



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

DAIRY PRODUCERS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to June 28, 2019. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



DAIRY PRODUCERS ACT

Table of Contents

Section	Page
1. Definitions.....	5
2. Objects	5
3. District meetings	6
4. District board meetings	7
5. Club officers.....	8
6. Fiscal year	8
7. Annual meeting	8
8. Filing annual statements with the provincial board.....	9
9. Head office.....	9
10. Provincial board of directors	9
11. Meetings of provincial directors	10
12. Officers	10
13. Fiscal year	11
14. Annual meeting	11
15. Filing annual statements with Director of Corporations	12
16. Membership	12
17. Class of members	12
18. Funds.....	13
19. Plebiscite.....	13
20. Offences	13



DAIRY PRODUCERS ACT

CHAPTER D-2

1. Definitions

In this Act

- (a) **“dairy producer”** means a person, partnership, or company who, in Prince Edward Island, produces milk or cream for sale;
- (b) **“district board”** means the board of directors of any or all of the district clubs referred to in clause (c);
- (c) **“district club”** means any or all of the following:
 - (i) The West Prince District Dairy Producers’ Club,
 - (ii) The Summerside District Dairy Producers’ Club,
 - (iii) The Charlottetown District Dairy Producers’ Club,
 - (iv) The Montague-Souris District Dairy Producers’ Club;
- (d) **“milk”** includes whole milk and such products of milk that are supplied, processed, distributed or sold in any form, including, but not as to restrict the generality of the foregoing, cream, butter, cheese, ice cream and condensed, evaporated or powdered milk;
- (e) **“Minister”** means the Minister of Agriculture and Land;
- (f) **“person”** includes a body corporate and their heirs, executors or other legal representatives of a person;
- (g) **“processor”** means a person engaged in the processing of milk products or fluid milk products;
- (h) **“provincial association”** means the Prince Edward Island Dairy Producers’ Association; and
- (i) **“provincial board”** means the board of directors of the Prince Edward Island Dairy Producers’ Association. *1976, c.37, s.2; 1983, c.1,s.6; 1993,c.29,s.4; 1994, c.9,s.1 {eff.} Nov. 17/94; 1997,c.20,s.3; 2004,c.36,s.3; 2009,c.73,s.2; 2012,c.17,s.2; 2015,c.28,s.3; 2019,c.1,s.3.*

2. Objects

- (1) The provincial association has as its objects
 - (a) to promote and protect the interests of all dairy producers in Prince Edward Island;
 - (b) to represent and act as spokesman for all dairy producers in Prince Edward Island in matters dealing with the dairy industry;
 - (c) to foster and participate in national and provincial organizations having similar objects to those of the provincial association or having objects relating to the promotion of the agricultural industry as a whole;

- (d) to study provincial, federal and municipal legislation relating to the production and marketing of milk and cream and to take action to change such legislation if such changes are felt to be beneficial to dairy producers and to request the enactment of legislation which is beneficial to producers;
- (e) to make available to producers information and other materials concerning the production, quality control, and marketing of milk and cream and other related activities; and
- (f) to appoint or nominate producers or other persons to such boards, commissions, associations and committees as the provincial association may decide.

Powers

- (2) The provincial association has in addition to the objects set forth in subsection (1) all those powers vested in a company under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14.

Idem

- (3) The provincial association has in addition to the powers referred to in subsection (2), the power to make bylaws regulating the government and management of its affairs, and carrying out its objects.

Proposed changes

- (4) Proposed changes in this Act or its bylaws shall be made only after its discussion and resolution at an annual meeting or special general meeting. Such changes shall require a two-thirds majority of members voting.

Notice of proposed changes

- (5) Notice of proposed changes referred to in subsection (4) shall be mailed to all producers at least fourteen days prior to the date set for the meeting at which the change is to be discussed. 1976, c.37, s.3.

3. District meetings

- (1) There shall be five district dairy producers' clubs formed and designated as follows:
 - (a) The West Prince District Dairy Producers' Club;
 - (b) The Summerside District Dairy Producers' Club;
 - (c) The Charlottetown District Dairy Producers' Club;
 - (d) The Montague-Souris District Dairy Producers' Club;

Boundaries

- (2) Boundaries of the five district clubs shall correspond with the boundaries of the five agricultural districts as determined by the Prince Edward Island Department of Agriculture and Land, except that the Montague-Souris district shall include both the Montague and Souris districts.

Membership

- (3) All dairy producers shall be members of the district club within whose boundaries they reside.

Board of directors

- (4) There shall be a district board of directors comprised of six members for each district club.

