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N.S. Reg. 28/2001

Made: March 16, 2001

Filed: March 27, 2001

Community Health Boards' Member Selection Regulations

Order dated March 16, 2001
Regulations made under Section 84 of the
Health Authorities Act

Schedule "A"

**Regulations Respecting Community Health Boards' Member Selection
made by the Minister of Health pursuant to Section 84
of Chapter 6 of the Acts of 2000, the *Health Authorities Act***

- 1 These regulations may be cited as the *Community Health Boards' Member Selection Regulations*.
- 2 In these regulations,
 - (a) "Act" means the *Health Authorities Act*, Chapter 6 of the Acts of 2000;
 - (b) "CHB" means a community health board established or continued pursuant to the Act;
 - (c) "board" means the board of directors of a CHB.
- 3 (1) Subject to the Act, a CHB shall determine the number of board members that will constitute its board and the quorum requirements.
 - (2) A CHB shall determine the process as to how board members are selected and a CHB may, if deemed appropriate by the board, establish a nomination committee.
- 4 (1) The selection process established pursuant to subsection 3(2), shall be open, public and transparent in all respects, including:
 - (a) the selection process shall, to the extent possible, ensure that the selection of members is broadly representative of the area served by the CHB, taking into account geographic, cultural, ethnic, and demographic factors;
 - (b) the opportunity to be considered for board membership must be open to all members of the public;
 - (c) the opportunity to apply for consideration or to put forward the names of others for consideration must be publicly advertised prior to the selection of members;
 - (d) the opportunity for applicants to self-identify as members of minority groups, such as disabled, First Nations, visible and cultural minorities, etc.;
 - (e) the criteria for selecting members must be included in the advertisements or other mechanisms used to recruit members;
 - (f) if the selection of members is to be made through a process that includes public input as to the relative suitability of various applicants the process must be organized in such a way, including appropriate public advertisement, as to give members of the public an equal opportunity to decide whether or not to participate in the process;

- (g) no person who is being considered for membership on the CHB shall participate in the selection process;
- (h) the information about each applicant that serves as the basis on which members are selected will include the information submitted by or on behalf of the applicant, but the CHB may seek additional relevant information about applicants as part of its process, provided that all information about an applicant that is relied on is available to the applicant on request and does not contravene the Nova Scotia *Human Rights Act*; and
- (i) every applicant for nomination who is not selected will be provided, on their request, with an explanation of the process and the basis for the selection of the nominees.

(2) The selection process shall be

- (a) in writing and approved by the board and in writing prior to the commencement of the process and shall include the terms of reference of a nomination committee established pursuant to subsection 3(2); and
- (b) available on request to any member of the public, the CHB, the nomination committee (if one exists), the DHA, or the Department of Health and any modifications to the process while in process should be of a minor nature only.

5 (1) Selection of a board member shall be based on the applicant's ability to demonstrate that they:

- (a) have leadership potential and an active interest in the community;
- (b) have knowledge of health issues and/or a willingness to learn;
- (c) understand and be willing to accept the responsibility and accountability of being a member of a board;
- (d) be willing and able to commit the time necessary for the work of the board;
- (e) have the ability to work effectively as a member of a team; and
- (f) have the ability to bring a useful perspective to the deliberations and work of the board.

(2) Criteria additional to subsection (1) may be added by the board to address local requirements and shall be included in the written selection process made pursuant to subsection 4(2).

- 6 The CHB may fill vacancies in the event a board member is, for any reason, unable to complete the term and the process used to fill such vacancies shall be documented in writing prior to filling the vacancies and shall be subject to the same requirements as stated in clause 4(1)(a) and subsection 4(2).

Sgd: *Jamie Muir*
The Honourable Jamie Muir
Minister of Health

March 16, 2001

_____ Dated

N.S. Reg. 29/2001

Made: March 30, 2001

Filed: March 30, 2001

Onshore Petroleum Drilling Regulations

Order in Council 2001-167 made March 30, 2001
Regulations made by the Governor in Council
pursuant to Section 27
of the *Petroleum Resources Act*

The Governor in Council on the report and recommendation of the Minister responsible for the Petroleum Directorate dated February 7, 2001, and pursuant to Section 27 of Chapter 342 of the Revised Statutes of Nova Scotia, 1989, the *Petroleum Resources Act*, as amended, is pleased to make regulations respecting onshore drilling for petroleum in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after March 30, 2001.

Schedule "A"

**Regulations Respecting Onshore Petroleum Drilling
made by the Governor in Council pursuant to
Section 27 of Chapter 342
of the Revised Statutes of Nova Scotia, 1989,
the *Petroleum Resources Act***

Citation

1 These regulations may be cited as the *Onshore Petroleum Drilling Regulations*.

Interpretation

2 In these regulations

- (a) "abandoned" means, with respect to a well, a well that has been permanently plugged;
- (b) "Act" means the *Petroleum Resources Act*;
- (c) "Administrator" means a person designated by the Minister pursuant to Section 5 and includes an acting Administrator;
- (d) "applicant" means an operator who makes an application pursuant to these regulations;
- (e) "application" means an application made to the Administrator
 - (i) for an Authorization pursuant to Section 8,
 - (ii) for an amendment to an Authorization pursuant to Section 11,
 - (iii) to renew an Authorization pursuant to Section 13, or
 - (iv) to transfer or assign an Authorization pursuant to Section 17;
- (f) "Authority to Abandon" means an Authorization issued pursuant to clause 15(1)(c) to abandon a well;
- (g) "Authority to Drill" means an Authorization issued pursuant to clause 15(1)(c) to construct a well;

- (h) “Authority to Complete” means an Authorization issued pursuant to clause 15(1)(c) to complete a well;
- (i) “Authority to Re-enter” means an Authorization issued pursuant to clause 15(1)(c) to re-enter a well;
- (j) “Authority to Suspend” means an Authorization issued pursuant to clause 15(1)(c) to suspend a well;
- (k) “Authorization” means an approval of the Administrator for any one of the activities described in clauses (f) to (j);
- (l) “certifying authority” means a person engaged by the Administrator to perform the duties described in Section 40, and includes an employee or agent of the certifying authority;
- (m) “completed” means, in respect of a well, a well that has been drilled to permit the
 - (I) production of fluids from the well,
 - (ii) observation of the performance of a reservoir,
 - (iii) injection of fluids into the well, or
 - (iv) disposal of fluids into the well;
- (n) “contractor” means a person who undertakes to perform any drilling, service or other operation at a drill site under an agreement, directly or indirectly, with either the operator or another person having a right with respect to or an interest in the drill site;
- (o) “development well” means a well that is drilled in a field or pool for the purpose of the
 - (i) production of fluids from the well,
 - (ii) observation of the performance of a reservoir,
 - (iii) injection of fluids into the well, or
 - (iv) disposal of fluids into the well;
- (p) “discovery well” means an exploratory well that, in the opinion of the Administrator, has encountered petroleum in quantities of commercial significance;
- (q) “drill site” or “well site” means a location where a drilling rig is or may be installed;
- (r) “drilling rig” means the equipment used to make a well by either boring or other methods and includes a derrick, drawworks, rotary table, mud pump, blowout preventer, accumulator, choke manifold and other associated equipment including power, control and monitoring systems;
- (s) “exploratory well” means a well, other than a development well, that is drilled for the purpose of discovering petroleum or obtaining geological information;
- (t) “inspector” means a person appointed by the Minister or Administrator pursuant to subsection 38(1);
- (u) “legal survey” means a survey conducted by a person licensed to practice land surveying in Nova Scotia under the *Land Surveyors Act*;
- (v) “marine lands” means submerged lands not administered or managed by the Canada-Nova Scotia Offshore Petroleum Board, including, but not limited to, St. George’s Bay, Chedabucto Bay, and Minas Basin;

