues with the amendments, by notifying the chair of the Committee.
- (2) The reasonable period referred to in subsection (1) shall, in no case, be longer than 30 days.
- (3) If the Processor Association raises any concern or issues to the chair of the Committee, the chair shall immediately convene a meeting of the Committee, to deal with the concern or issue.
- (4) Sections 4 and 5 shall apply in respect to a decision concerning any concern or issue before any amendments to the regulations may take place and for greater certainty, any decision of an arbitrator appointed under Section 5 shall be final and binding on the Processor Association and the Board.
- (5) If the Processor Association does not raise any concerns or issues within the time specified in the notification pursuant to subsections (1) and (2), the Board shall be able to proceed as if no concern or issue had been raised by the Processor Association.

Notification to producers

- 11 Any proposed amendments to the regulations shall be communicated to the producers within a reasonable time period.

N.S. Reg. 66/2001

Made: May 24, 2001

Filed: June 11, 2001

Milk Pricing Regulations

Order dated May 24, 2001
made under clauses 14(c) and 15(g) of the
Dairy Industry Act

Dairy Farmers of Nova Scotia - Milk Pricing Regulations

Regulations respecting Milk Utilization and Milk Pricing made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clauses 14(c) and 15(g) of the Dairy Industry Act.

Citation

1 These regulations may be cited as *Milk Pricing Regulations*.

Milk component prices

2 (1) The price of milk components paid by processors in Nova Scotia, effective April 1, 2001, shall be the following on an F.O.B. plant basis:

Component Prices - Per Kilogram for Classes 1, 2, 3, and 4

Class of Milk	\$ Per Kg Butterfat	\$ Per Kg Protein	\$ Per Kg Other Solids	\$ Per hl Solids-non-fat
1(a)	5.9139			45.56
1(b)	5.9139			33.83
1(c)	5.9139			46.48
2	5.9139	4.5755	4.5755	
3(a)	5.9139	10.4830	0.6571	
3(b)	5.9139	10.0287	0.6571	
4(a)	5.9139	4.0191	4.0191	
4(b)	5.9139	4.1277	4.1277	
4(c)	5.9139	4.0191	4.0191	
4(d)	5.9139	4.0191	4.0191	

(2) Component prices per kilogram for classes 5(a), 5(b), 5(c), 5(d), and 4(m) shall be those prices established from time to time by the Canadian Dairy Commission.

Information reporting

3 (1) All processors purchasing raw milk in Nova Scotia shall report milk receipts, milk utilization, and bulk haulage costs, and pay producers and the Board no later than the date indicated on the monthly reporting schedule prepared by the Board and processors.

(2) The information shall be treated in a confidential manner by Board staff.

(3) In cases where Board staff have concerns about processor reporting or payment, staff may review the situation with the milk utilization auditing firm appointed by Natural Products Marketing Council.

Calculation of producer price

4 (1) The Board shall calculate the monthly component prices to be paid to producers, no later than the date indicated on the monthly reporting schedule prepared by the Board and processors.

- (2) In calculating these prices, the Board may take into account the impact of pooling agreements to which the board may be a party.

Payment of producers

- 5 (1) Once the Board has calculated the price of components, the Board shall effect payment of producers for milk produced during the previous month.
- (2) The Board may utilize the services of a payment agent, or may be its own payment agent, if one or more fluid distributors choose not to be payment agents, pursuant to subsection 7(4)

Bulk haulage deduction

- 6 (1) All processors purchasing raw milk in Nova Scotia shall report bulk haulage costs to the Board no later than the date indicated on the monthly reporting schedule prepared by the Board and processors.
- (2) The Board shall calculate the equalized bulk haulage rate to be charged on all milk, taking into account the impact of any pooling agreement to which the Board may be a party.
- (3) The equalized bulk haulage rate will be deducted from all producer payments.

