

Bill No. 64 of 1939.

A BILL RESPECTING THE MARKETING OF NATURAL PRODUCTS AND OTHER COMMODITIES AND TO PROVIDE FOR THE REGULATION THEREOF WITHIN THE PROVINCE.

NOTE.

This Bill makes provision for the marketing of natural products and other commodities and for the regulation thereof within the Province.

The Bill is divided into three Parts: Part I relates to the marketing of natural products as defined in paragraph (b) of section 2; Part II relates to the Provincial Marketing Board, and Part III contains provisions of general application.

By Part I provision is made for the constitution by the Lieutenant Governor in Council of marketing boards for the marketing of any specified kind or kinds of natural products; such boards are declared to be corporate bodies and are to consist of not more than five members, including the chairman, who hold office during the pleasure of the Lieutenant Governor in Council, and whose remuneration is such as may be prescribed by the Lieutenant Governor in Council. (Section 3.)

The Lieutenant Governor in Council is empowered to establish marketing schemes for the control and regulation within the Province of the transportation, packing, distribution and marketing of any kind or kinds of natural produce and for the promotion of the sale and use thereof and to assign the administration of any such schemes to any marketing board and to vest in such boards any necessary powers. (Section 4.)

With the approval of the Lieutenant Governor in Council, every board is empowered to co-operate with marketing boards in other provinces for the marketing of any natural product which is marketed by the first mentioned board. (Section 5.)

Section 6 sets out a number of specific powers which may be conferred by the Lieutenant Governor in Council upon marketing boards.

Section 7 confers upon the Lieutenant Governor in Council power to make regulations as to the marketing within the Province of natural products.

Section 8 confers upon the Lieutenant Governor in Council power to make regulations governing the operation of marketing boards.

ii.

Section 9 makes any failure to comply with any determinations or orders of a board or any regulations made pursuant to the Act an offence punishable by fine or imprisonment or both.

Part II makes provision for the constitution of a board with the title of "The Provincial Marketing Board" consisting of not more than five members, including the chairman, who hold office at the pleasure of the Lieutenant Governor in Council, and receive such remuneration as may be prescribed by him.

The Provincial Marketing Board is declared to be a body corporate and is empowered to deal in any goods, wares, merchandise and natural products by wholesale or retail, and to act as a broker, factor or agent in buying or selling any such goods, wares, merchandise and natural products.

The Board, with the approval of the Lieutenant Governor in Council is empowered to engage in the businesses of manufacturing, producing, processing, handling or distributing any goods, wares, merchandise or natural products. (Sections 10 and 11.)

Section 13 authorizes the Provincial Treasurer, with the approval of the Lieutenant Governor in Council, to lend from time to time to the Provincial Marketing Board sums required for the carrying on of its business to the amount of twenty-five thousand dollars.

The Lieutenant Governor in Council is empowered to make regulations as to the activities of The Provincial Marketing Board.

Part III provides that the administration of the Act is to be subject to the direction and supervision of the Minister of Trade and Industry, who is authorized with the approval of the Lieutenant Governor in Council to make and carry out agreements with producers, manufacturers or distributors of or dealers in any goods, wares, merchandise or natural products within the Province whereby the Government agrees to promote the sale thereof.

Section 21 provides for the construction of the Act in such a way as to confirm the provisions thereof within the competence of the Legislature and that in case any provision or section is held or found to be beyond the powers of the Legislature, such provision or section shall be read separately from the remainder, and shall be acted on so far as it deals with matters within the powers of the Province and the remaining provisions or sections shall remain in force and effect notwithstanding that some provisions are held to be *ultra vires*.

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. 64 of 1939.

An Act respecting the Marketing of Natural Products and other Commodities and to Provide for the Regulation thereof within the Province.

(Assented to , 1939.)

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 Alberta Marketing Act.*"

DEFINITIONS.

