

Nova Scotia Turkey Marketing Plan

made under Section 11 of the

Natural Products Act

R.S.N.S. 1989, c. 308

O.I.C. 84-209 (February 28, 1984), N.S. Reg. 29/84

as amended up to O.I.C. 2010-339 (September 8, 2010), N.S. Reg. 134/2010

1 This Plan may be cited as the Nova Scotia Turkey Marketing Plan.

2 In this Plan, and in any orders, rules and regulations made thereunder unless the context otherwise requires,

(a) “Act” means Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the Natural Products Act and any amendments thereto;

(b) “Council” means the Natural Products Marketing Council;

(c) “poult” means a turkey poult 15 days of age or less;

(d) “turkey” means a turkey of any age, whether live, fresh or frozen and includes any part or parts thereof;

(e) “Turkey Board” means the Turkey Farmers of Nova Scotia;

Clause 2(e) replaced: O.I.C. 92-1201, N.S. Reg. 265/92; amended: O.I.C. 2010-339, N.S. Reg. 134/2010.

(f) “hatchery” means a person supplying poults for the production of turkeys within the regulated area;

(g) “marketing” includes advertising, buying, selling, storing, packing, transporting, shipping, shipping for sale or storage and offering for sale and includes the sale by peddlers, hawkers and traders;

(h) “marketing agency” means a person designated by the Turkey Board to market the whole or any part of the turkey produced in the regulated area;

(i) “meeting of producers” means a duly constituted meeting of the registered turkey producers;

(j) “person” shall include board, association, corporation, firm or partnership;

(k) “processing” means altering the nature, size, quality, or condition of turkeys by mechanical means or otherwise and includes slaughtering;

Clause 2(k) replaced: O.I.C. 92-1201, N.S. Reg. 265/92.

(l) “processor” means a person operating a plant for the processing, distribution and selling of turkeys;

Clause 2(l) replaced: O.I.C. 92-1201, N.S. Reg. 265/92.

(m) “producer” means a person residing in the regulated area producing turkeys for sale or distribution;

(n) “production” means production for commercial purposes;

(o) “registered turkey producer” means a producer who is registered with the Turkey Board;

Clause 2(o) amended: O.I.C. 92-1201, N.S. Reg. 265/92.

(p) “registered processor” means a processor who is registered with the Turkey Board;

Clause 2(p) amended: O.I.C. 92-1201, N.S. Reg. 265/92.

(q) “regulated area” means all the Province of Nova Scotia.

3 The purpose of this Plan is to promote and regulate the marketing, production and sale of turkeys; to establish from time to time the fair or minimum price at which turkey shall be purchased by processors and to cooperate with other boards, agencies and committees set up in other provinces for the same or similar purpose.

4 (1) The Turkey Board shall consist of five producers. The term of office for members elected to the Turkey Board shall be three years, [and] so arranged that not more than two members shall complete their term of office each year.

Subsection 4(1) amended: O.I.C. 92-1201, N.S. Reg. 265/92.

(2) At the time of the annual meeting of registered producers, which shall be held within ninety days of the end of the operating year of the Turkey Board, the producers assembled shall elect one candidate from among the registered producers to fill each vacancy on the Turkey Board. The name of the candidate so elected shall be forwarded by registered mail to the Secretary of the Council. Notwithstanding any delay in official appointment to the Turkey Board, newly-elected members shall hold office on an interim basis from the date of their election.

(3) The members of the Turkey Board shall annually, at a meeting held within 15 days of the annual meeting of producers, elect a chairman from among themselves. The Turkey Board may appoint a secretary-manager and such other officials and employees as they from time to time deem necessary.

(4) The operating year of the Turkey Board shall be the calendar year.

5 (1) Meetings of the Turkey Board may be called by the Chairman by giving to each member not less than three days notice thereof by telephone, telegraph or post; or by any other member of the Turkey Board by giving not less than one week's notice by post. Meetings shall be held in the office of the Turkey Board or in such other place as the said Board may determine. If the Chairman is not present at a meeting, the other members may elect an acting chairman.

(2) At meetings of the Turkey Board, three members shall constitute a quorum.

(3) Where a vacancy occurs on the Turkey Board by reasons of death, resignation or removal or any other cause, the Turkey Board members shall appoint a producer to fill such vacancy until the next meeting of the registered turkey producers.

(4) Notwithstanding any irregularity in the appointment or election and qualification of any member of the Turkey Board, every act of the said Board shall be as valid as if the Turkey Board was duly constituted and every member thereof duly appointed or elected and qualified.