- (w) “mineral” means mineral as defined in the *Mineral Resources Act*;
- (x) “mineral right” means mineral right as defined in the *Mineral Resources Act*;
- (y) “Minister” means the Minister responsible for the Petroleum Directorate;
- (z) “offshore area” has the same meaning as in the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*;
- (aa) “operator” means a person who holds a petroleum right under the Act and a valid Authorization, and includes
 - (i) the representative of the person, and
 - (ii) a contractor employed or hired by the person;
- (ab) “petroleum” means petroleum as defined in the Act;
- (ac) “petroleum drilling practice” means drilling exploratory wells in accordance with accepted industry practice, including
 - (i) specifications of the American Petroleum Institute (API), as amended from time to time,
 - (ii) Recommended Practices of Alberta (ARP) or Industry (IRP), as developed by the Canadian Petroleum Safety Council, as amended from time to time, and
 - (iii) any other practice approved in writing by the Administrator;
- (ad) “professional engineer” means a person licensed to practice engineering in Nova Scotia under the *Engineering Profession Act*;
- (ae) “re-entry” means, with respect to a well, re-commencing drilling or other downhole operations in a well where such work had been suspended;
- (af) “representative” means a person designated pursuant to Section 3 of the Act;
- (ag) “rig release date” means the date when a drilling rig last conducted operations on a well in accordance an Authorization for that well;
- (ah) “spud” means, with respect to the drilling of a well, the initial penetration of the ground;
- (ai) “surface improvement” includes a railway, pipeline or other right-of-way, road allowance, surveyed roadway, dwelling, water well, power line, industrial plant, aircraft runway or taxiway, a building or structure or any other situation or feature determined by the Administrator;
- (aj) “survey plan” means a topographical survey of the well site area that includes the coordinates of the well;
- (ak) “suspended” means, with respect to a well, a well in which drilling or producing operations have temporarily ceased;

- (al) “well” means an opening in the ground being drilled or completed
 - (i) as an exploratory well for petroleum,
 - (ii) for the production of petroleum, or
 - (iii) for injection to an underground formation;
- (am) “well control” means the control of the movement of fluids in or from a well;
- (an) “wireline” means a line that is used to run survey instruments or other tools in a well and is made of
 - (i) steel, or
 - (ii) several wires made of steel, copper or other metals together with electrical insulation.

Application of regulations

- 3 (1)** Subject to subsection (2), these regulations apply
- (a) to every operator who drills or proposes to drill for petroleum under the Act; and
 - (b) to every well that is drilled, re-entered, completed, suspended or abandoned under the Act.
- (2)** These regulations do not apply to a well drilled in the offshore area.

Policy

- 4** The Minister may develop or approve policies, standards and guidelines for the administration of these regulations.

Administrator

- 5 (1)** The Minister shall designate an Administrator to administer these regulations.
- (2)** The Administrator shall be responsible for preparing
- (a) interpretations of these regulations;
 - (b) proposals for amendments to these regulations; and
 - (c) policies, standards and guidelines for the administration of these regulations.

Offences

- 6 (1)** No person shall drill, re-enter, suspend, complete or abandon a well unless an Authorization has been granted and the Authorization remains in force.
- (2)** It is an offence to contravene the Act, the regulations, or the terms and conditions of an Authorization.

Drilling rig removal prohibited

- 7** No operator shall remove or cause or permit the removal of a drilling rig from a well site unless the well has been drilled, re-entered, suspended, completed or abandoned in accordance with these regulations.

Form and submission of application

- 8 (1)** An application form for an Authorization shall be in a form prescribed by the Administrator.

- (2) An application form shall be completed and signed by an operator.
- (3) Unless otherwise stated in these regulations, any information or application that is required to be submitted under the Act and these regulations shall be prepared and submitted to the Administrator in a form and manner satisfactory to the Administrator.

Surveys

- 9** An application shall include 3 copies of a legal survey of the well site that identifies the location, elevation and coordinates of
- (a) any proposed well;
 - (b) any exploratory well that has been assigned the status of a discovery well by the Administrator; or
 - (c) upon the request of the Administrator, any other well.

Application time frames

- 10** Unless the Administrator agrees in writing, an applicant shall submit an application
- (a) for an Authority to Drill not less than 45 calendar days prior to the proposed spud date;
 - (b) for an Authority to Re-enter not less than 21 calendar days prior to the proposed well re-entry date;
 - (c) for an Authority to Suspend not less than 24 hours prior to the proposed well suspension;
 - (d) for an Authority to Complete not less than 24 hours prior to the proposed well completion;
 - (e) for an Authority to Abandon not less than 24 hours prior to the proposed well abandonment.

Application for amendment

- 11 (1)** Every operator shall apply to the Administrator for an amendment to an Authorization if
- (a) the operator proposes to change, modify or expand an activity that is the subject of the Authorization;
 - (b) the operator proposes a change to the terms or conditions of the Authorization, which, in the opinion of the Administrator, is significant; or
 - (c) the proposed amendment is of an administrative nature.
- (2)** An application for an amendment of an Authorization shall contain the following information:
- (a) a description of the proposed modification and an explanation of its purpose;
 - (b) an assessment of the effects of the proposed modification in relation to the information contained in the original application;
 - (c) such other information required by the Administrator, including any supplementary information to clarify information contained in the application.

- (3) Unless the Administrator agrees in writing, an application for amendment shall be made not less than 72 hours before the amendment is required.

Term

- 12 (1) The term of any Authorization is concurrent with and subject to the term of the exploration agreement made under the *Petroleum Resource[s] Regulations* in respect of which the Authorization is issued.
- (2) If an exploration agreement is suspended or terminated, any Authorization that has been issued in respect of the agreement is automatically suspended or terminated, as the case may be.

Renewal

- 13 If the term of an exploration agreement is renewed, the operator who holds the agreement shall apply to renew any Authorization that has been issued in respect of the agreement.

Application fee

- 14 (1) An application shall be accompanied by a non-refundable fee of \$100.00.
- (2) The Administrator may bill an applicant for all reasonable costs and expenses in excess of \$100.00 that are incurred directly by the Administrator to process an application and the applicant shall pay the bill before an Authorization is issued.
- (3) An applicant may request that the Administrator provide documentation to support any bill issued under subsection (2).
- (4) Any conflicts respecting documentation provided pursuant to subsection (3) may be submitted to be resolved through alternate dispute resolution.

Review of application

- 15 (1) Upon receipt of an application, the Administrator may
 - (a) require the applicant to submit any additional information that the Administrator considers necessary;
 - (b) require the applicant to consult with persons or organizations that may be impacted by activities related to the application;
 - (c) issue an Authorization to the applicant, subject to such terms and conditions as the Administrator determines to be appropriate;
 - (d) amend an Authorization held by the applicant, subject to such terms and conditions as the Administrator determines to be appropriate;
 - (e) refuse to issue an Authorization to the applicant; or
 - (f) cancel an Authorization previously issued to or held by the applicant and replace it with a new Authorization.
- (2) If the Administrator refuses to issue an Authorization, the Administrator shall advise the applicant in writing together with reasons.

Financial security and responsibility

16 As a condition of an Authorization, every operator shall, prior to the commencement of any drilling,

- (a) furnish the Administrator with financial security in a form and in an amount satisfactory to the Minister that requires the provider of the financial security to abandon the well and leave the drill site in a satisfactory condition in the event of the failure of the operator to comply with the Act, these regulations or a term or condition of an Authorization issued on the well site; and
- (b) furnish the Administrator with evidence, in a form satisfactory to the Administrator, that the operator is financially able to meet any financial liability that may be incurred as a result of the drilling of the well.

Transfer, assignment or change of name

17 (1) No operator shall transfer or assign an Authorization without the written approval of the Administrator, which shall not be unreasonably withheld.

- (2) An assignee of an Authorization is subject to the duties, obligations and liabilities of the original Authorization holder and any further terms and conditions that may be imposed by the Administrator, and the assignor is relieved of any duties, obligations and liabilities under the Authorization.
- (3) The sale of a controlling interest of a partnership or company that holds an Authorization or the transfer of an Authorization from a parent company to an affiliate or subsidiary is deemed to be a transfer.
- (4) Where there is a change in the name of the operator, approval of the Administrator is not required but the operator shall advise the Administrator in writing within 24 hours of the change.

Operator to ensure compliance

18 Every operator shall ensure that a well is drilled, re-entered, suspended, completed or abandoned in accordance with

- (a) the Act;
- (b) these regulations;
- (c) the terms and conditions of the relevant Authorization;
- (d) any designs, specifications, or plans developed and approved by the Administrator in accordance with these regulations;
- (e) any codes or standards, as amended from time to time, that apply to petroleum exploration well drilling;
- (f) any petroleum drilling practice approved in writing by the Administrator; and
- (g) all other laws of general application, including but not limited to the *Environment Act* and the *Occupational Health and Safety Act*.

