



Français

Beef Cattle Marketing Act

R.S.O. 1990, CHAPTER B.5

Consolidation Period: From December 10, 2019 to the e-Laws currency date.

Last amendment: 2019, c. 14, Sched. 3, s. 15-18.

Legislative History: [+]

Definitions

1 In this Act,

“association” means such agricultural association under the *Agricultural and Horticultural Organizations Act* as is designated in the regulations; (“association”)

“carcass” means a carcass of a head of cattle; (“carcasse”)

“cattle” includes bulls, cows, heifers, steers and calves, but does not include cattle that are not sold for the production of beef; (“bovins”)

“inspector” means an inspector appointed for the purposes of this Act; (“inspecteur”)

“licence” means a licence issued under this Act; (“permis”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs; (“ministre”)

“plant” means a premises where cattle are slaughtered; (“usine”)

“price reporter” means a price reporter appointed for the purposes of this Act; (“rapporteur de prix”)

“regulations” means the regulations made under this Act; (“règlements”)

“slaughter” means slaughter for the purpose of processing meat into food; (“abattage”)

“Tribunal” means the Agriculture, Food and Rural Affairs Appeal Tribunal continued under the *Ministry of Agriculture, Food and Rural Affairs Act*. (“Tribunal”) R.S.O. 1990, c. B.5, s. 1; 1994, c. 27, s. 11 (1-3); 1999, c. 12, Sched. A, s. 5; 2009, c. 33, Sched. 1, s. 6.

Section Amendments with date in force (d/m/y) [+]

Purpose of Act

2 The purpose and intent of this Act is to provide for,

- (a) the establishment and standardization of procedures affecting the sale of cattle or carcasses; and
- (b) the designation and financing of an association that has power to make recommendations in respect of such procedures and to expend money to,
 - (i) stimulate, increase and improve the sale of cattle or carcasses,
 - (ii) disseminate information concerning the cattle industry, and
 - (iii) co-operate with any person or persons or any department of the Government of Canada or of the government of any province in the carrying out of its objects. R.S.O. 1990, c. B.5, s. 2.

Licences

3 (1) Except under the authority of a licence, no person shall sell cattle. R.S.O. 1990, c. B.5, s. 3 (1).

Idem

(2) Every person who sells cattle shall be deemed to be the holder of a licence. R.S.O. 1990, c. B.5, s. 3 (2).

Recommendations by directors of association

4 (1) Where the board of an association is of the opinion that a majority of the members of the association are in favour thereof, the board of directors may recommend to the Minister the making, amending or revoking of regulations respecting any of the matters set forth in section 5. R.S.O. 1990, c. B.5, s. 4 (1); 2019, c. 14, Sched. 3, s. 15.

Use of licence fees by association

(2) An association may use licence fees for the purposes of,

- (a) defraying the expenses of the association in the carrying out of its objects;
- (b) stimulating, increasing and improving the sale of cattle or carcasses;
- (c) disseminating information concerning the cattle industry; and
- (d) co-operating with any person or persons or any department of the Government of Canada or of the government of any province in the carrying out of its objects. R.S.O. 1990, c. B.5, s. 4 (2).

Section Amendments with date in force (d/m/y) [+]**Regulations**

5 (1) Despite section 4, the Minister may make regulations,

- (a) designating an association for the purposes of this Act;
- (b) fixing the amount of licence fees for the sale of cattle;
- (c) requiring persons to pay licence fees owing by them to an association;
- (c.1) granting to an agency established under the *Farm Products Agencies Act* (Canada) the authority to fix, impose and collect levies from sellers of cattle within Ontario, including the authority to classify sellers into groups and to fix levies in different amounts for the different groups;
- (c.2) for the purposes of clause (c.1), prescribing the conditions upon which the authority is granted and the use that the agency may make of the levies;
- (d) requiring any person who receives cattle or carcasses from a seller to deduct, from the money payable to the seller, any licence fee payable by the seller to an association or any levy payable by the seller to an agency established under the *Farm Products Agencies Act* (Canada) and to forward the licence fee or levy to the association or agency;
- (d.1) exempting classes of persons from the requirement under section 3 to hold a licence, in such circumstances as may be prescribed and subject to such restrictions as may be prescribed;
- (e) requiring any person who receives cattle from a seller thereof to furnish to an association information relating to the sale of the cattle, including the name of the seller, the number of head sold, the class of cattle and the sale price;
- (f) governing the security and confidentiality of information referred to in clause (e);
- (g) providing for the recovery by the association of licence fees owing to the association by suit in a court of competent jurisdiction;
- (h) providing for the exemption from any or all of the regulations of any cattle or class of cattle or any person or class of persons;
- (i) providing for the inspecting, weighing and measuring of cattle and carcasses;
- (j) respecting the buying, selling, handling, weighing, measuring, shipping and transporting of cattle and carcasses;
- (k) prescribing the manner in which receipts, classifications, weights and purchase prices shall be recorded by persons engaged in the buying or selling of cattle and made available to the Minister;
- (l) prescribing the manner in which buyers, sellers, transporters and shippers of cattle or carcasses shall identify, for the purposes of inspecting, weighing and measuring, individual sellers' lots in a shipment;