Elections

- (5) District directors and provincial directors shall be elected by majority vote at the annual meeting of each district club.

District directors, term of office

- (6) The term of office of district directors is three years, but where a district director resigns, dies, or is removed from office, his place on the district board shall be filled by appointment by the district board and the person so appointed shall hold office until the next annual meeting at which time a person shall be elected to complete the unexpired portion of the term, if any, of the district director so replaced.

Removal from office

- (7) A district director may be removed from office by the district board should the director fail to attend three consecutive meetings of the board, should the director cease to be a dairy producer or if the director ceases to be a resident of the district.

Re-election

- (8) A district director is eligible for election for not more than two full consecutive terms.

Nominations for directors

- (9) Nominations for district directors and provincial directors made pursuant to subsection (5) shall be made only by dairy producers and only dairy producers may be nominated; before a nomination can be accepted the nominee must indicate his acceptance of the nomination.

Alternate directors

- (10) One alternate provincial director may be elected annually by each district club and such alternate shall have the full powers of a director from that district in the absence of an elected director from that district. *1976, c.37, s.4; 1983, c.1, s.6; 1993, c.29, s.4; 1994, c.9, s.2 {eff.} Nov. 17/94; 1997, c.20, s.3; 2004, c.36, s.3; 2009, c.73, s.2; 2012, c.17, s.2; 2015, c.28, s.3; 2019, c.1, s.3.*

4. District board meetings

- (1) The district board shall meet as often as the business of the club requires but at least twice in each year.

Majority

- (2) Unless otherwise specified, all decisions of the district board shall require a majority vote of those present.

Committees

- (3) The district board may appoint such and so many committees as it considers advisable to carry out the objects of the provincial association.

Expenses

- (4) The members of the district board and members of committees established under subsection (3) may be reimbursed for any expenses incurred in carrying out the business of the provincial association that is approved by the provincial board.

Quorum

- (5) A quorum at a meeting of the district board is three directors. *1976, c.37, s.5.*

5. Club officers

- (1) The officers of each district club are:
- (a) a chairman;
 - (b) a vice-chairman;
 - (c) a secretary-treasurer; and
 - (d) provincial directors elected by the club from the district directors.

Idem

- (2) The district chairman and district vice-chairman shall be elected annually by the district board from among their number.

Idem

- (3) The secretary-treasurer shall be appointed annually by the district board of directors and may or may not be from among themselves.

Duties and responsibilities

- (4) The officers and directors of each district club are responsible to the members in their district and shall have such duties and responsibilities as may be necessary to carry out the objects of the provincial association.

Idem

- (5) Within the duties and responsibilities referred to in subsection (4) the secretary-treasurers of the district clubs shall:
- (a) attend all meetings and keep an accurate record of all proceedings, conduct the correspondence and prepare any reports which he may be directed to do by the chairman;
 - (b) be the custodian of and be responsible for all books and records of the club;
 - (c) receive all moneys and deposit same in a chartered bank, trust company or credit union;
 - (d) prepare and present a financial statement for the annual meeting;
 - (e) be bonded, the cost of which shall be borne by the provincial association; and
 - (f) the secretary-treasurer may be paid such honorarium as approved by the provincial directors. *1976, c.37, s.6; 1982, c.6, s.1; 1993, c.3, s.1.*

6. Fiscal year

The fiscal year of each club shall be from November 1 each year until October 31 the following year. *1982, c.6, s.2.*

7. Annual meeting

- (1) An annual meeting of each district club shall be held during the month of December in each year at a time and place designated by the district board of directors.

Annual reports

- (2) The district board of directors shall submit to each annual meeting a report on the operation, management, and finances of the club.

General meetings

- (3) General meetings of the district club shall be held on the call of the chairman or in his absence the vice-chairman, or at the request of a majority of the district directors.

Special general meeting and purpose

- (4) A special general meeting of the district club shall be called on receipt of a petition signed by not less than ten district members or five per cent of the district membership, whichever is the greater. The petition and the notice calling the meeting shall state the reasons for the meeting and the agenda shall be restricted to the purposes stated in the petition and notice.

Notice of meeting

- (5) Notice of the annual meeting, general meetings, and special general meetings of the district club shall be mailed to producers or advertised in at least two Prince Edward Island newspapers not less than five days prior to the date fixed for the holding thereof. At the discretion of the chairman or a majority of the district directors an emergency general meeting may be held on short notice by giving notice via radio or television or both.