6 (1) The Council may remove from office any member of the Turkey Board if he is convicted of any offence under the Act, or the Criminal Code, or if he fails to attend three consecutive meetings of the said Board without adequate cause.

(2) Upon receipt of a requisition signed by not less than 50% of the registered turkey producers, the Council may submit the question of continuing the Nova Scotia Turkey Marketing Plan to a vote of the producers, and if a majority suitable to the Council has voted against the Plan the Council may recommend that the said Turkey Marketing Plan be discontinued.

7 (1) The Turkey Board shall have the authority to provide for

(a) the marketing or production of turkey on a quota basis;

(b) the fixing and allotting to persons of quotas for the marketing or production of turkeys for any reason that the said Board deems proper;

(c) the refusing to fix and allot to any person a quota for the marketing or production of turkeys for any reason that the said Board deems proper;

(d) the transfer of quota among producers and the terms and conditions under which such transfers may take place; and

(e) the cancelling or reducing of, or the refusing to increase a quota fixed and allotted to any person for the marketing or production of turkeys for any reason that the said Board deems proper.

(2) The Turkey Board shall have the authority to prohibit

(a) any person to whom a quota has not been fixed and allotted for the marketing or production of turkeys from marketing any turkeys;

(b) any person to whom a quota has been fixed and allotted for the marketing or production of turkeys from marketing any turkeys in excess of such quota;

(c) any person to whom a quota has been fixed or allotted for the marketing or production of turkeys produced on land in respect of which such quota was fixed and allotted from marketing or producing any turkeys other than turkeys produced on such land; and

(d) any person to whom a quota has been fixed and allotted from transferring or assigning the quota.

(3) Notwithstanding the authority vested in the Turkey Board under subsections (1) and (2) above, the Turkey Board shall exercise its quota authority so as to maximize the volume of turkey produced by Nova Scotia turkey producers; subject only that such a volume is compatible with any regional or national turkey marketing plan or agreement to which the said Board becomes a party.

8 The Turkey Board shall have the authority to

(a) determine and fix fair, minimum prices at which live turkeys shall be bought by or sold to registered processors within the regulated area;

(b) prescribe the terms and conditions under which turkeys may be assembled, transported, shipped or sold in the regulated area;

(c) require the filing of information by producers, processors, hatcheries, and others involved in the marketing or production of turkey and poults within the regulated area as required by the Turkey Board for the orderly administration of this Plan;

(d) exempt from the provisions of this Plan or the regulations thereunder, any person or class of persons engaged in the production or marketing of turkeys for the purposes other than processing;

(e) issue from time to time separate licences to producers, shippers, truckers, processors, and others authorizing the persons named therein to sell, assemble, process, receive for shipment, transport or otherwise market turkeys within the regulated area. Every licence shall be valid for the period specified or until cancelled by the Council.

Clause 8(e) amended: O.I.C. 2010-339, N.S. Reg. 134/2010.

(f) generally, do such acts as the said Board deems advisable for the effective carrying out of the provisions of this Plan or any other orders or regulations made thereunder.

9 (1) The Turkey Board may appoint committees in such form and for such purposes as the said Board may from time to time require.

(2) Producers' licences will be issued by the Turkey Board after receiving recommendations of the Classification Advisory Committee. This Committee shall consist of two members of the Turkey Board and two members from among the processors. The members shall elect a chairman of the Committee at the request of the Turkey Board.

Subsection 9(2) replaced: O.I.C. 92-1201, N.S. Reg. 265/92.

10 (1) No shipper, trucker, processor, or producer shall assemble, process, buy, sell, receive for shipment, or transport turkeys within the Province of Nova Scotia without a licence from the Turkey Board.

(2) The Turkey Board may charge and collect licence fees, levies, or charges in such amounts and payable in such manner as determined by the regulations.

(3) All processors shall submit to the Turkey Board any monies collected on its behalf at such times [as] the Turkey Board may from time to time provide, but in any case, not later than the 10th day of the month following the month of collection.

Subsection 10(3) replaced: O.I.C. 92-1201, N.S. Reg. 265/92.

11 (1) The Turkey Board shall keep proper books of account which shall be audited as at the end of each calendar year by an auditor appointed at the annual meeting of producers, subject to the approval of the Council. Within 45 days of the close of the year, a report of the audit accompanied by a report of the operation of the Turkey Board shall be forwarded to Council.

Subsection 11(1) replaced: O.I.C. 92-1201, N.S. Reg. 265/92.

(2) A copy of the audited financial statements and an annual report shall be mailed to all producers 10 days before the annual meeting of the producers.

