

1988

c 13 Ministry of Agriculture and Food Statute Law Amendment Act, 1988

Ontario

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CHAPTER 13

**An Act to amend certain Acts administered by the
Ministry of Agriculture and Food**

Assented to January 7th, 1988

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Ministry of Agriculture and Food Act*, being chapter 270 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(c) “person” includes an unincorporated association.

(2) Clause 4b (1) (b) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 54, section 1, is repealed and the following substituted therefor:

(b) a field-man appointed under the *Milk Act* or a member, officer, clerk or employee of the Agricultural Licensing and Registration Review Board, the Farm Products Appeal Tribunal or the Ontario Farm Products Marketing Commission,

R.S.O. 1980,
c. 266

(3) Subsection 5 (2) of the said Act is amended by adding at the end thereof “and the conditions under which grants are repayable”.

(4) Section 5 of the said Act is amended by adding thereto the following subsections:

(4) A program may provide that a grant or payment shall not be assigned, charged, attached or given as security and that any transaction purporting to do so is void.

Grants not to
be given as
security

(5) A program may provide that it is to come into force before the date on which it is established.

Program may
be retroactive

(5) The said Act is amended by adding thereto the following sections:

Ontario Farm
Products
Marketing
Commission

9a.—(1) A commission to be known as the “Ontario Farm Products Marketing Commission” is hereby established as a body corporate and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council.

Chairman

(2) The Lieutenant Governor in Council shall appoint one of the members as chairman and one or more of the members as vice-chairman.

Quorum

(3) Three members of the Commission, of whom one shall be the chairman or a vice-chairman, constitute a quorum and are sufficient for the exercise of all jurisdiction and powers of the Commission.

Division of
the
Commission

(4) The chairman, or in the case of the absence or inability of the chairman to act, a vice-chairman, may assign members of the Commission to divisions thereof and may change the assignment at any time.

Quorum
necessary in
division

(5) The Commission may sit in two or more divisions simultaneously so long as a quorum of the Commission is present in each division.

Remuner-
ation

(6) Members of the Commission who are not employed in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Non-
application
of
R.S.O. 1980,
cc. 95, 96

(7) The *Corporations Act* and the *Corporations Information Act* do not apply to the Commission.

Appointment
of officers
and
employees
R.S.O. 1980,
c. 418

(8) A secretary to the Commission and such other officers and employees as may be required may be appointed or transferred under the *Public Service Act*.

Where
secretary
absent

(9) Where the secretary is absent or the position is vacant, the Commission may appoint any person to act in that capacity.

Appointment
of specialists,
etc.

(10) The Commission may appoint conciliators or arbitrators or persons having technical or special knowledge to assist the Commission in any capacity.

Dissolution
of Milk
Commission
and Farm
Products
Marketing
Board
R.S.O. 1980,
cc. 266, 158

9b. The Milk Commission of Ontario, constituted as a body corporate under the *Milk Act* and The Farm Products

Marketing Board, constituted as a body corporate under the *Farm Products Marketing Act*, are hereby dissolved and all the real and personal property, including all the rights and privileges, of The Milk Commission of Ontario and of The Farm Products Marketing Board are vested in the Ontario Farm Products Marketing Commission and all obligations, liabilities and responsibilities of The Milk Commission of Ontario and of The Farm Products Marketing Board become obligations, liabilities and responsibilities of the Commission.

9c. All acts, appointments, directions, decisions, orders, delegations, regulations, awards, agreements, rules, resolutions, determinations, minutes and licences heretofore done, made, issued or entered into by The Milk Commission of Ontario and The Farm Products Marketing Board respectively shall be deemed to have been done, made, issued or entered into by the Ontario Farm Products Marketing Commission and shall continue good and valid and remain in full force and effect until amended, cancelled, withdrawn, suspended, revoked or annulled and others done, made, issued or entered into in their stead.

