

# *The Cattle Development Plan Regulations*

*being*

Chapter A-15.21 Reg 8 (effective January 29, 2009) as  
amended by Saskatchewan Regulations 83/2010.

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER A-15.21 REG 8

### *The Agri-Food Act, 2004*

#### PART I

#### **Title and Interpretation**

##### **Title**

1 These regulations may be cited as *The Cattle Development Plan Regulations*.

##### **Interpretation**

2(1) In these regulations:

- (a) **“abattoir”** means:
  - (i) a slaughterhouse, as slaughter house is defined in the “Sanitation Regulations”, being Saskatchewan Regulations 420/64;
  - (ii) a registered establishment as defined in the *Meat Inspection Act* (Canada); or
  - (iii) a Domestic Abattoir as defined in the “Regulations Governing the Inspection of Meat in Domestic Abattoirs”, being Saskatchewan Regulations 911/68;
- (b) **“abattoir operator”** means a person who operates an abattoir;
- (c) **“Act”** means *The Agri-Food Act, 2004*;
- (d) **“beef products”** means beef and edible products produced in whole or in part from beef;
- (e) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (f) **“buyer”** means any person who buys cattle and includes a livestock dealer, a livestock agent and an abattoir operator;
- (g) **“cattle”** means any animal of the genus species *Bos taurus* or *Bos indicus*;
- (h) **“cattle plan”** means the Cattle Development Plan established pursuant to section 3;
- (i) **“cattle producer”** means:
  - (i) a person engaged in or responsible for the production, marketing or production and marketing of cattle but does not include an employee of that person;

- (ii) a person who is entitled under any agreement:
  - (A) to a share of the cattle produced by a person mentioned in subclause (i); or
  - (B) to a share of the proceeds from the sale of cattle produced by a person mentioned in subclause (i); or
- (iii) a person who takes possession of any cattle under any form of security or legal proceedings for a debt;
- (j) “**commission**” means the Saskatchewan Cattlemen’s Association established pursuant to section 7;
- (k) “**designated representative**” means, in the case of a registered cattle producer that is not an individual, the individual appointed by that registered cattle producer to be that registered cattle producer’s designated representative;
- (l) “**director**” means a director of the commission elected in accordance with Part VI or appointed pursuant to subsection 7(3) or 34(6);
- (m) “**district**” means a district established pursuant to subsection (4);
- (n) “**federal levies order**” means any Canadian beef cattle marketing levies order, and any amendments to that order, that may be enacted pursuant to the *Farm Products Agencies Act* (Canada) to provide for the imposition of a levy on every head of cattle that a person sells in interprovincial trade;
- (o) “**federal levy**” means the federal levy imposed by the federal levies order;
- (p) “**interprovincial trade**” means any sale of cattle by a person who resides or carries on business in one province of Canada, for delivery to a purchaser in another province of Canada;
- (q) “**levy period**” means the period commencing on August 1 in a year and ending on July 31 of the following year;
- (r) “**livestock agent**” means a livestock agent as defined in *The Livestock Dealer Regulations, 1995*;
- (s) “**livestock dealer**” means a livestock dealer as defined in *The Livestock Dealer Regulations, 1995*;
- (t) “**National Agency**” means the Canadian Beef Cattle Research, Market Development and Promotion Agency established pursuant to the *Farm Products Agencies Act* (Canada);
- (u) “**non-refundable levy**” means the non-refundable portion of the levy established pursuant to section 25.1;

- (v) “**refundable levy**” means the refundable portion of the levy established pursuant to section 25.1;
  - (w) “**registered buyer**” means a buyer registered pursuant to section 24 and whose registration has not been suspended or cancelled;
  - (x) “**registered cattle producer**” means a cattle producer who:
    - (i) is registered with the commission pursuant to section 22 and whose registration has not been suspended or cancelled; and
    - (ii) has paid a levy pursuant to subsection 25.1(1) in the previous levy period for which the cattle producer has not received a refund pursuant to section 25.2.
- (2) Notwithstanding that a registered cattle producer may have production or marketing facilities in more than one district, no registered cattle producer is entitled to be registered in more than one district.
- (3) If a registered cattle producer has production or marketing facilities in more than one district, the registered cattle producer is deemed to be registered in the district in which that registered cattle producer:
- (a) in the case of a registered cattle producer that is an individual, has his or her primary residence; and
  - (b) in the case of a registered cattle producer that is not an individual, has its head office.
- (4) Districts 1, 2, 3a, 3b, 4, 5, 6, 7, 8, 9a and 9b are established for the purposes of these regulations with the boundaries as set out in the map found in the Appendix.

