

Advisory Committee Regulations

made under clause 15(1)(c) of the

Dairy Industry Act

S.N.S. 2000, c. 24

N.S. Reg. 65/2001 (May 24, 2001)

as amended by N.S. Reg. 22/2003 (May 30, 2002, effective July 9, 2002)

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

Citation

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

Advisory Committee for Milk

2 (1) There shall be an advisory committee to the Board known as the "Advisory Committee for Milk", hereinafter referred to as the "Committee".

(2) The Committee shall consist of 7 members, of whom,

(a) one shall be the chair of the Committee appointed for a 3-year term, subject to annual review and who shall be a non-producer, non-processor and non-distributor and who is mutually agreeable to the Board and the processors;

(b) three shall be appointed annually by the Board; and

(c) three shall be appointed annually by processors.

(3) At least 60 days prior to the appointments of processors expiring, the Board will contact the Processor Association requesting the names of appointees for the coming year.

(4) If no appointments are made within the 60 days mentioned in subsection (3) above, the Board will send a second request to the Processor Association by registered letter.

(5) If no response is received within 7 days of the receipt of the registered letter, the Board may appoint processors who have not been appointed to increase the number of members to 7.

(6) If a member of the Committee dies or resigns or becomes unavailable to act before the expiration of the term of office, the body appointing such person shall appoint a person as a member for the remainder of the term of office.

(7) The Board shall appoint a secretary for the Committee.

Costs

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

(2) The processors shall be responsible for the costs of the 3 members appointed by the processors.

(3) The costs of the chair shall be shared equally by the Board and the processors.

Voting

4 (1) Each member of the Committee shall have one vote, with the exception of the chair, who shall not have a vote.

(2) All decisions of the Committee must be unanimous among the voting members.

Arbitration

5 (1) If, at any time, the Committee is unable to reach a unanimous decision and the chair is of the opinion that all avenues that might lead to unanimity have been exhausted, or at least two-thirds of the voting members concur that the matter shall be referred to arbitration, the chair, or failing the chair the secretary, shall refer the matter to arbitration.

(2) A matter referred to arbitration shall be referred to one of the arbitrators on the panel of arbitrators maintained for this purpose.

(3) The panel of arbitrators shall only contain the names of those arbitrators who are mutually agreeable to both the Board and the processors and, who have agreed to the terms of reference for an arbitration under these regulations.

(4) Upon the arbitrator being appointed, the hearing of the matter shall be within 21 days of the appointment and the decision of the arbitrator shall be delivered within 7 days of the conclusion of the hearing, unless both parties agree to extend either or both deadlines.

(5) The decision of the arbitrator shall be final and binding on the processors and the Board.

(6) All costs of the arbitration shall be equally shared by the Board and the processors.

Processor appointees

6 (1) The 3 members of the Committee appointed by the processors shall be representative of different processors carrying on business in the Province.

(2) If there is a reorganization, merger or consolidation of such processors, during any term of such members, the processors may appoint new members for the balance of the term.

(3) The Nova Scotia representatives on the Atlantic Dairy Council shall identify and implement ways of including the input of the "cottage industry" processors in the representation of the processors on the Committee.

Compensation for Committee

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

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

Initial chair

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

(2) The initial remuneration or compensation shall be agreeable to the Board and the Atlantic Dairy Council, Nova Scotia Division.

Advice of Committee

9 The Committee may advise and make recommendations to the Board in respect of

(a) the promotion of harmonious relationships between persons engaged in the producing and marketing of milk;

- (b) the promotion of greater efficiency in the marketing of milk;
- (b)[(c)] the prevention and correction of irregularities and inequities in the marketing of milk;
- (d) the improvement of the circulation of market information respecting milk; and
- (e) without limiting the generality of the foregoing, any matter with respect to which the Board may make regulations under the Act.

Notification to Processor Association

10 (1) The Processor Association shall be notified of any intended amendments to the regulations, sought by the Board and shall be given a reasonable period specified in the notification in which to raise any concerns or issues with the amendments, by notifying the chair of the Committee.

(2) The reasonable period referred to in subsection (1) shall, in no case, be longer than 30 days.

(3) If the Processor Association raises any concern or issues to the chair of the Committee, the chair shall immediately convene a meeting of the Committee, to deal with the concern or issue.

(4) Sections 4 and 5 shall apply in respect to a decision concerning any concern or issue before any amendments to the regulations may take place and for greater certainty, any decision of an arbitrator appointed under Section 5 shall be final and binding on the Processor Association and the Board.

(5) If the Processor Association does not raise any concerns or issues within the time specified in the notification pursuant to subsections (1) and (2), the Board shall be able to proceed as if no concern or issue had been raised by the Processor Association.

Notification to producers

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

Advisory Committee for Transportation

12 (1) There shall be an advisory committee to the Board known as the "Advisory Committee for Transportation", hereinafter referred to as the "Transportation Committee".

