

Milk Act
Loi sur le lait

R.R.O. 1990, REGULATION 760

MILK AND FARM-SEPARATED CREAM — PLAN

Consolidation Period: From September 25, 2008 to the e-Laws currency date.

Last amendment: O. Reg. 334/08.

This Regulation is made in English only.

1. The plan in the Schedule is continued for the control and regulation of the producing and marketing within Ontario of milk and farm-separated cream. O. Reg. 345/95, s. 2.
2. The marketing board named in the Schedule is given all of the powers that are vested in a co-operative corporation incorporated under the Co-operative Corporations Act. R.R.O. 1990, Reg. 760, s. 2.
3. The members of the marketing board shall be deemed to be the shareholders and directors thereof in the exercise of any of the powers mentioned in section 2. R.R.O. 1990, Reg. 760, s. 3.

SCHEDULE PLAN

Milk Act

1. This plan may be cited as the Ontario Milk and Farm-Separated Cream Plan.
2. This plan applies to the control and regulation of the producing and marketing within Ontario of milk and farm-separated cream.
3. In this plan,

“cream” means farm-separated cream delivered to a plant in Ontario for manufacture into creamery butter;

“marketing board” means the marketing board continued under the name Dairy Farmers of Ontario in section 4;

“milk” means milk from cows;

“producer” means a producer engaged in the production of milk or cream.
4. The Ontario Milk Marketing Board is continued as a marketing board under the name Dairy Farmers of Ontario.
5. The marketing board shall be composed of not more than 12 members.
6. Revoked: O. Reg. 305/91, s. 1 (1).
7. Producers are divided into 12 regions as follows:

1. Region 1, comprising that part of the geographic area of Ottawa formerly known as the City of Cumberland, that part of the geographic area of Stormont, Dundas and Glengarry formerly known as the County of Glengarry and the geographic area of Prescott and Russell.
 2. Region 2, comprising those parts of the geographic area of Stormont, Dundas and Glengarry formerly known as the Counties of Dundas and Stormont and the geographic area of Ottawa excluding the former City of Cumberland.
 3. Region 3, comprising the geographic areas of Frontenac, Lanark, Leeds and Grenville, and Renfrew.
 4. Region 4, comprising the geographic areas of Hastings, Lennox and Addington, Northumberland and Prince Edward.
 5. Region 5, comprising the geographic areas of Durham, Kawartha Lakes, Peterborough, Toronto and York.
 6. Region 6, comprising the geographic areas of Dufferin, Peel, Simcoe and Wellington.
 7. Region 7, comprising the geographic areas of Brant, Haldimand, Halton, Hamilton, Niagara and Norfolk.
 8. Region 8, comprising the geographic areas of Oxford and Waterloo.
 9. Region 9, comprising the geographic areas of Chatham-Kent, Elgin, Essex, Lambton and Middlesex.
 10. Region 10, comprising the geographic areas of Huron and Perth.
 11. Region 11, comprising the geographic areas of Bruce and Grey.
 12. Region 12, comprising the geographic area of Haliburton and the geographic areas (territorial districts) of Algoma, Cochrane, Kenora, Manitoulin, Muskoka, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming.
8. One member of the marketing board shall be elected in each region in the election year prescribed for the region under section 19.
9. (1) Subject to subsection (3), no person is eligible to vote or be elected in the election of the marketing board unless the person is a licensed producer residing in the region in which the election takes place.
- (2) Where a licensed producer is a corporation or partnership, the person eligible to vote or be elected in the election of the marketing board shall be the person, if any, designated by the corporation or partnership for that purpose.
- (3) Where, by reason of absence or illness, a licensed producer is unable to cast a vote in the election, the producer may designate a member of his or her immediate family to vote on his or her behalf where the person designated,
- (a) is the spouse or a parent, son or daughter of the licensed producer;
 - (b) is eighteen years of age or over; and
 - (c) resides on the farm of the licensed producer.