- (m) prescribing the manner in which buyers shall make returns and prepare for presentation to the sellers the statements of accounts of purchase of cattle and carcasses;
- (n) respecting the facilities and equipment to be provided and maintained for the weighing and measuring of cattle and carcasses on premises in which cattle or carcasses are assembled, held, slaughtered, weighed or measured;
- (o) prescribing the basis on which the amount payable respecting a head of cattle or a carcass shall be calculated;
- (p) prescribing the time at which a person who purchases cattle shall weigh the cattle or the carcasses thereof;
- (q) prescribing the powers and duties of inspectors and price reporters;
- (r) providing for the issuing of inspection certificates by inspectors;
- (s) prescribing forms and providing for their use;
- (t) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. B.5, s. 5 (1); 1991, c. 53, s. 1 (1-3); 1994, c. 27, s. 11 (4); 2019, c. 14, Sched. 3, s. 16.

Scope of regulations

(2) Any regulation may be limited as to time or place, or to both. R.S.O. 1990, c. B.5, s. 5 (2).

Definitions

(3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation. R.S.O. 1990, c. B.5, s. 5 (3).

Section Amendments with date in force (d/m/y) [+]

Agreements

5.1 (1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into agreements with the Government of Canada providing for,

- (a) the performance by an agency established under the *Farm Products Agencies Act* (Canada), on behalf of the Government of Ontario, of any function relating to intraprovincial trade in cattle or carcasses;
- (b) the performance by an association, on behalf of the Government of Canada, of any function relating to interprovincial or export trade in cattle or carcasses; and
- (c) such other matters relating to intraprovincial and interprovincial or export trade in cattle or carcasses as may be agreed upon by the Minister and the Government of Canada. 1991, c. 53, s. 1 (4); 2019, c. 14, Sched. 3, s. 17.

Authority to exercise powers

(2) An association may perform, on behalf of the Government of Canada, any function relating to interprovincial or export trade in cattle or carcasses that is specified in an agreement entered into under subsection (1). 1991, c. 53, s. 1 (4).

Section Amendments with date in force (d/m/y) [+]

Appointment of inspectors and price reporters

6 The Minister may appoint inspectors and price reporters for the purposes of this Act. R.S.O. 1990, c. B.5, s. 6; 1994, c. 27, s. 11 (5); 2019, c. 14, Sched. 3, s. 18.

Section Amendments with date in force (d/m/y) [+]

Powers of inspector

7 (1) For the purpose of enforcing this Act and the regulations, an inspector may enter any premises used for the assembling, holding, slaughtering, storing, processing, grading, weighing, measuring, selling or offering for sale of any cattle or carcasses and inspect any cattle, carcasses, facilities or equipment found therein. R.S.O. 1990, c. B.5, s. 7 (1).

Production of documents

(2) For the purpose of enforcing this Act and the regulations, an inspector may require the production or furnishing of copies of or extracts from any books, shipping bills, bills of lading or other records relating to cattle or carcasses. R.S.O. 1990, c. B.5, s. 7 (2).

Detention for purposes of inspection

(3) For the purpose of inspecting a head of cattle or a carcass, an inspector may detain it at the risk of the owner and, after detaining it, the inspector shall forthwith notify the owner or person who had possession of it of the detention. R.S.O. 1990, c. B.5, s. 7 (3).

Inspection after detention

(4) An inspector who detains a head of cattle or a carcass under subsection (3) shall, as soon as may be practicable, inspect the head of cattle and shall forthwith thereafter,

- (a) release the head of cattle or carcass from detention; or
- (b) detain the head of cattle or carcass under section 8. R.S.O. 1990, c. B.5, s. 7 (4).

Obstruction of inspector or price reporter

(5) No person shall hinder or obstruct an inspector or a price reporter in the course of his or her duties or furnish an inspector or a price reporter with false information or refuse to permit any cattle, carcasses, facilities or equipment to be inspected or refuse to furnish an inspector or price reporter with information. R.S.O. 1990, c. B.5, s. 7 (5).

Production of copies

(6) A person shall, when required by an inspector, produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to cattle or carcasses. R.S.O. 1990, c. B.5, s. 7 (6).