6 Feb 2009 cA-15.21 Reg 8 s2; 13 Aug 2010 SR 83/2010 s3.

## PART II Cattle Plan

### **Cattle plan established**

- 3** The Cattle Development Plan is established.

6 Feb 2009 cA-15.21 Reg 8 s3.

### **Application**

- 4(1) Subject to subsection (2) and to any exemptions made by order of the commission, the cattle plan and the orders of the commission made pursuant to the cattle plan apply:
- (a) throughout Saskatchewan; and
  - (b) to all persons engaged in the production, marketing or production and marketing of cattle in Saskatchewan.

(2) These regulations and the cattle plan do not apply to any person who produces, markets or produces and markets cattle as part of a program that the commission is satisfied is a 4-H program as defined in *The 4-H Foundation Act*.

(3) Section 25.1 does not apply to a livestock dealer or a livestock agent who, in the ordinary course of business as a livestock dealer or a livestock agent as the case may be, feeds or owns cattle for a period of not more than seven days.

6 Feb 2009 cA-15.21 Reg 8 s4; 13 Aug 2010 SR 83/2010 s4.

**Purpose**

5(1) The purpose of the cattle plan is to promote and develop the cattle industry in Saskatchewan.

(2) Without limiting the generality of subsection (1), the specific purposes of the cattle plan are:

(a) to assist in the development and promotion of cattle and beef products in the domestic and international marketplaces;

(b) to conduct and encourage research on production, market development, processing and consumption of cattle and beef products;

(c) to advise governments on matters pertaining to cattle research and industry development;

(d) to gather, compile and distribute information related to the production, consumption and marketing of cattle and beef products;

(e) to encourage the production of high-quality cattle and beef products;

(f) to promote communication within the cattle industry;

(g) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness of and demand for cattle and beef products;

(h) to work in co-operation with any persons or organizations that have objectives similar to those of the cattle plan; and

(i) to establish a system of collecting levies on the production, marketing or production and marketing of cattle for the purpose of carrying out the objectives of the cattle plan.

6 Feb 2009 cA-15.21 Reg 8 s5; 13 Aug 2010 SR 83/2010 s5.

**6 Repealed.** 13 Aug 2010 SR 83/2010 s6.

**PART III**  
**Commission**

**Commission**

7(1) The Saskatchewan Cattlemen's Association is established consisting of a maximum of sixteen directors.

(2) The commission consists of:

(a) subject to clause (3)(b), eleven directors elected in accordance with Part VI, one director to be elected from each district;

(b) the immediate past chairperson of the commission; and

(c) up to four directors appointed in accordance with clause (3)(a).

(3) The commission:

(a) may appoint:

(i) two directors nominated from the Saskatchewan Stock Growers Association; and

(ii) two directors nominated from the Saskatchewan Cattle Feeders Association; and

(b) if less than eleven directors are elected pursuant to Part VI, may appoint registered cattle producers, that meet the nomination requirements set out in subsection 29(1), as directors as it considers necessary to fill those positions.

(3.1) A vacancy in the office of a director of the commission does not impair the power of the remaining directors of the commission to act.

(4) The commission shall administer the cattle plan.

6 Feb 2009 cA-15.21 Reg 8 s7; 13 Aug 2010 SR  
83/2010 s7.

**Powers of commission**

8(1) Subject to the other provisions of these regulations, the commission may exercise the following powers that are set out in subsection 8(1) of the Act:

(a) the power to carry out educational, research and developmental programs related to cattle and the cattle industry;

(b) the power to require any or all persons engaged in the production, marketing or production and marketing of cattle to register with the commission;

(c) the power to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production, marketing or production and marketing of cattle;

(c.1) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of cattle;

- (d) the power to categorize into groups persons engaged in the production, marketing or production and marketing of cattle for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (c.1);
- (e) the power to set and collect penalties from any person who:
  - (i) is engaged in the production, marketing or production and marketing of cattle; and
  - (ii) contravenes an order of the commission;
- (f) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (c.1) or (e) by an action in a court of competent jurisdiction;
- (g) the power to require any person engaged in the production, marketing or production and marketing of cattle to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;
- (h) **Repealed.** 13 Aug 2010 SR 83/2010 s8.
- (i) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the cattle plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (j) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (i) and their dependants;
- (k) the power to use any money received by the commission to carry out the purposes of the cattle plan and to pay the expenses of the commission;
- (l) the power to borrow, raise or secure the payment of money in any manner that the commission considers appropriate for the purpose of administering the cattle plan;
- (m) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (n) subject to subsection (3), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the cattle plan;
- (o) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the commission, and to insure, sell or otherwise dispose of any of its property;
- (p) the power to grant a mortgage or security interest in any of the commission's real or personal property;



- (q) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the commission in relation to the cattle plan;
  - (r) the power to register a business name pursuant to *The Business Names Registration Act*;
  - (s) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of cattle.
  - (3) The sum of the loans mentioned in clause (1)(n) shall not exceed 10% of the commission's current assets as reported in the audited financial statement in the commission's most recent annual report at the time the loan is made.

