

No. 130

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 130

A Bill to amend The Marketing of Agricultural
Products Act

HON. MR. STROM

Explanatory Note

General. This Bill amends chapter 192 of the Revised Statutes. Its main purpose is to establish the Alberta Agricultural Products Marketing Council, which will assume certain administrative functions under the Act with the power to supervise and regulate producer boards and also the marketing commissions provided for by the Bill.

2. Section 2, clauses (a) and (f) presently read:

- (a) "agricultural product" means any poultry, poultry products, hogs, vegetables, honey, cheese, commercial grass and legume seed;
.....
- (f) "marketing" includes buying, owning, selling, storing, offering for sale, shipping for sale or storage, advertising, financing, assembling, packing, or processing and includes transportation in any manner by any person;

3.-4a. Establishment of the Alberta Agricultural Products Marketing Council.

BILL

No. 130 of 1965

An Act to amend The Marketing of Agricultural Products Act

(Assented to _____, 1965)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Marketing of Agricultural Products Act* is hereby amended.

2. Section 2 is amended

- (a) as to clause (a) by adding after the word "vegetables," the word "potatoes,"
- (b) by adding the following clause after clause (c):
 - (c1) "Council" means the Alberta Agricultural Products Marketing Council established under section 4a;
- (c) as to clause (f) by striking out the words ", packing, or processing" and by substituting the words "or packing",
- (d) by adding the following clause after clause (f):
 - (f1) "plan" means a plan established under this Act for the control and regulation within the Province of the marketing of an agricultural product;

3. The following sections are added after section 4:

4a. (1) There is hereby established a corporation with the name of the Alberta Agricultural Products Marketing Council which shall consist of not less than three persons and not more than seven persons appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint one of the members of the Council as chairman thereof.

(3) The members of the Council may be paid such remuneration for their services and such expenses as the Lieutenant Governor in Council determines.

(4) The Council may employ such agents, inspectors and

4b. Proposals for the establishment of a marketing plan are to be submitted to the Council.

4c. Functions of the Council.

4. Section 5, subsection (1) is revised.

employees as it considers necessary to carry out its functions and may determine their duties and remuneration.

4b. Any organized group of producers of an agricultural product may submit to the Council a proposed plan for the control and regulation within the Province of the marketing of that agricultural product, with a request that such a plan be established.

4c. (1) The Council shall

- (a) advise the Minister of Agriculture on all matters relating to the establishment, operation and control of producer boards and marketing commissions,
- (b) review each proposed plan submitted to it and may hold public hearings or meetings thereon and may make recommendations to the Minister of Agriculture respecting the establishment of such a plan and respecting the provisions that should be in any such plan,
- (c) supervise the operation of producer boards and marketing commissions,
- (d) enforce the regulations,
- (e) conduct votes on plans of marketing and the establishment of producer boards and marketing commissions,
- (f) perform such other duties and functions and exercise such authority as may be given it under the regulations, and such other duties as may be assigned to it by the Minister of Agriculture or the Lieutenant Governor in Council.

(2) The Council may establish an advisory committee to advise it with respect to the production, marketing and promotion of any regulated product, which shall, as far as is conveniently possible, be representative of the persons engaged in the production and marketing of the regulated product.

4. Section 5 is amended by striking out subsection (1) and by substituting the following:

5. (1) Subject to this Act, the Lieutenant Governor in Council may make orders

- (a) establishing, amending and revoking plans for control and regulation of the marketing within the Province or any part thereof of any agricultural product and constituting producer boards to administer such plans,
- (b) amending any plan that is established for the control and regulation of the marketing of a regulated product,

5. Section 6, subsection (2) reads.

(2) The Lieutenant Governor in Council may determine the manner in which the vote on the plan is to be taken and may nominate a returning officer to conduct the vote.

This matter will be dealt with by the Council under the new section 7.

6. Authority of the Council to make regulations governing producer boards and the powers of boards with respect to regulated products. This replaces the present section 7 which provides that these matters are to be specified in the order in council establishing a producer board.

- (c) defining any word or words for the purpose of any plan,
- (d) giving to any producer board any or all of the powers that are vested in a co-operative association,
- (e) prescribing by-laws for regulating the conduct of the affairs of the Council,
- (f) prescribing by-laws for regulating the government of producer boards and the conduct of their affairs, but any producer board may make by-laws not inconsistent with this Act, the orders made under this section or the orders or regulations made under the plan under which the producer board is established, and
- (g) notwithstanding any other Act, providing for
 - (i) the carrying out by the Council or a trustee of any or all of the powers of a producer board or a marketing commission,
 - (ii) the vesting of the assets of a producer board or a marketing commission in the Council or a trustee, and
 - (iii) the disposing of any or all of the assets of a producer board in such manner as is prescribed,

and where any order made under this section is in conflict with any by-law of the producer board, the order prevails.