2. In this Act, unless the context otherwise requires,—

- (a) "Board" means any Board constituted pursuant to any of the provisions of Part I of this Act;
- (b) "Natural Products" means every kind and description of vegetable growth of land whether cultivated or uncultivated which is used as food by mankind or is used for the purpose of keeping or preparing for the use of mankind any live stock; every kind and description of live stock whether alive or killed for the use of mankind or for feed for any animal; all animals which are wild by nature and which are kept in captivity or reared in captivity for the purpose of breeding or for the production of furs or pelts and the furs and pelts thereof; all poultry whether alive or killed for the use of mankind and all poultry products; all dairy products including milk, cream, and butter; all apiary products including bees, honey and beeswax, and all products of horticulture; every product of any mine, every product of any quarry, every product of any oil well or gas well, every product of the forest, every product of the lakes or rivers, and any article wholly or partially manufactured from any such product;
- (c) "Provincial Board" means the Provincial Marketing Board constituted under Part II of this Act;
- (d) "Marketing" includes the buying and selling, shipping for sale or storage, and offering for sale;
- (e) "Minister" means the Minister of Trade and Industry.

PART I.

THE MARKETING OF NATURAL PRODUCTS.

3.—(1) The purpose and intent of this part of this Act is to provide for the control and regulation in any or all respects of the marketing, transportation, packing, storage and distribution of any kind or kinds of natural products within the Province, including the prohibition of such transportation, packing, distribution, storage and marketing in whole or in part, the promotion of the sale and use or both of such natural products, the promotion of schemes for the marketing, transporting, packing, storing and distribution of such natural products, and in order to effect such purpose and intent the Lieutenant Governor in Council may constitute a board or different boards for the marketing of any specified kind or description of natural products, and may constitute separate boards for the marketing thereof.

(2) Every such board shall be a body corporate and shall be known by such name as may be prescribed by the Lieutenant Governor in Council, and shall consist of not more than five members of whom one shall be the chairman, to be appointed by the Lieutenant Governor in Council, and the persons so appointed shall hold office during pleasure and shall receive such remuneration and perform such duties as may be prescribed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may also appoint such officers, clerks, and servants as are necessary for the carrying out of the provisions of this Act, and may fix their salaries.

4.—(1) The Lieutenant Governor in Council may from time to time establish, amend, and revoke schemes for the control and regulation within the Province of the transportation, packing, distribution, and marketing any kind or kinds of natural products and for the promotion of the sale and use or both of any kind or kinds of natural products, and may assign the administration of any such schemes to any marketing board constituted under this Act, and may vest in those boards respectively any powers considered necessary or advisable to enable them effectively to control and regulate within the Province the transportation, packing, distribution, storage, marketing, and to promote the sale or use of any natural products within the Province, and to prohibit such transportation, packing, distribution, storage and marketing in whole or in part.

(2) Any scheme may relate to the whole of the Province or to any area within the Province, and may relate to any one or more kinds of natural products, or to any grade or class thereof.

(3) The method by which the members of any marketing board are to be chosen, whether by appointment or election, or partly the one and partly the other, may be set out in the scheme the Board is authorized to administer.

5. With the approval of the Lieutenant Governor in Council, every board may co-operate and act in conjunction with any marketing board or agency established by statute in any other Province for the purpose of marketing any kind of natural products which is marketed by the first mentioned board.

6. Without limiting the generality of any of the other provisions of this Act, the Lieutenant Governor in Council may vest in any board any or all of the following additional powers,—

- (a) to regulate the time and place at which and to designate the agency through or by which any kind of natural products shall be packed, distributed, stored or marketed; to determine and regulate the manner of distribution, the quantity and quality, grade or class of any kind or kinds of natural products that shall be transported, packed, distributed, stored or marketed, by any person at any time; to provide for the grading of any kind or kinds of natural products, and to prohibit the transportation, packing, distribution, storage or marketing of any grade, quality, or class of any kind of natural products;
- (b) to exempt from any determination or order any person or class of persons engaged in the production, packing, distribution, transporting, storing or marketing of any kind or kinds of natural products, or any class, variety or grade thereof;
- (c) to require any or all persons engaged in the production, packing, distribution, transporting, storing or marketing of any kind or kinds of natural products to be registered with the Board or to be the holders of permits issued by the Board;
- (d) to prescribe as to the persons by whom and to whom permits are to be issued, the duration of any permit or class of permits, the fees payable upon the issuance or renewal thereof, the terms and conditions under and subject to which any permit or class of permit may be issued, renewed, suspended, or cancelled;
- (e) to require full information, relating to the production, packing, distribution, transporting, storing and marketing, of any kind or kinds of natural products from all persons engaged therein; and to require periodic returns to be made by such persons, and to inspect the books and premises of such persons;
- (f) to make such orders, rules and regulations, as are deemed by the board necessary or advisable to control and regulate effectively the marketing, transportation, packing, distribution, storage, or promote the sale and use or both of any kind or kinds of natural products, and to amend or revoke the same;

- (g) to seize and dispose of any natural products for the marketing of which a board has been constituted pursuant to this Act, in case the same is so kept, transported, packed, stored or marketed as to contravene any provision of any order made by that board in the exercise of any power vested in the board pursuant to this section.

