

Government Bill

**Third Session, Thirty-fourth Parliament
38 Elizabeth II, 1989
Legislative Assembly of British Columbia**

BILL 44

**FARMING AND FISHING INDUSTRIES
DEVELOPMENT ACT**

**Honourable John Savage
Minister of Agriculture and Fisheries**

Explanatory Note

The purpose of this Bill is to enable producers of commodities of the farming and fishing industries to collect levies approved by the Lieutenant Governor in Council and, under the supervision of commodity councils, apply those levy funds to promote and benefit their industries.

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FARMING AND FISHING
INDUSTRIES DEVELOPMENT ACT

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

Interpretation

1. In this Act

"aquatic plants" includes any parts, products or by-products of these plants;
"commodity" means a product derived from plants or animals, including parts, products or by-products, and fish or aquatic plants, that are raised or gathered for profit;

"council" means a council established under section 2;

"fish" means an aquatic animal, including aquatic invertebrates, and any parts, products or by-products of such an animal;

"fund" means a fund established under section 2;

"producer" includes a gatherer of plants or animals.

Council and fund for a producer group

2. (1) On being satisfied that producers of a commodity want a fund established under this Act to promote the interests of all producers of that commodity, the minister may

(a) establish and name a council comprising a representative of the Ministry of Agriculture and Fisheries and other persons whom the minister considers represent producers of the commodity, and

(b) establish and name a fund in relation to that commodity.

(2) Where in relation to a commodity a council and fund are established under subsection (1),

(a) the council is responsible to the minister for the administration of the fund, and

(b) the management, administration and control of the fund are vested in the council.

Revenue and expenditure

3. (1) Subject to the approval of the Lieutenant Governor in Council, a council shall establish a levy that at the time and in the manner specified in the regulations must be paid by every producer of the commodity for which the fund was established.

(2) The council may pay out of the fund the amounts it considers appropriate to

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- (a) pay an expense approved by the minister as being necessary for or incidental to the administration of this Act in relation to the fund, or
- (b) pay to a person representing the producers of the commodity a sum to
 - (i) benefit and promote the industry in the Province in respect of that commodity, or
 - (ii) conduct or support research or educational programs in the Province in respect of the development and promotion of the commodity.

(3) The Lieutenant Governor in Council, by regulation, may prohibit a council from making payment for purposes specified in the regulations.

Refund of levy

4. (1) A producer who has paid to a council a levy established under section 3 (1) may apply to that council to have the levy refunded
- (a) as prescribed by the minister, and
 - (b) not later than January 31 in the year following the year that the producer paid the levy.
- (2) On receiving an application in compliance with subsection (1), the council shall refund the levy to the applicant.

Annual report

5. Each council shall make to the minister an annual report of its business and affairs containing a balance sheet and a statement of revenue and expenditures for the year ending on the preceding March 31, and other particulars the minister requires.

Offence and penalty

6. A person who fails to comply with or contravenes this Act commits an offence and is liable on conviction
- (a) to a fine not exceeding \$500, where the person is a corporation, and
 - (b) to a fine not exceeding \$200, where the person is an individual.

Regulations

7. (1) The Lieutenant Governor in Council may make regulations, including regulations
- (a) establishing the time and manner for payment of a levy established under section 3 (1),
 - (b) respecting section 3 (2),
 - (c) establishing practices and procedures for a council, and
 - (d) requiring a council to report particulars of its operations in a manner and at times specified by the regulations.
- (2) A regulation made under subsection (1) may make different provisions for different councils, classes of producers or commodities.

Commencement

8. This Act comes into force by regulation of the Lieutenant Governor in Council.

SCHEDULE

GRAIN INDUSTRY DEVELOPMENT FUND REGULATION

Interpretation

1. In this regulation

"council" means the British Columbia Peace River Grain Development Council established by the minister under the *Farming and Fishing Industries Development Act*;

"first receiver" means any person who receives grain from, or on behalf of, a grain producer for the purpose of packing, grading, storing, shipping, selling, distributing, processing or feeding;

"grain" includes all grains, oilseeds, forage seeds and pulse crops grown by a grain producer in the Canadian Wheat Board designated area of the British Columbia Peace River region;

"grain producer" means a person who grows grain.

Levy

2. (1) Approval is given to the establishment of a levy under the *Farming and Fishing Industries Development Act*, payable by a grain producer.
- (2) The amount of the levy is 1/3 of 1% of the gross amount payable for the grain by the first receiver of the grain to the grain producer.
- (3) The grain producer shall pay the levy to the first receiver when the grain is delivered to the first receiver.
- (4) The first receiver shall act as the agent of the council in collecting the levy and shall
- (a) deduct the levy from the proceeds otherwise due to the grain producer for the delivered grain, and
- (b) pay to the council the amount collected for the levy less any collection fees agreed upon between the first receiver and the council.

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **1113**, Approved and Ordered JUL 26 1990

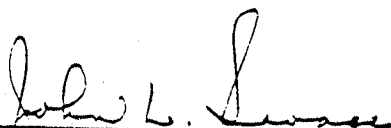


Lieutenant Governor

Executive Council Chambers, Victoria 25 JUL 1990

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the regulation set out in the attached schedule is made.

DEPOSITED
JUL 30 1990
B.C. REG. 236/90



Minister of Agriculture and Fisheries



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Farming and Fishing Industries Development Act, sections 3 and 7*

Other (specify):-

July 23, 1990

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