Previous acts, appointments, directions, orders, etc., continue valid

9d. A reference in any Act, regulation, by-law, contract, agreement, licence, order, decision, award or other document or thing to The Milk Commission of Ontario or The Farm Products Marketing Board shall be deemed to be a reference to the Ontario Farm Products Marketing Commission.

References to Milk Commission and Farm Products Marketing Board

(6) Section 11 of the said Act is amended by adding thereto the following subsection:

(11) Documents of the Tribunal may be signed by the chairman or any person designated in writing by the chairman.

Documents

(7) Clauses 12 (a) and (b) of the said Act are repealed and the following substituted therefor:

(a) "Commission" means the Ontario Farm Products Marketing Commission.

(8) Clause 12 (c) of the said Act is amended by adding at the end thereof "or the *Farm Products Marketing Act*".

(9) Subsections 13 (1), (2) and (4) of the said Act are repealed and the following substituted therefor:

(1) Subject to subsection (4), if a person is aggrieved by an order, direction, policy or decision of the Commission or Director, made under the *Farm Products Marketing Act* or the *Milk Act*, that person may appeal to the Tribunal by filing

Appeal to Tribunal

R.S.O. 1980, cc. 158, 266

with the Tribunal and sending to the Commission or Director written notice of the appeal.

Idem

R.S.O. 1980,
cc. 158, 266

(2) Subject to subsections (4) and (5), if a person is aggrieved by an order, direction, policy, decision or regulation made under the *Farm Products Marketing Act* by a local board or under the *Milk Act* by a marketing board, that person may appeal to the Tribunal by filing with the Tribunal and sending to the local board or marketing board written notice of the appeal.

Tribunal may
refuse to
hear appeal

(4) The Tribunal may refuse to hear the appeal or, after a hearing has commenced, refuse to continue the hearing or make a decision if it relates to any order, direction, policy, decision or regulation of which the appellant has had knowledge for more than one year before the notice is filed under subsection (1) or (2) or, if in its opinion,

- (a) the subject-matter of the appeal is trivial;
- (b) the appeal is frivolous or vexatious or is not made in good faith; or
- (c) the appellant has not a sufficient interest in the subject-matter of the appeal.

(10) Subsection 13 (5) of the said Act is repealed and the following substituted therefor:

Conditions
for appeal

(5) No appeal may be taken from an order, direction, policy, decision or regulation of a local board or a marketing board unless,

- (a) the appellant has first applied to the local board or marketing board for a hearing and the local board or marketing board has refused to grant, in whole or in part, the relief requested by the appellant or has not decided the matter within sixty days of the application for a hearing; or
- (b) the appellant and the local board or marketing board have waived their respective rights under clause (a) in writing.

(11) Section 13 of the said Act is amended by adding thereto the following subsection:

Effect of
appeal
R.S.O. 1980,
c. 484

(5a) Where, by virtue of subsection 25 (1) of the *Statutory*

Powers Procedure Act, an appeal under subsection (1) or (2) operates as a stay in the matter, the Tribunal may limit or define the scope of the stay.

(12) Subsection 13 (6) of the said Act is amended by striking out “the Board” in the second line.

(13) Subsections 13 (7), (8) and (9) of the said Act are repealed and the following substituted therefor:

(7) In an appeal under subsection (1) or (2), the Tribunal shall, within ten days after the notice referred to in subsection (1) or (2) is received, send notice to the person making the appeal and upon any body entitled to receive notice under subsection (6) or the Director, as the case may be, of the date, time and place at which the appeal will be heard.

Notice of hearing

(8) The Tribunal shall complete the hearing within forty-five days after the date set for the hearing, but the Tribunal may, at the request of any party to the proceedings, adjourn the hearing for such periods of time as the Tribunal considers just.

Hearing of appeal

(9) At any hearing under this section, any person entitled to receive notice under subsection (7) and any person having a sufficient interest in the subject-matter of the appeal may be a party to the appeal and the *Statutory Powers Procedure Act* applies.