Payment agents

- 7 (1) Notwithstanding anything in these regulations to the contrary, a payment agent shall, on behalf of the Board
 - (a) prepare a statement of the milk supplied to that payment agent in respect of the producers whose milk was supplied to that payment agent by the Board;
 - (b) mail statements by prepaid first class mail and transmit payment electronically or by cheques, and if cheques, by prepaid first class mail to producers not later than the date indicated on the monthly reporting schedule prepared by the Board and processors.
- (2) If any payment agent chooses to cease being a payment agent of the Board, it shall first provide 6 months written notice to the Board.
- (3) In the event that a payment agent provides the Board with the notice referred to in subsection (2), the matter shall be referred to the Advisory Committee on Milk.
- (4) In the event that a distributor ceases to be a payment agent for the Board, the Board shall arrange to have another payment agent pay the producers formerly paid by that distributor or, if no other payment agent is willing to pay the producers formerly paid by the distributor who ceased to be a payment agent, the Board may establish a payment system for all producers in the Province, in which case the agreements with all payment agents shall be terminated.
- (5) If a producer has a payment agent, all payments for milk supplied by the producer to the Board shall come from the payment agent for that producer.

Producer fees

- 8** (1) All producers shall pay a Board administration fee of \$0.085 per kilogram of butterfat marketed (excluding contract export milk).
- (2) All producers shall pay a milk promotion fee of \$0.265 per kilogram of butterfat marketed (excluding contract export milk).
- (3) Fees paid by producers pursuant to subsections (1) and (2) shall be deducted by the Board from the producer's payment, or where payment is made by a payment agent, shall be deducted by the payment agent and remitted to the Board no later than the date indicated on the monthly reporting schedule prepared by the Board and processors.

Substitution

- 9** This regulation is made in substitution for Schedule 6, Sections 4 to 10 of Schedule 7 and Section 1 of Schedule 9 of the regulations made pursuant to the *Dairy Commission Act*.

N.S. Reg. 67/2001

Made: May 24, 2001

Filed: June 11, 2001

Total Production Quota Regulations

Order dated May 24, 2001
made under clause 14(e) of the
Dairy Industry Act

Dairy Farmers of Nova Scotia - Total Production Quota Regulations

Regulations respecting Total Production Quotas made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clause 14(e) of the Dairy Industry Act.

Citation

1 These Regulations may be cited as the *Total Production Quota Regulations*.

Interpretation

2 In these regulations,

- (a) “complete dairy herd” means all the animals in the herd which have calved at least once and are required to support the Total Production Quota on that farm as determined by the Board;
- (b) “going concern” means a dairy enterprise which includes land necessary for the dairy operation, buildings, dairy and farm equipment, and complete dairy herd;
- (c) “immediate member of the family” means a person who stands in a relationship to a producer as determined by the Board from time to time;
- (d) “market sharing quota” or MSQ means production volume allotted to the Board to represent the Province’s share of the market for industrial milk in Canada, expressed in kilograms of butterfat per year;
- (e) “milk” means milk as defined in Act;
- (f) “market clearing price” means the price at which TPQ shall be deemed bought or sold on the TPQ Exchange as defined in these regulations;
- (g) “pay period” means the period customarily followed by the Board for the purposes of paying transporters and producers;
- (h) “producer” means a producer as defined in the Act, and to whom a TPQ has been allotted;
- (i) “provincial total production quota” or “Provincial TPQ” means total annual butterfat requirement to supply Nova Scotia’s allocation of annual MSQ and annual butterfat or equivalent milk volume requirements to supply provincial demand for fluid milk;
- (j) “Production Unit” means dairy farm, including land, and buildings;
- (k) “Quota Committee” means the committee established pursuant to Section 5;

- (l) “total production quota” or “TPQ” means a quota allotted by the Board in accordance with these regulations to represent an individual producer’s share of the market for milk, expressed in kilograms of butterfat, and includes the provincial quota and the federal quota allotted under the Dairy Products Marketing Regulations made pursuant to the Canadian Dairy Commission Act;
- (m) “year” means the dairy year as determined by the Board.