6 Feb 2009 cA-15.21 Reg 8 s8; 13 Aug 2010 SR 83/2010 s8.

#### **Agreements with National Agency**

- 8.1(1) Subject to subsection (2), the commission may enter into any agreement with the National Agency for the following purposes:
  - (a) to promote the marketing and production of cattle and beef products for the purposes of interprovincial trade, export trade and import trade;
  - (b) to conduct and promote research activities related to cattle and beef products to further the purposes mentioned in clause (a).
- (2) Any agreement entered into pursuant to subsection (1) must specify:
  - (a) the amount to be remitted by the commission with respect to each head of cattle sold; and
  - (b) the timing of remittances by the commission to the National Agency.
- (3) The commission may enter into any agreement with the National Agency that provides for:
  - (a) the collection by the commission on behalf of the National Agency of the federal levies, and the remittance of those federal levies by the commission to the National Agency; and
  - (b) any other matters incidental to the administration of the federal levies order.

13 Aug 2010 SR 83/2010 s9.

**Books and records**

- 9(1)** The commission shall:
- (a) maintain any books and records that may be required for the administration of the cattle plan; and
  - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The commission shall maintain a registered office and head office in Saskatchewan.
- (3) The commission shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the commission for its previous fiscal year;
  - (b) a description of:
    - (i) the state of the industry; and
    - (ii) the activities of the commission for its previous fiscal year; and
  - (c) a list of the names and addresses of the directors of the commission.
- (4) The commission shall make the annual report available:
- (a) to the council;
  - (b) at the annual general meeting of registered cattle producers; and
  - (c) on request to any cattle producer.

6 Feb 2009 cA-15.21 Reg 8 s9; 13 Aug 2010 SR 83/2010 s10.

**Appointment of auditor**

- 10(1)** The registered cattle producers:
- (a) shall, at each annual general meeting of registered cattle producers, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year; and
  - (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year.
- (2) If the registered cattle producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the commission for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
- (a) be independent of:
    - (i) the commission; and
    - (ii) the directors and officers of the commission; and
  - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

6 Feb 2009 cA-15.21 Reg 8 s10.

**Committees**

**11(1)** The commission may appoint any committee that it considers necessary or desirable for the proper operation of the cattle plan.

(2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the commission may determine.

6 Feb 2009 cA-15.21 Reg 8 s11.

**Chairperson and vice-chairperson**

**12(1)** The commission shall elect a chairperson and vice-chairperson from among the directors of the commission at their first meeting in each year after new directors have been elected or appointed.

(2) The chairperson and vice-chairperson hold office at the pleasure of the commission.

(3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the commission.

6 Feb 2009 cA-15.21 Reg 8 s12.

**Quorum**

**13** For the transaction of business at a duly called meeting of the commission:

- (a) a majority of the commission constitutes a quorum; and
- (b) a decision of a majority of those directors comprising a quorum is a decision of the commission.

6 Feb 2009 cA-15.21 Reg 8 s13.

**Policies re conflict of interest and code of conduct**

**14** Within 18 months after the coming into force of these regulations, the commission shall prepare and submit to the council:

- (a) a conflict of interest policy for the directors; and
- (b) a policy respecting a code of conduct for the directors.

6 Feb 2009 cA-15.21 Reg 8 s14.

**Conflicts of interest**

**15(1)** No director shall:

- (a) fail to disclose to the commission any conflict of interest that the director may have; or
- (b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other cattle producers.

(2) If the commission is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the commission must adjourn the matter until the conflict of interest issue is resolved pursuant to the policy mentioned in section 14.

6 Feb 2009 cA-15.21 Reg 8 s15.

**A-15.21 REG 8****CATTLE DEVELOPMENT PLAN****Bank accounts**

**16** The commission may open accounts in the name of the commission in a bank, credit union or trust corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997* and appoint signing officers.

6 Feb 2009 cA-15.21 Reg 8 s16.

**Investments**

**17** The commission may:

- (a) invest any money in its possession or control that is not immediately required for a purpose of the cattle plan or its operations in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the commission considers expedient.

