

RSNL1990 CHAPTER L-23

LIVESTOCK INSURANCE ACT

Amended:

1994 c37; 1996 cR-10.1 s44; 1997 c13 s38; 2006 c40 s21; 2011 c20 s3

CHAPTER L-23

AN ACT TO PROVIDE FOR LIVESTOCK
INSURANCE AND RESPECTING THE LIVESTOCK OWNERS COMPENSATION BOARD

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Short title

1. This Act may be cited as the Livestock Insurance Act.

1975 No59 s1

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Definitions

2. In this Act

- (a) "board" means the Livestock Owners Compensation Board continued by this Act;
- (b) "department" means the Department of Forestry and Agriculture;
- (c) "dog" includes an animal which is a cross between a dog and a wolf;
- (d) "fund" means the Livestock Owners Compensation Fund continued by this Act;
- (e) "injured" and "injuring" include injuries caused by wounding, worrying, terrifying or pursuing;
- (f) "livestock" includes cattle, goats and sheep and means 1 or more of that class of animals;
- (g) "minister" means the minister appointed under the Executive Council Act to administer this Act;
- (h) "plan" means a plan to provide livestock insurance under this Act or the regulations; and
- (i) "predator" means an animal which preys upon livestock.

1975 No59 s2; 1979 c49 Sch B; 1989 c18 Sch B; 2006 c40 s21

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Board

3. (1) The Livestock Owners Compensation Board is continued.

(2) The membership of the board shall consist of not fewer than 3 and not more than 5 members to be appointed by the Lieutenant-Governor in Council to hold office during pleasure.

(3) The board shall be under the control of and be responsible to the minister in carrying out the powers, functions and duties conferred by this Act or the regulations.

(4) The board is, for the purposes of this Act and the regulations, an agent of the Crown and may exercise its powers under this Act and the regulations only as an agent of the Crown.

1975 No59 s4

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Chairperson and vice-chairperson

4. (1) The Lieutenant-Governor in Council may designate 1 of the members of the board to be chairperson and another to be vice-chairperson of the board.

(2) A majority of the members of the board shall constitute a quorum.

(3) Where, at a meeting of the board, there is an equality of votes inclusive of his or her own vote, the member of the board presiding at the meeting has a 2nd or casting vote.

(4) Where a vacancy occurs in the membership of the board because of the death, resignation or illness of a member, the Lieutenant-Governor in Council may appoint a person to replace the member.

1975 No59 s5

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Remuneration of members

5. A member of the board, who is not an officer of a department under the control of a minister of the Crown, may be paid the salary or other remuneration and expenses that the Lieutenant-Governor in Council may determine.

1975 No59 s6

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Chairperson to be chief executive officer

6. (1) The chairperson shall be the chief executive officer of the board, shall be charged with the general direction, supervision and control of the business of the board and shall have other powers that may be conferred on him or her by the regulations.

(2) During the incapacity or absence of the chairperson or a vacancy in the office of chairperson, the vice-chairperson, or 1 of the other members of the board designated by the Lieutenant-Governor in Council, has and may exercise the powers of the chairperson and shall discharge his or her duties.

(3) The exercise of the powers of the board shall not be impaired because of a vacancy in its membership.

(4) All acts done by the board shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member of the board, be as valid as if that defect had not existed.

1975 No59 s7

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Seal

7. (1) The board shall have an official seal which shall be judicially recognized.

(2) Where the official seal of the board is used, it shall be authenticated by the signature of the chief executive officer of the board.

1975 No59 s8

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Appointment of staff

8. Subject to the approval of the Lieutenant-Governor in Council, the minister may appoint, in the manner authorized by law, those inspectors, officers and other employees that may be considered necessary for the board, and may pay those persons the remuneration and expenses that the Lieutenant-Governor in Council may determine.

1975 No59 s9

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Powers and duties

9. (1) The board shall

(a) administer a plan;

(b) undertake studies and research programs relating to livestock insurance;

(c) evaluate and determine livestock losses and pay claims under a plan;

(d) require an applicant for or a holder of livestock insurance under a plan to provide the information, statements and reports that the board may require;

(e) make those orders that are necessary to enforce the observance and carrying out of this Act or the regulations or a plan; and

(f) exercise and discharge the other powers, functions and duties that the minister assigns to it.