7.—(1) The Lieutenant Governor in Council may make such regulations as are considered necessary or advisable for carrying out the purpose and intent of this Act, and may vest in any board such authorities and powers as are considered necessary or advisable with reference to the marketing within the Province of any natural products.

(2) Without thereby limiting the generality of the provisions hereinbefore contained, it is declared that the power of the Lieutenant Governor in Council to make regulations shall extend to,—

- (a) the authorizing and giving effect to any scheme for the regulation of the marketing within the Province of any natural products;
- (b) the providing for the submission of any scheme for the regulation of the marketing of any natural products to a plebiscite within the area of the Province covered by the scheme;
- (c) the termination and annulment of any approval given or scheme authorized by the Lieutenant Governor in Council under this Act;
- (d) the authorizing and empowering of any board to provide for the expenses of its operations by the imposition of direct charges or tolls in respect of the marketing by such board of the whole or any part of any natural products marketed by the board upon persons engaged in the production, transportation, distribution, or marketing of any such natural products.

8. The Lieutenant Governor in Council is hereby empowered to make regulations,—

- (a) governing the operations of any board;
- (b) prescribing as to the manner in which any designated kind or kinds of natural products or any designated class or classes thereof which are marketed by any board shall be marked and prohibiting the sale of any natural products to which the regulations relate unless the same are marked in the prescribed manner;
- (c) generally as to any matter or thing relating to the operations of any board and as to the purchase, sale, transportation, handling, processing and distribution within the Province of any kind or kinds of natural products for the dealing in which any board has been established pursuant to this Act.

9. Every person who fails to comply with any determination or order of a board or any regulation made under this Act shall be liable, on summary conviction, to a fine of not more than one hundred dollars, or to imprisonment not exceeding ninety days or to both fine and imprisonment.

PART II.

THE PROVINCIAL MARKETING BOARD.

10.—(1) For the purpose of providing producers, manufacturers, distributors and consumers in the Province with the means of buying and selling goods, wares, merchandise and natural products at a price which is fair and equitable, the Lieutenant Governor in Council may constitute a board to be known as "The Provincial Marketing Board," which shall be a body corporate and shall be empowered to buy and sell and deal in any goods, wares, merchandise and natural products, or any of them whatsoever, either by wholesale or by retail or both by wholesale and retail, and to act as a broker, factor or agent for any person in the acquisition or disposition of any goods, wares, merchandise or natural products, and for that purpose to do and transact all acts and things which a natural person engaged in a general mercantile business has the capacity or the power to transact.

(2) With the approval of the Lieutenant Governor in Council the Provincial Board is empowered to engage in any or all of the following businesses, namely, manufacturing, producing, processing, handling or distributing of any goods, wares, merchandise, or natural products, and incidentally thereto to acquire by purchase or otherwise any land or any other property required by the Provincial Board for the purpose of or incidental to any such business and to do and to transact all acts and things which a natural person engaged in any such business has the capacity or the power to transact.

11. The Provincial Board shall consist of not more than five members, one of whom shall be the chairman, appointed by the Lieutenant Governor in Council, who shall receive such remuneration for their services as may be prescribed by the Lieutenant Governor in Council and shall hold office during pleasure.

12. The Provincial Board may, with the approval of the Lieutenant Governor in Council, employ such officers, agents, clerks and servants, as may from time to time be required by the board for the transaction of its business.

13.—(1) The Provincial Board is empowered to borrow from the Provincial Treasurer from time to time such sums as it may require for the purpose of transacting its business,

provided always that the aggregate amount of all such borrowings shall not at any time exceed the sum of twenty-five thousand dollars, and that every such borrowing and the terms and conditions thereof shall be such as are approved by the Lieutenant Governor in Council.

(2) The Provincial Treasurer is hereby authorized to pay to the Provincial Board any sums which the Provincial Board is by this Act empowered to borrow from him out of the General Revenue Fund without any further or other appropriation than is made by this Act.

