



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Draft Bill

**An Act respecting the
implementation of the Québec Milk
Producers' Joint Plan (1980)**

Tabled by
Mr Yvon Picotte
Minister of Agriculture, Fisheries and Food

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EXPLANATORY NOTES

The object of this draft bill is to confirm that certain by-laws adopted and approved by the Fédération des producteurs de lait du Québec and by the general meeting of milk producers have been validly adopted and approved in accordance with the Act respecting the marketing of agricultural, food and fish products.

The draft bill proposes that the Fédération des producteurs de lait du Québec be authorized to grant financial assistance to certain producers and to create a committee which will be responsible for determining criteria of eligibility as well as the amount of financial assistance to be granted to each eligible producer.

In addition, the draft bill provides that the Régie des marchés agricoles et alimentaires du Québec would, in fixing the price of milk by order under the Dairy Products and Dairy Products Substitutes Act, take the financial assistance measures into account.

Finally, the draft bill includes a provision limiting the remedies that may be sought as well as a clause barring all claims which could arise from the application of this Act.

Draft Bill

An Act respecting the implementation of the Québec Milk Producers' Joint Plan (1980)

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Règlement modifiant le Règlement sur les quotas des producteurs de lait and the Règlement modifiant le Règlement sur le paiement du lait aux producteurs adopted on 13 November 1991 by the Fédération des producteurs de lait du Québec, and the Règlement sur une contribution spéciale des producteurs de lait pour les fins de mise en marché intra-quota adopted on 13 November 1991 by the special general meeting of milk producers are deemed to have been legally adopted and approved in accordance with the Act respecting the marketing of agricultural, food and fish products and amending various legislation (1990, chapter 13) and have effect from 1 December 1991.

The Régie des marchés agricoles et alimentaires du Québec shall publish such regulations in the *Gazette officielle du Québec*.

The provisions of those regulations shall have effect until they are amended, replaced, repealed or suspended in accordance with the Act respecting the marketing of agricultural, food and fish products and amending various legislation. However, the Fédération is not authorized to submit to the Régie for approval any regulation to amend, replace or repeal the provisions of the Règlement modifiant le Règlement sur le paiement du lait aux producteurs unless it is accompanied with a unanimous recommendation of the Deputy Minister of Agriculture, Fisheries and Food, the chairman of the Union des producteurs agricoles and the secretary-general of the Coopérative Fédérée de Québec.

2. The Fédération des producteurs de lait du Québec shall grant, up to a total amount of twenty-five million dollars, financial assistance to milk producers who, on 31 July 1991, hold quotas consisting of more than 25 % of a quota for fluid milk and who, between 1 August 1986 and 31 July 1991, bought such quotas.

For that purpose, the Fédération shall create a committee composed of three persons chosen outside the Fédération. The committee shall determine the other conditions that a producer must fulfil to be eligible for such financial assistance, and shall determine the methods of computation to be used in determining, for each eligible producer, the amount of assistance that will be granted to him. The amount shall be granted in a single payment.

The conditions and methods of computation determined by the committee shall be submitted to the Régie des marchés agricoles et alimentaires du Québec which may approve them with or without amendments.

3. For the purposes of section 2, the Fédération des producteurs de lait du Québec may, by by-law, impose a special contribution on the producers holding fluid milk quotas and determine the methods of computing the contribution. The by-law shall provide for the establishment of a special fund, determine the conditions of the fund's operation and financing and the terms and conditions governing the fund's winding-up.

The contribution shall be withheld by the Fédération from the price it pays as consideration for the milk sold or delivered by the producers.

Sections 28, 101, 102 and 203 of the Act respecting the marketing of agricultural, food and fish products and amending various legislation apply to the by-law adopted under the first paragraph.

4. The Fédération des producteurs de lait du Québec shall not use the special contributions imposed by the by-law under the first paragraph of section 3 for any purpose other than those relating to the obligations contracted in respect of the fund established by the by-law.

The Régie des marchés agricoles et alimentaires du Québec may, directly or through any person it authorizes, inquire into any matter related to the administration of the fund. It may also, for the period it determines, require the Fédération to keep the books and records it prescribes, to report to it and to furnish information on the administration of the fund. For that purpose, sections 165, 167, 170,

193, 194, 199 and 200 of the Act respecting the marketing of agricultural, food and fish products and amending various legislation apply, adapted as required.

5. The Régie des marchés agricoles et alimentaires du Québec shall take into account the provisions of the by-laws referred to in section 1 and of sections 2 and 3 of this Act in fixing the price of milk by an order made under paragraph *e* of section 38 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30).

6. Except on a question of jurisdiction, no recourse provided for in articles 33 and 834 to 846 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised, no injunction may be granted and no order to suspend proceedings may be issued against the Régie des marchés agricoles et alimentaires du Québec, the Fédération des producteurs de lait du Québec and the committee created under the second paragraph of section 2 or their members or employees acting in their official capacity for the purpose of cancelling, suspending or otherwise preventing the adoption, approval or enforcement of any regulation or by-law referred to in sections 1 and 3 or the application of sections 2 and 5.

A judge of the Court of Appeal may, on a motion, summarily annul any decision rendered, order made or injunction granted contrary to this section.

7. No claim may be filed by reason of the application of this Act and of the regulations referred to in section 1.

8. Decision Number 5481 rendered by the Régie des marchés agricoles et alimentaires du Québec on 25 November 1991 is annulled.

9. Section 8 has effect from 25 November 1991 and the first paragraph of section 1 and sections 6 and 7 have effect from 1 December 1991.

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