

1972

c 162 The Milk Amendment Act, 1972 (No. 2)

Ontario

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CHAPTER 162

An Act to amend The Milk Act

*Assented to November 30th, 1972
Session Prorogued December 15th, 1972*

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 Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph: ^{s. 1, amended}

8a. "Director" means the Director of The Milk Industry Branch of the Ministry of Agriculture and Food.

(2) Paragraph 17 of the said section 1 is repealed and the following substituted therefor: ^{s. 1, par. 17, re-enacted}

17. "milk" means milk from cows or goats.

2.—(1) Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor: ^{s. 4 (1), re-enacted}

(1) The duties and responsibilities of the Commission are, ^{Duties and responsibilities of Commission}

(a) to exercise such powers as are conferred upon it by or under this Act;

(b) to develop and formulate policies to stimulate and improve the marketing of milk and milk products;

(c) to select, develop and maintain research programs required for policy development and formulation;

(d) to inquire into the efficiency of such policies and the manner in which they are being implemented;

(e) to co-operate with the Canadian Dairy Commission or any other agency of Canada or of

any province of Canada respecting the producing, processing and marketing of milk and milk products;

(f) to provide and maintain liaison with organizations representing producers, processors or transporters in Ontario; and

(g) to conduct such studies as the Minister directs respecting the producing, processing and marketing of milk or milk products, and report thereon to the Minister.

s. 4 (2) (e),
amended

(2) Clause e of subsection 2 of the said section 4 is amended by inserting after "producing" in the first line "processing" and by inserting after "production" in the third line "processing".

s. 4 (3),
re-enacted

(3) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Powers of
Commission

(3) The Commission, for the purposes of any inquiry, arbitration or investigation under subsection 2, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry, arbitration or investigation as if it were an inquiry under that Act.

1971, c. 49

s. 8 (1), par. 22,
amended

3.—(1) Paragraph 22 of subsection 1 of section 8 of the said Act is amended by inserting after "the" in the third line "Commission or to a".

s. 8 (1), par. 39,
repealed

(2) Paragraph 39 of subsection 1 of the said section 8 is repealed.

s. 12a,
enacted

4. The said Act is amended by adding thereto the following section:

Responsi-
bility of
Director

12a.—(1) The Director shall be responsible for the administration and enforcement of this Act and the regulations with respect to the quality of milk, milk products and fluid milk products within Ontario.

Powers and
duties of
Director

(2) The Director shall exercise such powers and perform such duties as are conferred or imposed upon him by or under this Act.

Appoint-
ments

(3) Such officers, field-men and other employees as are considered necessary for the exercise of the powers and the performance of the duties of the Director may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

- (4) Every officer, field-man or other employee of the Commission heretofore appointed under subsection 7 of section 3 or under *The Public Service Act* for the administration and enforcement of *The Milk Act* and the regulations with respect to the quality of milk, milk products or fluid milk products within Ontario who is carrying on his duties on the day *The Milk Amendment Act, 1972 (No. 2)* comes into force shall be deemed to have been appointed in accordance with subsection 3.
- Previous appointments deemed to be made under Act
R.S.O. 1970, c. 386
1972, c. 162

5.—(1) Subsection 1 of section 13 of the said Act is amended by striking out "Commission" in the second and third lines and inserting in lieu thereof "Director".

s. 13 (1), amended

(2) Subsection 2 of the said section 13 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Director".

s. 13 (2), amended

(3) Subsection 3 of the said section 13 is amended by striking out "Commission" in the first line and inserting in lieu thereof "Director".

s. 13 (3), amended

(4) Clause *a* of subsection 3 of the said section 13 is amended by striking out "Commission" in the first line and inserting in lieu thereof "Director".

s. 13 (3) (a), amended

6.—(1) Subsection 1 of section 14 of the said Act is amended by striking out "Commission" in the second line and inserting in lieu thereof "Director".

s. 14 (1), amended

(2) Subsection 2 of the said section 14 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Director".

s. 14 (2), amended

7.—(1) Paragraph 5 of section 18 of the said Act is amended by inserting after "Commission" in the second line "or Director".

s. 18, par. 5, amended

(2) Paragraph 59 of the said section 18 is amended by inserting after "Commission" in the second line and in the third line "or Director".