5. Section 6 is amended by striking out subsection (2).

6. Section 7 is struck out and the following sections are substituted:

7. (1) The Council may make regulations generally or with respect to any regulated product

- 1. providing for the licensing of any or all persons before commencing or continuing to engage in the marketing or processing of a regulated product,
- 2. prohibiting persons from engaging in the marketing or processing of any regulated product except under the authority of a licence,
- 3. providing for the refusal to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to engage properly in the business for which the application was made, or for any other lawful reason that the Council considers proper,
- 4. providing for the suspension or revocation of, or the refusal to renew, a licence for failure to observe, perform or carry out the provisions of this Act,

the regulations, any plan or any lawful order or direction of the Council or a producer board,

5. providing for the right of any person whose licence was refused, suspended or revoked or was not renewed to show cause why such licence should not be refused, suspended or revoked or why such renewal should not be refused, as the case may be,
6. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons marketing the regulated product and the collecting of the licence fees and the recovering of such licence fees by suit in a court,
7. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the producer board or marketing agency and to forward such licence fees to the producer board or marketing agency,
8. requiring any person who produces and processes a regulated product to furnish to the Council statements of the amounts of the regulated product that he produced in any year and used for processing,
9. requiring persons engaged in the production or marketing of a regulated product to register their names and addresses with the producer board, and persons so registered may be deemed to be licensed if so provided in the plan,
10. providing for the exemption from any or all of the regulations, orders or directions under any plan of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product,
11. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product and providing for the administration and disposition of any moneys or securities so furnished,
12. providing for
 - (i) the marketing of a regulated product on a quota basis,
 - (ii) the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Council considers proper,
 - (iii) the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Council considers proper,

- (iv) the reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Council considers proper, and
 - (v) the transferability or non-transferability of quotas and prescribing the conditions and procedures applicable to the transfer of quotas,
- 13. prohibiting, subject to subsection (4),
 - (i) any person to whom a quota has not been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product, and
 - (ii) any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota,
- 14. providing for the regulating and the controlling of the marketing of any regulated product, including the times and places at which the regulated product may be marketed,
- 15. providing for the regulating and the controlling of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements,
- 16. authorizing a producer board to use any class of licence fees and other moneys payable to it, for the purposes of paying the expenses of the producer board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the producer board is established,
- 17. notwithstanding any other Act, providing that no producer board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Council,
- 18. authorizing a producer board to establish a fund in connection with any plan for the payment of any moneys that may be required for the purposes mentioned in clause 16,
- 19. providing for the establishment in connection with any plan, negotiating agencies that may be empowered to adopt or settle by agreement any or all of the following matters, namely,
 - (i) minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,

- (ii) terms, conditions and forms of agreements relating to the producing or marketing of the regulated product, and
 - (iii) any charges, costs or expenses relating to the production or marketing of the regulated product,
20. providing for the arbitration by an arbitration board of any matter not adopted or settled by agreement under clause 19,
 21. providing for the arbitration by an arbitrator or by an arbitration board of any dispute arising out of any agreement adopted or settled under clause 19 or any award made under clause 20,
 22. determining the constitution of such negotiating agencies and of arbitration boards and regulating the practice and procedure of such agencies and boards,
 23. requiring, subject to subsection (3), that no charges, costs or expenses relating to the production or marketing of the regulated product shall be made other than such charges, costs or expenses as are provided in the agreement or award of re-negotiated agreement or award in force for the marketing of the regulated product,
 24. authorizing any producer board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and requiring such producer board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such producer board to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers,
 25. authorizing any producer board to require the price or prices payable or owing to the producers for the regulated product to be paid to or through the producer board and to recover such price or prices by suit in a court,
 26. authorizing any producer board to prohibit the marketing of any class, variety, grade or size of any regulated product,
 27. providing for the carrying out of any plan declared by the Lieutenant Governor in Council to be in force,