Well drilling, re-entry, suspension, completion or abandonment

19 Where a well cannot be drilled, re-entered, suspended, completed or abandoned in accordance with the relevant Authorization owing to the existence of conditions not anticipated by an operator at the time the application was submitted for approval, the operator shall

- (a) verbally inform the Administrator and follow up in writing that the well has not been drilled, re-entered, suspended or abandoned in accordance with the relevant Authorization;
- (b) leave the well in as secure a condition as is practical; and
- (c) drill, re-enter, suspend, complete or abandon the well in accordance with the relevant Authorization within a period of time specified by the Administrator.

Land access consent

20 (1) No operator shall drill a well on

- (a) lands privately owned or occupied except with the written consent of the owner, occupier, or an agent of the owner or occupier of the lands;
- (b) lands owned by the Crown in right of the Government of Canada, except with the written consent of the appropriate department, agency, board or commission of the Government of Canada or of a person authorized by the appropriate department, agency, board or commission to give consent;
- (c) public lands
 - (i) under the administration and control of a Department of the Crown in right of the Province of Nova Scotia, except with the written consent of that Department,
 - (ii) that form part of a public highway or public road, except with the written consent of the Department of Transportation and Public Works,
 - (iii) under the administration of an agency, board or commission of the Crown in right of the Province of Nova Scotia, except with the consent of that agency, board or commission, and
 - (iv) that are leased or otherwise encumbered, except with the written consent of the holder of the legal interest to which the public lands are subject.

- (2) Subsection (1) shall not be construed as removing the necessity to obtain a consent to drill a well on any land from any person not referred to in that subsection, if the consent of that person is required by law.

Separation distances and restrictions

21 (1) No operator shall drill a well within 100 m of any surface improvement unless that person establishes to the satisfaction of the Administrator that the operation can be conducted without damage or threat to the surface improvement.

- (2) Except where restricted or prohibited under the Act, no well shall be drilled that may penetrate a mineral deposit under a mineral right or a coal gas deposit under a petroleum right unless measures considered satisfactory by the Administrator are taken to

- (a) protect the mineral or coal gas deposit from damage or loss of value; and
- (b) prevent interference with any persons operating under the mineral or petroleum right.

Drill site access restricted

22 A person who is not directly associated with the work activity on the drill site may not enter a drill site unless that person has written permission from the operator or the Administrator.

Drilling, re-entry, suspension, completion and abandonment activities

23 Every operator shall

- (a) conduct the drilling, re-entry, suspension, completion and abandonment of a well in accordance with current petroleum standards and good petroleum drilling practice;
- (b) conduct the drilling, re-entry, suspension, completion and abandonment of a well in a manner that maintains full control of the well at all times;
- (c) have plans and equipment available to deal with all abnormal situations that may be anticipated;
- (d) ensure that all equipment and materials are fit for the purpose for which they are to be used and in good operating order;
- (e) operate equipment, including travelling blocks and ancillary equipment, masts, substructures, drilling lines, well control equipment and pressure vessels, within the limits specified by the manufacturer of the equipment; and
- (f) at the end of each crew shift, require the retiring drilling supervisor of any drilling rig to log and inform the new supervisor of any mechanical deficiencies that have not been rectified during the shift and of any downhole conditions or other problems that have a bearing on the conduct of the drilling of the well.

Availability of regulations

24 (1) Every operator shall keep at the drill site a copy of these regulations and any Authorizations issued for the drill site during the period that drilling is being conducted at the drill site.

- (2) Every operator shall make the regulations or Authorizations referred to in subsection (1) available upon request by any person on the drill site.

Display of Authorizations and critical procedures

25 Every operator shall

- (a) display an Authorization in a prominent place on the drill site; and
- (b) post, in a place where they can readily be seen by the drilling crew, a labelled drawing of the blowout preventers and a written record of the mud density, together with the detailed procedures for controlling a kick, including a drill string space-out chart.

Daily and weekly reports

26 (1) Every operator shall, while drilling a well, submit a report to the Administrator each day, by fax or by an equivalent means, setting out

- (a) the depth of the well;
 - (b) the lithology of the formations encountered during the previous day;
 - (c) the properties of the drilling fluid;
 - (d) the results of each formation leak-off test; and
 - (e) such other information as may be requested by the Administrator.
- (2) Every operator shall, while drilling a well, prepare and submit to the Administrator each week
- (a) a report describing the lithology of any formation drilled and the nature of any reservoir fluids encountered during the preceding week; and
 - (b) a summary of the results of any deviation and directional surveys that were taken during the preceding week, including a calculation of the bottomhole coordinates for any well that was directionally drilled or that has deviated more than 5° from the vertical.

Well evaluation - general

- 27 (1) The Administrator may, at an operator's request, at any time change the name, classification or status of any well covered by an Authorization.
- (2) Every operator shall obtain well tests, wireline logs, analyses, surveys and samples during the drilling of a well that are sufficient to provide, in the opinion of the Administrator, a comprehensive geological and reservoir evaluation.
- (3) Upon the written request of the Administrator, every operator shall
- (a) take a wireline log, test or survey;
 - (b) cut a core; or
 - (c) collect a sample of drill cuttings or formation fluids
- as specified in the request.
- (4) Every operator shall collect, store and transport a sample of a drill cutting, core, or well fluid taken from a well in a manner that prevents any loss or deterioration of the sample.
- (5) Every operator shall submit to the Administrator any analysis and any interpretation of the data performed under these regulations or an Authorization.

Suspended well

- 28 (1) An application for an Authority to Suspend shall include a well suspension program that is consistent with good petroleum drilling practice.
- (2) Every well that is suspended shall be completed or abandoned prior to the expiry of the original petroleum right or any renewal or extension provided under the Act to the holder of that right.

- (3) Every operator of a suspended or completed well shall
 - (a) inspect the well each year or at such other interval as requested in writing by the Administrator; and
 - (b) submit a report to the Administrator each year, or at such other interval as requested in writing by the Administrator, on the condition of the well.

Well re-entry

- 29 (1)** An application for an Authority to Re-enter shall include a well re-entry program that is consistent with good petroleum drilling practice.
- (2) Every well that is re-entered shall be completed or abandoned prior to the expiry of the original petroleum right or any renewal or extension provided under the Act to the holder of that right.

Well completion

- 30** An application for an Authority to Complete shall include a well completion program that is consistent with good petroleum drilling practice, and provides for
- (a) the isolation of each completed reservoir interval from any other porous or permeable interval penetrated by the well; and
 - (b) the efficient testing and production of any completed reservoir interval.

Operator responsible for abandoned wells

- 31 (1)** An application for an Authority to Abandon shall include a well abandonment program that is consistent with good petroleum drilling practice.
- (2) Where a well is to be abandoned, it shall be done in such a manner that any formation fluid is prevented from flowing through or escaping from the well.
 - (3) The operator of an abandoned well shall
 - (a) inspect the well each year or at such other interval as requested in writing by the Administrator; and
 - (b) submit a report to the Administrator each year, or at such other interval as requested in writing by the Administrator, on the condition of the well.

Well abandonment record

- 32 (1)** Every operator shall record the details of the manner in which a well has been abandoned and shall submit 3 copies of the record to the Administrator within 48 hours of the rig release date of the well.
- (2) The record referred to in subsection (1) shall be accompanied by a well schematic, approved by a professional engineer, that illustrates the condition of the well after abandonment.

Continuing responsibility of operation

- 33 (1)** An acknowledgment by the Administrator of a well abandonment record submitted in accordance with Section 32 does not relieve an operator of the responsibility for a proper abandonment of the well if, at a later date, the abandonment of the well is found not to be in accordance with these regulations or an Authorization.

- (2) Where the Administrator determines or is informed that a well or a portion of a well has not been abandoned in accordance with these regulations or an Authorization, the Administrator may order the operator of the well to properly abandon the well and may specify the period of time in which the proper abandonment of the well is to be carried out.

Well history report

- 34 (1)** Unless a different period is approved in writing by the Administrator, every operator shall prepare a well history report upon abandonment of a well and shall submit 3 copies of the report to the Administrator
- (a) within 90 calendar days of the rig release date in the case of an exploratory well; and
 - (b) within 45 calendar days of the rig release date in the case of a development well.
- (2) The well history report for an exploratory well shall contain a record of all operational, engineering and geological information that is relevant to the well and shall be organized into the following sections, with appendices, where appropriate:
- (a) an introduction;
 - (b) general well data;
 - (c) a summary of drilling and related operations;
 - (d) geological and palaeontological information;
 - (e) a summary of directional and deviation surveys and the coordinates of the bottom of the hole;
 - (f) a plot of the location of the borehole in the case of a well that has deviated more than 5° from the vertical;
 - (g) reservoir and well evaluation data;
 - (h) any wireline logs, core analyses, testing results, studies, reports or records relating to the evaluation of the well; and
 - (i) such other information as requested in writing by the Administrator.
- (3) The well history report for a development well shall contain
- (a) a summary of the completion operations;
 - (b) the coordinates of the bottom of the hole and of the top of any productive zone, and in the case of a directionally drilled well, a plot showing the location of the wellbore;
 - (c) details of the completion equipment and tubing including a diagram of equipment installed in the well;
 - (d) results of any formation flow test;

- (e) a copy of any report that concerns well stimulation;
- (f) any wireline logs, core analyses, testing results, studies, reports or records relating to the evaluation of the well; and
- (g) such other information as requested in writing by the Administrator.

