

Chicken Farmers of Ontario

Digital Communication and Transactions Regulation No.2519-2015

Made under: The *Farm Products Marketing Act*

Effective February 18, 2015

Section 1.0 Interpretation

1.01 In this Regulation:

- (a) “*CFO*” means Chicken Farmers of Ontario;
- (b) “*CFO Connects*” is a digital platform provided by CFO specifically designed, accessible and usable by CFO licencees pursuant to a CFO approved user interface granted by CFO on terms and conditions agreed to by the users;
- (c) “*books and records*” includes, but is not limited to, all documentation, whether in printed or digital format, in the possession, care or control of any person, relating to the production or marketing of chicken and includes settlements, cheques, bills of lading, weigh tickets, invoices and order forms for chick or feed purchases, chicken mortality records, flock analyses, condemnation certificates, invoices for veterinary services, veterinary reports, ledgers, CFO prescribed forms, books of account and producer financial statements;
- (d) “*email address*” means an internet electronic mail address;
- (e) “*information*” includes books and records and data, specifics and particulars relating to the producing and marketing of chicken conveyed or conveyable in digital form;
- (f) “*licencee*” means a producer, processor or transporter who is a holder of a licence issued by the Board which licence is in good standing;
- (g) “*producer*” means a person engaged in the production of chicken to whom the Board has allotted quota, which quota has not been cancelled; and “*farmer*” and “*farmer-member*” shall have the same meaning;
- (h) “*processor*” means a person who slaughters chickens and who is a holder of a licence issued by the Board which has not been cancelled; and
- (i) “*transporter*” means a person engaged in the delivery of chicken from a premises of a producer to a plant or establishment of a processor or from one processor to another and who is licenced by the Board and includes the owner or lessee and the driver of the vehicle used to deliver the chicken .

- 1.02 Other words appearing in this Regulation shall have the same meaning as found in the Words and Meanings Regulation made by the Board.

Section 2.0 - Application

- 2.01 This Regulation provides for the digital communication by a licensee to the Board and by the Board to a licensee and for the digital filing of forms and information as required by Regulation.

Section 3.0 – Email Address and Communication

- 3.01 As a term and condition of a licence, the Board will require a licensee, as the case may be, to provide to the Board their email address.
- 3.02 Any notice, demand or other communication by the Board to a licensee shall be sent digitally to the email address provided to the Board by the licensee.
- 3.03 The Board shall notify a licensee of the requirement to provide the email address under section 3.01.
- 3.04 A licensee shall provide to the Board their email address not later than ten days after the date specified on the notice of the requirement to provide information.
- 3.05 On the request of a licensee, the Board may extend the time within which the licensee is required to provide to the Board their email address.
- 3.06 A licensee shall notify the Board immediately after any change in the licensees' email address.
- 3.07 Any notice, demand or other communication by the Board to a licensee sent digitally before midnight on a business day, is deemed to have been given on that business day and if sent digitally after midnight on a business day, is deemed to have been given on the business day after the date it was sent.
- 3.08 The Board's authority to require a licensee to provide the email address contained in this Regulation, is in addition to, and does not limit, the Board's authority to require a licensee to provide information contained elsewhere in this Regulation, in any other regulation or by-law or in the *Farm Products Marketing Act* and Regulations.
- 3.09 On application by a producer for any year, the Board may allow for an alternative method of communication under this Regulation in a format other than the specified digital format and shall be deemed to have complied with this Regulation if such application is approved by the Board. If such application is approved by the Board, the Board may direct the producer to pay the service charge of \$1,768.00 per registered premises per annum pursuant to section 4.05.
- 3.10 The Board may decline to allot a crop quota to a producer for failing to make an application as provided in section 3.09 or for failure to digitally file forms and information as provided in this section 3.0.
- 3.11 The Board may suspend a processor's licence for failing to provide an email address to the Board as provided in this section 3.0.

- 3.12 The Board may suspend a transporter's licence for failing to provide an email address to the Board as provided in this section 3.0.

Section 4.0 – Reporting and Filing Requirements

- 4.01 As a term and condition of a licence, the Board will require a licensee to:
- (a) register and agree to the terms of use for CFO Connects; and
 - (b) digitally file forms and information as required by Regulation by means of CFO Connects established by the Board.
- 4.02 As a term and condition of a licence, the Board may require a licensee to provide personal contact and business contact information by means of CFO Connects and any change in such information to be provided in the same manner immediately after such change. For the purposes of this section, personal contact information includes residential address, telephone number and business contact information includes address, telephone number and email address.
- 4.03 As a term and condition of a licence, in the case of a producer being a corporation, the Board will require a producer to provide the names and residence addresses of all shareholders, directors and officers of the corporation. The Board shall require any change in such information to be provided in a manner approved by the Board immediately after such change.
- 4.04 As a term and condition of a licence, in the case of a producer being a partnership, the Board will require a producer to provide the names and residence addresses of all partners of the partnership. The Board shall require any change in such information to be provided to the Board in a manner approved by the Board immediately after such change.
- 4.05 On application by a producer for any year, the Board may for that year and subject to a \$1,768.00 per registered premises per annum service charge permit the producer to file forms and information required under this Regulation in a format other than the specified digital format and in a manner other than digitally as permitted and shall be deemed to have complied with this Regulation if such application is approved by the Board. The service charge of \$1,768.00 per registered premises per annum shall be paid at the time of the application. All applications must be submitted to the Board on or before April 30th of each respective year. Should the application be declined by the Board, the service charge shall be reimbursed to the producer.
- 4.06 The Board may decline to allot a crop quota to a producer for failing to make an application as provided in section 4.05 or for failure to digitally file forms and information as provided in this section 4.0.
- 4.07 The Board may suspend a processor's licence for failing to digitally file forms and information as provided in this section 4.0.
- 4.08 The Board may suspend a transporter's licence for failing to digitally file forms and information as provided in this section 4.0.

Section 5.0 – Orders and Directions

- 5.01 The Board may on occasion deem it appropriate to make certain specific orders and directions in relation to and as an adjunct of this Regulation for the purpose of furthering the intended effect of its application.

Section 6.0 – Effective Date

- 6.01 Sections 1, 2, 3 and 5 of this Regulation are effective on the 30th of September, 2014. Section 4 of this Regulation is effective on the 18th day of February, 2015 and shall apply to such persons and licencees as designated by order of the Board.

Section 7.0 Revocation

- 7.01 CFO Regulation No. 2507-2014 made by the Board on the 23rd day of October, 2014, is hereby revoked as of the effective date and this Regulation is substituted therefor, provided that such revocation shall not affect the previous effect of said Regulation or anything duly done or suffered thereunder, or any right, privilege, obligation or liability acquired, accrued, accruing or incurred under said Regulation; or any contravention committed against said Regulation or any penalty or forfeiture or punishment incurred in respect thereof or any such right, investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

BY ORDER OF Chicken Farmers of Ontario

DATED AT Burlington, Ontario this 18th day of February, 2015



Chair



Secretary