(2) The Transportation Committee shall consist of 7 members of whom

(a) one shall be the chair of the Transportation Committee appointed by the Committee for a 3 year term, subject to annual review and who shall be a non-producer, non-processor, non- distributor and non-transporter and who is mutually agreeable to the Board and the transporters;

(b) three shall be appointed annually by the Board; and

(c) three shall be appointed annually by transporters.

(3) At least 60 days prior to the appointments of transporters expiring, the Board will contact the transporters requesting the names of appointees for the coming year.

(4) If no appointments are made within the 60 days mentioned in subsection (3), the Board will send a second request to the transporters by registered letter.

(5) If no response is received within 7 days of the receipt of the registered letter, the Board may appoint transporters to increase the number of members to 7.

(6) If a member of the Transportation Committee dies or resigns or becomes unavailable to act before the expiration of the term of office, the body appointing such person shall appoint a person as a member for the remainder of the term of office.

(7) The Board shall appoint a secretary for the Transportation Committee.
Section 12 added: N.S. Reg. 22/2003.

Costs

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

(2) The transporters shall be responsible for the costs of the 3 members appointed by the transporters.

(3) The costs of the chair shall be shared equally by the Board and the transporters.

Section 13 added: N.S. Reg. 22/2003.

Voting

14 (1) Each member of the Transportation Committee shall have one vote, with the exception of the chair, who shall not have a vote.

(2) All decisions of the Transportation Committee must be unanimous among the voting members.

Section 14 added: N.S. Reg. 22/2003.

Arbitration

15 (1) If, at any time, the Transportation Committee is unable to reach a unanimous decision and the chair is of the opinion that all avenues that might lead to unanimity have been exhausted, or at least two-thirds of the voting members concur that the matter shall be referred to arbitration, the chair, or failing the chair the secretary, shall refer the matter to arbitration.

(2) A matter referred to arbitration shall be referred to one of the arbitrators on the panel of arbitrators maintained for this purpose.

(3) The panel of arbitrators shall only contain the names of those arbitrators who are mutually agreeable to both the Board and the transporters and who have agreed to the terms of reference for an arbitration under these regulations.

(4) Upon the arbitrator being appointed, the hearing of the matter shall be within 21 days of the appointment and the decision of the arbitrator shall be delivered within 7 days of the conclusion of the hearing, unless both parties agree to extend either or both deadlines.

(5) The decision of the arbitrator shall be final and binding on the transporters and the Board.

(6) All costs of the arbitration shall be equally shared by the Board and the transporters.

Section 15 added: N.S. Reg. 22/2003.

Transporter appointees

16 (1) The 3 members of the Transportation Committee appointed by the transporters shall be representative of different transporters carrying on business in the Province.

(2) If there is a reorganization, merger or consolidation of such transporters, during any term of such members, the transporters may appoint new members for the balance of the term. If the transporters fail to make an appointment within 30 days of the reorganization, merger or consolidation, then the Board shall send a request to the transporters by registered mail, and if no appointment is made within 7 days of the registered mail being sent, the Board may appoint a transporter representative who has not been appointed in order to increase the number of transporter representatives to 3.

(3) The transporters on the Transportation Committee shall identify and implement ways of including the input of the other transporters who are not on the Transportation Committee.
Section 16 added: N.S. Reg. 22/2003.

Compensation for Transportation Committee

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

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

Section 17 added: N.S. Reg. 22/2003.

Advice of Transportation Committee

18 (1) The Transportation Committee may advise and make recommendations to the Board in respect of

(a) the promotion of harmonious relationships between persons engaged in the producing and transporting of milk;

(b) the promotion of greater efficiency in the transporting of milk;

(c) without limiting the generality of the foregoing, any aspect of bulk milk transportation with respect to which the Board may make regulations under the Act.

(2) Where a decision of the Transportation Committee and the Committee conflict, the decision of the Committee shall supersede the decision of the Transportation Committee.

Section 18 added: N.S. Reg. 22/2003.

Notification to Transporters

19 (1) The transporters on the Transportation Committee shall be notified of any intended amendments to the regulations sought by the Board and shall be given a reasonable period specified in the notification in which to raise any concerns or issues with the amendments, by notifying the chair of the Transportation Committee.

(2) The reasonable period referred to in subsection (1) shall, in no case, be longer than 30 days.

(3) If the transporters on the Transportation Committee raise any concern or issues to the chair of the Transportation Committee, the chair shall immediately convene a meeting of the Transportation Committee, to deal with the concern or issue.

(4) Sections 14 and 15 shall apply in respect to a decision concerning any concern or issue before any amendments to the regulations may take place and for greater certainty, any decision of an arbitrator appointed under Section 15 shall be final and binding on the transporters and the Board.

(5) If the transporters on the Transportation Committee do not raise any concerns or issues within the time specified in the notification pursuant to subsections 1 and 2, the Board shall be able to proceed as if no concern or issue had been raised by the transporters.

Section 19 added: N.S. Reg. 22/2003.

Notification to producers

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

Section 20 added: N.S. Reg. 22/2003.

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