14.—(1) The Provincial Board shall keep full and accurate books of accounts and records of its business and affairs and shall in the month of January in each year cause to be prepared and audited by the Provincial Auditor an annual report and balance sheet of its business for the year ending with the preceding thirty-first day of December, and shall at any other time when required so to do by the Lieutenant Governor in Council cause to be prepared and audited a balance sheet for such period as may be specified by the Lieutenant Governor in Council.

(2) Every report and balance sheet so prepared and audited shall be delivered by the Provincial Board to the Minister for submission to the Lieutenant Governor in Council.

(3) If it is made to appear to the Lieutenant Governor in Council at any time that the Provincial Board has on hand a cash surplus which is not required for financing the operations of the Provincial Board, the Lieutenant Governor in Council may order that such cash surplus be paid into and form part of the General Revenue Fund.

(4) The annual report and balance sheet prepared and audited pursuant to subsection (1) shall be submitted to the Legislative Session at the Session thereof held next after the delivery thereof to the Minister.

15. The Lieutenant Governor in Council may from time to time make regulations as to the manner and extent in which the Provincial Board shall transact any business or exercise any power which it is by this Act authorized to transact or exercise.

16. The Lieutenant Governor in Council may vest in the Provincial Board such authorities and powers as are by him considered necessary or advisable for the purpose of enabling the Provincial Board to conduct its operations, and may make such regulations as are considered to be necessary or advisable for carrying out the intent and purpose of this Act.

PART III.

PROVISIONS OF GENERAL APPLICATION.

17. The administration of this Act shall be subject to the direction and supervision of the Minister.

18. With the approval of the Lieutenant Governor in Council the Minister is hereby authorized and empowered to enter into and carry out on behalf of the Province agreements with persons who are producers, manufacturers, processors, transporters, handlers or distributors of any goods, wares, merchandise, or natural products within the Province of Alberta, whereby the Government of the Province agrees to promote the sale of any goods, wares, merchandise or natural products to which the agreement relates, in such manner and upon such terms and conditions as may be agreed upon.

19. Every board appointed pursuant to this Act is hereby authorized and empowered to deposit any money coming into its possession in any Treasury Branch upon such terms and conditions as are in conformity with the provisions of *The Treasury Branches Act* and as may be agreed upon between the board making such deposit and the Provincial Treasurer.

20. No action shall be brought against any member of the Provincial Board, or of any marketing board or any agent or employee of any such board in respect of any act or thing done by any such board in purported pursuance of this Act or of any authority or power conferred upon it pursuant to any of the provisions of this Act.

21. The purpose and intent of the Legislature is to confine the provisions of this Act within the competence of the Legislature, and all the provisions thereof shall be construed so as to give effect to this purpose and intent. If any provision or section is held or found to be beyond the powers of the Province, such provision or section shall be read distributively, and the provision or section so far as it deals with matters within the competence of the Legislature shall stand and be valid and operative, and shall have the same effect as if the provision or section had dealt with such matters exclusively; and the remaining provisions and sections of this Act shall not be deemed or held to be inoperative or *ultra vires*, but shall stand and be valid and operative, and shall have the same effect as if they had been originally enacted as separate and independent enactments and as the only provisions of the Act; and all the provisions of the Act which are within the powers of the Province shall remain in full force and effect notwithstanding that some provisions are held to be *ultra vires*, the intention of the Legislature being to give separate and independent effect to the extent of its powers to every enactment and provision in this Act contained.

22. The following Acts are hereby repealed: *The Alberta Natural Products Marketing Act*, being chapter 34 of the Statutes of Alberta, 1934; *The Control and Marketing of Wheat Act*, being chapter 35 of the Statutes of Alberta, 1935; and *The Alberta Natural Products Marketing Act, Amendment Act, 1935*, being chapter 39 of the Statutes of Alberta, 1935.

23. The Lieutenant Governor in Council may by one proclamation or by several proclamations, declare this Act or any Part or Parts thereof, to be in force on and from a date fixed thereby for that purpose, and upon any such proclamation being made, this Act or any part or parts thereof so declared to be in force, shall come into force upon the date so fixed thereby.

**EIGHTH SESSION
EIGHTH LEGISLATURE**

3 GEORGE VI

1939

BILL

**An Act respecting the Marketing of
Natural Products and other Com-
modities and to Provide for the
Regulation thereof within the
Province.**

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING.

**EDMONTON:
A. Shnitka, King's Printer
1939**