Marine areas

- 35 (1)** Where an operator proposes to drill a well on or with respect to any marine lands, the Administrator may exempt the operator from any of the provisions of these regulations.
- (2)** Where the Administrator exempts an operator pursuant to subsection (1), the Administrator may order that the operator comply with any provisions of the *Nova Scotia Offshore Area Petroleum Drilling Regulations* specified in the order.
- (3)** Where the Administrator orders that an operator comply with any provision of the *Nova Scotia Offshore Area Petroleum Drilling Regulations*, that provision shall have the same force and effect as regulations made under the Act.
- (4)** Where the Administrator orders that an operator comply with any provision of the *Nova Scotia Offshore Area Petroleum Drilling Regulations*, compliance with such an order shall be deemed to be a condition of the operator's Authority to Drill.

Security and release of well information and materials

- 36 (1)** Subject to subsection (2) and to any law of the Province, the Administrator shall securely store and keep confidential all information relating to a drilling program, including logs, reports, cores, cuttings and fluid samples submitted by an operator in accordance with Section 72 of the *Petroleum Resources Regulations*.
- (2)** General information on a well, including the name, classification, location, identity of the drilling unit or drilling rig used by the operator, depth and operational status of the drilling program, may be released by the Administrator to the public.
- (3)** Information that is submitted to the Administrator by an operator in support of an application
- (a) in respect of the proposed design or the method of operation of a program, shall not be released at any time without the written consent of the operator; and
 - (b) in respect of research work or feasibility studies relating to exploration or production techniques and systems, shall not be released until 5 years have elapsed from the date the information was submitted to the Administrator.

Confidential business information

- 37 (1)** Information that an applicant claims to be protected under the *Freedom of Information and Protection of Privacy Act*, including confidential business information, shall be clearly identified to the Administrator together with information to support a claim, including the information required under Section 21 of the *Freedom of Information and Protection of Privacy Act*.

- (2) Where an applicant claims information to be confidential business information, the Administrator shall review the claim and, until a decision is made pursuant to subsection (4), shall take adequate precautions to prevent disclosure of the information.
- (3) When reviewing a claim pursuant to subsection (2), the Administrator may request additional information to support the claim, including what steps the applicant has taken to maintain the confidentiality of the information.
- (4) Within 14 days following the date of receipt of the claim filed pursuant to subsection (1), or within such further time as may be agreed upon by the applicant and the Administrator, the Administrator shall determine whether the claim is accepted or rejected in whole or in part and shall advise the applicant in writing of the determination.
- (5) Information accepted to be confidential business information pursuant to subsection (4) shall not be disclosed to the public and the Administrator shall take adequate precautions to prevent the disclosure of the information.
- (6) Where the Administrator rejects a claim pursuant to subsection (4), an applicant shall, within 7 days following the date of the Administrator's written advice pursuant to subsection (4), notify the Administrator in writing that
 - (a) the claim is waived and the applicant wishes to continue to proceed with the application; or
 - (b) the application is to be withdrawn, in which case the Administrator shall immediately return to the applicant all of the information submitted with the application.

Inspections

- 38 (1)** The Minister or Administrator may appoint an inspector to conduct inspections or investigations for the purposes of these regulations.
- (2) It shall be a term and condition of every Authorization that the operator shall grant a right of entry to the well site and other sites where relevant information and documentation may be stored to the Administrator or an inspector appointed under subsection (1), to allow them to carry out an inspection or investigation of an activity that is the subject of an Authorization or any other activity carried out under these regulations.
 - (3) The operator for a drill site shall
 - (a) give the Administrator or inspector all reasonable assistance to enable the inspector to carry out the inspection; and
 - (b) furnish all information that may be reasonably required by the Administrator or the inspector.
 - (4) Upon entering a site the Administrator or inspector shall, upon request, produce an identification card provided by the Province and provide reasons for the entry.
 - (5) The Administrator or an inspector, in carrying out any duties or exercising any powers under the Act or these regulations, may be accompanied by one or more persons who are considered by the Administrator or inspector to be necessary to enable the Administrator or inspector to carry out those duties or exercise those powers.

- (6) The operator shall give the Administrator or inspector all reasonable assistance to enable the Administrator or inspector to carry out their duties or exercise their powers.

Operator audit/inspection reports

39 (1) Upon the request of the Administrator, an operator shall conduct an audit or an inspection to ensure that an activity that is the subject of an Authorization is carried out in compliance with

- (a) the Act;
- (b) these regulations; and
- (c) the terms and conditions of the relevant Authorization.

(2) The audit or inspection referred to in subsection (1) shall document

- (a) all non-compliance noted; and
- (b) the corrective actions taken or planned.

(3) A copy of any audit or inspection conducted pursuant to this Section shall be filed with the Administrator upon completion.

Certifying authority report

40 (1) The Administrator may engage the services of a person as a certifying authority.

(2) The certifying authority shall

- (a) determine whether a drilling program, well re-entry, well suspension, well completion or well abandonment will be, has been or is being carried out in accordance with the Act, these regulations and the terms and conditions of the relevant Authorization; and

- (b) perform such other duties as are determined by the Administrator.

(3) The certifying authority shall be engaged by the Administrator through a bidding process and selected from a list of independent third parties who have engaged persons or who are persons knowledgeable about petroleum exploration drilling and drilling programs, including well re-entry, well suspension, well completion and well abandonment.

(4) Every operator or person in charge of or responsible for a drilling program, well re-entry, well suspension, well completion or well abandonment and every contractor or employee of the operator or person shall assist the Administrator or the certifying authority or any employee or agent of the certifying authority acting in the exercise of the duties outlined in subsection (2) and any further duties determined by the Administrator.

(5) On completion of the certifying authority's duties, the certifying authority shall provide the Administrator with a report that shall

- (a) advise on the certifying authority's findings pursuant to clause (2)(a);

- (b) certify, for such period as the certifying authority determines, that the drilling program, well re-entry, well suspension, well completion or well abandonment will continue to meet the requirements of the Act, these regulations and the terms and conditions of the relevant Authorization; and
 - (c) include any other information requested by the Administrator.
- (6) The costs and expenses of the certifying authority shall be paid by the Administrator and shall be recovered from the operator whose activity is the subject of the certifying authority's report.
- (7) The operator may request that the Administrator provide documentation to support any bill issued under subsection (6).
- (8) Any conflicts respecting documentation provided pursuant to subsection (7) may be submitted to be resolved through alternative dispute resolution.
- (9) The report issued by the certifying authority may be used by the Administrator to assist in
- (a) evaluating an application for an Authorization or in amending, suspending, cancelling or reinstating an Authorization;
 - (b) directing the alteration or modification of the drilling program, well re-entry, well suspension, well completion or well abandonment;
 - (c) determining whether to require the installation of additional or other equipment on a drill rig or at a drill site; or
 - (d) the exercise of the Administrator's powers and duties conferred by the Act and these regulations.

Suspension or cancellation of an Authorization

- 41 (1) Where the Minister believes on reasonable and probable grounds that an operator has contravened or will contravene
- (a) the Act;
 - (b) these regulations; or
 - (c) any term or condition of an Authorization,
- the Minister may suspend or cancel the Authorization.
- (2) The Minister shall give an operator prior notice of the Minister's intent to suspend or cancel an Authorization pursuant to subsection (1) and a reasonable time period to remedy any breach or default.
- (3) Upon suspension or cancellation of an Authorization pursuant to subsection (1), the Minister shall immediately give notice in writing to the operator together with reasons for the suspension or cancellation of the Authorization.
- (4) The Minister may reinstate an Authorization that has been suspended or cancelled pursuant to subsection (1) as it was originally issued at any time the Minister considers it appropriate to do so.

