

The Oat Development Plan Regulations

being

[Chapter A-15.21 Reg 6](#) (effective April 12, 2006) as amended by Saskatchewan Regulations [58/2012](#), [53/2017](#) and [17/2023](#).

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 6

The Agri-Food Act, 2004

PART I

Title and Interpretation

Title

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

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (a.1) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (a.2) **“buyer”** means any person who buys oats produced in Saskatchewan;
- (b) **“commission”** means the Saskatchewan Oat Development Commission established pursuant to section 7;
- (c) **“director”** means a director of the commission elected or appointed in accordance with these regulations;
- (d) **Repealed.** 7 Sep 2012 SR 58/2012 s3.
- (e) **“oat”** means any seed produced by or any part of the oat plant *Avena sativa L.*;
- (f) **“oat plan”** means the Oat Development Plan established pursuant to section 3;
- (g) **“oat producer”** means:
 - (i) any person engaged in the production, marketing or production and marketing of oats, and includes the employer of that person;
 - (ii) a person who, under any lease or agreement, is entitled to a share of the oats or the proceeds of their sale; and
 - (iii) a person who takes possession of any oats under any form of security or legal proceedings for a debt;
- (h) **“registered oat producer”** means an oat producer who:
 - (i) is registered with the commission pursuant to section 21; and
 - (ii) has paid a levy pursuant to subsection 23(1);
- (i) **Repealed.** 7 Sep 2012 SR 58/2012 s3.

PART II Oat Plan

Oat plan established

3 The Oat Development Plan is established.

21 Apr 2006 cA-15.21 Reg 6 s3.

Application

4 Subject to any exemptions made by order of the commission, the oat plan and the orders of the commission made pursuant to the oat plan apply:

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of oats in Saskatchewan.

21 Apr 2006 cA-15.21 Reg 6 s4.

Purpose

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

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

- (a) to assist in the development and promotion of oats and oat products in the domestic and international marketplaces;
- (b) to conduct and encourage research on production, market development, processing and consumption of oats and oat products;
- (c) to develop procedures to maximize returns to registered oat producers;
- (d) to advise governments on matters pertaining to oat research and development;
- (e) to gather, compile and distribute information related to the production, consumption and market development of oats and oat products;
- (f) to encourage the production of uniformly high-quality oats and oat products;
- (g) to promote harmony and communication within the oat industry;
- (h) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness and demand for oats and oat products;
- (i) to establish a system of collecting levies on the production, marketing or production and marketing of oats for the purpose of carrying out the objectives of the oat plan; and
- (j) to work in co-operation with any persons or organizations that have objectives similar to those of the oat plan.

21 Apr 2006 cA-15.21 Reg 6 s5; 7 Sep 2012 SR
58/2012 s4.

6 Repealed. 7 Sep 2012 SR 58/2012 s5.

PART III

Commission

Commission

7(1) The Saskatchewan Oat Development Commission is established as a development commission pursuant to the Act.

(2) Unless the number of directors is otherwise set by an order of the commission, the commission consists of a maximum of six directors elected or appointed pursuant to Part VII.

(3) If less than six directors, or less than the number of directors set by an order of the commission, are elected pursuant to Part VII, the commission may appoint registered oat producers as directors as it considers necessary to fill those positions.

(4) The commission shall administer the oat plan.

24 Mar 2023 SR 17/2023 s3.

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 oats;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of oats 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 oats;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of oats;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of oats for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
 - (i) is engaged in the production, marketing or production and marketing of oats; and
 - (ii) contravenes an order of the commission;
- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of oats to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;

- (i) the power to market, grade or insure oats, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the oat plan; and
 - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) 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 (j) and their dependants;
- (l) the power to use any money received by the commission to carry out the purposes of the oat plan and to pay the expenses of the commission;
- (m) 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 oat plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) 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 oat plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the commission considers it necessary or advisable for the purposes of the oat plan;
- (q) 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;
- (r) the power to grant a mortgage or security interest in any of the commission's real or personal property;
- (s) 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 oat plan;
- (t) the power to:
 - (i) require any person who owes money to an oat producer with respect to the sale by the oat producer of oats to pay the money to the commission; and
 - (ii) distribute the money paid to the commission pursuant to subclause (i), in the manner determined by the commission, to the oat producer to whom the money is owing;

- (u) the power to:
 - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
 - (ii) hold membership in any corporation;
 - (v) the power to:
 - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (u); and
 - (ii) exercise any rights, including the right to vote, as:
 - (A) an owner of the securities mentioned in clause (u); or
 - (B) a member;
 - (w) the power to register a business name pursuant to *The Business Names Registration Act*;
 - (x) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid;
 - (y) the power to set out the number of directors elected to the commission and the terms of office of those directors;
 - (z) the power to develop, deliver or develop and deliver traceability, animal welfare and food safety strategies, programs and initiatives.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of oats.
- (3) Neither the sum of the loans nor the sum of the financial guarantees mentioned in clauses (1)(o) and (p) shall exceed 10% each 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 or financial guarantee is made or given.

