

1971 Bill 111

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 111

An Act to amend The Milk Control Act

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Third Reading

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BILL 111

1971

AN ACT TO AMEND THE MILK CONTROL ACT

(Assented to _____, 1971)

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

1. The Milk Control Act is hereby amended.

2. Section 3 is amended by striking out subsection (1) and by substituting the following:

3. (1) There is hereby constituted a corporation with the name "Alberta Milk Control Board" consisting of not more than three members.

3 The following sections are added after section 28:

29. (1) The Milk Board, with the approval of the Lieutenant Governor in Council but subject to section 32, may make regulations for the establishment and operation of a plan for regulating the marketing locally within Alberta of milk.

(2) Without restricting the generality of subsection (1), the regulations (in this subsection called "the plan") may

- (a) classify producers and processors of milk into groups for the purposes of the plan;
- (b) provide for the marketing of milk on a quota basis;
- (c) provide for the fixing and allotting to persons of quotas for the marketing of milk on such basis as the Milk Board considers proper;
- (d) prescribe the terms and conditions upon which a person may market milk in excess of the quota fixed and allotted to him;
- (e) govern the adjustment, reduction, transfer cancellation or suspension of quotas fixed and allotted pursuant to the plan;
- (f) prescribe the rights and duties of milk producers and processors under the plan;
- (g) provide for the fixing, imposing and collecting by the Milk Board of levies, charges, fees or assessments for the proper operation of the plan;

Explanatory Notes

1. This Bill amends chapter 234 of the Revised Statutes of Alberta 1970.

2. Section 3(1) presently reads:

3. (1) There shall be a board to be known as the Alberta Milk Control Board, consisting of not more than three members, with the powers and duties herein specified.

The amendment creates the Board as a corporation.

3. The new sections 29 to 35 will enable the Alberta Milk Control Board to operate a comprehensive milk market-sharing plan in the event that regulatory powers are granted to it under federal legislation in order that the plan can embrace both marketing within Alberta and interprovincial marketing in milk. The plan would essentially involve a marketing quota system with levies or charges for deliveries in excess of quotas.

No plan of this kind could be established initially unless the producers voted in favour of it by way of a vote under the proposed section 32.

Section 33 allows for the termination of a milk marketing plan and requires termination of a plan where the producers vote in favour of the termination.

Section 34 allows for a vote of the producers on any question for the purpose of giving their opinion to the Government on the question.

Section 35 deals with the procedures for a vote.

- (h) prescribe that licensed processors are appointed as agents of the Milk Board to collect and retain from payments made to producers for milk, and to remit to the Milk Board, any levies, charges, fees or assessments fixed and imposed pursuant to clause (g);
- (i) empower the Milk Board to enter into an agreement with any person whereby that person agrees to provide any services for or on behalf of the Milk Board in connection with the operation of the plan, including the maintaining of records relating to the plan and the administration of the allotment, adjustment, reduction, transfer, cancellation or suspension of quotas in accordance with the plan and the directions of the Milk Board, in consideration of the remuneration specified in the agreement;
- (j) establish a committee and confer or impose on it any powers and duties of an advisory or administrative nature as may be necessary in connection with the operation of the plan;
- (k) prescribe the remuneration payable to members of a committee established pursuant to clause (j);
- (l) provide for any other matter in connection with or incidental to the establishment or operation of the plan.

30. (1) The Milk Board may, with the approval of the Lieutenant Governor in Council but subject to section 32, accept and exercise any authority or powers granted to the Milk Board pursuant to the Agricultural Products Marketing Act (Canada), as amended from time to time, or any other Act of the Parliament of Canada enacted before or after the commencement of this section.

(2) Where the Milk Board has accepted any authority or powers pursuant to subsection (1), the Milk Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement or arrangement with the Canadian Dairy Commission or any marketing board incorporated by the Parliament of Canada under which the Milk Board agrees to pay to that Commission or marketing board any moneys collected by the Milk Board pursuant to the regulations under section 29 or in the exercise of any authority or powers referred to in subsection (1).

31. (1) In this section and sections 32 and 33, "comprehensive milk marketing plan" means a plan for regulating the marketing of milk in accordance with an agreement or agreements entered into by federal and provincial authorities.

(2) The Milk Board may, with the authorization of the Lieutenant Governor in Council but subject to section 32, become a party to a comprehensive milk marketing plan to which the Canadian Dairy Commission is also a party.

