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Nova Scotia Legislature
Attn: Law Amendments Committee
Province House
1726 Hollis Street
Halifax, NS B3J 2Y3

September 24, 2018

To Whom It May Concern:

I write with respects to Bill 39, which seeks to amend the Cemetery and Funeral Services Act and the Embalmers and Funeral Directors Act.

I applaud the government for striving towards creating safeguards to ensure the protection of the public due to error or misconduct. I believe the amendments proposed in Bill 39 will, for the most part, help to create a greater confidence in the funeral profession.

That said, I do have concerns with the proposed Subsection 29(2) of the Cemetery and Funeral Services Act which states:

(2) Subject to subsection (4), an individual who is guilty of an offence under subsection (1) is liable on summary conviction to a fine of not less than \$1,000 and not more than \$25,000 or to imprisonment for a period of up to two years, or to both a fine and imprisonment.

(3) Subject to subsection (4), a corporation that is guilty of an offence under subsection (1) is liable on summary conviction to a fine of not less than \$3,000 and not more than \$300,000.

And for the same reasons, I have concerns regarding Section 34 of the Embalmers and Funeral Directors Act, which is proposed to state:

(1A) Subject to subsections (1C) and (1D), an individual who is guilty of an offence under subsection (1) is liable on summary conviction to a fine of not less than \$1,000 and not more than \$25,000 or to imprisonment for a period of up to two years, or to both a fine and imprisonment.

(1B) Subject to subsections (1C) and (1D), a corporation that is guilty of an offence under subsection (1) is liable on summary conviction to a fine of not less than \$3,000 and not more than \$300,000.

While I am not troubled whatsoever with the maximum fines outlined in these cases, I do not feel comfortable with the provision of a *minimum* fine.

Chuck and Joanne Curry

"CANADIAN INDEPENDENT"

By setting a minimum fine, the court would be obligated to levy this fine regardless of the circumstances surrounding the offense, and irrespective of how minor the offense may be. By instituting this minimum, it may inadvertently intimidate a licensee or business into not following through on his, her, or its rights of due process if the minimum fine is \$1000 (or \$3000). It is not difficult to conceive of a situation where Service Nova Scotia feels there has been an infraction, and a licensee disagrees but chooses not to fight the allegation because not only is it simply easier to comply, it is a lot less costly.

I would propose that you eliminate the minimum fines that do not relate to a specific offense outline within the Acts. The maximum fines given provide adequate deterrence, and removing the minimum provides the courts with the flexibility they should have to handle each case on its own merits.

On a less important point, Section 34A is propose to state:

34A A prosecution for an offence under this Act may not be commenced more than three years after the later of

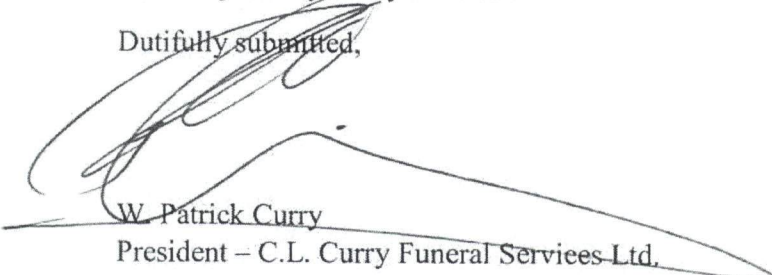
(a) the date on which the offence was committed; and

(b) the date on which the evidence of the offence first came to the attention of the Registrar.

I cannot conceive of a situation where the evidence of offence would first come to the attention of the Registrar *before* the offence was committed. 34A, as written, seems redundant.

I thank you for the opportunity to provide my input, and I thank you for the work you are doing to strengthen our profession. I will make myself available to you, should you have any desire to follow up on any of my comments.

Dutifully submitted,



W. Patrick Curry

President – C.L. Curry Funeral Services Ltd.

cc., Alan MacLeod, Jr. – President, Funeral Service Association of Nova Scotia
cc., Adam Tipert – Chair, Nova Scotia Board of Registration of Embalmers and Funeral Directors