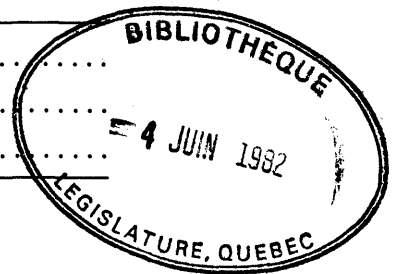


NATIONAL ASSEMBLY OF QUÉBEC

Bill 77

An Act to amend
the Farm Products Marketing Act

First reading
Second reading
Third reading



M. JEAN GARON

Minister of Agriculture, Fisheries and Food

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

EXPLANATORY NOTES

The object of this bill is to amend the Farm Products Marketing Act, mainly to make persons who neglect to withhold or remit producers' contributions they are required to withhold and to remit to the bodies administering joint plans, personally liable for the payment of these contributions.

The bill also authorizes the Régie des marchés agricoles du Québec (the Board) to require a producers' board or any person engaged in the production or marketing of a marketed product to forward any such information to it as it may require relating to marketed product quotas and quota holders.

In addition, the bill requires the Board to forward to the Minister of Agriculture, Fisheries and Food all the information he may require on quotas and quota holders. The Board will also be required to make an annual report of its activities to the Minister for tabling in the National Assembly.

Lastly, the bill increases the amounts of fines for offences under the Act.

Bill 77

An Act to amend the Farm Products Marketing Act

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

1. The Farm Products Marketing Act (R.S.Q., chapter M-35) is amended by inserting, after section 14, the following sections:

“14.1 Not later than 30 June every year, the Board must make a report of its activities for the preceding fiscal period to the Minister; the report must also contain all such information as the Minister may require.

The report must be tabled before the National Assembly of Québec if it is in session or, if it is not in session, within fifteen days of the opening of the next session or resumption.

“14.2 The Board shall on request transmit to the Minister in such form as he may prescribe all such information as he may require in respect of quotas and quota holders.”

2. Section 78 of the said Act is replaced by the following section:

“78. The Board may of its own initiative or at the request of the producers' board, by order,

(a) compel the purchaser of a marketed product, an association of producers marketing such a product or some of them to withhold from amounts to be paid or remitted to the producer of that product all or part of the contributions payable by that producer to the producers' board entrusted with implementing the plan and to remit to the board, on behalf of the producer, the amounts so withheld;

(b) fix the amount to be so withheld by the purchaser of a marketed product or an association of producers marketing such a product;

(c) determine the information which the purchaser of a marketed product or an association of producers marketing such a product must furnish as to the amount so withheld;

(d) fix the time for remittance of amounts withheld;

(e) determine the terms and conditions of withholding and remittance.

On failure to follow an order of the Board, the purchaser or the association of producers becomes personally liable to the producers' board for the amount of the contributions that he or it should have withheld."

3. Section 84 of the said Act is amended by adding, at the end, the following paragraph:

"(f) require a producers' board and any person engaged in the production or marketing of a marketed product to transmit to it, at such times and in such form as it may prescribe, any information it may consider appropriate to demand respecting quotas of a marketed product and quota holders;"

4. Section 114 of the said Act is amended by replacing paragraphs *a* and *b* by the following paragraphs:

"(a) for a first offence, to a fine of not less than \$300 nor more than \$1 500 in the case of a natural person, and not less than \$600 nor more than \$3 000 in the case of a corporation;

"(b) for a subsequent offence within two years, to a fine of not less than \$500 nor more than \$5 000 in the case of a natural person, and not less than \$1 000 nor more than \$10 000 in the case of a corporation."

5. Section 116 of the said Act is amended by adding, at the end, the following paragraph:

"No proceedings may be brought under this section unless a person authorized to bring them has mailed prior notice of at least ten days to the offender describing the offence and enjoining him to discharge his obligations and pay the applicable fines.

Payment of the required amounts within the time fixed in the notice is a bar to penal proceedings."

6. The said Act is amended by inserting, after section 116, the following section:

“116.1 In proceedings brought under section 116 against a person who refuses or neglects to withhold for a producers’ board or remit to it the contributions of producers subject to a joint plan, subsection 1 of section 33 of the Summary Convictions Act (R.S.Q., chapter P-15) does not apply and, in order to justify a conviction, it is sufficient to prove that the contribution was not withheld and that the producers’ board did not receive the sums that should have been remitted to it in accordance with section 78.”

7. The said Act is amended by inserting, after section 121, the following section:

“121.1 The Attorney-General, the Board, any producers’ board and any interested person may bring an action in order to exercise any recourse or demand any penalty resulting from this Act, a regulation, an order, a homologated agreement or an arbitration award.”

8. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (*insert here the reference to the chapter number of the Canada Act in the compilation of the Acts of the Parliament of the United Kingdom for 1982*).

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