(2) An order of the board made under subsection (1) may be made with retroactive effect.

1975 No59 s10

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Rep. by 1996 cR-10.1 s44

10. [Rep. by 1996 cR-10.1 s44]

1996 cR-10.1 s44

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Appeal board

11. (1) The minister may appoint an appeal board consisting of 3 persons, one of whom shall be designated as chairperson.

(2) At least one of the persons appointed under subsection (1) shall be a person who is or who has been engaged in the production of livestock.

(3) Persons appointed under subsection (1) shall hold office at the pleasure of the minister.

(4) Each member of the appeal board has, in relation to the hearing and determination of a matter, all the powers that are or may be conferred upon a commissioner under the Public Inquiries Act .

(5) Subject to the approval of the minister, the members of the appeal board shall make rules of procedure to govern hearings of the appeal board.

1996 cR-10.1 s44

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Appeals

11.1 (1) An owner of livestock who is registered under a plan, may file an appeal in respect of an action, finding, order or decision of the board, its officers or agents, within 14 days of the disputed action, finding, order or decision.

(2) An appeal is filed under subsection (1) by serving the chairperson of the appeal board and the chairperson of the board with a statement setting out the grounds for the appeal in writing.

(3) The chairperson of the board shall respond to an appeal filed under subsection (1) by serving a written response on the chairperson of the appeal board and on the appellant within 7 days of receiving the appeal.

(4) A decision of a majority of the members of the appeal board is final and binding.

1996 cR-10.1 s44; 1997 c13 s38

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Voluntary arbitration

11.2 (1) An owner of livestock who files an appeal under section 11 and the chairperson of the board may agree to resolve the dispute by voluntary arbitration on those terms as are agreed by the parties.

(2) Where an agreement under subsection (1) provides that no appeal from the arbitration may be made to the appeal board, that provision is valid and the decision of the arbitration is final and binding.

1996 cR-10.1 s44

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Payment of money

12. All money required by this Act to be paid in respect of registration fees under plans shall be paid to the board.

1975 No59 s14

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Fund continued

13. (1) The Livestock Owners Compensation Fund is continued and shall be under the control of the board on behalf of the Crown.

(2) The Minister of Finance, with the approval of the Lieutenant-Governor in Council and on the written request of the minister, may advance to the board for use as working capital those sums that may be stated in the requisition, but the total advances made in each financial year under this subsection shall not exceed \$50,000.

(3) The Minister of Finance, on the written request of the minister, shall pay from the Consolidated Revenue Fund, with money appropriated for the purpose, to the board in each year an amount equal to the amount determined to be the cost to the board of administering this Act and the regulations during that year and for the purpose of the determination, the board shall not later than December 31 in a financial year, prepare, adopt and submit to the minister a budget containing estimates of all sums required by it during the next financial year for the administration.

(4) The board shall credit to the fund

(a) all money advanced or paid under subsections (2) and (3);

(b) the total of all registration fees; and

(c) all other amounts received by the board.

(5) The board shall deposit and keep all amounts credited to the fund in a Canadian chartered bank.

1975 No59 s15; 2011 c20 s3

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Minute books and accounts

14. The board shall keep regular minutes of all meetings of the board and shall ensure that complete books of financial and other accounts and records are established and maintained.

1975 No59 s16

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Administration of fund

15. (1) The board shall administer the fund and pay from it all amounts required to be paid under this Act and the regulations.

(2) Notwithstanding another Act, the money in the fund does not form part of the Consolidated Revenue Fund, and the fund is not a division or part of the Consolidated Revenue Fund, but the money in it is the property of the Crown.

(3) The board may, and shall if so directed by the minister, pay to the Minister of Finance for investment on behalf of the board any money in the fund not immediately required for expenditure, and the Minister of Finance may invest the money or part of it by any or all of the methods by which the Consolidated Revenue Fund may be invested.

(4) Money paid to the Minister of Finance for investment under subsection (3) shall form a trust or special fund and any interest and earnings shall be credited to the account of the board, and the earnings, or a part of them, shall be paid over to the board by the Minister of Finance on the request of the board.