General

- 3 (1)** The supply of milk by producers to processors shall be regulated by a system of quotas.
- (2)** Fixing, allotting and administering quotas shall be the responsibility of the Board.
 - (3)** Subject to these regulations the Board may allot TPQ to producers who
 - (a) are eligible for registration with the Canadian Dairy Commission;
 - (b) have met licensing criteria in the Province; and
 - (c) are selling milk to the Board upon the terms and conditions of these regulations.
 - (4)** Each producer shall be assigned a registration number by the Board.
 - (5)** There may be only one registration for one production unit and one producer may hold only one registration number regardless of whether the producer operates one or more farms.
 - (6)** The Board will fix and allot only one TPQ for each producer assigned a registration number.
 - (7)** No producer shall ship milk to a processor on the basis of
 - (a) TPQ allotment registered in the name of another producer;
 - (b) that producer’s TPQ allotment from cows other than those located on that producer’s farm or farms.
 - (8)** No producer shall ship milk to another registered producer for the purpose of shipment or reshipment to a processor.
 - (9)** When a producer who has been allotted TPQ contravenes these regulations, the Board may revoke or suspend any or all TPQ registered to that producer upon such terms and conditions as are considered appropriate in the circumstances by the Board.
 - (10)** The Board may order a producer to dispose of the producer’s TPQ if production is too low to provide satisfactory cooling, sampling or measurement, or if the producer has shipped at a rate of less than 110 litres per day for more than 2 consecutive pay periods.

- (11) The Board may, upon receipt of a completed assignment of TPQ made between a recognized lending institution and a producer for the purpose of a secured transaction consent to the secured transaction upon such terms and conditions as the Board may consider appropriate provided however, the consent of the Board shall not in any circumstances be, or be deemed to be, warrant as to the validity of the security nor shall the Board be liable for any loss or damage which may be suffered by such lending institution as a result of its reliance upon such security.

Fixing Provincial total production quota

- 4 (1) The Board shall fix the Provincial total production quota.
- (2) The Board shall allot TPQ in respect of producers.
- (3) The Board may make an interim adjustment in Provincial TPQ to ensure an adequate supply of milk is available to meet market requirements.
- (4) If the Board after consulting with the Quota Committee, determines that a Provincial TPQ adjustment is required, the Board may increase or decrease the TPQ of all producers as a percent of their TPQ holdings as of the date of the adjustment.

Quota Committee

- 5 (1) A provincial quota committee shall be established to administer Sections 7, 19 and 20 of these regulations on behalf of the Board, and to make recommendations to the Board on the remainder of this regulation.
- (2) The Quota Committee shall be composed of the Executive Committee of the Board.
- (3) Each member of the Quota Committee shall have one vote.
- (4) The Quota Committee shall appoint one of its members as Chair.

TPQ flexibility for individual producers

- 6 (1) Production shall be deemed to be in-quota when cumulative production is equal to or less than 20 times daily TPQ.
- (2) Cumulative production which exceeds cumulative TPQ by more than 20 times daily TPQ shall be classed as over-quota production, and shall be paid at the over-quota price in the month it is produced.
- (3) The limit of cumulative under-production is thirty times daily TPQ. Under-production up to the limit may be carried forward indefinitely; under-production in excess of the limit shall not be carried forward.
- (4) When a producer sells the complete TPQ on the TPQ Exchange, any cumulative production in excess of cumulative TPQ shall be deemed to be over-quota production.

Transfer of TPQ

- 7 (1) Except as provided for in these regulations, TPQ shall not be sold, assigned, leased or transferred.
- (2) No transfer of TPQ is effective until authorized by the Board.

- (3)** All transfers of TPQ shall take place on the quota exchange except for
 - (a) the transfer of a farm as a going concern;
 - (b) a transfer of TPQ among immediate members of a family approved by the Board, upon application of the transferor;
 - (c) a transfer to a partnership or to a corporation in which the transferring producer is to be actively involved in the enterprise as a partner or a shareholder;
 - (d) a transfer from a partnership or a corporation (in which the receiving producer was actively involved as a partner or a shareholder) to the producer or producers who were actively involved in the partnership or the corporation;
 - (e) a transfer of the entire quota from one producer to another specific producer approved by the Board, upon application of the transferor, where the acquiring producer purchases all of the dairy cattle of the transferor, and where in the opinion of the Board, the transfer will result in the elimination of a dairy farm which is physically inaccessible by tractor trailer, or located on a road which limits tractor trailer accessibility.
- (4)** A new or current producer purchasing or acquiring a dairy farm as a going concern shall acquire the TPQ allotted to the previous owner.
- (5)** Unless otherwise approved by the Board, all transfers of TPQ shall occur at the beginning of the pay period.
- (6)** A milk producer who ceases milk production shall sell the producer's TPQ within 4 quota exchanges following the date of the last milk shipment, or the TPQ will be cancelled by the Board.

