

Guidelines for Grants and Loans Regulations

made under Section 8 of the
Primary Forest Products Marketing Act
R.S.N.S. 1989, c. 355
O.I.C. 89-682 (June 13, 1989), N.S. Reg. 82/89

Interpretation

1 In these regulations

- (a) "Act" means the Nova Scotia Primary Forest Products Marketing Act;
- (b) "application" means an application for a grant, a loan, or the imposition or alteration of a charge in accordance with these regulations;
- (c) "Association" means an association registered by the Board as a bargaining agent under the Act;
- (d) "Board" means the Nova Scotia Primary Forest Products Marketing Board;
- (e) "charge" means a charge referred to in Section 10 of the Act.

Application for charge

2 An association registered as a bargaining agent by the Board under clause (b) of Section 6 of the Act may apply to the Board for the imposition, increase or decrease of a charge payable by persons engaged in the producing, marketing, or processing of primary forest products to finance the costs of one or more of the following:

Ordinary

(a) collective bargaining, the administration of a collective agreement, and related activities, including the cost of

- (i) staff salary and expenses,
- (ii) expenses to operate an office including rent, furniture, materials and equipment,
- (iii) expenses associated with negotiation of a collective agreement,
- (iv) expenses associated with administering a collective agreement including dispute resolution, or
- (v) expenses to keep producers informed of the activities of the Association and to obtain their input;

Special

(b) capital expenditures, other than those mentioned in clause (a), approved by a vote of not less than two-thirds of those members of the Association in attendance at a duly called special meeting of the Association, to enable the Association to more effectively carry out the purposes of the Act;

(c) costs approved by a vote of not less than two-thirds of those members of the Association in attendance at a duly-called meeting of the Association

- (i) to assist the private woodlot owners to have a fair share of the available market for primary forest products, or
- (ii) to facilitate and support the development of forest resources held by private woodlot owners.

3 An application pursuant to Section 2 may be in Form A or similar form and shall include

- (a) a copy of a resolution of the Association, duly passed by the Association in accordance with its constitution, rules or by-laws, approving the application for the imposition, increase or decrease of a charge and the amount of the imposition, increase or decrease of the charge requested;
- (b) the proposed budget of the Association for the current fiscal year, if funding is requested for that period, showing the purposes for which the funds are requested;
- (c) the proposed budget of the Association for the following fiscal year showing the purposes for which the funds are requested;
- (d) a copy of a resolution of the Association, duly passed by the Association in accordance with its constitution, rules or by-laws, approving the proposed budget;
- (e) a copy of a notice to producers for whom the Association is registered to bargain, by way of newspaper advertisement or individual mailing, indicating
- (i) the reason for the application for the charge,
- (ii) the amount of the charge requested,
- (iii) particulars of any capital expenditures or costs for which funding is requested under clauses (b) or (c) of Section 2,
- (iv) the time, place and date at which a meeting of the Association will be held to seek approval of the proposed budget and application under Section 2

and including a copy of the proposed budget or the location at which the proposed budget may be examined;

- (f) any additional information the Association or Board considers relevant to the application.

4 An application shall be made to the Board by

- (a) leaving a copy at the Board's office;
- (b) mailing a copy to the Executive Officer of the Board; or
- (c) forwarding a copy to the Executive Officer of the Board via facsimile transmission.

5 The Board shall review each application received and may request further information or clarification in respect of the application from the Association making the application.

6 Where an applicant or any party interested in an application requests an opportunity to provide oral or written submissions or comments in respect of an application or where the Board is of the opinion that it is necessary to hear from an applicant or interested party, the Board shall give the applicant or interested party an opportunity to provide oral or written submissions or comments.

7 When the Board has received and reviewed an application by an Association, the Board may impose or alter a charge payable by such persons engaged in the producing, marketing or processing of primary forest products as the Board may determine.

8 The Board may impose the charge requested by an Association or a lower charge than that requested by the Association.

9 The Board shall not impose a lower charge than that requested by an Association or strike out any proposed budgetary item without giving the Association the prior opportunity to provide written or oral submissions or comments or both to the Board.

10 The Board shall advise the Association of its decision with respect to the application of the Association.

11 The charge imposed by the Board shall be provided to the Association and shall be used for such of the purposes mentioned in Section 2 as are approved by the Board.

Annual review of charge

12 Every Association shall submit to the Board on an annual basis and no later than three months prior to the end of its then current fiscal year the Association's proposed activities and proposed budget for the following fiscal year supported by a resolution of the Association approving the proposed budget of the Association.

13 Every Association shall submit to the Board on an annual basis no later than three months following the end of its fiscal year the audited financial statements of the Association for that fiscal year.

