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c 32 Sheep and Wool Marketing Act, 1981

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CHAPTER 32

An Act respecting the Marketing of Sheep and Wool

Assented to October 30th, 1981

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

1. In this Act,

   (a) "Association" means The Ontario Sheep Association incorporated under the Agricultural Associations Act; R.S.O. 1980, c. 8

   (b) "buyer" means a person engaged in buying sheep or wool from producers of sheep or wool in Ontario;

   (c) "inspector" means an inspector appointed for the purposes of this Act;

   (d) "licence" means a licence issued under this Act;

   (e) "Minister" means the Minister of Agriculture and Food;

   (f) "regulations" means the regulations made under this Act;

   (g) "sheep" includes rams, ewes and lambs but does not include sheep that are not sold for the production of meat.

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the production of sheep and wool in all its branches and improve the marketing of sheep and wool by,

   (a) encouraging and promoting improvement in all phases of sheep breeding, production and marketing;

   (b) sponsoring sales, competitive exhibitions and projects to further the interests of sheep owners;
(c) co-operating with government and agencies of government to improve the breeding, production and marketing of sheep and the production and marketing of wool;

(d) holding meetings for the consideration of questions relating to the sheep and wool industry;

(e) co-operating with organizations of producers of agricultural products;

(f) collecting, arranging, assembling and disseminating information; and

(g) making representations to all levels of government and to agencies of government.

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing anything referred to in subsection (1) and in carrying out its objects.

3.—(1) A person who sells sheep produced by him directly to another producer of sheep or directly to a consumer is exempt from this Act in respect of such sheep.

(2) A person who sells wool produced by him directly to another producer of wool or directly to a consumer is exempt from this Act in respect of such wool.

4.—(1) Except under the authority of a licence, no person shall sell sheep to a buyer.

(2) Every person who sells sheep to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

5.—(1) Except under the authority of a licence, no person shall sell wool to a buyer.

(2) Every person who sells wool to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

6.—(1) Every person who is the holder of a licence under section 4 or 5 may apply for a refund of any licence fees paid by him to the Association under this Act.

(2) Every application for a refund shall be made in the manner prescribed in the regulations.

(3) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the
regulations and in any case not later than six months after receipt of the application therefor.

(4) Any person who is a producer and a buyer is entitled in his respective capacities as a producer and as a buyer to all the rights and privileges and is subject to all the duties and obligations of a producer and of a buyer.

(5) Any person who is a producer and a buyer shall be deemed to have received in his capacity as a buyer from himself in his capacity as a producer the sheep or wool produced by him that he buys, and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and regulations apply.

7. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 8.

8.—(1) Notwithstanding section 7, the Lieutenant Governor in Council may make regulations,

(a) fixing the amount of licence fees up to but not exceeding one and one-half per cent of the sale price of any sheep and any wool;

(b) requiring persons to pay to the Association licence fees owing by them;

(c) requiring any buyer who receives sheep or wool from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;

(d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;

(e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;

(f) providing for the exemption from any or all of the regulations of any sheep or wool or class thereof or any person or class of persons;
(g) prescribing the duties of inspectors;

(h) prescribing forms and providing for their use.

Any regulation may be limited as to time or place, or to both.

Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation.

9. The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act.

10. — (1) For the purposes of enforcing this Act and the regulations, an inspector may, during normal business hours, enter any premises, other than a dwelling, that he has reason to believe is used by a buyer for receiving, assembling or storing wool or for receiving, assembling or slaughtering sheep, or an office used in connection therewith.

(2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection (1), relating to sheep or wool.

(3) Where an inspector demands the production or furnishing of books, records, 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.

(4) Where a book, record, document or extract has been photocopied under subsection (3), a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection (3) 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.

(5) Where an inspector makes a demand under subsection (2), the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

(6) 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 relating to his duties under this section.
11. 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 the facts stated in the certificate and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.

12. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable for a first offence to a fine of not more than $100 and for a subsequent offence to a fine of not more than $500.


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

15. The short title of this Act is the *Sheep and Wool Marketing Act, 1981*. 