



Regulation Review

Background:

Every 5 years ACP is required to review its Regulations; and ACP’s Marketing Regulation and Plan Regulation are set to expire May 31, 2017.

The Governance Committee has reviewed the Regulations and eight administrative changes have been identified. These proposed changes seek to add clarity to the interpretation of the Marketing and Plan Regulations and/or update the Regulations to reflect current practices.

Proposed Amendments:

Marketing Regulation

Section	Current Text	Proposed Text	Intent and Rationale
4.1	Application for license 4 (1.2) An Application for a license to Market Chicken as an authorized producer must be accompanied by a fee of \$25.00	4 (1.2) An Application for a license to Market Chicken as an authorized producer must be accompanied by a fee established by the Board	Enables the Board to set and maintain a reasonable fee for licensing that reflects the time and resources required to process a license relative to other administrative fees.
9	Section 9(4) Reports and information to be provided	Addition of (c) to 9(4) Authorized producer must, (c) in the case of live birds being transferred from one land location to another, report the number of live chickens transferred along with the land locations for which the chickens are transferred to and from; and, report to the Board office within 48 hours of the live chickens being transferred.	The proposed text addresses a current gap in reporting requirements. In situations where a producer is brooding chicks on one land location then transferring live chickens to another land location to finish the cycle, reporting the movement of live birds is important for traceability as well as biosecurity.

Section	Current Text	Proposed Text	Intent and Rationale
20	<p>Financial Interest in premises (3)(b) & (4)</p> <p>(3) If an interest is registered under subsection (1), the Board must</p> <p>(b) notify the mortgagee of any application to reallocate or lease all or any parts of the authorized quota to which the registration applies.</p> <p>(4) The Board shall not approve the reallocation or lease of any quota in respect of which an interest is registered under subsection (1) unless the mortgagee has given written consent to the reallocation or lease.</p>	<p><i>Remove "lease" from sections (3)(b) & (4):</i></p> <p>(3) If an interest is registered under subsection (1), the Board must</p> <p>(b) notify the mortgagee of any application to reallocate all or any parts of the authorized quota to which the registration applies.</p> <p>(4) The Board shall not approve the reallocation of any quota in respect of which an interest is registered under subsection (1) unless the mortgagee has given written consent to the reallocation.</p>	<p>The proposed text is consistent with current practice. Notifying the mortgagee of leases of quota, as written in the current text, is not practiced nor is it practical.</p>
23.01	<p>Marketing in excess of marketing quota (6)</p> <p>(6) If the levy provided for under subsection (3) is not received by the board within 30 days from the date that the authorize producer is billed for the levy by the board, that producer must pay an additional levy of \$0.44 a kilogram.</p>	<p>(6) If the levy provided for under subsection (3) is not received by the board within 30 days from the date that the authorized producer is billed for the levy by the Board, that producer must pay interest on the levy owing at a rate prescribed by the Board; and, the Board may take further action against the producer's license.</p>	<p>The proposed change is congruent with current practice and has proven to be an effective means of addressing outstanding balances.</p>

Section	Current Text	Proposed Text	Intent and Rationale
33	<p>Lease of quota (7)</p> <p>If a lease is terminated and any reductions in the marketing of chicken imposed under section 23(2) are not completed, the remaining reductions in the marketing of chicken are the responsibility of</p> <p>(a) The authorized producer who leased the quota to the lessee, if the lessee was not an authorized producer and</p> <p>(b) the lessee, if the lessee was an authorized producer.</p>	<p><i>Remove reference to “authorized producer”:</i></p> <p>If a lease is terminated and any reductions in the marketing of chicken imposed under section 23(2) are not completed, the remaining reductions in the marketing of chicken are the responsibility of both the lessor and the lessee.</p>	<p>The current language is misleading as all producers engaged in leasing of quota are authorized producers. Removing references to “authorized producers” in the proposed text will provide clarity of intent.</p>
41.3	<p>(b) “Organic Chicken Lease Program” means a program under which the Board may make available, distribute and manage organic chicken production quota units for the purpose of assisting organic chicken producers in developing a market for organic chicken;</p> <p>(c) “organic chicken production quota” means the quota that may be leased by the Board to an authorized producer or other eligible applicant, permitting the production and marketing of organic chicken in accordance with this section.</p>	<p><i>Remove “units”:</i></p> <p>(b) “Organic Chicken Lease Program” means a program under which the Board may make available, distribute and manage organic chicken production quota units for the purpose of assisting organic chicken producers in developing a market for organic chicken;</p> <p><i>Remove “or other eligible applicant”:</i></p> <p>(c) organic chicken production quota” means the quota that may be leased by the Board to an authorized producer or other eligible applicant, permitting the production and marketing of organic chicken in accordance with this section.</p>	<p>(b) Intent of proposed change is to create consistency; the Regulation refers to quota, not to quota units.</p> <p>(c) All applicants are required to be authorized producers; the proposed text provides clarity.</p>

Plan Regulation

Section	Current Text	Proposed Text	Intent and Rationale
1	<p>Definitions</p> <p>1(g) “licensed producer” means a person who holds a licence issued by the Board authorizing that person to produce and market chicken</p>	<p><i>Amend from “licensed” to “authorized” producer:</i></p> <p>1(g) “authorized producer” means a person who</p> <p>(i) holds a licence authorizing the person to market chicken, and</p> <p>(ii) has been allocated authorized quota in accordance with Part 1 or Part 2 of the Alberta Chicken Producers Marketing Regulation</p>	<p>The definition of “licensed producer” does not align with the definitions in the Marketing Regulation. “Authorized Producer” is the term used in the Marketing Regulation and consistently used in Alberta Chicken Producers Regulations and Policies.</p>
Table of Contents, Part 1, Part 2, Part 3	<p>Table of Contents: Part 3, 23 and 24</p> <p>Definitions, 1(b) and (r)</p> <p>Part 1: Division 2, 8(e), 11, 12(1)</p> <p>Part 2: 15, 16, 17(2), 18(1), 18(2), 19(3)(b), 21(1), 21(2), 22</p> <p>Part 3: 23, 24(1), (2), (3), (4), (5), (6), (8), (8.1), (9), 25(1), (2), 26, 27, 28(1), 29(1), (2), 34(1)</p>	<p><i>Amend all sections to remove “licensed producer” and replace with “authorized producer”</i></p>	<p>Amends reference from “licensed” to “authorized” throughout the Plan Regulation.</p>

Next Steps:

1. Present proposed amendments to producers for a vote at the 2017 AGM.
2. File amending documents with Marketing Council (March 2017)
3. Marketing Council approval of proposed changes.