Parties

R.S.O. 1980,
c. 484

(14) Subsection 13 (10) of the said Act is amended by striking out “the Board” in the second line and in the seventh line.

(15) Subsection 13 (11) of the said Act is repealed and the following substituted therefor:

(11) The Tribunal shall, within twenty days after the hearing is completed, send notice of its decision and reasons, if any, to all parties to the appeal and to the Minister.

Notice of decision

(16) Subsections 13 (13) and (14) of the said Act are repealed and the following substituted therefor:

(13) Notice under this section may be given by mail to the usual business address of the person or, in the case of the person making an appeal, to the address shown in the notice of appeal.

Notice by mail

(14) After the Tribunal has decided an appeal under this section, the Tribunal may, on its own motion or upon the request of any person who is aggrieved by the decision,

Tribunal may reopen hearing

reopen the hearing and make a new decision, and the procedure for an appeal under this section applies to the hearing.

(17) Subsection 14 (1) of the said Act is repealed and the following substituted therefor:

Request for
reconsideration

(1) Where a person is aggrieved by an order, direction, policy or decision of the Commission, a local board, a marketing board or the Director, that person may, by written application therefor, request a reconsideration of the order, direction, policy or decision.

(18) Subsection 14 (4) of the said Act is repealed and the following substituted therefor:

Idem

(4) Where a person is affected by any regulation made by the Commission, that person may request the Commission to reconsider the regulation by serving upon the Commission written notice of the request.

(19) Subsection 15 (1) of the said Act is repealed and the following substituted therefor:

Powers of
Minister

(1) Within thirty days after receipt by the Minister of a decision of the Tribunal under this Act and the reasons therefor, if any, or within such longer period as may be determined by the Minister within such thirty-day period, the Minister may,

- (a) confirm, vary or rescind the whole or any part of the decision;
- (b) substitute for the decision of the Tribunal such decision as the Minister considers appropriate; or
- (c) by notice to the Tribunal require the Tribunal to hold a new hearing of the whole or any part of the matter appealed to the Tribunal and reconsider its decision.

(20) Subsection 15 (2) of the said Act is amended by inserting after "varied" in the third line "or rescinded".

(21) Subsection 15 (3) of the said Act is amended by striking out "varied" in the first line and inserting in lieu thereof "confirmed, varied or rescinded".

(22) Subsection 15 (4) of the said Act is amended by inserting after "variation" in the second line "rescission".

2.—(1) Clause 1 (a) of the *Farm Products Marketing Act*, being chapter 158 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(a) “Commission” means the Ontario Farm Products Marketing Commission under the *Ministry of Agriculture and Food Act*. R.S.O. 1980,
c. 270

(2) The said Act is amended by striking out “Board” wherever it occurs as a reference to “The Farm Products Marketing Board” and inserting in lieu thereof in each instance “Commission”.

(3) Section 1 of the said Act is amended by adding thereto the following clause:

(aa) “Director” means the Director appointed under this Act.

(4) Clause 1 (b) of the said Act is amended by striking out “such articles” in the fifth line and inserting in lieu thereof “articles”.

(5) Clause 1 (c) of the said Act is repealed and the following substituted therefor:

(c) “licence” means a licence provided for under this Act.

(6) Clause 1 (g) of the said Act is amended by striking out “marketing” in the second line and inserting in lieu thereof “producing or marketing or both”.

(7) Section 2 of the said Act is repealed and the following substituted therefor:

2. The purpose of this Act is to provide for the control and regulation in any or all aspects of the producing and marketing within Ontario of farm products including the prohibition of such producing or marketing in whole or in part. Purpose of
Act

(8) Section 3 of the said Act is repealed.

(9) Clause 4 (1) (g) of the said Act is amended by,

(a) striking out “and” at the end of subclause (i);

(b) adding “and” at the end of subclause (ii); and

(c) adding thereto the following subclause:

(iii) inspect any growing plants or development in the producing of a regulated product.

