

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 36

An Act to amend the Agricultural Products and Food Act

First reading
Second reading
Third reading

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EXPLANATORY NOTES

The object of this bill is to extend the scope of the Agricultural Products and Food Act (R.S.Q., chapter P-29) to all stages of the conditioning of marine products and to impose a new system of operating permits for factories processing such products through modernization of the construction, equipment and operating standards of such factories.

It allows the Government to order the grading of marine products and authorize the Minister of Agriculture, Fisheries and Food to prescribe, in the proportion determined by the Government, the reimbursement of grading expenditures made by the Department and their apportionment between the factory operators and the fishermen.

It prescribes the imposition of higher fines in the case of contravention of the regulatory provisions ordering the grading of marine products.

It provides for the repeal of the Sea Food Processing Act (R.S.Q., chapter P-17) and for the remaining in force, until 1 January 1985, of the present operating permits of processing factories issued under the regulation under that Act while it prohibits, from the date of the tabling of this bill, the issuing of new permits in accordance with that regulation. The new system of permits will apply from the sanctioning of the bill, except for the holders of the present permits who will be subject thereto from 1 January 1985, unless they apply for a new permit before that date.

The bill is also designed to ensure that the Agricultural Products and Food Act applies to products and to premises used for canning related to business operations in which services are provided for remuneration although selling is not involved.

The bill, finally, proposes that the reports of inspection or analysis of products make prima facie proof of their content and of the capacity of their signatory while specifying that the powers of inspection extend not only to products but also to premises and equipment.

Bill 36

An Act to amend the Agricultural Products and Food Act

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The Agricultural Products and Food Act (R.S.Q., chapter P-29) is amended by replacing the title by the following title:

“The Agricultural Products, Marine Products and Food Act”.

2. Section 1 of the said Act is amended

(1) by inserting, after paragraph *a*, the following paragraph:

“(a.1) “marine product”: fish, shellfish or crustaceans able to live in a marine environment, including parts of such animals and the products or by-products derived therefrom;”;

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

“(c) “product”: an agricultural product, a marine product or a food;”.

3. Section 2 of the said Act is amended by striking out the second paragraph.

4. Section 3 of the said Act is replaced by the following section:

“**3.** No person shall prepare, keep for sale or for the furnishing of a service for remuneration, offer for sale or leave on consignment, sell, transport, cause to be transported or accept for any destination in Québec, a product which is unwholesome, comes from an unwholesome source or does not comply with the requirements of this Act and the regulations.”

5. Section 8 of the said Act is replaced by the following section:

“8. The Government may, by regulation, to the extent and on the terms and conditions it determines, order any person engaged in the sale of a product or the preparation, conditioning, processing or keeping of a product for sale or for the furnishing of a service for remuneration to register with the Minister.”

6. Section 9 of the said Act is amended

(1) by adding, after subparagraph *d* of the first paragraph, the following subparagraph:

“(e) operate a processing factory or a packing-house for the purposes of sale at wholesale of marine products for human consumption.”;

(2) by adding, at the end, the following paragraphs:

“Subparagraph *e* of this section does not apply before 1 January 1985, to a person who, on (*insert here the date of the tabling of this bill*), is the holder of a permit in force issued under a regulation made in accordance with the Sea Food Processing Act (R.S.Q., chapter P-17).

However, subparagraph *e* of this section applies to the person contemplated in the fourth paragraph from the time that the Minister issues to him, upon application, the permit provided for in that paragraph.”

7. Section 33 of the said Act is amended

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

“(a) enter at any time premises where any product is prepared, conditioned, processed, packaged, stored, kept for sale or for the furnishing of a service for remuneration, offered for sale or sold, and premises where any stamp contemplated in section 6 is manufactured, reproduced, kept or used;”;

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

“(b) inspect products, take samples gratuitously and inspect premises and equipment;”.

