

Bill No. 32 of 1934.

A BILL TO CONFER CERTAIN POWERS RELATING
TO THE CONTROL AND MARKETING OF WHEAT.

NOTE.

This Bill empowers the Lieutenant Governor in Council to take measures and make regulations for the purpose of implementing the London Agreement.

Section 2 provides for the establishment of a Board called "The Emergency Wheat Control Board" consisting of three or more members.

Section 4 provides for the establishment of a joint Board.

Section 5 sets out the powers which may be conferred on the Board or joint Board by the Lieutenant Governor in Council.

Section 6 gives finality to all orders of the Board or joint Board.

Section 7 confers on the Lieutenant Governor in Council power to take such measures as it deems requisite to bring the production of wheat in the Province in 1934 into alignment with the estimated current export demand for the crop season 1934-1935, having regard to the quota and other terms of the Agreement applicable to Canada.

Section 8 provides for bringing into force in the Province any legislation of the Parliament of Canada which has for its object the carrying out of the Agreement to the extent that such legislation is not within the legislative competence of the Dominion and is within the legislative competence of the Province.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 32 of 1934.

An Act to Confer certain Powers relating to the Control and Marketing of Wheat.

(Assented to 1934.)

WHEREAS the Governments of Germany, Austria, Belgium, Bulgaria, France, the United Kingdom of Great Britain and Northern Ireland, Greece, Hungary, Irish Free State, Italy, Poland, Roumania, Spain, Sweden, Switzerland, Czechoslovakia, the Union of Socialist Soviet Republics, and Yugoslavia, having been invited by the Secretary-General of the Monetary and Economic Conference on behalf of the Governments of Argentine, Australia, Canada and the United States of America, to take part in a Conference to consider the measures which might be taken in concert to adjust the export of wheat to effective world demand with the object of eliminating the abnormal surpluses and to increase and stabilize the price of wheat at a reasonable level which would be remunerative to the farmers and fair to the consumers of breadstuffs, did meet in Conference for the aforesaid purposes in the months of July and August, A.D. 1933, at the City of London, England; and

Whereas an Agreement was entered into by and on behalf of the said Governments pursuant to the said Conference on or about the twenty-sixth day of August, A.D. 1933, containing seven Articles; and

Whereas by Article 2 of the said Agreement the Governments of Argentine, Australia, Canada and the United States of America did agree to limit their exports of wheat during the crop year August 1st, 1934, to July 31st, 1935, to maximum figures 15% less in the case of each country than the average outturn on the average acreage sown during the period 1931-1933 inclusive after deducting normal domestic requirements; and

Whereas in order to have the said Agreement carried into effect by the Dominion of Canada it is proposed that legislation should be enacted by the Parliament of Canada and by the respective Legislatures of Manitoba, Saskatchewan and Alberta; and

Whereas it is deemed expedient for the purposes aforesaid that the Lieutenant Governor in Council shall have power to make regulations for the establishment of quotas, licensing of producers and otherwise to regulate and control the delivering and marketing of wheat and further for the purposes aforesaid that the Lieutenant Governor in Council may establish a Board in the event of it becoming necessary to do so in order to make Article 2 of the said Agreement

effective in Alberta, or otherwise to carry out the intention of the said Agreement, and that the Board when established shall have the powers as hereinafter mentioned and the Lieutenant Governor in Council may agree with any other Province and/or Provinces of Canada and/or with the Government of Canada on a joint Board for the purpose aforesaid in the matter of controlling delivery and/or marketing of wheat produced in the said crop year of 1934-1935;

Now therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Control and Marketing of Wheat Act*."

2.—(1) As and when it is considered necessary to do so for the purposes mentioned in the Preamble, the Lieutenant Governor in Council may by order in council establish a Board to be styled "The Emergency Wheat Control Board" (in this Act referred to as the Board) to be composed of three or more members to be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as Chairman and shall be entitled to hold the position of Chairman as long as he continues a member of the Board.

(2) The Lieutenant Governor in Council shall have full power to determine what remuneration shall be paid to the members of the Board, how vacancies thereon are to be filled, and any other matters as are necessary for the effective constitution and operation of the Board.

(3) The powers hereinafter conferred upon the Board shall automatically determine on the thirty-first day of July, 1935.

3. Notwithstanding the provisions of any statute or anything contained in the common law, the Board, when established by the Lieutenant Governor in Council, shall have power—

- (a) to control, by license or otherwise, the total quantity or volume of wheat which each owner or occupant, or any person claiming through or under such owner or occupant, of land may sell or dispose of in the Province during the crop seasons of 1934-1935, namely, between the 1st day of August, A.D. 1934, and the 31st day of July, A.D. 1935;
- (b) to require that any wheat sold in the Province shall be so sold or delivered in accordance with such regulations or conditions as the Board may from time to time make;
- (c) generally to do such other acts or things as may be necessary to effectuate the intention of the said Agreement.