Surrender of exploration agreement or other agreement

42 The suspension, cancellation or surrender of an exploration agreement, a production agreement, or other right to explore for or produce petroleum that relates to a drill site covered in an Authorization shall not relieve the operator of the responsibility for the proper abandonment of any well drilled by the operator on the drill site.

Appeal

- 43 (1)** An appeal from a decision of the Administrator made under these regulations shall be to the Minister.
- (2)** An appeal under subsection (1) shall be made within 30 calendar days of the decision.
- (3)** Unless a longer time period is required and the Minister notifies the appellant, the Minister shall consider the appeal and provide a written decision within 30 days of the filing of the appeal.

N.S. Reg. 30/2001

Made: March 29, 2001

Filed: March 30, 2001

Order re New Era Farms Ltd, et al.

Order dated March 29, 2001
made under subsection 125(1) of the
Environment Act

08-01

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 **New Era Farms Limited**, a body corporate, located at or near 61 Evergreen Place, Goodwood, Halifax Regional Municipality, Province of Nova Scotia; **Vernon Kynock**, of Hammond Plains, Halifax Regional Municipality, Province of Nova Scotia; **Cynthia Elizabeth Thibodeau**, of Hammond Plains, Halifax Regional Municipality, Province of Nova Scotia; **Michael Doran**, of Willowdale, Province of Ontario; and **Kurt Strobele**, of Oakville, Province of Ontario.

MINISTERIAL ORDER

I. **WHEREAS** New Era Farms Limited, Vernon Kynock, Cynthia Elizabeth Thibodeau, Michael Doran, and Kurt Strobele own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a composting facility which is located at or near 61 Evergreen Place, Goodwood, Halifax Regional Municipality, 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 subsection 67(2), Section 71 and subsection 158(f) of the *Environment Act*;

Environment Act

67 (2) No person shall release or permit the release into the environment 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.

71 Any person responsible for the release of a substance under this Part shall, at that person's own cost, and as soon as that person knows or ought to have known of the release of a substance into the environment that has caused, is causing or may cause an adverse effect,

(a) take all reasonable measures to

(i) prevent, reduce, and remedy the adverse effects of the substance, and

- (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;
- (iii) take any other measures required by an inspector or an administrator; and
- (iv) rehabilitate the environment to a standard prescribed or adopted by the Department.

158 A person who

- (f) contravenes a term or condition of an approval, a certificate of variance or a certificate of qualification

is guilty of an offence.

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* 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 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, Halifax Regional Municipality, Province of Nova Scotia, this 29th day of March, 2001.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

Schedule "A"
Terms and Conditions

**New Era Farms Limited, Vernon Kynock, Cynthia Elizabeth Thibodeau,
Michael Doran, and Kurt Strobele**

1. The persons named in this Ministerial Order shall retain a professional consultant approved by the Department to prepare a report which reviews the overall operation at the facility to determine the issues and problems in producing consistently mature compost at this Site and to propose mitigative measures. The terms of reference for the study shall be approved by the Department to ensure that the following issues are

included: time in primary compost containers and impact on process, curing area operation, grinding, screening; overs handling and management including management and impacts from overs which have been moved from the Site to other storage locations, Site layout, building size and configuration, the management of the facility and the technology used for composting, etc.

- (i) The terms of reference shall be submitted to the Department by April 15, 2001.
 - (ii) The consultants report shall be completed and submitted to the Department by May 30, 2001.
 - (iii) The persons named in this Ministerial Order shall submit an implementation plan for these mitigative measures, including implementation dates, to the Department for approval by June 15, 2001.
 - (iv) The persons named in this Ministerial Order shall implement the mitigative measures in accordance with the implementation plan approved by the Department.
2. The persons named in this Ministerial Order shall retain a professional consultant approved by the Department to prepare a report identifying the potential sources of odour generation on the Site and to propose mitigative measures to reduce odours. The terms of reference for the study shall be approved by the Department.
- (i) The terms of reference shall be submitted to the Department by April 15, 2001.
 - (ii) The consultants report shall be completed and submitted to the Department by May 30, 2001.
 - (iii) The persons named in this Ministerial Order shall submit an implementation plan for these mitigative measures, including implementation dates, to the Department for approval by June 15, 2001.
 - (iv) The persons named in this Ministerial Order shall implement the mitigative measures in accordance with the implementation plan approved by the Department.
3. The persons named in this Ministerial Order shall retain a professional consultant approved by the Department to prepare a report identifying the potential sources of leachate discharge, including discharge to ground water, on the Site and to propose mitigative measures to eliminate such leachate discharge. The terms of reference for the study shall be approved by the Department to insure that the following issues are included: leachate from overs burial, integrity of the buildings on Site with respect to leachate leakage, integrity of underground leachate lines, french drains, biofilter liners, etc.
- (i) The terms of reference shall be submitted to the Department by April 15, 2001.
 - (ii) The consultants report shall be completed and submitted to the Department by May 30, 2001.
 - (iii) The persons named in this Ministerial Order shall submit an implementation plan for these mitigative measures, including implementation dates, to the Department for approval by June 15, 2001.
 - (iv) The persons named in this Ministerial Order shall implement the mitigative measures in accordance with the implementation plan approved by the Department.
4. The persons named in this Ministerial Order shall retain a professional consultant approved by the Department to prepare a report for the development and implementation of a groundwater monitoring program for the Site. The persons named in this Ministerial Order shall implement the groundwater monitoring program, including groundwater monitoring wells, within thirty (30) days of the date of this order.

5. (a) The persons named in this Ministerial Order shall retain a professional consultant approved by the Department to prepare a report for the development and implementation of a program to reduce the BOD, and Fecal Coliform in the discharge from the sedimentation pond, including that being discharged via groundwater, to the following criteria:
- Biological Oxygen Demand (BOD₅) - 5 mg/l
Fecal Coliform - 200/100mls
- The terms of reference for the study shall be approved by the Department.
- (i) The terms of reference shall be submitted to the Department by April 15, 2001.
(ii) The consultants report shall be completed and submitted to the Department by May 30, 2001.
(iii) The persons named in this Ministerial Order shall submit an implementation plan for these mitigative measures, including implementation dates, to the Department for approval by June 15, 2001.
(iv) The persons named in this Ministerial Order shall implement the mitigative measures in accordance with the implementation plan approved by the Department.
- (b) The persons named in this Ministerial Order shall be required to immediately cease the discharge of any surface water from the sedimentation pond which does not meet the criteria set out in item 5(a) above. The method of disposal or treatment of these waters must be approved by the Department.
6. The persons named in this Ministerial Order shall be required to immediately cease the removal of compost, from the Site, which has not been tested for maturity, pathogens, trace elements, foreign matter, and been categorized in accordance with the conditions of Approval 98-ATCC-007 and the protocols in the CCME document "Guidelines for Compost Quality", dated March 1996 or the latest edition.
- (i) All compost which is in the testing process must be maintained in the curing building on Site until such time as the testing is completed.
(ii) If the compost cannot be maintained in the curing building on Site during the testing process, the persons named in this Order shall remove it to a site which has been approved by the Department.
(iii) All compost which is deemed to be improperly cured or classified through these analysis[es] shall immediately be re-composted to achieve proper maturity, pathogen reduction, trace element and foreign matter content.
(iv) The site for re-composting must be approved by the Department.
7. The persons named in this Ministerial Order shall be required to supply the storage location of any compost which has been removed from the Site and is in storage at another location. The results of the maturity and pathogen testing, in accordance with conditions of Approval 98-ATCC-007 and the protocols in the CCME document "Guidelines for Compost Quality", dated March 1996 or the latest edition, shall be provided for this material. The minimum sampling frequency is one (1) sample per one thousand (1000) tons or any part thereof for material located at offsite locations. Test results shall be submitted to the Department within thirty (30) days of the date of this Order. If additional sampling is required they shall be taken by an independent consultant trained in this field.
- (i) All compost which is deemed to be improperly cured through these analysis[es] shall immediately be removed from its present storage location and be re-composted to achieve proper maturity and pathogen reduction.
(ii) The site for re-composting must be approved by the Department.

