

1980

## c 153 Farm Income Stabilization Act

Ontario

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## CHAPTER 153

## Farm Income Stabilization Act

## 1. In this Act,

Interpre-  
tation

- (a) "Commission" means the Farm Income Stabilization Commission of Ontario;
- (b) "farm product" means animals, meats, eggs, poultry, wool, milk, cream, grains, seeds, fruit, vegetables, maple products, honey and tobacco, or any class or part thereof, produced in Ontario;
- (c) "farm product receipts" means the amount ascertained and prescribed by the Commission for the purposes of a plan as representing, for each unit of farm product, the sum of,
  - (i) the market price,
  - (ii) the amount prescribed under clause 6 (1) (c) as a stabilization factor, and
  - (iii) any other moneys received or receivable by producers respecting the farm product to which the plan applies;
- (d) "Fund" means the Ontario Farm Income Stabilization Fund;
- (e) "inspector" means an inspector appointed for the purposes of this Act and includes the chief inspector;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "plan" means a voluntary plan for farm income stabilization established under subsection 6 (1);

(h) "regulations" means the regulations made under this Act. 1976, c. 77, s. 1.

Farm Income  
Stabilization  
Commission  
of Ontario  
continued

2.—(1) The Farm Income Stabilization Commission of Ontario is continued as a corporation without share capital responsible to the Minister. 1976, c. 77, s. 2 (1), *revised*.

Composition  
of  
Commission

(2) The Commission shall be composed of not fewer than five members who shall be appointed by the Lieutenant Governor in Council.

Nomination  
for  
appointment

(3) Three members may be appointed, one to represent each of the Christian Farmers Federation, the National Farmers Union and the Ontario Federation of Agriculture, on the following basis:

1. Each such organization may, in every year, before the 31st day of March, nominate to the Lieutenant Governor in Council a person for membership on the Commission.
2. The Lieutenant Governor in Council shall appoint such nominees as members of the Commission before the 30th day of April in that year to hold office until the 29th day of April in the year next following.

Chairman  
and vice-  
chairman

(4) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(5) Three members of the Commission, of whom one shall be the chairman or vice-chairman, constitute a quorum.

Remunera-  
tion

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

R.S.O. 1980,  
c. 95 does  
not apply

(7) The *Corporations Act* does not apply to the Commission.

Commission  
a Crown  
agency  
R.S.O. 1980,  
c. 106

(8) The Commission is a Crown agency within the meaning of the *Crown Agency Act*.

(9) The failure or refusal to nominate a person by any of the organizations referred to in subsection (3), or the consequent lack of appointment of a person to represent such organization, or the failure or refusal of any member appointed in accordance with subsection (3) to act, does not affect the status of the Commission, the carrying out of its powers and duties under this Act or the validity of any order, direction or regulation made by it. 1976, c. 77, s. 2 (2-9). Powers, etc., of Commission not affected

**3.—**(1) A general manager of the Commission and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Commission may be appointed under the *Public Service Act*. General manager and staff  
R.S.O. 1980, c. 418

(2) The *Public Service Superannuation Act* applies to the permanent staff of the Commission as if it had been designated by the Lieutenant Governor in Council under section 28 of that Act. R.S.O. 1980, c. 419 to apply

(3) The general manager of the Commission shall be the chief administrative officer of the Commission. General manager to be chief administrative officer

(4) The Commission may, subject to the approval of the Minister, engage persons other than those appointed under subsection (1) to provide professional, technical or other assistance to or on behalf of the Commission. 1976, c. 77, s. 3. Professional and technical assistance

**4.—**(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary. Appointment of chief inspector and inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. Certificate of appointment

(3) Subject to subsections (4), (5), (6) and (7), an inspector may, for the purpose of carrying out his duties under this Act, Powers of inspector

(a) enter any premises, other than a dwelling, owned or occupied by a person enrolled in a plan; and

(b) demand the production or furnishing by the person enrolled in the plan of any books, records or documents or extracts therefrom relating to the farm product to which the plan applies.

When powers may be exercised

(4) An inspector shall exercise his powers under subsection (3) only during normal business hours, but nothing in this section affects the issuance and execution of a warrant under section 142 of the *Provincial Offences Act*.

R.S.O. 1980, c. 400

Production and photocopying of records, etc.

(5) Where an inspector demands the production or furnishing of books, records or documents, or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection (5), a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection (5) is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to be in writing

(7) Where an inspector makes a demand under clause (3)(b), the demand shall be in writing and shall include a statement of the nature of the books, records, documents or extracts required.

Obstruction of inspector

(8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Offence

(9) Every person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. 1976, c. 77, s. 4.

