
THE FARM PRODUCTS MARKETING ACT
(C.C.S.M. c. F47)

Turkey Quota Order, amendment*

Regulation 31/2021
Registered April 16, 2021

Manitoba Regulation 38/2008 amended

1 The Turkey Quota Order, Manitoba Regulation 38/2008, is amended by this regulation.

2 Section 3 of the Schedule is amended by replacing the definition "Maximum Retirement Payment" with the following:

"Maximum Retirement Payment" means

(a) \$5.58 for the marketing year beginning April 25, 2021 and ending April 23, 2022; or

(b) for any subsequent marketing year, the amount determined in accordance with the following formula:

$$\text{Amount} = (((A/B) \times C) - C) \times D + ((A/B) \times C)$$

In this formula,

A is the previous calendar year's Consumer Price Index for Canada ("CPI"),

* This Order is made under the *Manitoba Turkey Producers Marketing Plan Regulation*, Manitoba Regulation 38/2004, and is Order No. 1, 2021 of Manitoba Turkey Producers.

- B is the CPI from the further prior calendar year,
- C is the previous marketing year's Maximum Retirement Payment,
- D is 1.5;

3 Section 6 of the Schedule is amended by striking out everything after "Each retirement payment paid to a successful offeror will be paid on each quota unit cancelled."

4(1) Subsections 7(3) to (6) of the Schedule are replaced with the following:

7(3) A person must submit an Offer in accordance with this section and in the form and manner required by the Designated Staff.

7(4) An offeror must not submit an Offer unless the Offer is for at least 25,000 quota units and does not exceed the offeror's basic allotment.

7(4.1) The offeror must include the following information when submitting an Offer:

- (a) the name, address and signature of the offeror;
- (b) the producer registration number of the offeror;
- (c) the number of quota units offered for cancellation by the offeror together with an acknowledgement that such cancellation may result in a reduction of new base allocated to the offeror in an amount which may be greater than the number of quota units offered;
- (d) the category of the quota units offered;
- (e) the retirement payment to the nearest cent per quota unit which the offeror is willing to accept upon cancellation of the quota units offered for cancellation (which retirement payment shall not exceed the Maximum Retirement Payment);
- (f) an undertaking that the Offer will not be withdrawn by the offeror once a notice has been given to a registered producer of the Offer pursuant to subsection 7(5);
- (g) such other particulars with respect to the marketings or anticipated marketings of the offeror which may be required in order to complete the form of Offer;
- (h) an acknowledgement that in the event that Bids received for a Program are less than the number of quota units offered for cancellation, the offeror may be asked whether or not the Offer should proceed at such lesser number;
- (i) any application fee established by the Board for processing an Offer.

7(4.2) The Designated Staff may

(a) require an offeror to provide proof of the consent of any secured creditor of the offeror to the submission of such Offer; and

(b) reject an offer if the Designated Staff determines that the offeror will market turkey after the date for the cancellation of quota units set out in subsection 7(11) or otherwise market turkey contrary to the provisions of the *Turkey Quota Order*.

7(5) Upon receipt of an Offer in an acceptable form, the Designated Staff must provide notice to each registered producer that an Offer has been received. The notice must include the following information:

(a) the number of quota units offered for cancellation;

(b) the retirement payment per quota unit which the offeror is willing to accept upon cancellation of the quota units offered for cancellation;

(c) the Reallocation Day;

(d) any other information in relation to the Offer and the options available to the registered producer deemed appropriate by the Designated Staff.

7(6) A registered producer must submit a Bid on a Retirement and Basic Allotment Reallocation Program in the form and manner required by the Designated Staff no later than 4:00 p.m. on the last working day before the month in which the Retirement and Basic Allotment Reallocation Program is to be held. The Bid must include

(a) the name, address and signature of the bidder;

(b) the Producer Registration Number of the bidder;

(c) the number of quota units requested for allotment;

(d) the category of the quota units requested;

(e) the administration fee which shall be equal to the retirement payment set out in the notice referred to in subsection 7(5), which the bidder is willing to pay upon allotment of the quota units requested for allotment;

(f) an acknowledgement that the bidder is prepared to accept less than the number of quota units comprising the Bid;

(g) an acknowledgement that the Bid will not be valid if the number of quota units requested when taken together with the number of quota units comprising the bidder's basic allotment exceeds maximum allotment.

7(6.1) In order for a Bid to be eligible to be processed on a Program, the bidder must submit a separate bank draft or credit union primary order (or other method of payment acceptable to the Designated Staff) payable to the Board representing the full amount of the administration fee such bidder proposes to pay in connection with that Bid which must be received by the Board no later than 4:00 p.m. of the last working day before the month in which the Retirement and Basic Allotment Reallocation Program is to be held.

4(2) Subsection 7(8) of the Schedule is amended by replacing the first paragraph with the following:

7(8) A bidder may amend or withdraw their Bid by submitting a request to the Board no later than 4:00 p.m. on the last working day before the month in which the Retirement and Basic Allotment Reallocation Program is to be held. The request must

- (a) be clear and unambiguous;
- (b) be submitted in the form and manner specified by the Designated Staff, and include the bidder's name and Producer Registration Number; and
- (c) specify the Bid to be withdrawn or amended.

4(3) Subsection 7(10) of the Schedule is amended

(a) in the second paragraph, by striking out "equal to the pro rata share" and substituting "calculated on 50% pro rata share and 50% equal share for each registered producer and";

(b) in the third paragraph, by striking out "more than the pro rata share" and substituting "more than their initial portion calculated above and";

(c) in the fourth paragraph,

(i) in clause (a), by striking out "at the Board's head office" and substituting "by the Board", and

(ii) in clause (b), by striking out everything after "must be communicated" and substituting "in the manner and within the period required by the Designated Staff."; and

(d) by replacing the fifth paragraph with the following:

The Designated Staff may aggregate offers that have identical administrative fees. If the aggregate number of quota units contained in the valid Bids determined as acceptable under this subsection exceeds the number of quota units offered for cancellation in the Offer (the "Shortfall") and the Designated Staff is in receipt of an Offer for an identical retirement allowance, the Designated Staff may allow the offeror to include their Offer in the current Program to the extent of the Shortfall, but the offeror must communicate their agreement to the Designated Staff in the manner and within the period required by the Designated Staff to participate in the Program.

4(4) Subsection 7(11) of the Schedule is amended, in the second paragraph of the part before the first clause (a), by adding " to a maximum of 600,000 quota units; and, if such a maximum is reached by a successful bidder, the remaining new base quota units will be divided on an equal share basis among the remaining successful bidders" **after** "allotted to that successful bidder".

4(5) Subsection 7(12) of the Schedule is amended by striking out "advised in writing" and substituting "notified".

Coming into force

5 This Order comes into force on April 25, 2021, or on the day it is registered under *The Statutes and Regulations Act*, whichever is later.

March 23, 2021

Manitoba Turkey Producers:

Rachelle Brown, Chair
Helga Wheddon, General Manager

APPROVED

April 16, 2021

Manitoba Farm Products Marketing Council:

Ed Helwer, Chair
Ingrid Peters-Fransen, Secretary