TPQ exchange

- 8 (1)** A milk producer or authorized assignee, may offer to sell or buy TPQ on a quota exchange administered by the Board.
- (2)** A quota exchange for TPQ may operate in any month of the year.
- (3)** Quota which is sold on the exchange will transfer at the beginning of the month following the operation of the exchange.
- (4)** Units of TPQ to be transacted on the exchange will be kilograms of butterfat per day.
- (5)** A producer wishing to participate on a quota exchange shall submit an offer to buy or an offer to sell in writing to the Board and it may be either by an application form or letter signed by the registered quota holder and the offers shall include the following information:
 - (a) whether to buy or sell TPQ;
 - (b) the number of kilograms or portion of kilogram expressed in tenths offered;
 - (c) the offer price per kilogram (fraction of cents are not acceptable);

- (d) name of the quota holder, signature, if applicable, and Federal Registration number or Patron number;
- (e) the month of the quota exchange.

Offers to buy and sell

- 9 (1)** An offer to buy shall be accompanied by personal cheque, certified cheque or other form of payment made payable to the Board covering the full amount of the bid.
- (2)** An offer to buy accompanied by payment as outlined above must be received by the Board by the last business day preceding the 19th day of the month of the exchange.
- (3)** Offers to sell on a quota exchange must be received by the Board by the last business day preceding the 19th day of the month of the exchange.
- (4)** A producer shall not be permitted to offer to sell and purchase TPQ on the same quota exchange in the same pay period.
- (5)** Offers to buy or sell quota must be accompanied by a \$10.00 per offer service fee, which is non-refundable.

NSF cheques

- 10 (1)** In the event that a cheque submitted should be returned marked “insufficient funds” (hereinafter referred to as NSF), the quota purchased with the NSF cheque shall return to the Board; and may be sold on a subsequent quota exchange.
- (2)** A producer attempting to purchase TPQ with an NSF cheque shall be liable for all costs incurred by the Board as a result of the NSF cheque, which shall be paid prior to any future offers being accepted.
- (3)** Despite subsection 9(1), a producer who has attempted to purchase TPQ with an NSF cheque shall be required for the 12 subsequent months, to submit a certified cheque with any offer to buy on the TPQ Exchange.

Withdrawal or amendment of offer

- 11** A producer may withdraw or amend an offer, provided the amendment is in writing in the form of a letter, application form or facsimile received by the deadline identified in subsections 9(2) and 9(3).

Money paid out by Board

- 12 (1)** Money to be returned to unsuccessful purchasers and refunds due to successful purchasers as a result of the difference between the bid amount and the market clearing price shall be paid by the Board before the 28th day of the month of that quota exchange.
- (2)** Money due producers as a result of selling quota will be paid by the Board before the 10th day of the month following the month of the exchange.

Cancellation of exchange

- 13 (1)** A cancellation of exchange for a particular pay period may occur at the discretion of the Board if there are insufficient offers.

- (2) Producers who had offered may resubmit their original offer or an amended offer if they wish to participate on a subsequent exchange.

Clearing of exchange

- 14 (1) At the time a particular quota exchange is to operate, the Board shall proceed to match the volumes and prices which have been submitted by the producers in the offers to sell and buy and shall determine the point at which offers to buy and offers to sell most closely match on the basis of price and volume according to the following table.

TPQ EXCHANGE

\$ Price Lowest To Highest	Kg Sales At Price	Cumulative Sales Difference	Cumulative Buys	Kg Buys At Price
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- (2) The procedure described in this Section shall be known as “clearing” the quota exchange.
- (3) The market clearing price as determined by clearing the quota exchange shall be the price that the TPQ shall be deemed sold or bought for on the quota exchange.
- (4) If a producer offers to buy TPQ at a price equal to or higher than the market clearing price, then that offer shall be deemed successful and the transaction will take place at the market clearing price.
- (5) If a producer offers to sell TPQ at a price equal to or lower than the market clearing price, then that offer shall be deemed successful and the transaction will take place at the market clearing price.
- (6) Upon clearing the quota exchange, any imbalance of TPQ offered may be adjusted by the Board to financially balance the exchange.

Notification

- 15 All participants on a quota exchange will be individually advised in writing whether or not their offer was successful.