8. Section 40 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraphs:

“(a) prescribe rules respecting the sale of a product or the preparation, conditioning, processing or keeping of a product for sale or for the furnishing of a service for remuneration;

“(a.1) establish, for the purposes of sanitation, regulations respecting the construction, layout and equipment of establishments or vehicles where the operations contemplated in paragraph *a* are carried out;”;

(2) by inserting after paragraph *e* the following paragraph:

“(e.1) order the grading of marine products, prescribe the conditions and modalities of grading and allow the Minister to designate the person responsible for such grading;”.

9. The said Act is amended by inserting after section 40 the following section

“**40.1** The Minister may, by order published in the *Gazette officielle du Québec*,

(a) prescribe that operators of establishments contemplated in subparagraph *e* of the first paragraph of section 9 and fishermen reimburse to the Government, in whole or in part, to such extent as it may prescribe, the expenditures made by the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation for the grading of marine products ordered by regulation;

(b) determine the total share that must be reimbursed by operators and fishermen, respectively, and establish the individual contribution payable by each operator or fisherman;

(c) oblige the operator of each establishment, in accordance with such conditions and modalities as the Minister may determine, to withhold, out of the sums it owes to each fisherman, an amount representing the contribution payable by that fisherman and remit to the Minister, in addition to his contribution, the amount so withheld;

(d) determine the information that the operator of each establishment must furnish respecting the amount so withheld;

(e) determine when such contributions must be remitted;

(f) impose, as a condition of the permit issued to an operator of an establishment, compliance with the measures taken under this section, and so indicate on the permit.”

10. Section 44 of the said Act is amended by replacing what precedes subparagraph *a* of the first paragraph by the following:

“**44.** Every person who contravenes section 5 or 9 or the stamp regulations or the regulations on meat unfit for human consumption or on the grading of marine products is liable upon summary proceedings, in addition to costs,”.

11. Section 47 of the said Act is amended by replacing what precedes subparagraph *a* of the first paragraph by the following:

“**47.** Every permit holder who infringes the operating hours fixed in accordance with section 34, a regulation made under subparagraph *k* of section 40 or the conditions indicated in his permit is liable, on summary proceedings, in addition to costs.”.

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

“The burden of proof that a product is not intended for sale or that the furnishing of a service respecting a product is not carried out for remuneration shall be upon the person keeping the product.”

13. The said Act is amended by inserting, after section 56, the following section:

“**56.1** In any proceeding instituted for an offence against this Act or the regulations,

(*a*) the certificate or report of analysis of an authorized person stating writing the results of an examination respecting the composition of a product, constitutes *prima facie* proof of its content;

(*b*) the minutes or report of an investigation, taking of samples, seizure or confiscation written and certified by an authorized person who has inspected, sampled, seized or confiscated a product, makes *prima facie* proof of the observations that are stated in writing therein by such authorized person;

(*c*) a document, given as the certificate or report of analysis of an authorized person or the minutes or report of an authorized person, must be admitted as proof, without its being necessary to establish the signature of the person by whom the document is presented as having been signed and without its being necessary to establish the official capacity of such person.”

14. This Act repeals the Sea Food Processing Act (R.S.Q., chapter P-17).

15. The regulation made by the Government under the Sea Food Processing Act remains in force until it is amended, replaced or repealed by a regulation made under the Agricultural Products, Marine Products and Food Act and it gives rise to the penalties provided for therein.

16. A permit issued under the regulation made pursuant to the Sea Food Processing Act and in force (*insert here the date of*

the tabling of this bill), remains so until 31 December 1984, unless it is replaced before that date by a permit issued in accordance with the fifth paragraph of section 9 of the Agricultural Products, Marine Products and Food Act.

17. From (*insert here the date of the tabling of this bill*), no permit may be issued under the regulation made pursuant to the Sea Food Processing Act for any establishment contemplated in subparagraph *e* of the first paragraph of section 9 of the Agricultural Products, Marine Products and Food Act and put into operation after that date.

18. In any regulation, proclamation, order in council, order, contract or any other document, a reference to the Agricultural Products and Food Act is deemed to be a reference to the Agricultural Products, Marine Products and Food Act.

19. This Act comes into force on the day of its sanction.