

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)
AGENCIES REGULATION 2006/2008

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This regulation shall be known as the “Agencies Regulation 2006/2008” and shall come into force on 2006 and be in effect until 26th April 2008.

Interpretation

1. In this and all other regulations of the Board, unless the context requires otherwise, the definitions contained in the above named enactments (The Act and the Scheme) will have effect together with the following definitions:

“**poult broker**” means any person who offers poults for sale, is not a licensed hatchery and has been licensed by the Board;

“**processor**” means any person who changes the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product and is certified as a government inspected slaughter house or abattoir. A processor may offer the service of custom killing the regulated product; but may not market, offer for sale, supply, store, or transport any of the live or processed regulated product;

“**processor broker**” means any person who changes the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product and is certified as a government inspected slaughter house or abattoir. A processor broker may market, offer for sale, supply, store or transport the processed product, and/or offer the service of custom killing the regulated product;

“**turkey broker**” means any person who causes a change in the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product at a licenced processor or processor broker that is certified as a government inspected slaughter house or abattoir. A turkey broker and may market, offer for sale, supply, store or transport the processed product.

Designated Agencies

2. Unless the Board orders otherwise, all processors, processor brokers, turkey brokers, exporters, hatcheries and poult brokers who are licensed by the Board are designated as agencies through which regulated product, including poults, shall be processed, packed, stored or marketed.

Books, Records and Information

3. Every agency license holder shall keep in the English language complete and accurate books and records of all matters relating to the production, processing, storing,

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transporting, and marketing of the regulated product and shall permit the inspection of such records by any person authorized by the Board, upon request by such person.

4. Every agency license holder or person required by these orders to hold a license shall permit any person authorized by the Board to inspect all premises occupied or controlled by such person and used for the production, processing, storing, transporting or marketing of the regulated product.
5. Every processor agency, processor broker agency, and turkey broker agency shall report the number and weight of a class of turkey slaughtered during each week. Such reports are to be made to the Board within the week following such slaughters and shall include;
 - a. all turkeys slaughtered, be they “custom killed”, within quota or out of quota, for each grower regardless of class,
 - b. the names and addresses of the growers of such regulated product regardless of the turkeys being “custom killed”, are within quota or out of quota,
 - c. the price paid for each class of regulated product,
 - d. the live weight of each shipment, and
 - e. the percentage of Grade A and an other grade of turkeys.

Weighing Regulated Product

6.
 - a. Every agency shall weigh each lot of regulated product at a government certified scale equipped with a clock and a printer. If the scale is not located at the plant of the processor, the turkeys shall be transported directly to the plant of the processor immediately following weighing.
 - b. Each lot of turkeys must be weighed prior to the scheduled processing time agreed to in advance by the grower and the processor.
 - c. Sub-sections a. and b. above shall apply to all lots of turkeys to be slaughtered including turkeys to be slaughtered as custom kill.
 - d. For turkeys not weighed by the processor by the times specified in subsection b. above, the processor shall pay to the grower a price equal to one cent per kilogram above the price set by the Board for each weight range of turkeys to offset shrinkage.

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Deduction of Levies

7. a. Each agency shall deduct from the account of each grower who markets regulated product through the agency such fees and levies as are fixed by the Board from time to time. The monies so deducted shall be forwarded by the agency to the Board within 14 days after the receipt of the regulated product by the agency.
- b. The levies so deducted by each agency shall include levies collected on behalf of the national agency by the Board.
- c. Each agency shall submit a copy of each settlement statement showing marketings and deductions for each shipment of the regulated product to the Board in such manner as the Board may direct from time to time.
- d. If a Direct Vendor (small lot) Grower is also licenced and designated as an agency, they shall be excused from subsections a, b and c as the levies payable by direct vendor (small lot) growers are paid at the time of purchase of poult from a licensed hatchery.
- e. The schedule of levies imposed by the Board from time to time shall be set out in Fees and Levies Regulation.

Payments to Growers

8. Each agency shall make full payment to the grower or his assignee within 14 days after the date of receipt of the regulated product from the grower.

Damaged Product

9. An agency shall not make any deduction or allowance against a grower for any condemned or damaged regulated product where the fault is that of the agency.

Receipt of Product by Processors Brokers and or Turkey Broker Agencies

10. An agency shall not receive any regulated product from any person who is not licenced by the Board.
11. An agency shall not purchase any regulated product from any person who is not licenced by the Board as a Commercial, New Entry, or Certified Organic Grower, or from any person not authorized to produce a category of Secondary Quota.
12. An agency shall not receive or purchase any regulated product in the name of or on account of any person that is not authorized by a Transport Order issued by the Board.