12 Duly certified copies of all orders, directions, and determinations of the Turkey Board and copies of the minutes of all meetings of the said Board shall be sent forthwith to the Council.

13 The Turkey Board shall not exercise any powers under this Plan that would restrict the production of turkeys in Nova Scotia, or the number of producers, except with the prior written approval of the Council.

14 (1) There shall be a Committee to be known as "The Price Review Committee for Turkeys", hereunder referred to as the "Price Committee".

(2) The Price Committee shall be composed of four members consisting of two producers appointed by the Turkey Board (the “producer-members”) and two registered processors appointed by the Nova Scotia poultry processors (the “processor-members”).

(3) The members of the Price Committee shall be appointed on the first day of April in each year and shall hold office until the 31st day of March in the year next following the year in which they were appointed.

(4) Where a member of the Price Committee dies, resigns or is unavailable, unable or unwilling to act, the Turkey Board or processor which appointed him shall appoint a person to act at any meeting of the Price Committee or for the unexpired term of the member who died, resigned or was unable, unavailable or unwilling to act.

(5) Where the Turkey Board or a processor, as the case may be, fails or refuses to appoint a member or members to the Price Committee, the Natural Products Marketing Council shall appoint such members as are necessary to complete the Price Committee.

(6) Except as provided in clause (9), a meeting of the Price Committee may be convened by notice given by any member of the Price Committee to the other members of the time and place and date of the meeting, such notice to be given not less than 5 days before the date of the meeting.

(7) The Price Committee may advise and make recommendations to the Turkey Board in respect of any of the following matters:

(a) any term, conditions or forms of agreement relating to the production or marketing of turkeys;

(b) any charges, costs or expenses relating to the production or marketing of turkeys; and

(c) any decision of the Turkey Board with respect to the determination of prices at which live turkeys may be bought by or sold to registered processors within the regulated area.

(8) The Turkey Board shall forthwith give notice to all members of the Price Committee of any pricing decision made by the Turkey Board increasing or decreasing the price at which live turkeys shall be bought by or sold to registered processors. No such pricing decision shall be implemented by the Turkey Board until the expiration of two business days after the giving of notice to all members of the Price Committee of the pricing decision made by the Turkey Board.

(9) A meeting of the Price Committee to consider a pricing decision made by the Turkey Board may be convened by notice by a member of the Price Committee to the other members of the time and place and date of the meeting not less than 24 hours before the date of the meeting and not later than 7 days following the price decision made by the Turkey Board.

(10) In the event that both of the producer-members and both of the processor-members agree that a pricing decision of the Turkey Board should be varied, such agreement shall be reported to the Turkey Board which shall be required to forthwith implement the agreement of the Price Committee.

(11) In the event that no unanimous agreement is reached by both of the producer-members and both of the processor-members of the Price Committee, the individual members of the Price Committee may within 7 days following the meeting of the Price Committee make separate or individual recommendations or reports to the Turkey Board and the Turkey Board shall consider such separate and individual recommendations and the Turkey Board shall either affirm its initial price determination or vary or revoke its initial price determination in accordance with the separate or individual recommendations made by the individual members of the Price Committee.

(12) A processor who feels aggrieved by a determination by the Turkey Board to either affirm, vary or revoke its initial price determination pursuant to clause (11) may appeal such determination to the Natural Products Marketing Council by giving notice of appeal to the Natural Products Marketing Council and the Turkey Board within 7 days of the price determination by the Turkey Board.

(13) The aggrieved party and the Turkey Board shall appear before the Natural Products Marketing Council on an appeal under clause (12) within 20 days of service of notice of appeal pursuant to clause (12) and the Natural Products Marketing Council shall consider the representations made by the parties and either affirm or vary the price determination of the Turkey Board within 10 days of the appeal hearing.

(14) If

(a) pursuant to clauses (10) or (11) an initial price determination made by the Turkey Board is altered or revoked; or

(b) pursuant to an appeal pursuant to clause (12) the Natural Products Marketing Council alters or revokes a pricing decision made by the Turkey Board;

and

(i) the price is reduced, the processors shall deduct from future payment to producers the amount determined by the Turkey Board to be an overpayment at a rate to be set by the Turkey Board, or

(ii) the price is increased, processors shall pay to producers the amount determined by the Turkey Board to be an underpayment at a rate to be set by the Turkey Board.

(15) Any notice given pursuant to Section 14 of the Plan may be given personally or by telephone, telegraph or post. Notices given by mail shall be deemed to have been received within two business days following the mailing of the notice.