Transfer effective

- 16 Quota purchased on the exchange is transferred to the new owner effective the beginning of the following pay period.

Interprovincial quota exchange

- 17 A quota exchange, may operate Provincially, or in conjunction with one or more additional provinces with the approval of the Board and Natural Products Marketing Council.

Entry of producers

- 18 (1) New producers approved by the Board to become milk producers may participate on the quota exchange.
- (2) If the purchaser is not a current milk producer the producer shall
- (a) be located within a reasonable area for bulk milk pickup and must have the approval of a processor to become a milk shipper;

(b) be able to qualify for a licence to produce milk as provided for in the Act.

Leasing of TPQ

- 19 (1)** No quota leases shall be effective until approved by the Board, which approval shall not be given except in the case of a catastrophe as outlined in Section 20.
- (2) Only active, registered milk producers may enter into a lease of quota.
- (3) All quota leases shall be in writing, on the standard form supplied by the Board.
- (4) All leases shall start at the beginning of a pay period, and end on the last day of a pay period.
- (5) Leased quota shall be transferred back to the original owner upon expiry of the lease, unless the lease is renewed before the termination date.
- (6) All quota leases will terminate at the end of the dairy year.
- (7) The minimum length of a lease shall be 1 pay period, and the maximum length shall be 12 pay periods.
- (8) Subject to subsections (6) and (7), and with the approval of the Board, leases may be renewed.
- (9) Any adjustments to Provincial TPQ (increases or decreases) will apply to all quota held (leased or owned).
- (10) Subject to subsection (9), at the termination of a lease, the adjusted amount of the leased quota will be returned to the lessor.
- (11) A producer cannot be both a lessor and a lessee at the same time.

Catastrophes affecting leases

- 20 (1)** Where due to a catastrophe, a producer reduced production or discontinued production temporarily, the producer may lease up to 100% of TPQ, to one or more producers.
- (2) Without limiting the generality of the foregoing, a catastrophe may include severe injury, severe illness or death of the quota holder or the person(s) responsible for the dairy herd, sudden death or loss of a significant part of the milking herd or destruction of the production facilities.
- (3) A notice of application including satisfactory evidence of a catastrophe should be received by the Board as soon as possible, but not later than the end of the pay period at the start of the lease.

Milk price

- 21 (1)** Milk shipments by producers shall be paid for at the component prices for that pay period, as determined by the *Milk Pricing Regulations*.
- (2) All milk shipments deemed to be over-quota shall be paid at the over-quota price for that pay period, as determined by the Board.

Cream production

- 22 (1)** Despite Section 3, producers who have been shipping farm-separated cream since July 30, 1994, may continue shipping cream on the basis of MSQ allotted to them by the Board.
- (2)** The right to continue shipping farm separated cream, as outlined in subsection (1), shall not be sold, assigned, willed or otherwise transferred to any other producer.
- (3)** A cream producer who wishes to sell quota may elect to have his or her MSQ converted to TPQ, by requesting the conversion, in writing, to the Board.
- (4)** The conversion of MSQ to TPQ, pursuant to subsection (3) above, shall be done on the basis of the following formula:

$$\frac{[\text{kg MSQ} \times 0.85]}{365} = \text{kg TPQ}$$

- (5)** MSQ converted to TPQ may be sold on the TPQ Exchange.
- (6)** The right to convert MSQ to TPQ, and to sell it on the TPQ Exchange, shall accrue to the heirs of any eligible producer, as described in subsection (1).
- (7)** The Board may increase or decrease the MSQ held by producers to balance the Nova Scotia producers share of the total national MSQ.

Nova Scotia Agricultural College

- 23** Subsections 3(10) and 6(3) shall not apply to the Nova Scotia Agricultural College.

Substitution

- 24** This regulation is made in substitution for Schedule 10 of the regulations made pursuant to the *Dairy Commission Act*.