Quorum

- (6) A quorum at a meeting of the district club shall consist of ten members or five per cent of the membership, whichever is the greater. *1976, c.37, s.8.*

8. Filing annual statements with the provincial board

The district board of directors shall file annually with the provincial board the names and residence addresses of the persons who are district directors, and the names and addresses of its chairman, vice-chairman, secretary-treasurer and provincial directors elected by the club, and upon the request of the provincial board, shall supply a full and clear statement of the financial position of the club. *1976, c.37, s.9.*

9. Head office

The head office of the provincial association shall be located in Charlottetown or in such other location as the provincial board of directors may determine. *1976, c.37, s.10.*

10. Provincial board of directors

There shall be a board of directors of the provincial association comprised of eight members as follows:

1. Two provincial directors shall be elected annually by the West Prince Dairy Producers' Club as set out in section 3, one of the two shall be the chairman of the West Prince Dairy Producers' Club;
2. Two provincial directors shall be elected annually by the Summerside District Dairy Producers' Club as set out in section 3, one of the two shall be the chairman of the Summerside District Dairy Producers' Club;
3. Two provincial directors shall be elected annually by the Charlottetown District Dairy Producers' Club as set out in section 3, one of the two shall be the chairman of the Charlottetown District Dairy Producers' Club;
4. Two provincial directors shall be elected annually by the Montague-Souris District Dairy Producers' Club as set out in section 3, one of the two shall be the chairman of the Montague-Souris District Dairy Producers' Club. *1994, c.9, s.3. 1994, c.9, s.3 {eff.} Nov. 17/94.*

11. Meetings of provincial directors

- (1) The provincial board of directors shall meet as often as the business of the provincial association requires but at least six times in each year.

Majority vote

- (2) Unless otherwise specified, all decisions of the provincial board shall require a majority vote of those present.

Committees

- (3) The provincial board may appoint such committees as it considers advisable to carry out the objects of the provincial association.

Expenses

- (4) The members of the provincial board and members of any committees established under subsection (3) may be reimbursed for any expenses incurred in carrying out the business of the provincial association that are approved by the provincial board.

Allocating funds

- (5) The provincial board may allocate and transfer funds to any or all of the district clubs to reimburse them for expenses incurred in carrying out the provincial association business in the districts.

Quorum

- (6) A quorum at a meeting of the provincial board of directors shall be five directors representing not less than three districts. *1976, c.37, s.12; 1994, c.9, s.4 [eff.] Nov. 17/94.*

12. Officers

- (1) The officers of the provincial association are

- (a) a president;
- (b) a vice-president; and
- (c) a secretary-treasurer.

Election of officers

- (2) At the first meeting of the provincial board of directors following the coming into force of this Act, the officers referred to in subsection (1) shall be elected by and from among the directors and shall hold office until the first annual meeting.

Idem

- (3) Subsequently, a president and a vice-president shall be elected annually by the provincial board from among their number.

Idem

- (4) The secretary-treasurer shall be appointed annually by the provincial board of directors and may or may not be from among their number.

Representative of Dairy Farmers of Canada

- (5) The representative to the Dairy Farmers of Canada shall be appointed annually by the provincial board of directors and he may or may not be from among their number but shall be a dairy producer. If not a member of the provincial board of directors, the representative to

the Dairy Farmers of Canada shall attend all meetings of the provincial board as a member by virtue of his office.

Duties and responsibilities

- (6) The officers and directors are responsible to the members of the provincial association and shall have such duties and responsibilities as may be necessary to carry out the objects of the provincial association, but the provincial association at an annual meeting or a special general meeting may by bylaw specifically prescribe their duties and responsibilities or restrict or delimit their duties and responsibilities.

Idem

- (7) Within the duties and responsibilities referred to in subsection (6) the secretary-treasurer shall
- (a) attend all meetings and keep an accurate record of all proceedings, conduct the correspondence and prepare any reports which he may be directed to do so by the president;
 - (b) be the custodian of and be responsible for all books and records of the provincial association;
 - (c) receive all moneys of the provincial association and deposit the same in a chartered bank;
 - (d) have prepared and present an audited financial statement for the annual meeting;
 - (e) be bonded, the cost of which shall be borne by the provincial association; and
 - (f) the secretary-treasurer may be paid such remuneration as the provincial directors may determine.

Books open

- (8) The books and records of the provincial association shall be opened to any and all members upon written request. *1976, c.37, s.13; 1982, c.6, s.3.*

13. Fiscal year

The fiscal year of the provincial association shall be from December 1 each year until November 30 of the following year. *1982, c.6, s.4.*

14. Annual meeting

- (1) An annual meeting of the provincial association shall be held during the month of January in each year and at a time and place designated by the provincial board.