21 Apr 2006 cA-15.21 Reg 6 s8; 7 Sep 2012 SR
58/2012 s7; 24 Mar 2023 SR 17/2023 s4.

Books and records

- 9(1) The commission shall:
- (a) maintain any books and records that may be required for the administration of the oat 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 municipalities of residence 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 oat producers; and
 - (c) on request to:
 - (i) any registered oat producer; or
 - (ii) any buyer registered pursuant to section 22.

21 Apr 2006 cA-15.21 Reg 6 s9; 7 Sep 2012 SR
58/2012 s8; 24 Mar 2023 SR 17/2023 s5.

Appointment of auditor

- 10(1)** The registered oat producers:
 - (a) shall, at each annual general meeting, 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 oat 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.

21 Apr 2006 cA-15.21 Reg 6 s10.

Committees

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

21 Apr 2006 cA-15.21 Reg 6 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.

(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.

21 Apr 2006 cA-15.21 Reg 6 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.

21 Apr 2006 cA-15.21 Reg 6 s13.

Policies re conflict of interest and code of conduct

14 The commission shall establish and maintain:

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

21 Apr 2006 cA-15.21 Reg 6 s14; 24 Mar 2023
SR 17/2023 s6.

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 oat 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 policies mentioned in section 14.

21 Apr 2006 cA-15.21 Reg 6 s15.

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.

21 Apr 2006 cA-15.21 Reg 6 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 oat 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.

21 Apr 2006 cA-15.21 Reg 6 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.

21 Apr 2006 cA-15.21 Reg 6 s18.

Financial plan

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

21 Apr 2006 cA-15.21 Reg 6 s19.

Meetings of registered oat producers

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

- (a) is to be held in each year within six months of the end of the commission's fiscal 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 oat producers at any time; and
- (b) shall call a special general meeting on the written request of not less than 20 registered oat producers.

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

- (a) for an annual general meeting of registered oat 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 oat producers, of the date, time, location and agenda not less than 15 business days before the date on which the special general meeting commences.
- (3.1) The notice mentioned in subsection (3) may be sent:
 - (a) by ordinary or registered mail; or
 - (b) at the request of a registered oat producer, by facsimile or electronic mail.
- (3.2) If a notice is sent pursuant to clause (3.1)(b), it is deemed to be received on the next business day after it was sent.
- (4) Unless otherwise set by an order of the commission, the quorum at an annual or special general meeting of registered oat producers is 20 registered oat producers.
- (5) The commission shall present to the annual general meeting of registered oat producers:
 - (a) a proposed budget for the current fiscal year;
 - (b) an annual report for the preceding fiscal year; and
 - (c) an outline of programs and activities proposed for the current fiscal year.
- (6) 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 oat producers at the next annual general meeting or special general meeting.
- (7) At an annual general meeting or special general meeting, registered oat producers may debate and take a vote on any questions or resolutions respecting the purposes of the plan.
- (8) One or several registered oat producers may attend an annual general meeting or special general meeting by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- (9) If all registered oat producers intend to attend an annual general meeting or special general meeting by the means mentioned in subsection (8), permission from the council must first be obtained.

21 Apr 2006 cA-15.21 Reg 6 s20; 7 Sep 2012 SR
58/2012 s9; 24 Mar 2023 SR 17/2023 s7.

PART IV Registration

Registration of oat producers

- 21(1) Every oat 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 oat producer.

- (3) Registration remains in effect until:
- (a) the registered oat producer applies for and the commission approves a refund pursuant to section 24;
 - (b) the commission has not received a levy payment from the registered oat producer for two consecutive fiscal years;
 - (c) the death of a registered oat producer who is an individual; or
 - (d) the dissolution of a corporation, association, society or other designation.

21 Apr 2006 cA-15.21 Reg 6 s21; 7 Jly 2017 SR
53/2017 s4.

Registration of buyers

- 22(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.

21 Apr 2006 cA-15.21 Reg 6 s22.

PART V Levies

Collection of levies

- 23(1)** Every oat producer engaged in the production, marketing, or production and marketing of oats shall pay to the commission, at the times and in the manner determined by the commission, a 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 net tonne of oats marketed by an oat producer.
- (3) The commission shall provide registered oat producers:
- (a) an opportunity to discuss the rate of levy at annual general meetings and special general meetings; and
 - (b) at least 15 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 oats levied pursuant to these regulations, from any payment made to an oat producer; and
 - (b) forward the levy and other fees and charges to the commission.

- (5) The commission may require any producer to:
 - (a) deduct the levy mentioned in subsection (1), and other fees and charges on oats levied pursuant to these regulations, from any payment from another oat producer; and
 - (b) forward the levy and other fees and charges to the commission.
- (6) The commission may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from oat producers and buyers

7 Sep 2012 SR 58/2012 s10; 7 Jly 2017 SR
53/2017 s5.

Refund of levies

- 24(1) The commission shall make a refund of levies only if:
 - (a) the commission receives a written request for the refund from the oat producer with respect to the levy paid in a fiscal year, not later than August 31 of the following fiscal year; and
 - (b) the request has been verified by the commission.
- (2) If the commission receives and verifies a written request for a refund of the levy that was paid to the commission by the oat producer in a fiscal year, the commission shall make the refund of that levy to the oat producer not later than November 30 of the following fiscal year.

