

1998 BILL 9

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Second Session, 24th Legislature, 46 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 9

**MARKETING OF AGRICULTURAL PRODUCTS  
AMENDMENT ACT, 1998**

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THE MINISTER OF AGRICULTURE, FOOD  
AND RURAL DEVELOPMENT

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 9

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1998

### MARKETING OF AGRICULTURAL PRODUCTS AMENDMENT ACT, 1998

(Assented to \_\_\_\_\_, 1998)

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

Amends SA  
1987 cM-5.1

**1 The *Marketing of Agricultural Products Act* is amended  
by this Act.**

**2 The heading to Part 3 is amended by adding  
“, CONTINUATION, REVISION” after “AMENDMENT”.**

**3 Section 21(1) is amended by adding “, continued, revised”  
after “amended”.**

**4 Section 22 is amended by adding “, continue, revise” after  
“amend”.**

**5 Section 23 is amended**

## Explanatory Notes

**1** Amends chapter M-5.1 of the Statutes of Alberta, 1987.

**2** The heading to Part 3 presently reads:

*PART 3  
AMENDMENT AND TERMINATION OF PLANS*

**3** Section 21(1) presently reads:

*21(1) The producers under a plan may submit a petition to the Council requesting that the plan be amended or terminated.*

**4** Section 22 presently reads:

*22 The Council may, pursuant to*

*(a) a petition submitted under section 21,*

*(b) a resolution of Council whether or not it has received a petition under section 21, or*

*(c) a request of a board or commission,*

*apply to the Lieutenant Governor in Council to amend or terminate a plan.*

**5** Section 23 presently reads:

**(a) by renumbering it as section 23(1);**

**(b) in subsection (1) by adding “, continuing, revising” after “amending”;**

**(c) by adding the following after subsection (1):**

(2) Where a plan is continued or revised under subsection (1), the plan

(a) shall include at least those terms referred to in section 15(2),

(b) shall include a provision that the plan is continued, and

(c) may include a provision that the board or commission is continued.

(3) Where a plan is to be continued or revised, that plan may be amended, continued and revised in the same regulation.

## **6 Section 24 is amended**

**(a) by adding the following after subsection (1):**

(1.1) Where a plan is to be continued or revised and the effect of the proposed continuation or revision of the plan or any amendment to the plan that is to be included in the proposed continuation or revision is, in the opinion of the Council,

(a) in the case of a plan that is administered by a board, to substantially change from the existing plan that is to be continued or revised the way in which the production or marketing, or both, of the regulated product is to be controlled or regulated, or

(b) in the case of a plan that is administered by a commission under which service charges are refundable, that the service charges will no longer be refundable,

that plan shall not be continued or revised as proposed unless a plebiscite of the producers is conducted to

23 *The Lieutenant Governor in Council,*

*(a) on receiving an application from the Council to do so, where a plebiscite is not required to be conducted under this Part, or*

*(b) pursuant to a plebiscite conducted under this Part,*

*may make regulations amending or terminating a plan.*

**6** Section 24 presently reads:

24(1) *A plan shall not be*

*(a) amended*

*(i) in the case of a plan that is administered by a board, if the amendment relates directly to the control or regulation of the production or marketing, or both, of a regulated product under the plan, or*

*(ii) in the case of a plan that is administered by a commission under which the service charges are refundable, if the amendment is to the effect that the service charges will no longer be refundable,*

*or*

*(b) terminated if the plan was*

*(i) established pursuant to a plebiscite of the producers conducted under Part 2, or*

*(ii) in operation immediately before the coming into force of this provision,*

determine whether the plan should be continued or revised in the manner being proposed and the vote conducted under the plebiscite is in favour of the plan being continued or revised in the manner being proposed.

**(b) in subsection (2)**

**(i) by adding “, continue, revise” after “amend”;**

**(ii) by adding “, continued, revised” after “should be amended”.**

**7 Section 25 is amended**

**(a) in subsection (1)(a) by adding “, continued, revised” after “amended”;**

**(b) in subsection (3) by adding “, continuation, revision” after “amendment”;**

**(c) in subsection (5) by adding “, continue, revise” after “amend”.**

*unless a plebiscite of the producers is conducted to determine whether the plan should be amended or terminated, as the case may be, and the vote conducted under the plebiscite is in favour of the amendment or termination.*

*(2) The Lieutenant Governor in Council may, whether or not an application is made under section 22 to amend or terminate a plan, direct the Council to conduct a plebiscite of the producers under a plan for the purpose of determining whether the plan should be amended or terminated.*

**7** Section 25(1), (3) and (5) presently read:

*25(1) The Council shall with the approval of the Lieutenant Governor in Council arrange to conduct a plebiscite of the producers under a plan if*

- (a) the Council considers it appropriate to determine the opinion of the producers under the plan as to whether the plan should be amended or terminated,*
- (b) a proposed amendment to a plan relates directly to the control or regulation of the production or marketing, or both, of a regulated product under the plan,*
- (c) in the case of a plan under which the service charges are refundable, the amendment is to the effect that the service charges will no longer be refundable, or*
- (d) it is proposed to terminate a plan referred to in section 24(1)(b).*

*(3) For the purposes of conducting a plebiscite of the producers under a plan with respect to the amendment or termination of the plan, the Council shall by regulation which shall be subject to the approval of the Minister determine what constitutes*

- (a) an eligible producer,*
- (b) a sufficient number of eligible producers, and*
- (c) a sufficient portion of the total agricultural product that is marketed or is capable of being produced by the eligible producers.*

*(5) A plebiscite shall be considered to be in favour of the question voted on if the majority of eligible producers who have registered with the Council for the purpose of voting in the plebiscite vote to amend or terminate the plan.*

**8** Where, at any time after July 26, 1987 but before this Act came into force, a plan under the *Marketing of Agricultural Products Act* has been or has been purported to be established, amended, continued or revised or any combination thereof, as the case may be, under Part 3 or Part 8 of the *Marketing of Agricultural Products Act*, that plan is, from the time that the plan was or was purported to be established, amended, continued or revised or any combination thereof, as the case may be, under Part 3 or Part 8 of the *Marketing of Agricultural Products Act*, deemed to have been amended, continued or revised or any combination thereof, as the case may be, under Part 3 of the *Marketing of Agricultural Products Act* as amended by this Act.



**8** Plans deemed to have been continued under the Marketing of Agricultural Products Act as amended.