(10) Clause 4 (1) (h) of the said Act is repealed.

(11) Subsections 4 (5) and (6) of the said Act are repealed and the following substituted therefor:

Local board
a body
corporate
R.S.O. 1980,
cc. 95, 96

(5) Every local board is a body corporate to which the *Corporations Act* and the *Corporations Information Act* do not apply.

Protection
from
personal
liability

(6) No member of a local board and no officer, clerk or employee of a local board is personally liable for anything done or omitted to be done by the board or by the member, officer, clerk or employee in good faith in the exercise of any power or the performance of any duty under or purporting to be under this Act or any other Act of Ontario or Canada.

(12) Subsection 5 (1) of the said Act is amended by inserting after “the” in the fourth line “producing or”.

(13) Clause 6 (1) (a) of the said Act is amended by inserting after “the” in the second line “producing or”.

(14) Clause 6 (1) (b) of the said Act is repealed.

(15) Clause 6 (1) (c) of the said Act is amended by striking out “marketing” in the fourth line and inserting in lieu thereof “producing or marketing”.

(16) Clause 6 (1) (h) of the said Act is amended by striking out “notwithstanding any other Act” in the first line.

(17) Subsection 7 (1) of the said Act is amended by,

(a) striking out “or (h)” in the third line; and

(b) inserting after “product” in the seventh line “and growing plants or development in the producing of the regulated product”.

(18) Subsection 7 (2) of the said Act is amended by striking out “or (h)” in the third line.

(19) Subsection 7 (3) of the said Act is amended by striking out “or (h)” in the second and third lines.

(20) Paragraphs 1, 2, 3, 4 and 5 of subsection 8 (1) of the said Act are repealed and the following substituted therefor:

1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, marketing or processing of a regulated product and delegating to the Director the authority to grant, refuse to grant, renew, suspend and revoke licences;
2. prescribing or providing for classes of licences and the imposition of terms and conditions on any class of licence;
3. providing that the Commission, Director or local board may impose such terms and conditions upon a licence as the Commission, Director or local board considers proper;
4. prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence and except in compliance with the terms and conditions of the licence;
5. providing for the refusal to grant or renew or the suspension or revocation of a licence,
 - i. where the applicant or licensee is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made or the licence granted, or
 - ii. where the applicant or licensee has failed to comply with or has contravened any provision of this Act, the regulations, any plan or any order or direction of the Commission, Director or local board or of a marketing agency of Canada;
- 5a. providing for the imposition, amount, disposition and use of penalties where, after a hearing, the Commission, Director or local board is of the opinion that the applicant or licensee has failed to comply with or has contravened any term or condition of a licence or any provision of this Act, the regulations, any plan or any order or direction of the Commission, Director or local board;
- 5b. providing for the fixing of licence fees and the payment thereof by any or all persons producing, marketing or processing a regulated product and the

collecting of the licence fees and their recovery by suit in a court of competent jurisdiction.

(21) Paragraphs 10, 11 and 16 of the said subsection 8 (1) are repealed and the following substituted therefor:

10. requiring and providing for the furnishing of security or proof of financial responsibility or of a performance bond by a person or class of persons engaged in the producing, marketing or processing of a regulated product and providing for the administration, forfeiture and disposition of any moneys or securities so furnished and the proceeds therefrom;
11. authorizing the fixing of prompt payment discounts, delayed payment penalties and interest on licence fees and service charges owing by any person engaged in the producing, marketing or processing of a regulated product;
-
16. providing for the control and regulation of the producing or marketing of any regulated product, including the times and places at which the regulated product may be produced or marketed.

(22) Paragraph 19 of the said subsection 8 (1) is amended by striking out "notwithstanding any other Act" in the first line.