s. 18, par. 59, amended

8. Section 20 of the said Act is amended by inserting after "Commission" in the third line "or the Director".

s. 20, amended

9. Section 23 of the said Act is amended by inserting after "board" in the fourth line "or of any order or direction of the Director" and by inserting after "board" in the eighth line "or by the Director".

s. 23, amended

s. 26 (1, 2, 4),
re-enacted

10.—(1) Subsections 1, 2 and 4 of section 26 of the said Act are repealed and the following substituted therefor:

Appeal to
Commission

- (1) Where any person considers himself aggrieved by any order, direction or decision of the Director, he may appeal to the Commission by serving upon the Commission written notice of the appeal.

Idem

- (2) Where any person considers himself aggrieved by any order, direction, decision or regulation of a marketing board, he may appeal to the Commission by serving upon the Commission written notice of the appeal.

Notice of
appeal

- (4) Upon receipt of a notice under subsection 1 or 2, the Commission shall forthwith notify the Director or the marketing board, as the case may be, and the Director or the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents or other materials, of any kind whatsoever, in his or its possession.

s. 26 (5),
amended

- (2) Subsection 5 of the said section 26 is amended by striking out "or the marketing board, as the case may be" in the first and second lines.

s. 26 (6, 8-10),
re-enacted

- (3) Subsections 6, 8, 9 and 10 of the said section 26 are repealed and the following substituted therefor:

Appeal to
Commission

- (6) The Commission shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission may, at the request of the person making the appeal, or of the Director or marketing board, adjourn the hearing from time to time for such period or periods of time as the Commission considers just.

Hearing of
appeal

- (8) At any hearing of an appeal,
- (a) under subsection 1, the Director, either by himself or through counsel; or
- (b) under subsection 2, the marketing board, either by its officers, or any of them, or through counsel,

has the right to attend and make representations and to adduce evidence respecting the appeal.

- (9) Upon an appeal to the Commission under subsection 1 or 2, the Commission may, by order, direct the Director or the marketing board, as the case may be, to take such action as the Director or the marketing board is authorized to take under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director or the marketing board. Powers of Commission on appeal

- (10) The Commission shall, within ten days after the hearing is completed, serve notice upon the person making the appeal and upon the Director or the marketing board, as the case may be, of its decision. Notice of decision

(4) Clause *a* of subsection 12 of the said section 26 is repealed and the following substituted therefor: s. 26 (12) (a), re-enacted

- (a) where the notice is served on the Director, the Commission or a marketing board, by mailing the notice to the address of the Director, Commission or marketing board, as the case may be, at his or its usual business address; or

(5) Subsection 13 of the said section 26 is amended by striking out "or a marketing board" in the first line and by striking out "or marketing board" in the second line. s. 26 (13), amended

11. The said Act is further amended by adding thereto the following sections: ss. 26a, 26b, enacted

26a.—(1) Where any person considers himself aggrieved by any order, direction or decision of the Commission, the Director or a marketing board, he may, by application in writing therefor, request the Commission or, notwithstanding subsection 1 or 2 of section 26, the Director or marketing board, as the case may be, to reconsider such order, direction or decision. Application to Commission, etc., for reconsideration of order, etc.

- (2) On any application under subsection 1, the Commission, Director or marketing board, as the case may be, shall not vary or rescind its or his decision adversely to the interests of any person without holding a hearing to which such person is a party No variation in any order, etc., without hearing

and may make such decision pursuant to such hearing as it or he considers proper under this Act and the regulations.

Application
to marketing
board for
reconsidera-
tion of
regulation

26*b*.—(1) Where any person is affected by any regulation of a marketing board, he may, notwithstanding subsection 2 of section 26, request the marketing board to reconsider the regulation by serving upon the marketing board written notice of the request.

Application
to Com-
mission for
reconsidera-
tion of
application

(2) Where any person is affected by any regulation of the Commission, he may request the Commission to reconsider the regulation by serving upon the Commission written notice of the request.

Opportunity
to be heard

(3) On receipt of a notice under this section, the marketing board or Commission, as the case may be, shall hold or shall afford to the person making the request an opportunity for a hearing.

Commence-
ment

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

Short title

13. This Act may be cited as *The Milk Amendment Act, 1972 (No. 2)*.