Functions and powers of Commission

**5.** It is the function of the Commission and it has power,

- (a) to administer plans of farm income stabilization established by the regulations;
- (b) to provide for surveys and research relating to farm income stabilization and to obtain statistics for its purposes;
- (c) to administer this Act and the regulations; and
- (d) to exercise such powers and perform such duties as are conferred or imposed on it by or under this or any other Act. 1976, c. 77, s. 5.

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations<sup>Regulations by Commission</sup> establishing, amending and revoking voluntary plans for farm income stabilization respecting farm products and governing the terms and conditions of stabilization under any plan and, without restricting the generality of the foregoing, may make regulations,

(a) designating a farm product to which a plan applies;

(b) ascertaining and prescribing, from time to time, the farm product receipts effective for a farm product to which a plan applies;

(c) prescribing, from time to time, the stabilization factor to be included in the farm product receipts effective for a farm product which shall be,

(i) in the case of a farm product named in subsection 2 (1) of the *Agricultural Stabilization Act* (Canada), the moneys paid or payable per unit of farm product under that Act, R.S.C. 1970, c. A-9

(ii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph 8.2 (1) (b) of that Act is less than ninety, the moneys that would have been paid or payable per unit of farm product under that Act if the percentage prescribed had been ninety,

(iii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph 8.2 (1) (b) of that Act is ninety or greater, the moneys paid or payable per unit of farm product under that Act, or

(iv) in the case of a farm product other than those referred to in subclauses (i), (ii) and (iii), an amount that, in the opinion of the Commission, represents the amount of money that would have been payable per unit of farm product if the farm product had been designated as an agricultural commodity under the *Agricultural Stabilization*

*Act* (Canada) and the percentage prescribed under paragraph 8.2 (1) (b) of that Act were ninety;

- (d) ascertaining and prescribing, from time to time, a base price respecting the farm product to which a plan applies representing the average price thereof at representative markets as determined by the Commission for the five years immediately preceding the year prescribed in the plan;
- (e) establishing, from time to time, a stabilization price or prices respecting a farm product to which a plan applies obtained by adjusting 95 per cent of the base price thereof by an index calculated in such manner as the Commission may prescribe in the regulations to reflect the estimated cash-cost of production of the farm product in the year for which the stabilization price or prices are established as compared with the average cash-cost of production for the five years immediately preceding that year;
- (f) fixing, from time to time, the fees to be paid by any person enrolled in a plan, and prescribing the times and method of payment;
- (g) prescribing the maximum level of production or marketing for which a person enrolled in a plan is eligible to receive payments under the plan;
- (h) prescribing the minimum level of production or marketing by a person to be eligible to enrol or continue to be enrolled in a plan;
- (i) prescribing, in respect of a farm product to which a plan applies, the proportion of gross income derived from farming that a person is required to have to be eligible to enrol or continue to be enrolled in the plan;
- (j) prescribing terms and conditions to be complied with by applicants for enrolment in a plan;
- (k) prescribing the length of the term of enrolment and conditions of enrolment to be complied with by persons enrolled in a plan;
- (l) requiring applicants for enrolment in a plan or any person enrolled in a plan to furnish such

information, statements or reports as the Commission from time to time requires;

- (m) prescribing the time or times at which applications for enrolment in a plan may be made;
- (n) prescribing the terms and conditions under which a person enrolled in a plan may withdraw from participation in the plan;
- (o) providing for the adjustment of fees payable by any person enrolled in a plan or the adjustment of payments thereto, where the amount of farm product for which fees were paid varies from the amount otherwise eligible for payment or where the person receives moneys respecting the farm product that are not taken into account in calculating the farm product receipts prescribed for the farm product;
- (p) prescribing the time or times at which payments shall be made under subsection (4);
- (q) prescribing forms and providing for their use and requiring any information given in a form to be verified by statutory declaration.

(2) No person who is not ordinarily a resident of Ontario is eligible to enrol in a plan. Eligibility for enrolment

(3) The Commission shall fix fees to be paid by a person enrolled in a plan at a level that, in its opinion, will return one-third of the amount necessary to maintain the Fund in respect of the farm product for which fees are fixed over the length of the term of enrolment prescribed in the plan. Level at which fees to be fixed

(4) Where, under a plan, the stabilization price exceeds the farm product receipts, the Commission, subject to the regulations, shall, at the time or times prescribed in the regulations, pay to those persons enrolled in the plan the difference between the stabilization price and the farm product receipts respecting any farm product under the plan marketed by such persons. Payment to persons enrolled in plan

(5) Where, under a plan, in any year, the stabilization price exceeds a cost of production figure that is ascertained and prescribed by the Commission, and which may be prescribed in the regulations, the stabilization price, for Stabilization price deemed to be equal to cost of production figure



the purposes of subsection (4), shall be deemed to be equal to that cost of production figure. 1976, c. 77, s. 6.