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13. An agency shall not receive any regulated product placed under one grower's allocation under any other grower's allocation, without the prior written consent of the Board in the form of a re-issued Transport Order.

Processors Brokers and Turkey Brokers as purchasers of live turkeys

14. Each processor broker and each turkey broker shall receive as a share of the provincial primary quota supply of live turkey, as an assurance of supply, in each quota year based on the number of kilograms of primary quota allocation issued to growers who shipped to each processor broker and each turkey broker in the 2005/2006 quota year.

15. The assurance of supply to each processor broker and turkey broker shall be as follows:-

JD Farms Ltd.	624,019 kilos live weight			
Lilydale Inc.	17,152,150	“	“	“
Sunrise Poultry Processors Ltd.	679,098	“	“	“
Rosstown Natural Foods Ltd.	679,097	“	“	“
Superior Poultry Processors Ltd.	1,816,408	“	“	“
K&R Poultry Ltd. dba Farm Fed	50,000	“	“	“
Sundry others	<u>249,228</u>	“	“	“
Total	21,250,000 kilos live weight			
Converted at 82.547% to eviscerated	17,541,237 kilos evis weight			

16. Secondary quota, such as Export Regrow quota, Multiplier Breeder quota and Breeder By-product quota are not included in the establishment of an assurance of supply base.
17. As ordered by the British Columbia Farm Industry Review Board on January 26, 2006, and subject to fulfillment of the terms and conditions in the order, commencing in the 2007/08 quota year, 25% of any increase in supply will be allotted to Sunrise Poultry Processors Ltd. and Rosstown Natural Foods Ltd. until their base allocations have been increased by a total of 676,100 kg respectively.
18. Any increase in supply over the total number of kilograms as determined by s.14. above and subject of s. 17, shall be made available to;
- a) Supply production arising from the Specialty Market and New Entrant Review conducted by the British Columbia Farm Industry Review Board.
 - b) Supply “new entry” processor(s) and/or turkey broker(s) as determined by the Board.
 - c) Supply any other programme determined by the Board to be of a benefit to the British Columbia turkey industry, and
 - d) The remainder to be available to the existing and prospective processor brokers and turkey brokers based on signed grower programmes submitted to the Board by 31st December of the year preceding the start of the quota year.

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19. Any decrease in supply under the total number of kilograms as determined in s.14. above shall be deducted from the most recent increases and should there be the requirement to decrease in excess of the increases such decreases shall be assessed amongst all existing processor brokers and turkey brokers based on their share of the supply. In the event of a decrease, there shall be no supply available to any “new entry” processor(s) or turkey broker(s).
20. Any reduction in the requirements of any existing processor brokers or turkey brokers shall be distributed to all the existing processor brokers and turkey brokers based on their share of the supply.
21. A “new entry” processor broker or turkey broker shall be considered to be a “new entry” processor or turkey broker only during its first quota year, or portion thereof, of operation.
22. Each processor broker and each turkey broker shall counter sign the “Grower’s Programme” of each grower who is contracted to supply live turkeys to them and filed with the Board by the 15th day of January before the commencement of the quota year to which the programme relates.
23. Turkey Brokers and direct vendor (small lot) agencies may hire the services of a government inspected slaughter plant, provided that the plant is licensed by the Board as a processor, to custom kill all or some of the regulated product contracted to them. A copy of the agreement showing the terms of hiring must be filed with the Board before any of the regulated product can be custom killed.
24. Any and all government inspected slaughter plants may apply and be licensed as a processor and may contract to custom kill any amount of licensed turkey production.

Hatcheries and Poults Brokers

25. Every hatchery and poults broker which places or sells poults to be grown in British Columbia shall, not later than the Monday following placement, complete and file with the Board a Poults Placement Report that includes the following information:
 - a. the name of the person to whom the poults are sold;
 - b. the address where the poults were delivered; and
 - c. the number and type of poults sold.
25. Every hatchery and poults broker which places or sells between 50 and 300 poults to be grown in British Columbia by direct vendors (small lot) growers shall charge such growers 32 cent per poults plus GST and remit such monies to the Board within fourteen days.
26. All poults sold or placed by a hatchery or a poults broker must be so reported, including sales or placements of 50 or less turkey poults

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27. No hatchery, poult broker or grower shall sell or otherwise supply more than 50 poult in one quota year to a grower who is not licensed by the Board.

The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such a person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

Signed and dated at Surrey, British Columbia, this _____ July, 2006 for and on behalf of the
BRITISH COLUMBIA TURKEY MARKETING BOARD.

Ronald Charles, Chairman

Eric Andrew, Vice-Chairman

Les Burm, Member

Shawn Heppell, Member