(23) Paragraphs 27 and 33 of the said subsection 8 (1) are repealed and the following substituted therefor:

27. determining the constitution of negotiating agencies, conciliation boards and boards of arbitration, providing for the appointment of arbitrators and conciliators and regulating the practice, procedure and methods of dispute resolution of such agencies, boards and arbitrators;
-
33. designating as farm products any natural products of agriculture.

(24) Paragraph 34 of the said subsection 8 (1) is amended by inserting after "the" in the third line "producing or".

(25) Paragraph 37 of the said subsection 8 (1) is amended by striking out “established for the control and regulation of the marketing of the regulated product” in the fourth, fifth and sixth lines.

(26) Paragraph 40 of the said subsection 8 (1) is amended by inserting after “agency” in the sixth line “of Canada”.

(27) Section 8 of the said Act is amended by adding thereto the following subsections:

(1a) A penalty imposed on a producer under paragraph 5a of subsection (1) shall not exceed 10 per cent of the price payable to the producer for the regulated product marketed during the immediately preceding twelve month period by the producer and a 20 per cent reduction in the amount of regulated product which may be marketed during any twelve month period by the producer. Limitations
on penalties

(1b) A penalty imposed on a person other than a producer under paragraph 5a of subsection (1) shall not exceed 10 per cent of the price payable to the producers for the regulated product marketed or processed during the immediately preceding twelve month period by the person. Idem

(28) Clause 8 (2) (a) of the said Act is amended by striking out “later” in the eighth line and inserting in lieu thereof “other”.

(29) Subsection 8 (6) of the said Act is amended by striking out “or orders or” in the third line and inserting in lieu thereof “orders, policies and decisions or”.

(30) Subsection 9 (1) of the said Act is amended by inserting before “marketing” in the fourth line “producing or”.

(31) Subclause 9 (1) (a) (i) of the said Act is repealed and the following substituted therefor:

- (i) to direct and control, by order or direction either as principal or agent, the producing or marketing of the regulated product, including the times and places at which the regulated product may be produced or marketed.

(32) Clause 9 (1) (b) of the said Act is amended by,

- (a) striking out “the Commission” in the second and third lines and inserting in lieu thereof “it”; and

- (b) striking out “the Commission” in the third line of subclause (ii) and inserting in lieu thereof “The Ontario Apple Marketing Commission”.

(33) Clause 9 (4) (f) of the said Act is amended by inserting before “marketing” in the first line “producing or”.

(34) Section 10 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

Limitation on powers of local board

10. Where the Commission delegates to a local board powers or authorizes a local board to exercise powers under this Act or vests in a local board powers under this Act, the Commission may at any time,

(35) The said Act is amended by adding thereto the following section:

Director

11a.—(1) The Minister may appoint a Director for the purposes of this Act.

Duties of director

(2) The Director shall exercise the powers and perform the duties conferred or imposed under this or any other Act.

(36) Subsection 13 (1) of the said Act is amended by,

- (a) inserting before “marketing” in the seventh line “producing or”; and
- (b) inserting before “marketing” in the third line of clause (b) “producing or”.

(37) Subsection 13 (2) of the said Act is amended by inserting before “marketing” in the seventh line “producing or”.

(38) Subsection 13 (3) of the said Act is amended by,

- (a) inserting after “the” in the eighth line of clause (a) “producing or”; and
- (b) inserting after “the” in the second line of clause (b) “producing or”.

(39) Section 14 of the said Act is amended by striking out “Board or” in the eighth line and inserting in lieu thereof “Commission, Director or”.

(40) Section 16 of the said Act is repealed and the following substituted therefor:

16. Every person who contravenes this Act or the regulations or any plan or any order or direction of the Commission, the Director or any local board, or any agreement or award or renegotiated agreement or award declared to be in force by the Commission is guilty of an offence and on conviction is liable for a first offence to a fine of not more than \$2,000 for each day that the offence continues and for a subsequent offence to a fine of not more than \$10,000 for each day that the offence continues. Offences

(41) Clause 17 (2) (b) of the said Act is amended by inserting before "marketing" in the second line "producing or".