N.S. Reg. 68/2001

Made: June 6, 2001

Filed: June 11, 2001

Traffic Control Signals Regulations

Order dated June 6, 2001
made under subsections 87(2) and 89(3) of the
Motor Vehicle Act

**CONDITIONS RESPECTING TRAFFIC CONTROL SIGNALS
made by the Department of Transportation and Public Works
pursuant to subsections 87(2) and 89(3) of Chapter 293 of the
Revised Statutes of Nova Scotia, 1989, the Motor Vehicle Act**

A traffic control signal in the form and as described in Schedule "A" - Transit Priority Signal which is attached hereto may be used to regulate public transit vehicles in priority to other vehicles, during testing and evaluation subject to the following conditions:

- 1) Transit priority signals may only be used from June 1, 2001, to November 30, 2001, during a testing and evaluation phase.
- 2) Prior to installation of transit priority signals a detailed operational and safety assessment must be completed. A qualified traffic engineer assessing traffic volumes and speeds, queue lengths, intersection and approach road geometrics, level of service, volume to capacity ratios, transit vehicle volumes, etc., must determine that the intersection in question is appropriate for the application of transit priority signals.
- 3) A communication plan to notify the public in advance of the transit priority signal operation must be prepared and followed.
- 4) On going data collection for a minimum of four (4) months while the transit priority signal is in use is required.
- 5) At the end of the testing and evaluation phase and prior to December 15, 2001, a detailed comprehensive report is to be submitted to the Provincial Traffic Authority. This report is to detail conditions (see 2) above) prior to and during the testing and evaluation phase. The performance of the transit priority signal as indicated by benefits, negative impacts, risks, etc., for the various test sites is to be documented. Recommendations for future testing or permanent installation ~~is~~ [are] expected.

Dated at Halifax, Nova Scotia, June 6, 2001.

(Signed) *Ralph Hessian*
Ralph E. Hessian, P.Eng.
Provincial Traffic Authority

Schedule “A”
Transit Priority Signal

A transit priority signal consists of a lunar white rectangle, oriented vertically on a black background. It is used to assign exclusive right of way to public transit vehicles.

When facing a red ball and a transit priority signal indication, public transit vehicles may proceed to travel straight through or turn right at the intersection unless otherwise directed by a peace officer but shall yield the right of way to pedestrians lawfully in a crosswalk and other vehicles lawfully in an intersection. All other vehicular and pedestrian traffic must stop before entering the intersection, and remain stopped unless otherwise permitted by a traffic control device.

The size, color, shape and location of the transit priority signal must be in accordance with the Manual of Uniform Traffic Control Devices for Canada, Fourth Edition, September 1998, specific details of which are shown in Figures B3-9, B3-10 and B3-11.

N.S. Reg. 69/2001

Made: June 12, 2001

Filed: June 13, 2001

Ministerial Order re: Frank F. Tibbetts
and Tibbetts Paints Limited

Order dated June 12, 2001
made under subsection 125(1) of the
Environment Act

14-01

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the *Environment Act*

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the said Act to **Frank F. Tibbetts and Tibbetts Paints Limited**, a body corporate, located at or near New Glasgow, in the County of Pictou, Province of Nova Scotia

MINISTERIAL ORDER

- I. **WHEREAS Frank F. Tibbetts and Tibbetts Paints Limited**, own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: [a] former paint manufacturing facility located at or near 21 Riverbank Road, Trenton, in the County of Pictou, Province of Nova Scotia, hereafter called the "Site";
- II. **AND WHEREAS** the Minister of Environment and Labour believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act* and the *Dangerous Goods Management Regulations*, to wit [sub]section 67(2) of the *Environment Act* and [sub]sections 8(1), (2) & (12) of the *Dangerous Goods Management Regulations* to wit:
- 67 (2)** No person shall knowingly release or permit the release of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.
- 8 (1)** A storage facility shall be designed, constructed and maintained so that elements of the weather, including precipitation, heat, frost, wind and humidity have no impact on the capability of the storage facility to ~~safety~~ [safely] store dangerous goods or waste dangerous goods.
- (2)** Every person responsible for a storage facility shall ensure that the storage facility is
- (a) secured from public entry;

- (b) prominently identified as a dangerous good[s] or waste dangerous goods storage facility using placards prescribed in the Transportation of Dangerous Goods Regulations (Canada) to properly describe the dangerous goods or waste dangerous goods contained in the facility, placed on or near each building, room or area where the dangerous goods or waste dangerous goods are stored;
 - (c) equipped with suitable equipment required to handle an emergency related to the dangerous goods or waste dangerous goods stored in the storage facility;
 - (d) staffed with employees trained to respond to emergencies related to the dangerous goods or waste dangerous goods stored in the storage facility; and
 - (e) secured to prevent spilled or leaked dangerous goods or waste dangerous goods from entering the environment or causing an adverse effect.
- 12** No person shall cause, suffer or permit the dumping, depositing, dropping, throwing, discharging or leaving of dangerous goods or waste dangerous goods in a manner which may cause an adverse effect without the prior written approval of the Minister or an Administrator.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* and the *Dangerous Goods Management Regulations* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to [sub]section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, in the County of Halifax, Province of Nova Scotia, this 12th day of June, 2001.