6 Feb 2009 cA-15.21 Reg 8 s17.

**Fiscal year**

**18** The fiscal year of the commission is the period commencing on August 1 in one year and ending on July 31 in the following year.

6 Feb 2009 cA-15.21 Reg 8 s18.

**Financial plan**

**19** The commission shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

6 Feb 2009 cA-15.21 Reg 8 s19.

**Meetings of registered cattle producers**

**20(1)** An annual general meeting of registered cattle producers:

- (a) is to be held on or before April 1 in each year; and
- (b) is to be held at a place and time determined by the commission.

(2) The commission:

- (a) may call a special general meeting of registered cattle producers at any time; and
- (b) shall call a special general meeting on the written request of not less than 100 registered cattle producers.

(3) The commission shall notify all registered cattle producers, in writing:

- (a) for an annual general meeting of registered cattle producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
- (b) for a special general meeting of registered cattle producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

- (4) **Repealed.** 13 Aug 2010 SR 83/2010 s11.
- (5) **Repealed.** 13 Aug 2010 SR 83/2010 s11.
- (6) The quorum at an annual or special general meeting of registered cattle producers is 50 registered cattle producers.
- (7) The commission shall present to the annual general meeting:
  - (a) the financial plan it has approved for the current fiscal year; and
  - (b) an outline of programs and activities it has planned for the current fiscal year.
- (8) Any change to the remuneration to be paid to the directors of the commission is to be determined by motion of the commission and approved by a vote of registered cattle producers at the next annual general meeting or special general meeting.
- (9) At an annual or special general meeting, registered cattle producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the cattle plan.

6 Feb 2009 cA-15.21 Reg 8 s20; 13 Aug 2010  
SR 83/2010 s11.

#### **District meetings**

- 21(1)** The commission may, at any time, call a meeting of the registered cattle producers in a district for the purpose of discussing any business placed on the agenda by the commission.
- (2) The commission shall give reasonable notice of a meeting held pursuant to this section to the registered cattle producers in the district.
- (3) The quorum at a meeting held pursuant to this section is 12 registered cattle producers from the district.

6 Feb 2009 cA-15.21 Reg 8 s21.

#### **Voting**

- 21.1(1)** A registered cattle producer is eligible to vote with respect to any resolution and at an election:
  - (a) only in the district in which that registered cattle producer is registered pursuant to subsections 2(2) and (3);
  - (b) in the case of a registered cattle producer that is an individual, only if the registered cattle producer:
    - (i) is at least 18 years of age; and

- (ii) provides a written declaration to the commission that:
  - (A) states that the individual is at least 18 years of age;
  - (B) confirms his or her status as a registered cattle producer;
  - (C) states that he or she is voting as an individual registered cattle producer and has not voted and will not vote with respect to the resolution or in the election as a designated representative; and
  - (D) states his or her full name, mailing address, telephone number, and if applicable, his or her facsimile number and electronic mail address; and
- (c) in the case of a registered cattle producer that is not an individual:
  - (i) only through a designated representative that is at least 18 years of age; and
  - (ii) only if the designated representative provides a written declaration to the commission that:
    - (A) states that the designated representative is at least 18 years of age;
    - (B) states that he or she is the designated representative appointed by the registered cattle producer;
    - (C) confirms that the cattle producer for whom he or she is the designated representative is a registered cattle producer;
    - (D) states that he or she is voting as a designated representative and has not voted and will not vote with respect to the resolution or in the election as an individual registered cattle producer; and
    - (E) states the designated representative's and registered cattle producer's full name, mailing address, telephone number, and if applicable, their facsimile numbers and electronic mail addresses.
- (2) Except as provided in clause (1)(c), voting by proxy is prohibited.
- (3) Subject to subsection (4), every registered cattle producer is entitled to one vote.
- (4) No individual shall be entitled to more than one vote regardless of whether he or she is voting as an individual registered cattle producer or as a designated representative.

13 Aug 2010 SR 83/2010 s12.

**Service of documents**

**21.2(1)** In addition to the methods of service set out in section 39 of the Act, a notice or profile that is required to be sent pursuant to subsection 20(3), clause 31(2)(b) or section 33 may be sent, at the request of a registered cattle producer, by facsimile or electronic mail to a facsimile number or electronic mail address of a registered cattle producer as recorded in the register of the commission.

(2) If a notice or profile is sent pursuant to subsection (1), it is deemed to have been received on the next business day after it was sent.

13 Aug 2010 SR 83/2010 s12.

**PART IV**  
**Registration**

**Registration of cattle producers**

**22(1)** Every cattle producer shall register with the commission at the time and in the manner determined by order of the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of every registered cattle producer.