(5) The minister may authorize the Minister of Finance to realize sums invested under subsection (4) and sums so realized shall be paid to the board for the purposes of the administration of this Act and the regulations.

1975 No59 s17

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Financial year

16. (1) The financial year of the board shall correspond to the financial year of the province.

(2) The board shall, not later than September 30 in each year, prepare and submit to the minister a financial statement setting out the assets and liabilities of the board and the receipts and expenditures of the board for the previous financial year, together with a report concerning the work of the board during the previous financial year, and the statement and report shall be laid before the Legislature within 15 days after they are submitted to the minister if the Legislature is then sitting, and, if not, then within 15 days after the beginning of the next session.

(3) The financial statement referred to in subsection (2) shall be signed by the chairperson and 1 other member of the board and certified by the auditor general and shall have attached to it a report which the auditor general may have made to the board.

(4) The auditor general shall audit the accounts of the board and has authority to call for and shall be supplied by the board with all books and vouchers which he or she considers necessary for this audit.

(5) The Lieutenant-Governor in Council may, at the times and as often as he or she considers necessary, require the board to provide him or her those reports or information respecting the business and operations of the board, that the Lieutenant-Governor may direct.

1975 No59 s18

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Payments from fund

17. (1) Where it is shown to the satisfaction of the minister that livestock

(a) have been killed or injured by dogs or predators; or

(b) have died from an injury inflicted by dogs or predators within 7 days from the date on which the injury was inflicted,

the board may, where the owner of the livestock is registered under a plan, on application of the owner compensate the owner from the fund.

(2) The board shall not pay compensation from the fund, unless the owner of the livestock is registered under a plan and unless

(a) the owner has notified the board or a representative of the board in person, by telephone, facsimile, telegram or by letter of the killing or injuring, within 48 hours of the discovery;

(b) the owner has filed with the board an affidavit showing

(i) the name, address and insurance contract number of the person making the claim,

(ii) the number, age and sex of livestock killed or injured by 1 or more dogs or predators in respect of which compensation is claimed,

(iii) the date of the killing or injuring of the livestock, if known or, where the date is not known, the date of the discovery of the killing or injuring,

(iv) the breed of the livestock and whether it is grade or registered, and

(v) the name, if known, of the owner of the dog or predator involved in causing the damage;

and

(c) the board has received an affidavit in verification of the matters stated in the owner's affidavit made by a Provincial Court judge, justice of the peace, notary public, commissioner for oaths or an official of the department, and the affidavit required under this paragraph may be made according to the best of the information and belief of the deponent.

(3) In calculating the period of 48 hours referred to in paragraph (2)(a), Sundays and holidays shall not be counted.

(4) Notwithstanding anything to the contrary in this Act, the board shall not pay out of the fund in respect of a claim more than a sum to be determined in accordance with the amounts prescribed under section 20.

1975 No59 s19; 1994 c37 s1

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Payment of government debts

18. Where the board is required to pay money out of the fund to a claimant who is indebted to the Crown or to a department of government or to a board or other body which is an agent of the Crown, the board shall, notwithstanding anything to the contrary in this Act, retain from that money and forward to the Minister of Finance for credit to the Consolidated Revenue Fund an amount equal to the indebtedness of the claimant.

1975 No59 s20

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Subrogation of board

19. (1) Where compensation is paid under section 17, the board is subrogated to all rights of recovery of persons receiving the compensation against the owner of a dog which caused the loss in respect of which the compensation was paid and the board may bring an action in the name of the board to enforce those rights against the owner of that dog in respect of the compensation so paid.

(2) All money recovered by the board under subsection (1) shall be paid into the fund.

1975 No59 s21

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Amount of compensation to be prescribed

20. The minister shall, not later than March 31 in each year, prescribe the amount in respect of each class of livestock that may be paid out of the fund for losses caused by dogs or predators during the period from April 1 to March 31 following.

1975 No59 s22

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Non-application of Acts

21. Without prejudice to the rights, privileges, benefits or exemptions which may be vested by law in the board because of its being an agent of the Crown, nothing contained in

(a) the Insurance Adjusters Act;

(b) the Insurance Companies Act; and

(c) the Insurance Contracts Act,

shall apply to the board or a matter or thing done under this Act or the regulations.

1975 No59 s23

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