14 The Board shall review the proposed activities and proposed budget of an Association to determine whether the proposed budget submitted by the Association is in accordance with the Act and these regulations.

15 The Board, upon reviewing an Association's proposed budget for the following fiscal year, shall

(a) approve the proposed budget; or

(b) request additional information from the Association for the purpose of reviewing in detail any of the budgetary items; or

(c) reduce or strike any budgetary item for the purpose of determining an appropriate lower charge.

16 After having reviewed an Association's proposed budget, the Board may reduce or confirm the amount of the charge imposed or to be imposed pursuant to Section 10 of the Act and shall advise the Association of the amount of the charge.

17 Before reducing the charge, the Board shall give the Association an opportunity to provide either written or oral comments, or both.

18 The applicable charge shall take effect as of and from the beginning of the next fiscal year of the Association or on such other date as may be fixed by the Board.

Grants or loans

19 Any person may apply to the Board for a grant or a loan for one or more of the following purposes:

(a) to obtain the necessary funds to cover all or part of the start-up costs of an Association;

(b) to cover all or part of a special study, report or project which in the opinion of the Board will further or carry out the purposes of the Act;

(c) to pay the costs of experts' fees incurred by organizations or Associations to carry out the purposes of the Act;

(d) to cover unanticipated operating expenditures;

(e) to cover unanticipated capital expenditures; or

(f) for any other purpose which an Association has approved by resolution and which the Board determines will assist the Association in carrying out the purposes of the Act.

20 An application pursuant to Section 20[19] may be in Form B or Form C or similar form.

21 The application pursuant to Section 20[19] shall include

- (a) if the applicant is an Association, a copy of a resolution of the Association duly passed in accordance with the constitution, rules or by-laws of the Association approving the application and the amount of the grant or loan requested;
- (b) evidence satisfactory to the Board that the applicant does not have sufficient funds for the purpose for which the grant or loan is requested;
- (c) evidence satisfactory to the Board that the applicant has investigated funding through existing financial institutions, and the reasons why the applicant does not consider funding through existing financial institutions suitable or available for the purposes of the applicant;
- (d) a copy of any accounts or cost proposals for a study, report, project or experts' fees for which a grant or loan is requested;
- (e) details and an explanation of any operating or capital expenditures for which funding is requested; and
- (f) any other information the applicant considers relevant to the application.

22 The Board may request additional information or clarification in respect of any application.

23 The Board shall consider each application for a grant or loan submitted to it and may grant or loan the applicant all or any part of the amount requested or may refuse any application for a grant or loan.

24 The Board shall advise the applicant of its decision in respect of any application for a grant or loan.

Form A - Application - Levy

The _____ (name of Association) hereby makes application to the Nova Scotia Primary Forest Products Marketing Board for the imposition of a charge of _____ (amount) per cord/metric tonne (circle correct measure) of _____ (list primary forest product(s) for which levy is requested), such charge to be payable by the following persons (list of persons/group(s) from whom levy should be deducted):

Attached is (a) a copy of the resolution of the Association authorizing this application of the Association for a levy _____

Yes _____

No _____

(b) a copy of the resolution of the Association approving the proposed budget _____

Yes _____

No _____

(c) a proposed budget for the Association from _____ to _____

(the fiscal year of the Association is from _____ to _____)

(d) a copy of the notice to producers of the application

(e) other _____

(list other material attached)

The purpose(s) for which the Association proposes to use the funds is/are as follows:

Signature (proper signing officer of the Association)

Signature (proper signing officer of the Association)

Form B - Application - Grant

The _____ (name of applicant) hereby makes application to the Nova Scotia Primary Forest Products Marketing Board for a grant in the amount of _____ for the following purpose(s):

Attached is _____ a copy of the resolution of the Association approving the application for the grant and the amount of the grant requested

_____ evidence that the applicant does not have sufficient funds for the purpose for which the grant is requested without the grant

_____ evidence that the applicant has investigated funding through existing financial institutions, and the reasons why the applicant does not consider funding through existing financial institutions suitable or available for the purpose of the applicant

_____ other

List other material attached:

Signature (proper signing officer of the Association)

Signature (proper signing officer of the Association)

Form C - Application - Loan

The _____ (name of applicant) hereby makes application to the Nova Scotia Primary Forest Products Marketing Board for a loan in the amount of _____ for the following purpose(s):

Attached is _____ a copy of the resolution of the Association approving the application for the loan and the amount of the loan requested

_____ evidence that the applicant does not have sufficient funds for the purpose for which the loan is requested without the loan

_____ evidence that the applicant has investigated funding through existing financial institutions, and the reasons why the applicant does not consider funding through existing financial institutions suitable or available for the purpose of the applicant

_____ other

List other material attached

Signature (proper signing officer of the Association)

Signature (proper signing officer of the Association)