8. If the consultants report[s] required under items 2 and 3 of this Order indicate that compost overs which have been buried on Site are contributing to the odour or leachate generation on Site, then the persons named in this Ministerial Order shall ensure that the overs are removed from the Site within thirty (30) days of the consultants report[s]. The method of disposal for the overs must be approved by the Department.
9. All feedstock delivery doors and man doors at the main receiving building and curing building shall remain closed at all times unless feedstock or compost is actively being transferred to or from the building.
10. All correspondence or contact regarding this Order, including monitoring results or reports required by this Order, shall be directed to the Central Region, Bedford Office, of the Nova Scotia Department of Environment and Labour located at the following address:

Nova Scotia Department of Environment and Labour
Environmental Monitoring and Compliance Division
Central Region, Bedford Office,
Suite 224, 1595 Bedford Highway
Bedford, Nova Scotia, B4A 3Y4

Phone: (902) 424-8183

Fax: (902) 424-0597

Attention: Steve Westhaver

N.S. Reg. 31/2001

Made: March 29, 2001

Filed: March 30, 2001

Municipal Government Act Rules

Order dated March 29, 2001
Amendment to regulations made under Section 12 of the
Utility and Review Board Act

ORDER

NSUARB

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE UTILITY AND REVIEW BOARD ACT

- and -

**IN THE MATTER OF A MOTION TO AMEND THE
MUNICIPAL GOVERNMENT ACT RULES**

BEFORE: John A. Morash, C.A., Chair
Margaret A.M. Shears, Vice-chair
John L. Harris, Q.C., Member
Linda D. Garber, Member
David J. Almon, Member
Wayne D. Cochrane, Q.C., Member
Roland A. Deveau, Member

ORDER

WHEREAS the Nova Scotia Utility and Review Board at a meeting of the Board held on the 29th day of March, 2001, passed a motion, to amend the **Municipal Government Act Rules**, N.S. Reg. 24/99, made March 19, 1999;

IT IS HEREBY ORDERED that the **Municipal Government Act Rules**, N.S. Reg. 24/99, made March 19, 1999 under s. 12 of the **Utility and Review Board Act**, S.N.S. 1992, c. 11, are amended as set out in Schedule "A", attached to and forming part of this Order.

DATED at Halifax, Nova Scotia, this 29th day of March, 2001.

Sgd: *Nancy McNeil*
Clerk of the Board

Schedule "A"

1. Amend **[sub]section 5(4)** of the **Municipal Government Act Rules** by adding the words and symbols “, other than a Notice of Appeal or other document the filing of which is required by the **Act**,” between the words “document” and “received”.
2. Amend **section [clause] 19(1)(e)** of the **Municipal Government Act Rules** by adding the words “or attach a copy of the decision” before the semicolon.

3. Amend [sub]section 19(1) of the **Municipal Government Act Rules** by adding clause h:

“(h) reasons for appealing.”

4. Amend the **Municipal Government Act Rules** by replacing **Form A** with the attached **Form A**.

FORM A

NSUARB-

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF: An Appeal under **Section 247** of the **MUNICIPAL GOVERNMENT ACT**

NOTICE OF PLANNING APPEAL

TAKE NOTICE that _____
(State Name(s) of Person(s) Appealing)

appeal from a decision made by _____
(Municipal Council or Development Officer)

on _____
(date) respecting property located at _____
in the County of _____, which decision states (or attach a copy of the decision):

Notice of the decision was published on _____) _____
OR Written notice of the decision was received on _____) _____ (date)

Reasons for appealing: _____

DATED at _____, Nova Scotia this ____ day of _____, ____ .

Mailing Address: _____

(Street)

(City, Province)

(Postal Code)

Appellant, Solicitor or Agent
Home Phone: _____
Work Phone: _____
Fax Number: _____
E-Mail Address: _____

UNDERTAKING TO PAY COSTS

The Appellant(s) hereby agrees to pay the costs of any advertising of the Notice of Hearing for the Appeal.

(Signature)

N.S. Reg. 32/2001

Made: March 30, 2001

Filed: April 2, 2001

Moose Hunting Regulations

Order in Council 2001-141 made March 30, 2001
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1)
of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated March 21, 2001, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Moose Hunting Regulations* made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after March 30, 2001.

Schedule "A"

**Amendments to the *Moose Hunting Regulations*
made by the Governor in Council pursuant to subsection 113(1)
of Chapter 504 of the Revised Statutes of Nova Scotia, 1989,
the *Wildlife Act***

- 1 Subsection 3(1) of the *Moose Hunting Regulations* made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, is amended by adding "or by way of an electronic application process established by the Department" immediately after "provided by the Department".
- 2 Subsection 3(2) of the regulations is amended by
 - (a) striking out "on a form" and substituting "in a manner"; and
 - (b) striking out "the full name and address of the applicant, the date of birth of the applicant,".
- 3 Subsection 3(3) of the regulations is amended by striking out "of \$5.00 shall be submitted" and substituting "of \$10.00 with a paper application form or \$6.00 with an electronic application shall be remitted".
- 4 Subsections 3(4) and (5) of the regulations are repealed and the following subsection is substituted:
 - (4) An application for a moose hunting stamp must be received by the Department not later than the date determined by the Minister.
- 5 Subsections 3(6) and (7) of the regulations are renumbered as 3(5) and (6) respectively.
- 6 The regulations are further amended by striking out "licencee" wherever it occurs and substituting "licensee".

N.S. Reg. 33/2001

Made: March 30, 2001

Filed: April 2, 2001

Documents and Services Fees

Order in Council 2001-142 made March 30, 2001
Amendment to regulations made by the Governor in Council
pursuant to subsection 302(1)
of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated March 5, 2001, and pursuant to subsection 302(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to amend the regulations respecting documents and services fees made by the Governor in Council by Order in Council 2000-276 dated May 24, 2000, by striking out

“Administration of the registration of an
interprovincial truck for less than 12 months\$10.00”

and substituting

“Administration of the registration of an
inter-jurisdictional truck for less than 12 months ... \$50.00”

effective on and after April 1, 2001.

N.S. Reg. 34/2001

Made: March 30, 2001

Filed: April 2, 2001

Proclamation, S. 108, S.N.S. 2000, c. 31 - S. 105

Order in Council 2001-144 made March 30, 2001
Proclamation made by the Governor in Council
pursuant to Section 108
of the *Probate Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated February 22, 2001, pursuant to Section 108 of Chapter 31 of the Acts of 2000, the *Probate Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Section 105 of Chapter 31 of the Acts of 2000, the *Probate Act*, come into force on and not before March 30, 2001.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

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 108 of Chapter 31 of the Acts of 2000, the *Probate Act*, it is enacted as follows:

- 108** Sections 2 to 84, 90 to 103, Sections 105 and 106 and subsection 107(1) come into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Section 105 of Chapter 31 of the Acts of 2000, the *Probate Act*, come into force on March 30, 2001;

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 Section 105 of Chapter 31 of the Acts of 2000, the *Probate Act*, come into force on March 30, 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 Myra A. Freeman, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 30th day of March, in the year
of Our Lord two thousand and one and in the
50th year of Our Reign.

BY COMMAND:

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

N.S. Reg. 35/2001

Made: March 30, 2001

Filed: April 2, 2001

Proclamation, S. 103(3), S.N.S. 2000, c. 28 - various Sections

Order in Council 2001-145 made March 30, 2001
Proclamation made by the Governor in Council
pursuant to subsection 103(3)
of the *Justice and Administration Reform (2000) Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated February 22, 2001, pursuant to subsection 103(3) of Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that:

- (a) Sections 11 to 16, 55, 92, 97 and 98 of Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, come into force on and not before April 1, 2001; and
- (b) Sections 56 to 68 and 96 of Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, come into force on and not before October 1, 2001.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

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 subsection 103(3) of Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, it is enacted as follows:

- 103 (3) Sections 5, 11 to 16, 19 to 22, 25 to 84, 92 and 96 to 102 come into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 11 to 16, 55, 92, 97 and 98 of Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, come into force on and not before April 1, 2001;

AND WHEREAS it is deemed expedient that Sections 56 to 68 and 96 of Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, come into force on and not before October 1, 2001;

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 Sections 11 to 16, 55, 92, 97 and 98 of Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, come into force on and not before April 1, 2001 **and** that Sections 56 to 68 and 96 of Chapter 28 of the Acts of 2000, the *Justice and Administration Reform (2000) Act*, come into force on and not before October 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 Myra A. Freeman, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 30th day of March, in the year
of Our Lord two thousand and one and in the
50th year of Our Reign.

BY COMMAND:

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

N.S. Reg. 36/2001

Made: March 30, 2001

Filed: April 2, 2001

Prorated Registration Fees for Inter-jurisdictional Commercial
Trucks Regulations

Order in Council 2001-149 made March 30, 2001
Amendment to regulations made by the Governor in Council
pursuant to subsection 302(1)
of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated March 5, 2001 and pursuant to subsection 302(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to amend the regulations setting the prorated registration fees for interprovincial commercial trucks made by the Governor in Council by Order in Council 97-322 dated June 3, 1997, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2001.