(42) Clause 21 (2) (a) of the said Act is repealed.

(43) Subsection 21 (5) of the said Act is amended by inserting after "regulations" in the third line "policies".

(44) Subsection 21 (7) of the said Act is repealed.

(45) Clause 22 (2) (a) of the said Act is repealed.

(46) Subsection 22 (5) of the said Act is amended by inserting after "regulations" in the third line "policies".

3.—(1) Paragraph 4 of section 1 of the *Milk Act*, being chapter 266 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

4. "Commission" means the Ontario Farm Products Marketing Commission under the *Ministry of Agriculture and Food Act*. R.S.O. 1980,
c. 270

(2) Paragraph 22 of the said section 1 is amended by striking out "marketing" in the third line and inserting in lieu thereof "producing or marketing or both".

(3) Clause 2 (b) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 18, section 1, is amended by striking out "marketing" in the second line and in the fourth line and inserting in lieu thereof in each instance "producing or marketing".

(4) The heading immediately preceding section 3 of the said Act and section 3, as amended by the Statutes of Ontario, 1984, chapter 25, section 2, are repealed.

(5) Subsection 6 (1) of the said Act is amended by inserting before “marketing” in the fourth line “producing or”.

(6) Clause 7 (1) (a) of the said Act is amended by inserting after “the” in the second line “producing or”.

(7) Clause 7 (1) (f) of the said Act is amended by striking out “notwithstanding any other Act” in the first line.

(8) Subsection 7 (4) of the said Act is repealed and the following substituted therefor:

Marketing board is body corporate
R.S.O. 1980, cc. 95, 96

(4) Every marketing board is a body corporate to which the *Corporations Act* and the *Corporations Information Act* do not apply.

(9) Subsection 7 (6) of the said Act is repealed and the following substituted therefor:

No personal liability

(6) No member of a marketing board and no officer, clerk or employee of a marketing board is personally liable for anything done or omitted to be done by the board or by the member, officer, clerk or employee in good faith in the exercise of any power or the performance of any duty under or purporting to be under this Act or any other Act of Ontario or Canada.

(10) Paragraphs 2, 3, 4 and 5 of subsection 8 (1) of the said Act are repealed and the following substituted therefor:

2. prescribing or providing for classes of licences and the imposition of terms and conditions on any class of licence;
3. providing that the Commission or marketing board may impose such terms and conditions upon a licence as the Commission or marketing board considers proper;
4. prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence and except in compliance with the terms and conditions of the licence;
5. providing for the refusal to grant or renew or the suspension or revocation of a licence,
 - i. where the applicant or licensee is not qualified by experience, financial responsibility or

equipment to properly engage in the business for which the application was made or the licence granted, or

- ii. where the applicant or licensee has failed to comply with or has contravened any provision of this Act, the regulations, any plan or any order or direction of the Commission or marketing board or of a marketing agency of Canada;
- 5a. providing for the imposition, amount, disposition and use of penalties where, after a hearing, the Commission or marketing board is of the opinion that the applicant or licensee has failed to comply with or has contravened any term or condition of a licence or any provision of this Act, the regulations, any plan or any order or direction of the Commission or marketing board;
 - 5b. providing for the fixing of licence fees and the payment thereof by any or all persons producing, marketing or processing a regulated product and the collecting of the licence fees and their recovery by suit in a court of competent jurisdiction.

(11) Paragraph 10 of the said subsection 8 (1) is repealed and the following substituted therefor:

10. requiring and providing for the furnishing of security or proof of financial responsibility or of a performance bond by a person or class of persons engaged in the producing, marketing or processing of a regulated product and providing for the administration, forfeiture and disposition of any moneys or securities so furnished and the proceeds therefrom;
- 10a. authorizing the fixing of prompt payment discounts, delayed payment penalties and interest on licence fees and service charges owing by any person engaged in the producing, marketing or processing of a regulated product.