6 Feb 2009 cA-15.21 Reg 8 s22.

**23 Repealed.** 13 Aug 2010 SR 83/2010 s13.

**Registration of buyers**

**24(1)** Every buyer shall register with the commission at the time and in the manner determined by order of the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of every registered buyer.

6 Feb 2009 cA-15.21 Reg 8 s24.

**Suspension and cancellation of registrations**

**25(1)** The commission may cancel or suspend a registration if the registered buyer or registered cattle producer, as the case may be, has contravened:

- (a) the Act;
- (b) the cattle plan;
- (c) these regulations; or
- (d) an order or direction of the commission.

(2) The commission shall establish, by order, procedures respecting the cancellation or suspension of a registration pursuant to this section.

(3) If the commission suspends or cancels a registration pursuant to this section, the commission must advise the registered buyer or registered cattle producer, as the case may be, in writing of its decision.

6 Feb 2009 cA-15.21 Reg 8 s25; 13 Aug 2010 SR  
83/2010 s14.

**PART IV.1**  
**Levies**

**Collection of levies**

**25.1(1)** Every cattle producer engaged in the production, marketing or production and marketing of cattle shall pay to the commission, at the times and in the manner determined by the commission, a levy that is composed of a refundable levy and a non-refundable levy calculated in accordance with this section.

- (2) Subject to subsection (3), the levy mentioned in subsection (1):
  - (a) is to be determined by order of the commission; and
  - (b) is to be based on a fixed rate for every head of cattle produced, marketed or produced and marketed by a cattle producer.
- (3) The commission shall provide registered cattle producers with:
  - (a) an opportunity to discuss the rate of the levy at annual general meetings and special general meetings; and
  - (b) at least 10 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (4) The commission may require any buyer to:
  - (a) deduct the levy mentioned in subsection (1), and other fees and charges on cattle levied pursuant to these regulations, from any payment made to a cattle producer; and
  - (b) forward the levy and other fees and charges to the commission.
- (5) The commission may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from cattle producers and buyers.
- (6) Cattle producers and buyers are jointly and severally liable for all levies, fees and charges imposed pursuant to this Part.

13 Aug 2010 SR 83/2010 s15.

**Refundable levy**

- 25.2(1)** The commission shall make a refund of refundable levies only if:
- (a) the commission receives a written request for the refund from the cattle producer with respect to refundable levies paid in a levy period, not later than August 31 following that levy period; and
  - (b) the request has been verified by the commission.
- (2) If the commission receives and verifies a written request for a refund of refundable levies that were paid to the commission by the cattle producer in a levy period, the commission shall make the refund of those levies to the cattle producer not later than October 31 following that levy period.

13 Aug 2010 SR 83/2010 s15.



**Remittance of non-refundable levy**

**25.3** The commission may remit the non-refundable levies collected in accordance with section 25.1 to the National Agency in accordance with any agreement made pursuant to section 8.1.

13 Aug 2010 SR 83/2010 s15.

**Collection and remittance of federal levies**

**25.4** The commission may collect the federal levy imposed pursuant to the federal levies order and may remit those levies to the National Agency in accordance with any agreement made pursuant to section 8.1.

13 Aug 2010 SR 83/2010 s15.

**Required notification**

**25.5** If, for any one fiscal year, 35% or more of the cattle producers representing 35% or more of the refundable levy for that fiscal year request a refund of levies pursuant to subsection 25.2(2), the commission shall immediately notify the council.

13 Aug 2010 SR 83/2010 s15.

## PART V Commission Orders

**Commission orders**

**26(1)** The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the commission pursuant to section 12 of the Act.

(2) The commission shall number in consecutive order, retain and make available for inspection at its head office by any registered cattle producer, registered buyer or any other person designated by the council, original copies of all orders that have been approved by the council pursuant to section 12 of the Act.

(3) The commission shall:

(a) cause all orders of the commission to be published in the Gazette and in any other media it considers appropriate; and

(b) annually review the orders of the commission and consolidate them.

