

IN THE MATTER OF THE NATURAL PRODUCTS
MARKETING (BC) ACT

AND

IN THE MATTER OF AN APPEAL OF A DECISION
OF THE BRITISH COLUMBIA CHICKEN MARKETING
BOARD (BCCMB) CONCERNING PRICING

BETWEEN :

PRIMARY POULTRY PROCESSORS ASSOCIATION
OF BRITISH COLUMBIA

APPELLANT

AND :

BRITISH COLUMBIA CHICKEN MARKETING BOARD

RESPONDENT

DECISION

ATTENDEES :

British Columbia
Marketing Board

Panel Members

Mr. Doug Kitson, Chair
Ms. Christine Moffat, Member
Mr. Don Knoerr, Member
Mr. Joe McBride, Counsel
Ms. Maggie Barrett, Panel Secretary

For the Appellant

Mr. Patrick Yearwood, Counsel
Mr. Colin Pritchard

For the Respondent

Mr. John Hunter, Counsel
Mr. Art Stafford

Date and Place of
Hearing

February 23, 1996
(Telephone Conference Call)

The matter before the British Columbia Marketing Board (BCMB) is an appeal by the Primary Poultry Processors Association of British Columbia (PPPA) from a decision, as communicated in Interim Order #294 dated February 15, 1996, of the British Columbia Chicken Marketing Board (BCCMB).

The BCMB, at the request of the Appellant, held a hearing by telephone conference call on Friday, February 23, 1996 to consider the following preliminary matter:

That the BCMB direct that the difference in the price, between the BCCMB's ordered live price of \$1.2476 per kilo and the PPPA offering price of \$1.2150 per kilo, for the regulated product be paid into a trust account of the law firm of MacCallum McIntyre until the hearing and disposition of the appeal before the BCMB.

Background

At the hearing, Counsel for the Respondent submitted that if the BCMB had jurisdiction to make this order, that the funds in dispute be deposited in a interest bearing trust account until such time as the appeal be resolved.

Decision

The decision of the British Columbia Marketing Board is that:

1. The British Columbia licensed Agencies are authorized to withhold the amount of .0126 dollars per kilo from the price established in the British Columbia Chicken Marketing Board's Interim Order #294.
2. The money withheld must be paid into and held in an interest bearing trust account of the law firm of MacCallum McIntyre until the hearing and disposition of the appeal of Interim Order #294 of the BCCMB.
3. The retention of the funds is pending the outcome of the hearing. It is without prejudice to the parties to this appeal and does not affect the outcome of this appeal.

Date at Victoria, British Columbia this 26th day of February, 1996.

(Original signed by):

Doug Kitson, Chair