

Summary

On March 12, 2021, the Nova Scotia Liberal Government presented Bill 4 to create the Biodiversity Act. This information is intended to inform farmers - at a high level – what this Act is about, what NSFA has been doing regarding the Biodiversity Act and what farmers can do to express concerns.

What is this Biodiversity Act and what is it all about?

- The Biodiversity Act (or Bill 4) is the Nova Scotia government’s attempt to “promote and protect” biodiversity in Nova Scotia.
- If enacted, sections of the Act will apply to Crown Land while other sections will apply to Private Land. There is also a section on enforcement and fines.

What is concerning about this Act?

- The overreaching powers the Minister of Lands and Forestry will have on privately owned land is the primary concern with the Biodiversity Act.
- The vast majority of land farmed in Nova Scotia is privately owned. Wording in the Act indicates that regulations may be developed to protect biodiversity on privately owned land.
- Without knowing what regulations will be developed, it’s difficult to know exactly how agriculture will be impacted. The overarching powers of the Act may lead to regulations that prohibit certain farm practices.
- Based on how the Act is written, the Minister of Lands and Forestry will be able to direct a land owner on management practices.
- The penalties and fines associated with the Act are alarming. Section 44 of the act indicates a first offence could lead to a fine up to \$500,000 and jail time while a second offence could lead to a fine up to \$1,000,000 and jail time. Corporations could face steeper penalties and fines up to \$2,000,000.
- The process. Before the Biodiversity Act was presented as a Bill in the last session of the legislature, we were told its focus was on establishing Biodiversity Management Zones on Crown Land. Also, the public consultations that resulted from Law Amendments Committee were focused on ensuring regulations and programming, not the Act itself. There has been a lack of transparency around the development of this Act.

What has NSFA been doing?

- NSFA has been working on this file since it was brought to our attention. The Biodiversity Act was presented as a Bill in the last session of the Legislature and made it to the Law Amendments process where NSFA was active in voicing concerns.
- NSFA participated in the consultations that took place as a result of law amendments. These consultations were open to the public and took place in summer 2019.
- NSFA was informed that representatives from Forest Nova Scotia had a sit down read with the Minister of Lands and Forestry and staff. NSFA has been working to get a similar read of this Act for the last six months; we have a meeting scheduled by Lands and Forestry on March 29th.
- NSFA is preparing a submission to Law Amendments Committee expressing out concerns with the Act and the process leading up to those concerns.

What are NSFA’s recommendations?

- Revise the Act to apply to Crown Lands only.
- Any regulations that result from this Act must be open for public consultations.

What can farmers do to express concern?

- Submit a letter to the Law Amendments Committee and contact your MLA expressing concern with the overreaching powers of the Minister of Lands and Forestry as described in this act.