6 Feb 2009 cA-15.21 Reg 8 s26; 13 Aug 2010 SR 83/2010 s16.

## PART VI Elections

**27 Repealed.** 13 Aug 2010 SR 83/2010 s17.

**28 Repealed.** 13 Aug 2010 SR 83/2010 s18.

**Nominations**

**29(1)** A registered cattle producer is eligible to be nominated for election as a director of the commission representing the district in which the registered cattle producer is registered pursuant to subsections 2(2) and (3):

- (a) in the case of a registered cattle producer that is an individual, only if the registered cattle producer:
    - (i) is at least 18 years of age; and
    - (ii) provides a written declaration to the commission that:
      - (A) states that the individual is at least 18 years of age;
      - (B) confirms his or her status as a registered cattle producer; and
      - (C) states his or her full name, mailing address, telephone number, and if applicable, his or her facsimile number and electronic mail address; or
  - (b) in the case of a registered cattle producer that is not an individual:
    - (i) only through a designated representative that is at least 18 years of age; and
    - (ii) only if the designated representative provides a written declaration to the commission that:
      - (A) states that the designated representative is at least 18 years of age;
      - (B) states that he or she is a designated representative appointed by the registered cattle producer;
      - (C) confirms that the cattle producer for whom he or she is the designated representative is a registered cattle producer; and
      - (D) states the designated representative's and registered cattle producer's full name, mailing address, telephone number, and if applicable, their facsimile numbers and electronic mail addresses.
- (2) The commission shall:
- (a) arrange for the conduct of district elections;
  - (b) fix the last date for receipt of nominations for election to the commission; and
  - (c) at least 30 days before the last date for receipt of nominations, notify registered cattle producers that nominations are being accepted for the commission and of the last date for receipt of nominations.

(3) Every nomination of a candidate for election as a director to represent a district is to be:

- (a) in writing in the form required by the commission;
- (b) signed by:
  - (i) three registered cattle producers that are individuals from that district;
  - (ii) three designated representatives of registered cattle producers from that district; or
  - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling three persons; and
- (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(b) for receipt of nominations.

13 Aug 2010 SR 83/2010 s19.

**Returning officer and scrutineers**

**30(1)** Subject to subsection (2), the commission shall appoint a returning officer and one or more scrutineers to conduct an election pursuant to section 31.

(1.1) The returning officer may appoint one or more deputy returning officers.

(2) Cattle producers, buyers and officers and employees of the commission are not eligible to be appointed pursuant to subsection (1) or (1.1).

(3) A returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures related to conducting an election.

(4) A scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.

6 Feb 2009 cA-15.21 Reg 8 s30; 13 Aug 2010 SR 83/2010 s20.

**Conduct of elections**

**31(1)** If, on the date fixed pursuant to clause 29(2)(b), not more than the required number of candidates are nominated, those candidates are deemed to be elected by acclamation.

(2) If more than one nomination is made for any position to be filled by election, the commission shall:

- (a) fix a date for a district election; and
- (b) at least 15 business days before the date fixed pursuant to clause (a), send to every registered cattle producer in the district:
  - (i) a profile of every candidate in the district; and
  - (ii) notice of the time and the place the election will be held.

- (3) Every registered cattle producer that wishes to vote in a district election shall:
  - (a) attend at the time and place stated in the notice sent pursuant to subclause (2)(b)(ii);
  - (b) complete the ballot; and
  - (c) seal the ballot in the envelope provided and return it to the returning officer or deputy returning officer, as the case may be, at the district election.
- (4) If a tie does not occur between candidates, the returning officer shall:
  - (a) for each district in which a candidate was elected by acclamation in accordance with subsection (1), declare the candidate to be elected as a director of the commission representing that district;
  - (b) for each district in which there was an election, declare the candidate receiving the greatest number of votes in the district to be the director of the commission representing that district; and
  - (c) within three business days after the conclusion of all district elections, prepare and submit a written report to the chairperson that identifies:
    - (i) the names of those candidates elected by acclamation pursuant to subsection (1), if any; and
    - (ii) the name of the candidate receiving the greatest number of votes in each district.
- (5) The ballot of a registered cattle producer is not valid if:
  - (a) the registered cattle producer votes for more than one candidate;
  - (b) it is defaced;
  - (c) it is marked in any way other than to vote for a candidate;
  - (d) it is not the original ballot; or
  - (e) the individual who voted for the registered cattle producer voted more than once.

13 Aug 2010 SR 83/2010 s21.

**Failure to receive documents does not invalidate election**

**32** The failure of any registered cattle producer to receive the documents mentioned in clause 31(2)(b) does not invalidate the election.

6 Feb 2009 cA-15.21 Reg 8 s32.

**Election results**

**33(1)** In this section, “**written report**” means the written report prepared by the returning officer pursuant to subsection 31(4).

- (2) The chairperson shall:
  - (a) ensure that the results of the election are posted on the Internet website of the commission within five business days after receiving the written report;

- (b) make the written report available on request to any registered cattle producer; and
- (c) ensure that a copy of the written report is included with the notice sent out to all registered cattle producers pursuant to clause 20(3)(a).