(3) Where the Milk Board becomes a party to a comprehensive milk marketing plan,

- (a) the Milk Board may exercise and perform the powers and duties conferred or imposed on it by the regulations under section 29 for the purposes of the operation of the comprehensive milk marketing plan;
- (b) the Lieutenant Governor in Council may confer on the Milk Board any additional powers that are necessary for the Milk Board to carry out its obligations and functions under the comprehensive milk marketing plan;
- (c) without restricting the generality of clause (b), the Lieutenant Governor in Council may authorize the Milk Board to pay moneys collected by it pursuant to the regulations under section 29 or in the exercise of any authority or powers referred to in section 30, subsection (1) to the Canadian Dairy Commission or any other marketing board or agency in Canada in order to carry out any obligations of the Milk Board under the comprehensive milk marketing plan in that behalf.

32. The Lieutenant Governor in Council shall not

- (a) establish a plan under section 29, or
- (b) give an approval under section 30, subsection (1), or
- (c) give an authorization under section 31, subsection (2);

unless a vote of the producers has been conducted in accordance with section 35 on the question of whether the plan should be established or the approval or authorization given, and, subject to subsection (2), clause (f), unless the majority of the eligible producers registered under section 35 vote in favour of the plan being established or the approval or authorization being given.

33. (1) The Milk Board

- (a) may rescind its regulations under section 29 subject to the approval of the Lieutenant Governor in Council, and
- (b) shall rescind its regulations under section 29 if a vote of the producers has been conducted in accordance with section 35 on the question of whether the regulations should be rescinded, and subject to section 35, subsection (2), clause (f), if the majority of the eligible producers registered under section 35 vote in favour of rescinding the regulations.

(2) The Milk Board shall cease to exercise the authority and powers accepted by it under section 30

- (a) if it is directed to do so by the Lieutenant Governor in Council, or
 - (b) if a vote of the producers has been conducted in accordance with section 35 on the question of whether the Milk Board should cease to exercise such authority and powers and, subject to section 35, subsection (2), clause (f), the majority of the eligible producers registered under section 35 vote in favour of the Milk Board ceasing to exercise such authority and power.
- (3) The Milk Board shall withdraw from a comprehensive milk marketing plan
- (a) if it is directed to do so by the Lieutenant Governor in Council, or
 - (b) if a vote of the producers has been conducted in accordance with section 35 on the question of whether the Milk Board should withdraw from the comprehensive milk marketing plan, and, subject to section 35, subsection (2), clause (f), if the majority of the eligible producers registered under section 35 vote in favour of the withdrawal.
- (4) A vote shall be held under subsection (1), (2) or (3) only on the petition to the Milk Board of at least 10 per cent of the producers then licensed by the Milk Board.
- (5) The powers and duties of the Milk Board under this section may only be exercised or performed subject to the obligations of the Milk Board under a comprehensive milk marketing plan to which it is then a party with respect to withdrawal from the plan or otherwise.

34. The Lieutenant Governor in Council may order that a vote of the producers be conducted in accordance with section 35 on any question pertaining to

- (a) section 29 or the regulations thereunder, or
 - (b) the exercise by the Milk Board of any authority or powers referred to in section 30, or
 - (c) a comprehensive milk marketing plan,
- for the purpose of obtaining the opinion of the producers on the question.

35. (1) This section applies to a vote conducted pursuant to section 32, 33 or 34.

- (2) The Lieutenant Governor in Council may by order
 - (a) designate the Milk Board or some other person to conduct the vote,
 - (b) require registration with the Milk Board or other person conducting the vote as a condition precedent to obtaining a ballot or being entitled to vote,

- (c) prescribe the requirements as to the eligibility of producers to register under clause (b),
 - (d) prescribe the minimum number of registrations required under clause (b) before the vote can be taken,
 - (e) prescribe a registration fee payable to the Milk Board or other person conducting the vote,
 - (f) require that the producers so registered must represent a sufficient portion of the milk produced in Alberta and may for that purpose determine what constitutes a sufficient portion of that milk,
 - (g) prescribe rules as to the manner of conducting the vote,
 - (h) determine the form of the question or questions and the form of the ballot,
 - (i) prescribe the information that must be supplied to each registered voter with his ballot by way of explanation of the questions to be voted on, and
 - (j) provide for any other matter in connection with the conduct of the vote.
- (3) An order under subsection (2) and a notice of the result of a vote conducted under this section shall be published in *The Alberta Gazette*.

4. This Act comes into force on the day upon which it is assented to.