Schedule "A"

**Amendments to the Regulations Setting the Prorated
Registration Fees for Interprovincial Commercial Trucks
made by the Governor in Council pursuant to
subsection 302(1) of Chapter 293 of the Revised Statutes
of Nova Scotia, 1989, the *Motor Vehicle Act***

The regulations setting the prorated registration fees for interprovincial commercial trucks made by the Governor in Council by Order in Council 97-322 dated June 3, 1997, are amended by

- (a) renumbering Section 1 as Section 1A and adding the following Section immediately before Section 1A:
 - 1** These regulations may be cited as the *Prorated Registration Fees for Inter-jurisdictional Commercial Trucks Regulations*.
- (b) striking out "Canadian Agreement on Vehicle Registration" wherever it appears in Sections 1, 2 and 3 and substituting "International Registration Plan"; and
- (c) striking out "Interprovincial" in the title to Table A and substituting "Inter-jurisdictional".

N.S. Reg. 37/2001

Made: March 30, 2001

Filed: April 2, 2001

Small Claims Court Taxation of Costs Regulations and
Small Claims Court Procedures and Forms Regulations

Order in Council 2001-162 made March 30, 2001
Regulations made by the Governor in Council
pursuant to Section 33
of the *Small Claims Court Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated March 26, 2001, and pursuant to Section 33 of Chapter 430 of the Revised Statutes of Nova Scotia, 1989, the *Small Claims Court Act*, is pleased to

- (a) make regulations respecting the taxation of costs in the form set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) amend the regulations respecting Small Claims Court procedures and forms made by the Governor in Council by Order in Council 93-110 dated February 2, 1993, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation,

effective on and after April 1, 2001.

Schedule "A"

**Regulations Respecting the Taxation of Costs in the Small Claims Court
made by the Governor in Council
pursuant to Section 33 of Chapter 430 of the
Revised Statutes of Nova Scotia, 1989, the *Small Claims Court Act***

Citation

1 These regulations may be cited as the *Small Claims Court Taxation of Costs Regulations*.

Definition

2 For the purposes of these regulations, "taxation" includes a review of a contingency fee agreement.

Application

3 (1) A taxation shall be commenced by an applicant filing

- (a) a Notice of Taxation in Form 1;
- (b) a copy of each bill incurred in the proceeding; and
- (c) a \$75.00 taxation fee

with the Small Claims Court.

- (2) An applicant may file the copies of the bills referred to in clause (1)(b) in a sealed envelope that shall remain sealed until opened by the adjudicator for the purposes of the taxation.
- (3) Where an applicant or respondent or both are required by any rule or enactment to file an affidavit in proof of disbursements,

- (a) the applicant shall file the affidavit at the time of filing the Notice of Taxation; and
- (b) the respondent shall file the affidavit within 5 days of being served with a copy of the Notice of Taxation pursuant to Section 4.

Service

4 (1) An applicant shall serve a copy of

- (a) the Notice of Taxation filed pursuant to clause 3(1)(a); and
- (b) each bill incurred in the proceeding and filed pursuant to clause 3(1)(b)

on the respondent by personal service, substituted service or registered mail, so that copies of the Notice of Taxation and bills incurred in the proceeding reach the respondent at least 5 clear days before the taxation hearing.

(2) Service under subsection (1) may be proved by affidavit.

Taxation hearing

5 A taxation hearing shall be open to the public unless the adjudicator determines that

- (a) it is in the public interest to hold all or part of the hearing in private; or
- (b) it is necessary to hold all or part of the hearing in private to protect solicitor-client privilege.

6 A taxation hearing shall be held in a designated court facility.

7 (1) Where an applicant fails to attend a taxation hearing, the adjudicator may dismiss the taxation.

(2) Where a respondent has been served with the Notice of Taxation in compliance with subsection 4(1), the adjudicator may proceed with the taxation hearing in the absence of the respondent.

8 An applicant and, where the respondent attends the hearing, a respondent shall bring any relevant documentation to the taxation hearing.

Powers and duties of adjudicators

9 On a taxation an adjudicator may

- (a) take evidence by affidavit or oral testimony upon oath or affirmation;
- (b) direct the production of books, papers and documents;
- (c) require that notice of the taxation and a copy of the bill of costs be given to any person who may be interested in the taxation or in the fund or estate out of which the costs are payable;
- (d) give directions as to the manner of service of the notice of taxation and bill of costs referred to in clause (c);
- (e) extend or abridge any time period pertaining to taxations that is specified in any Act, regulation, rule or order, where the adjudicator considers the extension or abridgment to be justified in the circumstances;

- (f) where a party entitled to receive costs is liable to pay costs to any other party, adjust the costs by way of deduction or set-off.

10 An adjudicator shall

- (a) render a decision in a taxation in the form of a Certificate of Taxation in Form 2; and
- (b) file the Certificate of Taxation with the Small Claims Court.

Subpoena

11 (1) A subpoena shall be in Form 3 of the regulations respecting Small Claims Court procedures and forms.

(2) A subpoena issued by the clerk of the Small Claims Court may be served personally on the witness.

(3) No person is bound to appear or give evidence pursuant to a subpoena unless the person is paid or tendered witness fees in the amount of \$5.00 plus \$0.20 per kilometre one way from the place of residence of the person to the place of the hearing not less than 4 days before the date set for the hearing.

Fees

12 The following fees apply in a taxation:

- (a) copy of any document, per page \$0.50
- (b) certifying any document on file, not including copy charge
(no charge for first certified copy required by a party to
the proceeding or their solicitor) \$10.00
- (c) searching a file, except where bulk rate search fee applies
(free to parties to the proceeding or their solicitors) \$5.00
- (d) searching a file where an agreement has been entered into
with the Department of Justice for bulk rate search fees \$0.50

Appeal

13 The decision of an adjudicator in a taxation hearing may be appealed to the Supreme Court in accordance with the Civil Procedure Rules.

Evidence

14 An adjudicator shall return the contents of the sealed envelope referred to in subsection 3(2),

- (a) where no notice of appeal has been filed before the expiration of the appeal period, at the expiration of that period; or
- (b) where a notice of appeal has been filed before the expiration of the appeal period, at the conclusion of the appeal.

**Form 1
Notice of Taxation
In the Small Claims Court of Nova Scotia**

For court use only: Claim # Notice of Taxation _____ <input type="checkbox"/> _____ contested uncontested

Applicant(s):

Name _____
Postal code _____

Address _____
Phone _____

Respondent(s):

Name _____
Postal code _____

Address _____
Phone _____

I REQUEST:

- a taxation of fees, costs, charges and disbursements **and/or**
- a review of contingency fee agreement(s).
- that the taxation be held in closed court.

Please provide the following information:

Date of bill or contingency fee agreement	Amount
1.	
2.	
3.	

- Note:**
1. You must attach copies of the above, which may be filed in a sealed envelope, and where required an affidavit of proof of disbursements.
 2. A copy of this Notice of Taxation must be received by the respondent at least 5 clear days before the hearing.

DATE

APPLICANT(S)

<p>To be completed by the clerk of the Small Claims Court: The hearing of this taxation is set for _____, 2__ at _____ a.m./p.m. at _____ (place of hearing).</p> <p align="right">_____ CLERK OF THE SMALL CLAIMS COURT</p>

TO THE RESPONDENT(S): THIS NOTICE OF TAXATION HAS BEEN FILED IN SMALL CLAIMS COURT

1. If you intend to dispute the amount of the bill(s) and/or the contingency fee agreement(s), you must appear at the time of the hearing. You should file a response, found at the bottom of this form. If you file a response, you are required to serve a copy of the response upon the applicant(s).
2. You may contact the applicant(s) and try to settle the matter. If you settle, the applicant(s) should advise the clerk of the Small Claims Court in writing.