4. In lieu of or in addition to the establishment of the Board mentioned in section 2, the Lieutenant Governor in Council is hereby empowered to agree with any other Province and/or Provinces of Canada and/or with the Government of Canada for the establishment of a joint Board for the purposes aforesaid in the matter of controlling, delivery and/or marketing of wheat produced in the said crop year 1934-1935.

5. In addition to the powers given to the Board by section 3, the Lieutenant Governor in Council may, by order in council, if deemed necessary, invest the Board, or the joint Board mentioned in section 4, with any or all of the following powers, namely :

- (a) To take possession of and sell and deliver to purchasers wheat stored in any elevator or warehouse or elsewhere in the Province and to deal with the same as to payment of advances and otherwise in the same way as if it had been otherwise delivered to the Board, and to move grain into and out of and through any elevator or other place or storage;
- (b) To control, by license or otherwise, the buying and selling of wheat in the Province and to issue licenses in such form as the Board may decide, and to cancel at any time any license issued by the Board;
- (c) To require each applicant for a license to give a bond in such form and in such amount as may be satisfactory to the Board;
- (d) To provide, subject to the exceptions set forth in *The Canadian Wheat Board Act, 1922*, that no person, firm or corporation other than the Board shall buy wheat, operate any elevator or warehouse where wheat is received, or handle wheat on commission or otherwise, in the Province unless licensed by the Board;
- (e) To require that any wheat sold or purchased in the Province shall be delivered to the Board or its order in accordance with such regulations as the Board may from time to time make;
- (f) To contract with persons delivering wheat to or to the order of the Board, to make payment for the same in accordance with the regulations of the Board, and to enter into such guaranty or guaranties as may be necessary or deemed advisable by the Board so as to enable the producer to receive by way of advance or cash payment for wheat delivered such sum or sums as may be directed to be paid by the Board;
- (g) To require every licensee of the Board to whom delivery of wheat is made to pay the producer by way of advance or cash payment, such sum or sums as may be directed by the Board;

- (h) To order any person holding wheat stored in any elevator or warehouse or elsewhere in the Province to sell and dispose of the same to the Board or any licensee of the Board, on such terms as the Board may direct, and any such order of the Board shall pass to the purchaser the title in wheat mentioned in any order;
- (i) To enter into contracts or agreements of any kind and with any person with respect to the purchase, sale, handling, storage, transportation and/or insurance of wheat;
- (j) To determine what constitutes delivery to or possession by the Board;
- (k) To permit persons owning or operating mills in the Province to grist the wheat of farmers and others to such amount for any one individual and upon such terms and conditions as may be deemed advisable, to issue licenses to millers for this purpose and to require bonds from applicants for licenses in such form and in such sums as may be satisfactory to the Board, and to limit the amount of wheat which any farmer or owner may have gristed;
- (l) To regulate and control the sale, purchase and distribution of registered seed wheat in the Province, or to except such wheat from the operation of any order or regulation made by the Board under this Act.

6. Every order of the Board or of the joint Board, as the case may be, shall be final and without appeal, and no order, decision or proceeding of the Board or the joint Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceedings in any court.

7. The purpose of the said Agreement being to eliminate an abnormal surplus, the Lieutenant Governor in Council shall, on and after the date upon which this Act is assented to and prior to the date of the establishment of the Board or joint Board hereinbefore mentioned, have power by order in council to make all such orders, rules and regulations and to do all such acts and things as in the opinion of the Lieutenant Governor in Council may be necessary and requisite to bring the production of wheat in the Province in the year 1934 into proper alignment with the estimated current export demand for the crop season 1934-1935 and normal domestic requirements in that season, having regard to the quota applicable to the Dominion of Canada pursuant to and by virtue of Article 2 of the said Agreement.

8. The Lieutenant Governor in Council is empowered to proclaim any legislation enacted by the Parliament of Canada which has for its object the carrying out of the said Agreement to be in force in the Province to the extent that

the same is not within the legislative competence of the Parliament of Canada and is within that of the Legislative Assembly of the Province, and upon being so proclaimed, that legislation shall to the extent aforesaid have force in the Province as if it had been expressly enacted as a statute of the Province.

9. This Act shall come into force on the day upon which it is assented to.

No. 32.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to Confer certain Powers
relating to the Control and
Marketing of Wheat.

Received and read the

First time

Second time.....

Third time.....

HON. MR. BROWNLEE

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934