

THIRD SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 116

An Act to amend the Farm
Products Marketing Act

First reading
Second reading
Third reading

M. JEAN GARON
Ministre de l'agriculture



L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The main objects of this bill are:

(a) to validate the imposition or collection of certain costs or duties carried out regarding marketed products produced in Québec or marketed in Québec in the course of intraprovincial trade, as a result of a judgment handed down by the Supreme Court of Canada declaring ultra vires the federal legislative provisions under which these costs or duties were being imposed or collected, and to supplement the powers of producers' boards in this field;

(b) to allow producers' boards to fix marketing quotas and production quotas independently of one another for Québec intraprovincial trade of farm products, and to regulate surpluses of marketed products;

(c) to authorize producers' boards to impose penalties on producers for infraction of certain by-laws;

(d) to enable the Government to allow a producers' board to entrust other similar bodies established elsewhere in Canada to carry out any function vested in the board by the act;

(e) to prohibit the use of the title "producers' board" by any group other than the producers' boards entrusted with the implementation and administration of a joint plan for the marketing of farm products.

Sec. 1. *Section 2a proposed by section 1 of the bill is entirely new law.*

Sec. 2. *Section 33a proposed by section 2 of the bill is entirely new law.*

Sec. 3. *The amendments proposed by paragraphs a and b are mainly intended to make a clear distinction between production and marketing.*

Paragraphs j, k and l proposed by paragraph c of section 3 are entirely new law. They grant additional regulatory powers to producers' boards.

Bill 116

An Act to amend the Farm Products Marketing Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. The Farm Products Marketing Act (1974, chapter 36) is amended by inserting, after section 2, the following section:

“2a. It is also the object of this act to regulate the production and marketing of farm products in Québec.”

2. The said act is amended by inserting, after section 33, the following section:

“33a. No person may assume the title “producers’ board” or any other title that includes the words “producers’ board” without being a producers’ board within the meaning of this act.”

3. Section 67 of the said act is amended:

(a) by replacing paragraph *c* by the following paragraph:

“(c) fix production quotas, fix marketing quotas, fix the time and place of production and marketing, and prohibit production and marketing where they are effected in violation of a by-law made under this act;”;

(b) by replacing paragraph *d* by the following paragraph:

“(d) determine on what conditions a producer may produce or market a marketed product without regard to the fixed quota, to a fixed standard or to a fixed time or place;”;

(c) by adding, after paragraph *i*, the following paragraphs:

“(j) require a producer to hold a quota issued by the board to produce or market a marketed product, determine the condi-

Sec. 4. *This section proposes an amendment providing for the government to allow a producers' board to permit a similar body established elsewhere in Canada to carry out any activity legally permitted to the board.*

Sec. 5. *Paragraph c proposed by this section is entirely new law and provides for the granting of certain powers to producers' boards by the adoption of a by-law at the general meeting of producers.*

tions of the issuance of such quota, prohibit the issuance of any quotas above a prescribed limit, prescribe the reduction of quotas where that limit is or is likely to be reached, forbid production or marketing in violation of the quota, provide for the cancellation, suspension or temporary or permanent reduction of the quota of a producer for a violation by that producer of this act, a joint plan, an order, a by-law, a duly homologated agreement or an arbitration award, provided that this producer has first been given an opportunity to be heard by the office, and provide the conditions on which a quota may again be issued;

“(k) impose, on any person who infringes any prescription whatever of a by-law made under paragraphs *c* to *h* or *j*, a penalty based on the volume or quantity of the farm product concerned or on the area under cultivation;

“(l) determine what quantity of a marketed product constitutes a surplus of that product for any period that the office may determine, and provide that the office may acquire the whole or a part of it, dispose of it, and allocate the whole or a part of the contributions provided for in sections 76 and 77 to payment of the resulting expenses or losses.”

4. Section 75 of the said act is amended by replacing paragraph *b* by the following paragraph:

“(b) authorize a producers’ board to act as agent of the Governor General in Council, to entrust a body authorized under legislation of another Legislature or the Parliament of Canada to regulate the marketing of a farm product, with any function the office may exercise under this act, a joint plan, an order, a by-law or an agreement provided for in section 74, and to perform, on behalf of any body authorized under legislation of another Legislature or the Parliament of Canada to regulate the marketing of a farm product, any function which that body may perform pursuant to that legislation;”.

5. Section 77 of the said act is amended by inserting, after subparagraph *b* of the first paragraph, the following subparagraph:

“(c) authorize the producers’ board, for the purposes of imposing and collecting contributions, to classify the producers into groups, to fix the contributions payable by the producers, with possible variations according to a producers’ group, to use those contributions for the purposes of this section and section 76, including the creation of reserves, the payment of expenses and losses resulting from the marketing of a marketed product, whether or not such product has been produced by the producer required to pay the contribution, and the equalization or adjust-

Sec. 6. *Section 121a proposed by section 6 of the bill is entirely new law.*

ment among producers of the moneys realized from the sale of a marketed product during such period as the board may determine.”

6. The said act is amended by inserting, after section 121, the following section:

“**121 a.** Where a proceeding relating to an offence against a by-law contemplated in paragraph *k* of section 67 is instituted by a producers’ board, the fine collected is paid to the latter, who may use it to defray the expenses incurred in the implementation of a joint plan and the by-laws it may administer or of an agreement provided for in Division XI.”

7. All costs or duties imposed on or collected from a producer before (*insert here the date of the coming into force of this bill*), under the Farm Products Marketing Agencies Act (Statutes of Canada, 1970-71-72, chapter 65) or the Agricultural Products Marketing Act (Revised Statutes of Canada, 1970, chapter A-7) with respect to a marketed product produced in Québec or marketed in Québec in the course of intraprovincial trade are deemed to have been imposed or collected, from their date of imposition or collection, under the Farm Products Marketing Act (1974, chapter 36), as amended by this act, or under a joint plan, an order or a by-law passed or put into force under the said act.

8. This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on any later date to be fixed by proclamation of the Government.