



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 23

**An Act to amend the Act respecting
the marketing of agricultural, food
and fish products and the Dairy
Products and Dairy Products
Substitutes Act**

Introduction

**Introduced by
Mr Yvon Picotte
Minister of Agriculture, Fisheries and Food**

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EXPLANATORY NOTES

The object of this bill is to amend the Act respecting the marketing of agricultural, food and fish products in order to define more clearly the application of joint plans to persons engaged directly or indirectly in the production, processing or marketing of the same product. However, certain undertakings are exempted from the obligations of a producer with respect to wood harvested from private forests which is processed in plants operated by those undertakings.

The bill also specifies that a producer who is a director of an undertaking which processes or trades a product marketed under a plan may not serve on the board of directors of a marketing board. It also provides for cases in which certain producers are entitled to two votes in a referendum or general meeting.

The Government is granted the power to appoint additional members to the Régie des marchés agricoles et alimentaires du Québec, for the time prescribed by it, if it considers that the dispatch of the affairs of the Régie requires it. The bill also enables the Régie to have an office in the immediate vicinity of the Communauté urbaine de Québec, and to make regulations to determine the fees that may be required in respect of applications submitted to it and the services it provides.

In addition, the bill authorizes boards to grant financial assistance on the conditions it determines to producers who are affected by the reorganization of their industry and, in this respect, provides for the creation of a special fund and the possibility that producers may be required to pay a special contribution.

Finally, the bill requires the Régie to take account of the financial assistance, the special contribution and the special fund in fixing the price of milk by order under the Dairy Products and Dairy Products Substitutes Act.

Bill 23

An Act to amend the Act respecting the marketing of agricultural, food and fish products and the Dairy Products and Dairy Products Substitutes Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting the marketing of agricultural, food and fish products (1990, chapter 13) is amended by adding, at the end, the words “, whether or not such activities are carried on for purposes of sale”.

2. Section 6 of the said Act is amended by adding, at the end of the first paragraph, the words “or its immediate vicinity”.

3. The said Act is amended by inserting, after section 7, the following section:

“7.1 The Government may, if it considers that the dispatch of the affairs of the Régie so requires, appoint any supplementary member for the time it determines.”

4. Section 33 of the said Act is amended by replacing the word and figure “or 100” in the third line of the first paragraph by the word and figures “, 100 or 100.1”.

5. Section 37 of the said Act is amended by replacing the word and figure “section 18” in the second line of the third paragraph by the words and figure “the first paragraph of section 19”.

6. The said Act is amended by inserting, after section 41, the following section:

“41.1 The Régie may, by regulation, determine the tariff of duties, fees, expenses and costs in respect of the applications submitted to it and the services it provides.”

7. Section 54 of the said Act is replaced by the following section :

“54. To hold the referendum, the Régie shall determine by regulation the qualifications required of a producer and the conditions he must satisfy, on a specified date, to be considered an interested producer. Every interested producer is entitled to one vote, except where his operation has a legal status determined by regulation of the Régie, in which case the producer is entitled to two votes.

The Régie shall draw up a list of interested producers and shall determine

- (1) the places where the list may be consulted;
- (2) the time granted to any producer whose name may have been omitted from or included on the list by error to make the required corrections;
- (3) the time granted to contest the status of interested producer of any person whose name appears on the list;
- (4) the time granted to contest the number of votes granted to an interested producer;
- (5) the procedure for making the final list of interested producers public.

After these formalities have been completed, the Régie shall draw up the final list of interested producers and make it public. The list cannot be contested.”

8. Section 59 of the said Act is amended by adding, at the end, the following paragraphs:

“This section applies even where the person or partnership acts through an agent, mandatary, company or partnership of which he or it is a shareholder or partner. It also applies even where the person or partnership agrees with any other person or partnership that the latter shall carry on the activity concerned on his or its behalf.

However, any person who or partnership which owns a forest to which subparagraph 2 of the second paragraph of section 121 of the Forest Act (R.S.Q., chapter F-4.1) applies is not bound by the obligations referred to in the first paragraph in respect of a product

of that forest marketed under a plan, harvested for himself or itself and processed in a plant which he or it operates.”

9. Section 71 of the said Act is amended by striking out the second paragraph.

10. Section 84 of the said Act is amended by striking out the third paragraph.

11. Section 86 of the said Act is replaced by the following section:

“36. At any meeting of producers, every producer is entitled to one vote, except where his operation has a legal status determined by by-law of the marketing board, in which case the producer is entitled to two votes. However, a producer acting as a delegate is entitled to only one vote.

Only legal persons may vote by proxy.”

12. Section 89 of the said Act is replaced by the following section:

“39. No producer or representative of an undertaking who has business ties with a marketing board, or with producers who are subject to a plan administered by the board, in respect of the product marketed under such a plan, may be a director of that board.”

13. Section 91 of the said Act is amended by striking out the second sentence.

14. The said Act is amended by inserting, after section 100, the following section:

“100.1 To foster the reorganization of the conditions of production of an agricultural product, a board may, by by-law, grant financial assistance in respect of the product marketed under the plan administered by it to producers who satisfy the conditions determined in the by-law.”

15. Section 101 of the said Act is amended by inserting the words “under this Act” after the word “board” in the first line.

16. Section 123 of the said Act is amended by adding, at the end, the following paragraph:

“(7) to impose, on all the producers or on those who meet certain criteria, a special contribution for the purposes of a by-law made under section 100.1 and to satisfy the obligations incurred in respect of the special fund established for the purposes of the by-law.”

17. Section 124 of the said Act is amended by inserting, after paragraph 1, the following paragraph:

“(1.1) a special fund for the purposes of a by-law made under section 100.1;”.

18. Section 127 of the said Act is replaced by the following section:

“**127.** Sections 101 and 102 apply to by-laws made under sections 123 and 126.”

19. Section 131 of the said Act is amended by replacing the figure “117” in the second line by the figure “118”.

20. Section 156 of the said Act is amended by replacing the words and figure “sections 154 and” in the first line of the first paragraph by the word “section”.

21. Section 203 of the said Act is amended by replacing the word “third” in the sixth line by the word “first”.

22. The Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended by inserting, after section 60, the following section:

“**60.1** In fixing the price of milk by order pursuant to paragraph *e* of section 38, the Board shall take into account the application of any by-law concerning that product which grants financial assistance, imposes a special contribution or creates a special fund, made under section 100.1, paragraph 7 of section 123 or paragraph 1.1 of section 124 of the Act respecting the marketing of agricultural, food and fish products (1990, chapter 13).”

23. Any person who, on (*insert here the date of coming into force of this Act*) simultaneously holds the offices of director of a marketing board and director of an undertaking mentioned in section 89 of the Act respecting the marketing of agricultural, food and fish products (1990, chapter 13) shall, within three months after that date, relinquish one or other of the offices.

If he fails to do so, the Régie shall make a demand to the director to select one of the offices within the time it determines. If the director does not make his selection within that time, the Régie shall, after giving him the opportunity to be heard, declare him to be removed from the office of director of the marketing board. Any decision of the board to which the director was a party, made after his removal from office, is null.

24. This Act comes into force on *(insert here the date of assent to this Act)*.