(Signed) *David Morse*
The Honourable David Morse
Minister of Environment and Labour

SCHEDULE "A"
TERMS AND CONDITIONS
Tibbetts Paints Limited and Frank F. Tibbetts

1.0 Remedial Action Plan

- 1.1** The persons named in this Ministerial Order shall, within 30 days of the service of this Ministerial Order, ensure a professional consultant(s) who has expertise in hydrogeology, chemistry and engineering
- (a) prepares a detailed progress report identifying the present status of the soil remediation work conducted on the site in relation to the Remedial Action Plan prepared by Groundwater Technology Canada Limited, January 29, 1996, and Report on the Landfarm Remediation Project prepared by Fluor Daniel GTI, November 14, 1997. The report shall include a time schedule to implement any further works required to ensure compliance with the Remedial Action Plan; and
 - (b) submits the Report outlined in Paragraph 1.1(a) to the Department of Environment and Labour contact person named in Paragraph 7.1 of this Ministerial Order.

2.0 Site Security

- 2.1** The persons named in this Ministerial Order shall, within 24 hours of service of this Order, ensure the entire site, including all structures on the site, ~~are~~ [is] made secure from public entry.

3.0 Waste Dangerous Goods and Dangerous Goods

- 3.1** The persons named in this Ministerial Order shall, within 30 days of service of this Order, prepare an inventory of dangerous goods and waste dangerous goods located on the Site.
- 3.2** The persons named in this Ministerial Order shall, within 30 days of service of this Ministerial Order, ensure the dangerous goods and waste dangerous goods referenced in Paragraph 3.1 are stored to prevent spillage or leakage and primary containers are stored to prevent exposure to weather elements.
- 3.3** The persons named in this Ministerial Order shall, within 90 days of service of this Order, ensure the waste dangerous goods stored on the Site are disposed of by a company authorized to dispose of waste dangerous goods.
- 3.4** The persons named in this Ministerial Order shall, within 90 days of the service of this Ministerial Order, ensure the dangerous goods stored on the site are either:
- (a) disposed of by a company authorized to dispose of waste dangerous goods;

- (b) transferred off the site for reuse or recycling; or
- (c) stored in accordance with the Dangerous Goods Management Regulations.

4.0 Departmental Approval

- 4.1** Prior to the commencement of any soil remediation work, the persons named in this Ministerial Order shall ensure written approval is obtained from the Department of Environment and Labour contact person named in Paragraph 7.1.
- 4.2** Immediately upon receipt of approval from the Department of Environment and Labour pursuant to Paragraph 4.1, the persons named in this Ministerial Order shall ensure soil remediation work commences to satisfy the conditions of this Ministerial Order and is completed within the approved time schedules.

5.0 Progress Report

- 5.1** Once site work has commenced, the persons named in this Ministerial Order shall ensure written progress reports are submitted on Site-related activities to the department of Environment and Labour at such intervals to be determined in consultation with the site professional and the contact person named in Paragraph 7.1.

6.0 Time Extensions

- 6.1** If the persons named in this Ministerial Order request an extension of time to comply with a term and condition of this Ministerial Order, the request shall be in writing, outline the reasons for the request and be directed for approval to the contact person named in Paragraph 7.1.

7.0 Departmental Contact

- 7.1** Unless otherwise specified in this Ministerial Order or notified in writing by the Minister, the contact person in the Department of Environment and Labour for this Ministerial Order is:

Penny McLeod, District Manager
Department of Environment and Labour
Monitoring and Compliance Division
P.O. Box 675
New Glasgow, NS B2H 5E7
Telephone: (902) 396-4194
Fax: (902) 396-4765