(3.1) In subsection (3),

“spouse” means,

(a) a spouse as defined in section 1 of the Family Law Act, or

(b) either of two persons who live together in a conjugal relationship outside marriage.

(4) No licensed producer is entitled to cast more than one ballot in any election.

10. (1) Nominations for election to the marketing board shall be submitted to the marketing board on or after the 1st day of September and not later than the 15th day of September in an election year.

(2) Revoked: O. Reg. 345/95, s. 3 (3).

(3) The marketing board shall not accept a nomination unless,

(a) the nominee is qualified under section 9;

(b) the nomination is in a form provided by the marketing board;

(c) the nomination bears the signature of the nominee indicating his or her acceptance of the nomination;

(d) the nomination bears the signatures of ten persons as nominators, each of whom is qualified under section 9; and

(e) the nomination was received not later than the 15th day of September in the election year.

11. (1) Where the marketing board is satisfied that nominations under section 10 are complete, the marketing board shall forthwith provide each nominee with the list of nominees for the region in respect of which he or she is nominated.

(2) A nominee may withdraw his or her nomination by notice in writing to the marketing board delivered or mailed so that it is received not later than the tenth day after the date of delivery or mailing to the nominee of the list of nominees for his or her region.

12. (1) Where not more than one person is a candidate for election to the marketing board in respect of a region, the marketing board shall declare such person elected to the marketing board by acclamation.

(2) Where two or more persons are candidates for election to the marketing board in respect of a region, the marketing board shall conduct an election.

13. (1) For each region in which an election is to be conducted, the marketing board shall appoint a returning officer and such deputy returning officers and other persons as it considers necessary for the conduct of the election.

(2)-(4) Revoked: O. Reg. 345/95, s. 3 (5).

14. (1) Where an election is to be conducted for a region, the marketing board shall mail or cause to be delivered one ballot to each licensed producer in the region,

(a) no later than October 15 in the election year, if the ballot is mailed; or

(b) no later than October 17 in the election year, if the ballot is delivered otherwise than by mail.

(2) Each ballot shall be in a form provided by the marketing board and shall be accompanied by,

(a) an envelope identified by the words "Ballot Envelope"; and

(b) a mailing envelope addressed to the returning officer appointed by the marketing board for the Region.

(2.1) If a licensed producer establishes to the satisfaction of the marketing board that the producer did not receive or has misplaced the ballot that the marketing board mailed or delivered under subsection (1), the marketing board shall provide a substitute ballot to the producer and declare the original ballot void.

(3) A voter shall cast a vote by,

(a) placing a mark on the ballot in the box opposite the name of the candidate for whom the voter wishes to vote;

(b) sealing the marked ballot within the Ballot Envelope;

(c) affixing the voter's signature and licence number on the detachable portion of the Ballot Envelope in the spaces provided;

(d) sealing the Ballot Envelope within the mailing envelope; and

(e) mailing the mailing envelope, or consigning it for delivery, to the returning officer not later than the last Tuesday in October in the election year.

(4) The returning officer shall not accept a mailing envelope unless he or she is satisfied it was mailed or consigned for delivery not later than the last Tuesday in October in the election year.

(5) Where the returning officer accepts a mailing envelope, he or she shall, subject to subsection (5.1),

(a) remove the Ballot Envelope from the mailing envelope, remove the detachable portion of the Envelope, and deposit the Envelope in a sealed ballot box; and

(b) record, in the form provided by the marketing board, which producer has cast a vote.

(5.1) The returning officer shall not accept a Ballot Envelope if the detachable portion of the Envelope is not attached and completed in accordance with clause 14 (3) (c).