28. governing the holding of a vote of producers upon a question of favour of a plan or amendment of a plan or repeal of a plan or any matter respecting the marketing of a regulated product,
 29. providing for the holding of public hearings and meetings on matters respecting the establishment or operation of any plan, or the holding of a vote of producers,
 30. requiring any person who produces a regulated product to offer to sell and to sell the regulated product through the producer board constituted to administer the plan under which the regulated product is regulated or through a designated agency, but only to the extent provided for in the plan,
 31. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold by or through the producer board constituted to administer the plan established for control and regulation of the marketing of the regulated product,
 32. providing for the making of such orders and the issuing of such directions as are necessary to enforce the observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Council or a producer board, and
 33. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) Every agreement made under clause 19 of subsection (1) and every award made under clause 20 or 21 of subsection (1) and every re-negotiated agreement or award made under clause (b) of this subsection
- (a) shall be filed with the Council forthwith after the making thereof and the Council may, notwithstanding any defect in the establishment of the negotiating agency or the arbitration board, as the case may be, by order declare the agreement or award or re-negotiated agreement or award or part thereof to come into force on the day it is so filed or on such later day as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause (b), shall remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award, and
 - (b) may at any time upon an order of the Council be re-negotiated in whole or in part in such manner as the Council determines.

(3) Notwithstanding clause 23 of subsection (1), every agreement and award shall contain a provision that any charges for services unforeseen at the time of negotiating the agreement or award may be agreed upon by the parties affected without re-negotiating the agreement or award.

(4) A regulation prohibiting a person from marketing a regulated product may only prohibit him from marketing it through the regular marketing channels designated in the plan for that regulated product.

(5) *The Regulations Act* does not apply to any order of the Council made under subsection (2).

(6) Any regulation made under this section may be limited as to time and place.

(7) The Council may delegate to a producer board such of its powers under subsection (1) as it deems necessary, and may at any time terminate such delegation.

7a. (1) The Council may make regulations vesting in any producer board any powers that the Council considers necessary or advisable to enable the producer board effectively to promote, regulate and control the marketing of the regulated product within the Province, and without limiting the generality of the foregoing, may make regulations

- (a) vesting in any producer board any or all of the following powers, namely,
 - (i) to direct and control, by order or direction, either as principal or agent, the marketing of the regulated product, including the times and places at which the regulated product may be marketed,
 - (ii) to determine the quantity of each class, variety, grade and size of the regulated product that shall be marketed by each producer,
 - (iii) to prohibit the marketing of any class, variety, grade or size of the regulated product,
 - (iv) to determine from time to time the price or prices that shall be paid to producers for the regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of the Province,
 - (v) to fix and impose service charges from time to time for the marketing of the regulated product,
 - (vi) to require the price or prices payable or owing to the producer for the regulated product to be paid to or through the producer board,
 - (vii) to collect from any person by suit in a court

- the price or prices of any part thereof of the regulated product owing to the producer,
- (viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the producer board considers advisable,
 - (ix) to pay from service charges imposed under subclause (v) its expenses in carrying out the purposes of the plan, and
 - (x) to pay to the producers the price or prices for the regulated product less service charges imposed under subclause (v) and to fix the times at which or within which such payments shall be made,
- (b) providing that the regulated product shall be marketed by or through the producer board and, subject to subsection (4) of section 7, prohibiting any person from marketing any of the regulated product except by or through the producer board, and
 - (c) providing for statements to be given by any producer board to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by it.
- (2) Any powers exercisable by a producer board may be limited as to time and place.
- (3) The Council may from time to time with respect to any regulated product require the producer board to furnish any information that the Council considers necessary to determine the operations of the producer board and, without limiting the generality of the foregoing, may require the producer board to furnish particulars of
- (a) the service charges fixed under subclause (v) of clause (a) of subsection (1),
 - (b) the purposes for which the service charges are used and the amounts expended for each purpose,
 - (c) any proposed changes in the amount of the service charges,
 - (d) operating deficits or profits and reserves of the producer board,
 - (e) property leased, owned or otherwise acquired or used by the producer board, and
 - (f) the purposes of the plan in effect for the marketing of the regulated product.
- (4) The Council may by order in respect of any regulated product require the producer board to fix the service charges under subclause (v) of clause (a) of subsection (1) at such amounts, or at amounts not exceeding such amounts, as the Council considers proper.
- (5) The Council may require any producer board

7. Section 8, subsection (1) presently reads:

8. (1) After a plan has been established under section 5, persons engaged in the production of the regulated product within the area to which the plan applies may petition the Minister of Agriculture to terminate the plan.

8. Section 10, subsection (1) presently reads:

10. (1) Upon receipt of a petition under section 8, or upon an order of the Lieutenant Governor in Council under section 9, the Minister shall cause a plebiscite to be held in the area to which the plan relates and if fifty-one per cent of the persons engaged in the production of the regulated product within that area vote to terminate the plan the Minister may, by order, terminate the plan on a date which may be fixed by the order.