(12) Paragraph 13 of the said subsection 8 (1) is repealed and the following substituted therefor:

13. providing for the control and regulation of the producing or marketing of any regulated product,

including the times and places at which the regulated product may be produced or marketed.

(13) Paragraph 21 of the said subsection 8 (1) is amended by striking out “notwithstanding any other Act” in the first line.

(14) Paragraph 28 of the said subsection 8 (1) is repealed and the following substituted therefor:

28. determining the constitution of negotiating agencies, conciliation boards and boards of arbitration, providing for the appointment of arbitrators and conciliators and regulating the practice, procedure and methods of dispute resolution of such agencies, boards and arbitrators.

(15) Section 8 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 18, section 2, is further amended by adding thereto the following subsections:

Limitation on penalties

(1a) A penalty imposed on a producer under paragraph 5a of subsection (1) shall not exceed 10 per cent of the price payable to the producer for the regulated product marketed during the immediately preceding twelve month period by the producer and a 20 per cent reduction in the amount of regulated product which may be marketed during any twelve month period by the producer.

Idem

(1b) A penalty imposed on a person other than a producer under paragraph 5a of subsection (1) shall not exceed 10 per cent of the price payable to the producers for the regulated product marketed or processed during the immediately preceding twelve month period by the person.

(16) Clause 8 (2) (a) of the said Act is amended by striking out “later” in the eighth line and inserting in lieu thereof “other”.

(17) Subsection 8 (7) of the said Act is amended by striking out “or orders” in the fourth line and inserting in lieu thereof “orders, policies and decisions”.

(18) Subsection 8 (9) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

Limitations on powers, etc., of marketing boards

(9) Where the Commission delegates to a marketing board powers or authorizes a marketing board to exercise powers under this Act, the Commission may at any time,

(19) Subsection 20 (1) of the said Act is amended by adding thereto the following paragraphs:

- 3a. providing that the Director may impose such terms and conditions upon a licence under paragraphs 1 and 2 as the Director considers proper;
- 3b. providing for the imposition, amount, disposition and use of penalties where, after a hearing, the Director is of the opinion that the applicant or licensee has failed to comply with or has contravened any term or condition of a licence under paragraphs 1 and 2 or any provision of this Act, the regulations, any plan or any order or direction of the Commission.

(20) Paragraphs 4 and 48 of the said subsection 20 (1) are repealed and the following substituted therefor:

- 4. requiring and providing for the furnishing of security or proof of financial responsibility or of a performance bond by a distributor or class of distributors or any person engaged in the operation of a plant or any class of plant;
-
- 48. regulating and prohibiting the addition to or removal from milk, cream or fluid milk products of any substance, and regulating and prohibiting the marketing of milk, cream or fluid milk products to which the substance has been added or from which the substance has been removed.

(21) Section 20 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 56, section 2 and 1984, chapter 25, section 4, is further amended by adding thereto the following subsection:

(1a) A penalty imposed under paragraph 3b of subsection (1) shall not exceed 10 per cent of the price payable to the producers for the regulated product marketed or processed during the immediately preceding twelve month period by the distributor or person engaged in the operation of a plant.

Limitation on penalties

(22) Section 22 of the said Act is repealed and the following substituted therefor:

22. Every person who contravenes this Act or the regulations, or any plan or any order or direction of the Commis-

Offences

sion, the Director or any marketing board, or any agreement or award or renegotiated agreement or award declared to be in force by the Commission, or any by-law under this Act, is guilty of an offence and on conviction is liable for a first offence to a fine of not more than \$2,000 for each day that the offence continues and for a subsequent offence to a fine of not more than \$10,000 for each day that the offence continues.

(23) Clause 24 (2) (b) of the said Act is amended by inserting before "marketing" in the second line "producing or".

**Commence-
ment**

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Ministry of Agriculture and Food Statute Law Amendment Act, 1988*.