(6) The ballots shall be counted by the returning officer on the second Tuesday in November in the election year, and the returning officer shall,

(a) count the ballots in the presence of at least two persons eligible under section 9 to vote in the election;

(b) permit each candidate to be represented at the counting of the ballots by a scrutineer designated by the candidate;

(c) reject and keep separate every ballot,

(i) that he or she did not supply,

(ii) that contains votes for more than one candidate, or

(iii) upon which, or upon the Ballot Envelope containing which, there is any writing or mark by which the voter may be identified or where such ballot or Ballot Envelope has been so dealt with by the voter that he or she can thereby be identified;

(d) prepare and deliver to the marketing board, in the form provided therefor by the marketing board, a record of,

(i) the number of ballots cast,

(ii) the number of votes given and allowed for each candidate, and

(iii) the number of rejected ballots; and

(e) retain in safe custody, for such period of time as the marketing board directs,

(i) the detachable portion of the Ballot Envelopes, and

(ii) all the ballots, including the rejected ballots, if any.

15. (1) Where an election is conducted in respect of a region, the marketing board shall declare elected in the region the candidate who obtained the largest number of votes and shall notify the candidates of the results of the election.

(2) Any candidate may request a recounting of the ballots by notice in writing to the marketing board delivered or mailed so that it is received not later than seven days after the date of giving the notice referred to in subsection (1).

(3) Upon receipt of a notice under subsection (2), the marketing board shall conduct a recounting of the ballots and each candidate may designate a scrutineer for the purposes of such recounting.

(4) The election of a candidate on the basis of such recounting shall be final.

(5) Where, by reason of a tie vote or other cause, the election of a member to the marketing board in respect of a region is not determined upon the counting of the ballots, the marketing board shall declare the election void and shall conduct a further election within fifteen days from the date of such declaration.

16. (1) A member of the marketing board shall take office immediately following the adjournment of the annual meeting of producers.

(2) Despite subsection (1), if the member who would have otherwise held office until the day referred to in subsection (1) dies, resigns or ceases to be a licensed producer, the newly elected member may take office on a day prior to the day referred to in subsection (1) that is agreed upon by the marketing board and the newly elected member.

(3) Once a member takes office, he or she shall hold office until his or her successor takes office.

16.1 A member of the marketing board ceases to be a member upon ceasing to be a licensed producer of milk or cream during his or her term of office.

17. At their first meeting after the annual meeting of producers referred to in section 16, the members of the marketing board shall elect from among themselves a chair and a vice-chair, and shall appoint a secretary and a treasurer who shall not be members of the marketing board.

18. A majority of the members of the marketing board constitutes a quorum whether or not a vacancy exists in the membership.

19. (1) The election year for a region established under this plan and mentioned in Column 1 of the Table shall be the year set out in Column 2 opposite it and every fourth year after that year.

TABLE

Column 1

Column 2

Region 1

2008

Region 2

2005

Region 3

2006

Region 4

2007

Region 5

2008

Region 6

2005

Region 7

2006

Region 8

2007

Region 9

2008

Region 10

2005

Region 11

2006

Region 12

2007

(2) Despite subsection (1), the marketing board may cause an election to be held to elect a replacement member in a region represented by a member of the marketing board who dies, resigns or

ceases to be a licensed producer, and the replacement member shall take office upon being elected and shall hold office until a successor is elected and takes office.

(3) An election held under subsection (2) shall be conducted in such manner and on such terms and conditions as the marketing board directs.

(4) Where an election is not held under subsection (2), the year in which the 15th day of September next following the date on which the member died, resigned or ceased to be a producer of milk falls shall be an election year for the region that was represented by such member in addition to any election year established for that region under subsection (1).

20. Revoked: O. Reg. 457/05, s. 7.

21. The marketing board may appoint an agent to conduct the election of members to the marketing board in accordance with this plan.

R.R.O. 1990, Reg. 760, Sched.; O. Reg. 305/91, s. 1; O. Reg. 410/91, s. 1; O. Reg. 45/95, s. 1; O. Reg. 345/95, s. 3; O. Reg. 138/97, s. 1; O. Reg. 208/99, ss. 1, 2; O. Reg. 30/00, s. 1; O. Reg. 282/05, s. 1; O. Reg. 457/05, ss. 1-7; O. Reg. 390/07, s. 1; O. Reg. 334/08, s. 1.

FORMS 1, 2 Revoked: O. Reg. 345/95, s. 4.