Detention of cattle and carcasses

8 (1) Any cattle or carcasses, in respect of which an inspector believes on reasonable grounds an offence against this Act or the regulations has been committed, may be placed under detention at the risk and expense of the owner by the inspector, and the inspector shall forthwith thereafter notify the owner or the person who had possession of them of the detention in writing. R.S.O. 1990, c. B.5, s. 8 (1).

Notice to contain particulars

(2) A notice given by an inspector under subsection (1) shall contain the particulars in respect of which it is alleged the cattle or carcasses do not comply with this Act or the regulations. R.S.O. 1990, c. B.5, s. 8 (2).

Period of detention

(3) Any cattle or carcasses detained under subsection (1) shall remain under detention until the owner of the cattle or carcasses complies with this Act and the regulations. R.S.O. 1990, c. B.5, s. 8 (3).

Release from detention

(4) Where an inspector is satisfied that the owner of cattle or carcasses that have been detained complies with this Act and the regulations respecting the cattle or carcasses, the inspector shall forthwith release them from detention. R.S.O. 1990, c. B.5, s. 8 (4).

Certificate of inspector or price reporter

9 The production by an inspector or a price reporter of a certificate of his or her appointment purporting to be signed by the Minister is proof, in the absence of evidence to the contrary, of the facts stated in the certificate and of the authority of the inspector or price reporter to exercise the powers and perform the duties prescribed in this Act and the regulations. R.S.O. 1990, c. B.5, s. 9.

Director

9.1 The Minister may appoint a director who shall be responsible to him or her for the administration and enforcement of this Act. 1994, c. 27, s. 11 (6).

Section Amendments with date in force (d/m/y) [+]**Preparation of list**

10 (1) Subject to section 11, the director shall prepare a list of plants that, in his or her opinion, comply with the provisions of this Act and the regulations that apply where cattle are sold for a price calculated on a carcass weight basis, and may amend or revise the list from time to time. R.S.O. 1990, c. B.5, s. 10 (1); 1994, c. 27, s. 11 (7).

Application for listing

(2) An operator of a plant who wishes to have a plant included on the list referred to in subsection (1) shall apply therefor to the director in writing. R.S.O. 1990, c. B.5, s. 10 (2); 1994, c. 27, s. 11 (7).

List may be inspected

(3) The director shall maintain a copy of the list referred to in subsection (1), as amended or revised, at his or her office at all times and shall permit inspection thereof by the public during normal business hours. R.S.O. 1990, c. B.5, s. 10 (3); 1994, c. 27, s. 11 (7).

Furnishing and publishing list

(4) The director may,

(a) send a copy of the list referred to in subsection (1) and any amendment or revision thereof to any person in Ontario who makes a request therefor; and

(b) publish the list referred to in subsection (1) and any amendment or revision thereof in such manner as he or she considers advisable. R.S.O. 1990, c. B.5, s. 10 (4); 1994, c. 27, s. 11 (7).

Purchase of cattle

(5) No operator of a plant that is not included on the list referred to in subsection (1) shall purchase cattle for slaughter at the plant for a price calculated on a carcass weight basis. R.S.O. 1990, c. B.5, s. 10 (5).

Section Amendments with date in force (d/m/y) [+]**Hearing required**

11 (1) A decision by the director not to include a plant on the list referred to in section 10 or to remove a plant from the list shall be made only after a hearing by the director. R.S.O. 1990, c. B.5, s. 11 (1); 1994, c. 27, s. 11 (7).

Notice of hearing

(2) Notice of a hearing by the director under subsection (1) shall afford to the operator of the plant a reasonable opportunity to show or achieve compliance before the hearing with the provisions of this Act and the regulations that apply where cattle are sold for a price calculated on a carcass weight basis. R.S.O. 1990, c. B.5, s. 11 (2); 1994, c. 27, s. 11 (7).

Examination of documentary evidence

(3) The operator of a plant who is a party to the proceedings in which the director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. B.5, s. 11 (3); 1994, c. 27, s. 11 (7).

Removal of plant from list

(4) Despite subsections (1), (2) and (3), the director may remove a plant from the list referred to in section 10 without a hearing where,

(a) in the opinion of the director, it is necessary to do so for the immediate protection of the interests of producers; and

(b) the director, forthwith thereafter, serves upon the operator of the plant notice of a hearing to be held within fifteen days after the removal of the plant from the list. R.S.O. 1990, c. B.5, s. 11 (4); 1994, c. 27, s. 11 (7).

Section Amendments with date in force (d/m/y) [+]**Director may vary or rescind decision**

12 Where, after a hearing, the director has not included a plant on or has removed a plant from the list referred to in section 10, the director may at any time of his or her own motion or on the application of the operator of the plant vary or rescind the decision, but the director shall not vary or rescind the decision adversely to the interests of any person without holding a rehearing to which such person is a party and the director may make such decision after such rehearing as he or she considers proper under this Act.