9. Authority to establish and regulate marketing commissions.

- (a) to furnish to the Council particulars of any requested change in the operational detail of the plan at least ten days before the requested change can become effective,
- (b) to carry out any purpose of the plan that the Council considers necessary or advisable,
- (c) to vary any operational detail of the plan as the Council considers advisable, and
- (d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Council considers unnecessary or inadvisable.

7b. Where the Council delegates to a producer board any of its powers or vests in a producer board powers to promote, regulate and control the marketing of a regulated product, the Council may, at any time

- (a) limit the powers of the producer board in any or all respects, and
- (b) revoke any regulation, order or direction of the producer board made or purporting to be made under such powers.

7. Section 8, subsection (1) is amended by striking out the words "Minister of Agriculture to" and by substituting the words "Council to amend or".

8. Section 10 is amended

- (a) as to subsection (1)
 - (i) by striking out the word "Minister" wherever it occurs and by substituting the word "Council",
 - (ii) by adding immediately before the word "terminate" wherever it occurs the words "amend or",
- (b) by adding the following subsection after subsection (2):
 - (3) Notwithstanding subsection (1), no vote is required to amend a plan where the proposed amendment does not increase or decrease the powers of the producer board.

9. The following heading and sections are added after section 14:

Marketing Commissions

14a. (1) The Lieutenant Governor in Council may, with respect to any agricultural product that is not a regulated product, establish a marketing commission having as its objects the initiation and carrying out of a program for stimulating, increasing and improving the marketing of the

agricultural product by establishing quality standards, advertising, education, research or other means.

(2) The Lieutenant Governor in Council may, with respect to any agricultural product, establish a marketing commission which may determine, on behalf of producers, the time and place at which and the agency through which the agricultural product, or any class or grade thereof, may be marketed by the producer.

(3) A marketing commission shall consist of such number of persons as may be appointed by the Lieutenant Governor in Council, a majority of whom may be producers of the agricultural product.

(4) A marketing commission constituted under this section is a body corporate.

(5) The Lieutenant Governor in Council may vest in a marketing commission such powers as are considered necessary to enable it to carry out its functions.

14b. All costs incurred by a marketing commission shall be paid out of the moneys raised by the commission by fees or charges imposed on persons engaged in the production, processing and marketing of the agricultural product.

14c. (1) The Council may make regulations

- (a) prescribing by-laws for regulating the government of marketing commissions and the conduct of their affairs,
- (b) providing for the holding of public hearings and meetings on matters respecting any marketing commission or proposed marketing commission,
- (c) governing the holding of a vote on matters respecting any marketing commission or proposed marketing commission,
- (d) providing for the fixing of fees or charges payable by persons engaged in the production, marketing and processing of the agricultural product, or any class of them and the nature of the fees or charges, and for the collecting of the fees or charges and the recovery of such fees or charges by suit in a court,
- (e) requiring any person who receives the agricultural product from a producer to deduct from the moneys payable to the producer any fees or charges payable by the producer to the commission and to forward such fees or charges to the commission, and
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of a marketing commission.

(2) The Council may from time to time require a marketing commission to furnish any information that the Council

10. Section 16, subsections (1) and (3) read:

16. (1) Nothing in this Act shall be deemed to authorize a producer board or agency to restrict, prohibit or limit the production of any agricultural product.

(3) Where a designated agency refuses to accept a regulated product for marketing, the producer thereof may market the refused product in any manner he sees fit to do so, if the marketing or the manner thereof is not prohibited by or pursuant to any other statute of the Province.

11. Transitional provision.

12. Commencement of Act.

considers necessary to determine the operations of the commission.

14d. (1) Before establishing or disestablishing a marketing commission the Lieutenant Governor in Council may require a vote to be held of such class or classes of persons engaged in the production and marketing of the agricultural product as he considers advisable and section 6 or 10, as the case may be, applies *mutatis mutandis* to the vote.

(2) The Lieutenant Governor in Council may make such rules and regulations as may be necessary to settle the assets and affairs of and wind up any marketing commission being disestablished.

10. Section 16 is amended by striking out subsections (1) and (3).

11. The amendments made to *The Marketing of Agricultural Products Act* by this Act are applicable to any producer boards established before the commencement of this Act but any such board shall continue to have and may exercise the rights, powers and functions given it by the order establishing it until such time as they are altered by an order or regulation made under *The Marketing of Agricultural Products Act*.

12. This Act comes into force on the first day of July, 1965.

No. 130

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act to amend The Marketing of
Agricultural Products Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. STROM