13 Aug 2010 SR 83/2010 s22.

**Term of office, vacancy**

**34(1)** Subject to subsections (2), (3), (5) and (6), a director of the commission holds office:

- (a) in the case of an elected director, for a term of two years commencing at the close of the first annual general meeting held following the election, and until the director's successor is elected or appointed, as the case may be; or
  - (b) in the case of a director appointed pursuant to clause 7(3)(a), for a term of two years commencing at the close of the first annual general meeting held following the appointment, and until the director's successor is appointed.
- (2) The term of office of every director of the first elected commission commences on the day on which he or she is declared by the returning officer to be elected, and expires:
- (a) in the case of the directors elected in districts 2, 3b, 5, 7 and 9a, on the day the director's successor's term of office commences at the annual general meeting following the year in which the director was elected; and
  - (b) in the case of the directors elected in districts 1, 3a, 4, 6, 8 and 9b, on the day the director's successor's term of office commences at the second annual general meeting following the year in which the director was elected.
- (3) If the directors of the first elected commission are acclaimed, their terms of office commence on the day on which they are declared by the returning officer to be elected and expire in accordance with clauses (2)(a) and (b).
- (4) A director is eligible for re-election or reappointment.
- (5) The office of a director becomes vacant, and the director may be removed from office by resolution of the commission, if the director:
- (a) ceases to qualify as a registered cattle producer;
  - (b) resigns, dies or is unable to act;
  - (c) is absent from three consecutive meetings of the commission without being excused by a resolution of the commission; or
  - (d) fails to fulfil his or her duties as established by the policy of the commission and approved by the council.
- (6) If the office of a director for a district becomes vacant:
- (a) with respect to an elected director, notwithstanding clause 7(2)(a), the commission may appoint a registered cattle producer from that district as a director to fill the vacancy for the remainder of the term for that office, and that person holds office commencing on the day of his or her appointment and until the director's successor is elected or appointed;

- (b) with respect to a director appointed in accordance with subclause 7(3)(a)(i), the commission shall appoint a person from a list of persons nominated by the Saskatchewan Stock Growers Association to fill the vacancy for the remainder of the term for that office, and that person holds office commencing on the day of his or her appointment and until the director's successor is appointed; and
- (c) with respect to a director appointed in accordance with subclause 7(3)(a)(ii), the commission shall appoint a person from a list of persons nominated by the Saskatchewan Cattle Feeders Association to fill the vacancy for the remainder of the term for that office, and that person holds office commencing on the day of his or her appointment and until the director's successor is appointed.

6 Feb 2009 cA-15.21 Reg 8 s34; 13 Aug 2010 SR 83/2010 s23.

#### Tie votes

- 35(1)** If a tie occurs between candidates, the successful candidate is to be determined by a vote of registered cattle producers conducted at the first annual general meeting of registered cattle producers to be held following the vote.
- (2) Voting pursuant to subsection (1) is to be by secret ballot.
- (3) Only registered cattle producers who are in attendance at the annual general meeting and who are eligible in accordance with section 21.1 to vote in the district for which the election is being held are entitled to vote pursuant to subsection (1), and each of those registered cattle producers is entitled to one vote for that purpose.
- (4) The returning officer shall count the votes cast pursuant to subsection (1) and declare the winner of the tie vote at the annual general meeting.

6 Feb 2009 cA-15.21 Reg 8 s35; 13 Aug 2010 SR 83/2010 s24.

#### Retention of ballots

- 36** The returning officer shall:
- (a) retain all ballots in his or her possession; and
- (b) not destroy any ballot or other record respecting an election of directors until 95 days after the annual general meeting of registered cattle producers at which the returning officer declared the results of the election.

6 Feb 2009 cA-15.21 Reg 8 s36; 13 Aug 2010 SR 83/2010 s25.

#### Challenge to election results

- 37(1)** Any registered cattle producer may challenge the results of an election of directors, as declared by the returning officer pursuant to section 33 or subsection 35(4), by submitting a written objection to the council.
- (2) A written objection submitted pursuant to subsection (1) must:
- (a) set out the grounds for the objection; and
- (b) be received by the council within 90 days after the annual general meeting of registered cattle producers at which the returning officer declared the results of the election.

(3) If the council receives a written objection in accordance with this section and is satisfied that the objection is neither frivolous nor vexatious, the council may appoint a vote recount officer to conduct a recount of the votes cast in the election.

(4) If the council appoints a vote recount officer pursuant to subsection (3), the results of the election as determined by the vote recount officer are final.

