

**CASE NO.****VOL. NO.****PAGE**

KIMBERLY-CLARK NOVA SCOTIA

THE NOVA SCOTIA WOODLOT  
OWNERS AND OPERATORS  
ASSOCIATION - CENTRAL  
WOOD SUPPLIERS DIVISION

- and -

(Appellant)

(Respondent)

CA 1543779

Halifax, N.S.

FLINN, J.A.

[Cite as: **Kimberly-Clark Nova Scotia v. Nova Scotia Woodlot Owners and Operators Association - Central Wood Suppliers Division, 2000 NSCA 23**]

**APPEAL HEARD:**

January 13, 2000

**JUDGMENT DELIVERED:**

February 2, 2000

**SUBJECT:****Administrative Law - *Certiorari* - whether error of law****SUMMARY:**

In 1981 the respondent was registered by the Nova Scotia Pulpwood Marketing Board as the bargaining agent for all producers (except two) of pulpwood, who sold pulpwood to Scott Maritimes. A third group was excluded when the respondent's registration was amended in 1986.

In 1995 Scott made a unilateral decision to change its method of processing pulpwood, deciding to use pulpwood chips instead of round wood pulpwood. Since the members of the respondent's bargaining unit had been supplying various forms of round wood pulpwood, Scott, and its successor the appellant, took the position that the respondent's Certificate of Registration did not apply to pulpwood chips.

Proceedings were commenced by the respondent before the Board to consider the dispute which resulted. The parties agreed, as a preliminary issue, to have the Board rule on the narrow question, as to whether the word "pulpwood" in the respondent's Certificate of Registration included pulpwood chips. The Board concluded that it did. A Chambers judge, of the Supreme Court, dismissed an application by way of *certiorari* to quash the Board's decision.

**RESULT:**

Appeal dismissed.

1. The Board made no error of law in the interpretation of its Certificate of Registration.
2. The second issue which the appellant raised - essentially, that the respondent may not be the proper party to be bargaining with it for pulpwood chips, was not an issue that had been before the Board. The Board dealt, solely, with the narrow question of the meaning of the word "pulpwood" in the Certificate of Registration. The broader issue, which the appellant now raises, should be dealt with by the Board, at least in the first instance.

**This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 19 pages.**