**Negotiation**      **7.**—(1) The Commission shall, respecting any proposed plan or proposed amendments to a plan, negotiate with,

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

- (a) any local board under the *Farm Products Marketing Act* or marketing board under the *Milk Act* affected thereby;
- (b) the Christian Farmers Federation;
- (c) the National Farmers Union;
- (d) the Ontario Federation of Agriculture; and
- (e) such other organizations or groups of producers as the Commission considers proper.

Powers under  
s. 6 not  
affected by  
failure to  
negotiate

(2) The failure or refusal to negotiate or continue negotiation by any of the organizations referred to in clauses (1) (a), (b), (c), (d) and (e) does not affect the exercise by the Commission or the Lieutenant Governor in Council of the powers contained in section 6. 1976, c. 77, s. 7.

Refusal  
of payment  
after  
hearing

**8.**—(1) The Commission may, after a hearing, cancel the enrolment of any person enrolled in a plan where the Commission finds that he or any other person under his control, in his employ or associated with him in producing the farm product for which he is enrolled, has,

- (a) contravened subsection 4 (8);
- (b) knowingly supplied the Commission with information respecting such farm product that is false or calculated to mislead and that may affect payments to him under the plan; or
- (c) ceased to be qualified to be enrolled in the plan,

and may make such order as to repayment of the whole or any part of fees paid or the payment of any benefits that might otherwise accrue under this Act as the Commission considers just and proper.

R.S.O. 1980,  
c. 484  
applies

(2) The *Statutory Powers Procedure Act* applies to a hearing held under subsection (1).

Person  
deemed  
to have  
withdrawn  
from  
enrolment

(3) Where a person who has been enrolled in a plan fails to pay fees in the amount and manner prescribed

in the regulations, he shall be deemed to have withdrawn from enrolment.

(4) Where a person who was enrolled in a plan has withdrawn or is deemed to have withdrawn from enrolment in the plan or has had his enrolment cancelled, the Commission, subject to the regulations, may at any time enrol or refuse to enrol that person in that or any other plan. 1976, c. 77, s. 8. Enrolment  
or refusal  
of enrolment

9.—(1) All fees fixed in respect of a plan shall be paid to the Commission. Fees to be  
paid to  
Commission

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay to the Commission such amounts out of the moneys appropriated therefor by the Legislature as the Lieutenant Governor in Council may determine. 1976, c. 77, s. 9. Payment to  
Commission

10.—(1) The Commission shall establish and maintain in a chartered bank or the Province of Ontario Savings Office a fund to be known as the "Ontario Farm Income Stabilization Fund", to which shall be credited the moneys received by the Commission under sections 9 and 11. Ontario  
Farm Income  
Stabilization  
Fund

(2) The Commission shall maintain separate books of account respecting each farm product to which a plan applies. Books of  
account

(3) The Commission shall pay out of the Fund all moneys required for, Payments  
out of  
Fund

(a) the payment of moneys under any plan; and

(b) the repayment of loans made under section 11. 1976, c. 77, s. 10.

11. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Commission and may acquire and hold as evidence thereof bonds, debentures or notes or other evidences of indebtedness of the Commission. 1976, c. 77, s. 11. Loans to  
Commission

12. The Commission shall, at the discretion of the Treasurer of Ontario, pay into the Consolidated Revenue Fund any surplus moneys in the Fund that are not necessary Surplus

R.S.O. 1980,  
c. 161

for the current requirements of the Commission and section 7 of the *Financial Administration Act* applies thereto. 1976, c. 77, s. 12.

**Moneys**           **13.**—(1) The moneys required for the purpose of defraying the operating expenses of the Commission shall be paid out of the moneys appropriated by the Legislature for that purpose. 1976, c. 77, s. 13 (1).

**Idem**               (2) The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature. 1976, c. 77, s. 13 (2), *revised*.

**Audit**             **14.** The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Commission and to the Minister. 1976, c. 77, s. 14.

**Annual report**   **15.**—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister.

**Tabling**           (2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session. 1976, c. 77, s. 15.

**Agreements with Government of Canada**   **16.** The Minister may, with the approval of the Lieutenant Governor in Council, enter into agreements with the Government of Canada to further the carrying out of the intent and purpose of this Act. 1976, c. 77, s. 16.