3. You must appear at the hearing on the date set out above or a Certificate of Taxation may be issued in your absence.

RESPONSE TO TAXATION

To: _____ applicant(s)

My reason(s) for disputing the above amount(s) is/are: (If you need more space, attach another sheet of paper):

Date

Respondent(s)

Clerk of the Small Claims Court

**Form 2
Certificate of Taxation
In the Small Claims Court of Nova Scotia**

For court use only:
Claim #

BETWEEN / IN THE MATTER OF

(a) I certify that I have taxed the bill of costs dated _____ between _____ and _____:

(b) I certify that I have reviewed the contingency fee agreement dated _____ between _____ and _____:

<input type="checkbox"/> In a foreclosure matter on a party and party basis and I allow the following to the applicant: For all steps in the proceeding up to and including the application for an order for foreclosure or foreclosure and sale: For all steps in the proceeding subsequent to the application for an order for foreclosure or foreclosure and sale SUB-TOTAL:	Fees	Disbursements	HST

1. Pursuant to the Order of Justice _____, dated _____, 2____, on a party and party basis and I allow the following to the applicant/respondent:

Fees:
 Disbursements:
 HST:

SUB-TOTAL:

2. In the matter of _____, pursuant to the Order of Justice _____, dated _____, 2____, on a solicitor and client basis and I allow the following to the applicant/respondent:

Fees:
 Disbursements:
 HST:

SUB-TOTAL:

(c) On a solicitor-client basis and I allow the following:

Fees:
 Disbursements:
 Interest:
 HST:
 LESS amounts already paid:

SUB-TOTAL:

I further allow \$75.00, which is the taxation fee.

I therefore allow a TOTAL of _____.

Issued on _____, 2____.

Small Claims Court Adjudicator

Schedule "B"

**Amendments to the Regulations Respecting
Small Claims Court Procedures and Forms
made by the Governor in Council pursuant to Section 33
of Chapter 430 of the Revised Statutes of Nova Scotia, 1989,
the *Small Claims Court Act***

- 1 Clause 23(a) of the regulations respecting Small Claims Court procedures and forms made by the Governor in Council by Order in Council 93-110 dated February 2, 1993, is amended by striking out "14" and substituting "15".
- 2 Form 11 of the regulations is amended by repealing Section 8 and substituting the following Section:
 - 8 The sheriff shall file this Execution Order with the Clerk of the Small Claims Court within 10 days after the execution thereof and not later than the expiry date of this Execution Order, or when directed by the Court, with his/her report endorsed thereon or attached thereto.

N.S. Reg. 38/2001

Made: March 29, 2001

Filed: April 4, 2001

Levy Revocation - NS Milk Producers Association

Order dated March 29, 2001
made under Section 46 of the
Agriculture and Marketing Act

Levy Revocation

WHEREAS Part F, Section 46 of Chapter 6 of the Revised Statutes of Nova Scotia, 1989, the *Agriculture and Marketing Act*, provides that the Minister by order may designate a body of producers of a specific agricultural product as a commodity group, which commodity group may, with the approval of the Minister, require any person engaged in the production of the commodity to pay to the commodity group an amount fixed by way of levy or charge;

AND WHEREAS the Minister of Agriculture and Marketing on January 26, 1989 designated the Nova Scotia Milk Producers Association as a commodity group;

AND WHEREAS the Minister of Agriculture and Marketing approved the milk check off (levy) of \$0.44 per kilogram of butterfat, effective on from and after December 1, 1999;

AND WHEREAS under Section 5 of the *Dairy Industry Act*, proclaimed April 1, 2001, the Nova Scotia Milk Producers Association is hereby continued as a body corporate known as the Dairy Farmers of Nova Scotia;

AND WHEREAS the power to levy producers is provided for under the *Dairy Industry Act*;

AND WHEREAS the Minister of Agriculture and Fisheries has been asked by the Nova Scotia Milk Producers Association to revoke the designation of the Nova Scotia Milk Producers Association as a commodity group and revoke the levy approved by the Minister of Agriculture and Marketing;

NOW THEREFORE WITNESSETH THAT the Minister of Agriculture and Fisheries hereby:

- (a) revokes the designation of the Nova Scotia Milk Producers Association as a designated commodity group;
- (b) revokes the Nova Scotia Milk Producers Association levy which was approved by the Minister of Agriculture and Marketing; and
- (c) for greater certainty revokes any and all Nova Scotia Milk Producers Association levies approved by the Minister of Agriculture and Marketing under the *Agriculture and Marketing Act*

effective on and after April 1, 2001.

Sgd: *Ernest L. Fage*
Ernest Fage, Minister
Agriculture and Fisheries

Date: March 29, 2001.

N.S. Reg. 39/2001

Made: April 4, 2001

Filed: April 6, 2001

Teachers' Pension Plan Regulations

Order dated April 4, 2001
Regulations made under Section 20 of the
Teachers' Pension Act

Teachers' Pension Plan Regulations
Amendment

Whereas Section 20 of Chapter 26 of the Acts of 1998, the *Teachers' Pension Act* provides that the Minister of Finance ("Minister") and the Nova Scotia Teachers' Union ("Union") may make regulations setting out the terms of the Teachers' Pension Plan ("Pension Plan");

And whereas the *Teachers' Pension Plan Regulations* ("Regulations") were made as of March 31, 1999, as Nova Scotia Regulation 88/99;

And whereas the Minister and the Union have agreed to amend the Pension Plan and the Regulations in the manner set out in Schedule "A" attached hereto;

And whereas the By-laws of the Union, as amended by Resolution 2000-15, authorize the Executive of the Union to exercise on behalf of the Union the powers of the Union under the *Teachers' Pension Act*;

And whereas by resolution of the Executive of the Union dated November 23, 2000, the Executive approved the amendments to the Regulations as set out in Schedule "A" attached hereto and authorized the President of the Union to sign the amendments to the Regulations on behalf of the Executive;

The Minister and the Union hereby make the amendments to the Regulations in the form and manner attached hereto as Schedule "A", effective on and after the 4th day of April, 2001.

Signed and sealed in the presence of:

)	
)	Minister of Finance
)	
)	
[Sgd.])	[Sgd.]
_____)	_____
Witness)	Hon. Neil LeBlanc
)	
)	Nova Scotia Teachers' Union
)	
)	
[Sgd.])	[Sgd.]
_____)	_____
Witness)	President
)	

SCHEDULE “A”
Amendment to the Teachers’ Pension Plan Regulations
made pursuant to Section 20 of the Acts of 1998, c. 26,
the *Teachers’ Pension Act*

- 1 Clause 2(2)(a) of the *Teachers’ Pension Plan Regulations* made pursuant to Section 20 of the *Teachers’ Pension Act* on March 31, 1999, is repealed and the following clause substituted:
 - (a) “absent from duty” means, with respect to a teacher, that the teacher is not performing any duties for, nor being paid by, a participating employer, for a period commencing immediately after either
 - (i) a continuous period of at least 150 days in a school year and the previous school year combined during which the teacher was performing duties for, and being paid by, a participating employer, or
 - (ii) a leave of absence pursuant to subsection 31(1);
- 2 (1) Subsection 5(1) is amended by striking out “who is not exempt from participation in the Canada Pension Plan”.
 - (2) Subsection 5(2) of the regulations is repealed.
- 3 Clause 12(1)(b) of the regulations is amended by adding “multiplied by the number of years of pensionable service that are also pensionable under the Canada Pension Plan” immediately before the period.
- 4 Subsection 21(8) of the regulations is amended by striking out “18(2)(a)” and substituting “18(1)(a)”.
- 5 Subsection 29(1) of the regulations is amended by striking out “calendar” in the first line and substituting “school”.
- 6 (1) Subsection 31(1) of the regulations is amended by
 - (a) striking out “paternity” in clause (c) and substituting “parental”; and
 - (b) striking out the period at the end of clause (g) and substituting a semi-colon, and adding the following clause immediately after clause (g):
 - (h) any leave of absence not otherwise specified in this subsection.(2) Subsection 31(2) of the regulations is amended by
 - (a) striking out “85 days” in clause (b) and substituting “175 days”;
 - (b) repealing clause (c) and substituting the following clause:
 - (c) for parental leave, 175 days;
 - (c) striking out “1 year in any period that consists of 3 consecutive years” in clause (f) and substituting “no limit”; and

- (d) striking out the period at the end of clause (g) and substituting a semi-colon, and adding the following clause immediately after clause (g):
 - (h) for any leave of absence not otherwise specified in this subsection, the maximum period permitted pursuant to the *Income Tax Act* (Canada).
- (3) Subsection 31(4) of the regulations is amended by
 - (a) striking out “paternity” in clause (c) and substituting “parental; and
 - (b) striking out the period at the end of clause (g) and substituting a semi-colon, and adding the following clause immediately after clause (g):
 - (h) for any leave of absence not otherwise specified in this subsection, 100%.