Annual reports

- (2) The provincial board shall submit to each annual meeting a report on the operation, management and finances of the provincial association.

Audit

- (3) Unaudited financial statements of the provincial association may be presented to the membership at an annual meeting but the provincial board, or the membership at an annual meeting or a special meeting called for that purpose, may decide that an audit should be carried out and a report on the audit made to the membership.

General meeting

- (4) General meetings of the provincial association may be called by the president, or in his absence the vice-president, or a majority of the provincial directors.

Special general meeting

- (5) A special general meeting shall be held on receipt of a petition in writing signed by not less than twenty-five members. Such petition and the notice calling the meeting shall state the purpose of the meeting.

Notice of meetings

- (6) The notice of meetings shall be given to the producers not less than five days prior to the date fixed for the holding thereof.

Emergency meeting

- (7) Emergency general meetings may be called by the president, vice-president, or a majority of the provincial directors on short notice by giving notice via radio or television or both.

Quorum

- (8) A quorum at a meeting of the provincial association shall be twenty members representing not less than three districts. *1976, c.37, s.15; 1990, c.10, s.1; 1993, c.3, s.2.*

15. Filing annual statements with Director of Corporations

The provincial board of directors shall file annually with the Director of Corporations together with the prescribed fees the names and residence addresses of the persons who are directors of the provincial association and the names and addresses of its president, vice-president and secretary-treasurer and upon the request of the Director of Corporations shall supply a full and clear statement of the financial position of the provincial association. *1976, c.37, s.16; 1980, c.2, s.3.*

16. Membership

- (1) All dairy producers in Prince Edward Island shall be members of the provincial association.

Dairy producer

- (2) Where more than one person is engaged in producing milk or cream on the same farm, the one in whose name the milk market sharing quota has been issued shall be deemed to be the dairy producer.

Idem

- (3) Where a milk market sharing quota has been issued in a name other than a person, one person only may be designated as the dairy producer for the purpose of this Act. *1976, c.37, s.17.*

17. Class of members

- (1) The provincial association shall have the power to classify producers as “fluid shippers”, “industrial milk shippers”, and “farm separated cream shippers” for the purpose of determining membership fees.

Membership fee

- (2) The provincial association may annually impose a membership fee on all members, based on their classification as in subsection (1) above, for the purpose of raising funds to carry out its objects.

Total of membership fee fixed

- (3) The provincial association shall, at its annual meeting, by resolution and in the manner prescribed by bylaw establish the amount of funds required for the ensuing year to meet the expenses of the provincial association, and establish the basis of payment of the membership fee among the members.

Notice to members and processors

- (4) The provincial association shall notify all members of the membership fee payable by them and processors of dairy products in the province who are to deduct the fee owing.

Processors to collect membership fee

- (5) The processor shall deduct from any moneys payable by him to the member the amount of the membership fee referred to in the notice sent to him under subsection (4) and upon collection of the membership fee the processor shall forthwith pay the amount of the fee to the provincial association.

Refund surplus

- (6) Where more than one processor has deducted the amount of the fee payable by a member, the provincial association, upon receipt of the surplus, shall refund the surplus to the member.

Membership fee is debt payable to association

- (7) A membership fee imposed upon a member is a debt due and payable to the provincial association and may be collected from the member in any court of law having jurisdiction for the amount owing, as a debt and payable to the provincial association. A list of members certified by the president and the secretary-treasurer specifying the amount of fees payable by each member together with evidence that the notice required by subsection (4) was given, is *prima facie* evidence that everything was done and that all things happened and existed and that all times have elapsed necessary to entitle the plaintiff to recover judgment for the amount appearing on the list with costs. 1976, c.37, s.18.

18. Funds

- (1) The funds of the provincial association are comprised of the moneys collected under section 17 and any other moneys earned by or donated to it.

Idem

- (2) The provincial association shall deposit its funds in a chartered bank, trust company or credit union and all withdrawals and cheques shall be signed by the president or vice-president and the secretary-treasurer or any persons designated for that purpose by the provincial association at an annual or special general meeting. 1976, c.37, s.19; 1993, c.3, s.3.

19. Plebiscite

The Minister may on receipt of a petition signed by not less than one-third of the dairy producers direct that a plebiscite be held of the producers to determine whether the Act should be amended or revoked. 1976, c.37, s.20.

20. Offences

Any processor who fails to comply with this Act is guilty of an offence and is liable upon summary conviction to a fine of not less than \$200 and not more than \$500. 1976, c.37, s.21.