R.S.O. 1990, c. B.5, s. 12; 1994, c. 27, s. 11 (7).

Section Amendments with date in force (d/m/y) [+]**Appeal to Tribunal**

13 (1) Where the director refuses to include a plant on or removes a plant from the list referred to in section 10, the operator of the plant may, by written notice delivered to the director and filed with the Tribunal within fifteen days after receipt of the decision of the director, appeal to the Tribunal. R.S.O. 1990, c. B.5, s. 13 (1); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (1).

Extension of time for appeal

(2) The Tribunal may extend the time for the giving of notice under subsection (1), either before or after expiration of such time, where it is satisfied that there are apparent grounds for appeal and that there are reasonable grounds for applying for the extension. R.S.O. 1990, c. B.5, s. 13 (2); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (2).

Disposal of appeal

(3) Where an operator appeals to the Tribunal under this section, the Tribunal shall hear the appeal by way of a new hearing to determine whether the plant should be included on or removed from the list and may, after the hearing, confirm or alter the decision of the director or direct the director to do any act the director is authorized to do under this Act and as the Tribunal considers proper and, for such purposes, the Tribunal may substitute its opinion for that of the director. R.S.O. 1990, c. B.5, s. 13 (3); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (2).

Effect of decision of director pending disposal of appeal

(4) Although an operator has appealed under this section from a decision of the director, unless the director otherwise directs, the decision of the director is effective until the appeal is disposed of. R.S.O. 1990, c. B.5, s. 13 (4); 1994, c. 27, s. 11 (8).

Section Amendments with date in force (d/m/y) [+]**Parties**

14 (1) The director, the appellant and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal under this Act. R.S.O. 1990, c. B.5, s. 14 (1); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (3).

Members making decision not to have taken part in investigation, etc.

(2) Members of the Tribunal assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or any party's representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. B.5, s. 14 (2); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (1).

Recording of evidence

(3) The oral evidence taken before the Tribunal at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. B.5, s. 14 (3); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (1); 2006, c. 19, Sched. C, s. 1 (1).

Only members at hearing to participate in decision

(4) No member of the Tribunal shall participate in a decision of the Tribunal after a hearing who was not present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Tribunal shall be given unless all members so present participate in the decision. R.S.O. 1990, c. B.5, s. 14 (4); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (1).

Section Amendments with date in force (d/m/y) [+]**Procedure**

15 The *Statutory Powers Procedure Act* applies to any hearing by the director or the Tribunal under this Act. R.S.O. 1990, c. B.5, s. 15; 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (1).

Section Amendments with date in force (d/m/y) [+]**Appeal to Divisional Court**

16 (1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. B.5, s. 16 (1); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (1).

Minister entitled to be heard

(2) The Minister is entitled to appear, by counsel or otherwise, upon the argument of an appeal under this section. R.S.O. 1990, c. B.5, s. 16 (2).

Record to be filed in court

(3) The chair of the Tribunal shall file with the Superior Court of Justice the record of the proceedings before the Tribunal which, together with a transcript of the evidence before the Tribunal if it is not part of the Tribunal's record, constitutes the record on the appeal. R.S.O. 1990, c. B.5, s. 16 (3); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (1); 2006, c. 19, Sched. C, s. 1 (1).

Powers of court on appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Tribunal or direct the director to do any act the director is authorized to do under this Act or may refer the matter back to the Tribunal for reconsideration by the Tribunal as the court considers proper and the court may substitute its opinion for that of the director or the Tribunal. R.S.O. 1990, c. B.5, s. 16 (4); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (1).

Effect of decision of Tribunal pending disposal of appeal

(5) Although an operator has appealed under this section from a decision of the Tribunal, unless the Tribunal otherwise directs, the decision of the Tribunal is effective until the appeal is disposed of. R.S.O. 1990, c. B.5, s. 16 (5); 1994, c. 27, s. 11 (8); 2006, c. 19, Sched. A, s. 3 (4).

Section Amendments with date in force (d/m/y) [+]**Offence**

17 Every person who contravenes this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. R.S.O. 1990, c. B.5, s. 17.

Legal remedy not affected

18 No proceedings or conviction under this Act affects the right of any person to any legal remedy to which that person would otherwise be entitled. R.S.O. 1990, c. B.5, s. 18.

Where matter complained of deemed to have arisen

19 For the purpose of jurisdiction, in an information or conviction for a contravention of this Act or the regulations, the matter complained of may be alleged and shall be deemed to have arisen at the place where the cattle or carcasses were sold, offered, exposed or had in possession for sale or at the residence or usual place of residence of the person charged with the contravention. R.S.O. 1990, c. B.5, s. 19.

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