6 Feb 2009 cA-15.21 Reg 8 s37.

## PART VII Transitional and Coming into Force

**38 Repealed.** 13 Aug 2010 SR 83/2010 s26.

### Transitional – registered cattle producer

**38.1** Every cattle producer is deemed to be a registered cattle producer for the purposes of these regulations if the cattle producer, on the coming into force of this section:

(a) is registered with the commission pursuant to section 22 and that registration has not been suspended or cancelled;

(b) has paid a deduction in the previous levy period pursuant to section 3 of *The Cattle Marketing Deductions Act, 1998* as that Act existed before the coming into force of *The Agri-Food Amendment Act, 2010*; and

(c) has not received a refund in the previous levy period of the deduction paid in accordance with clause (b) pursuant to section 12 of *The Cattle Marketing Deductions Act, 1998* as that Act existed before the coming into force of *The Agri-Food Amendment Act, 2010*.

13 Aug 2010 SR 83/2010 s27.

### Transitional – refund of deduction

**38.2** A cattle producer who, on the coming into force of this section, meets the qualifications set out in section 38.1, is deemed to have paid a refundable levy pursuant to section 25.1 and is eligible to apply for a refund of refundable levies in accordance with section 25.2.

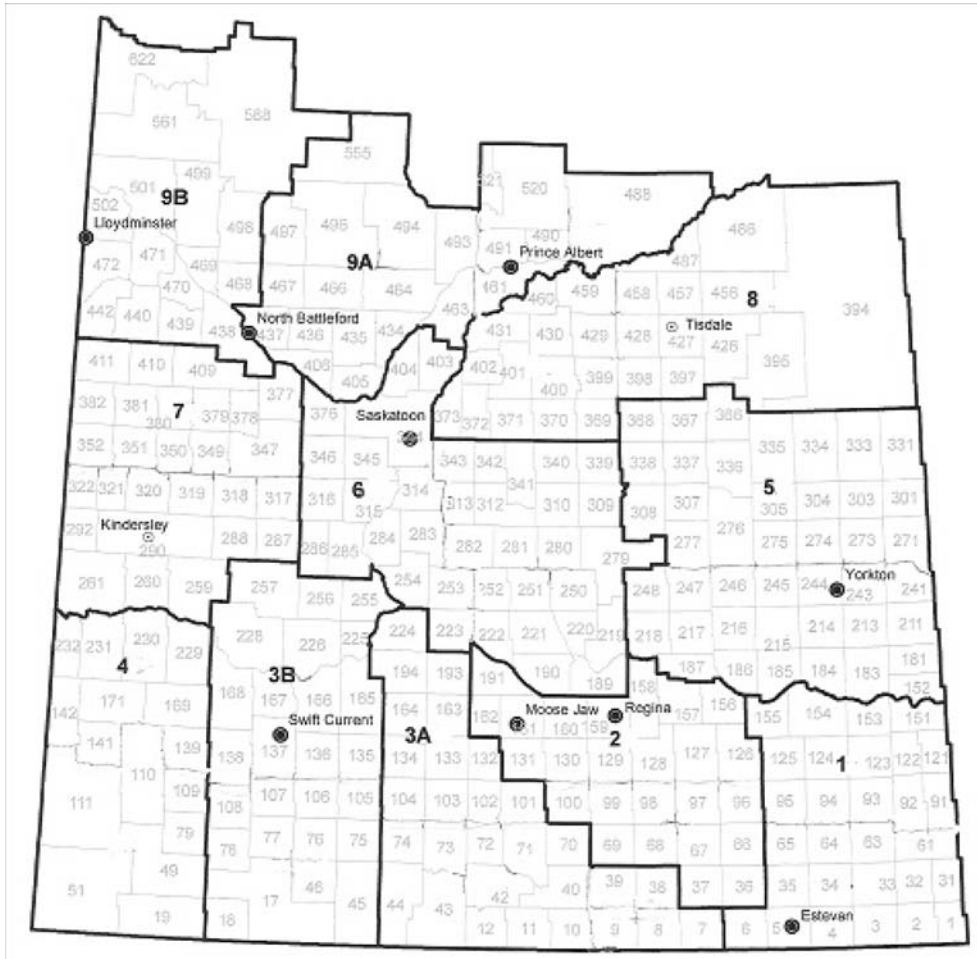
13 Aug 2010 SR 83/2010 s27.

### Coming into force

**39** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

6 Feb 2009 cA-15.21 Reg 8 s39.

**APPENDIX**  
[Subsection 2(4)]



6 Feb 2009 cA-15.21 Reg 8.