7 Sep 2012 SR 58/2012 s10; 7 Jly 2017 SR
53/2017 s6.

Required notification

- 25 If, for any one fiscal year, 35% or more of the oat producers representing 35% or more of the levy for that fiscal year request a refund of levies pursuant to subsection 24(1), the commission shall immediately notify the council.

7 Sep 2012 SR 58/2012 s10.

PART VI 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 oat producer, buyer or 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.

21 Apr 2006 cA-15.21 Reg 6 s26.

PART VII Elections

Eligibility

27(1) In this section, “**family member**” means any of the following with respect to an individual:

- (a) the spouse or person with whom the individual is cohabiting as a spouse;
 - (b) a son or daughter;
 - (c) a parent or legal guardian;
 - (d) a brother or sister;
 - (e) a grandparent;
 - (f) a grandchild;
 - (g) an uncle or aunt;
 - (h) a nephew or niece;
 - (i) a cousin;
 - (j) a mother-in-law, father-in-law, sister-in-law or brother-in-law;
 - (k) a person who is related by legal adoption.
- (2) Every registered oat producer or representative of a registered oat producer is eligible to hold office as a director of the commission.
- (3) If a registered oat producer is a corporation, partnership or other organization, it must appoint as its representative to put forward resolutions at meetings, vote or hold office on behalf of the registered oat producer an individual who is:
- (a) a director, partner, shareholder, member, officer or employee of the corporation, partnership or other organization or a family member of any of those individuals; and
 - (b) involved in the farming operation of the oat producer.
- (4) On or before the date fixed pursuant to clause 29(2)(a) as the last date for receipt of nominations for election to the commission, a registered oat producer who is an individual may appoint as that individual’s representative to put forward resolutions at meetings, vote or hold office on behalf of the registered oat producer an individual who is:
- (a) an employee or family member of the registered oat producer; and
 - (b) involved in the farming operation of the registered oat producer.

- (5) The appointment of a representative pursuant to subsection (3) or (4) must be:
 - (a) in writing; and
 - (b) filed with the commission in a form and manner acceptable to the commission.
- (6) A corporation, partnership or other organization that is a registered oat producer is entitled to put forward resolutions at meetings, vote or hold office only through a representative appointed pursuant to subsections (3) and (5).
- (7) After a representative is appointed in accordance with subsections (4) and (5) and until the registered oat producer or the representative terminates the appointment by filing a notice in writing with the commission:
 - (a) the representative is entitled to put forward resolutions at meetings, vote or hold office as the representative of the registered oat producer and to receive any notice required to be given pursuant to this Part; and
 - (b) the registered oat producer is not entitled to put forward resolutions at meetings, vote or hold office.
- (8) A representative appointed to vote pursuant to subsection (3) or (4) must, at the time of voting, declare that the representative has been appointed by the registered oat producer to vote on behalf of the registered oat producer.
- (9) Except as provided in this section, voting by proxy is prohibited.
- (10) Every registered oat producer is entitled to 1 vote.

24 Mar 2023 SR 17/2023 s8.

28 Repealed. 7 Sep 2012 SR 58/2012 s11.

Nominations

- 29(1)** Any registered oat producer is eligible to be nominated for election as a director of the commission.
- (2) The commission shall:
 - (a) fix the last date for receipt of nominations for election to the commission; and
 - (b) at least 30 days before the last date for receipt of nominations, notify registered oat producers that nominations are being accepted for the commission and of the last date for receipt of nominations.
- (3) Every nomination must:
 - (a) be made in writing in the form required by the commission;
 - (b) be signed by:
 - (i) two registered oat producers;
 - (ii) two representatives of registered oat producers appointed pursuant to subsection 27(3) or (4); or
 - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling two persons;

- (c) include a candidate profile, as required by the returning officer; and
 - (d) be delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) as the last date for receipt of nominations.
- (4) Any information provided pursuant to subsection (3) shall be considered confidential and is not to be disclosed to any person until after the date fixed pursuant to clause (2)(a).
- (5) After the date fixed pursuant to clause (2)(a), the returning officer shall forward copies of all nominations to the commission.

21 Apr 2006 cA-15.21 Reg 6 s29; 7 Jly 2017 SR
53/2017 s8; 24 Mar 2023 SR 17/2023 s9.

Returning officer and scrutineers

- 30(1)** Subject to subsection (2), the commission shall appoint a returning officer and a scrutineer to conduct an election pursuant to section 31.
- (2) Registered oat producers, oat producers, buyers and officers and employees of the commission are not eligible to be appointed pursuant to subsection (1).
- (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures related to conducting an election.
- (4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.
- (5) Any registered oat producer nominated pursuant to section 29 may provide a scrutineer to scrutinize the ballot verification and vote count that follow the close of an election.

21 Apr 2006 cA-15.21 Reg 6 s30; 24 Mar 2023
SR 17/2023 s10.

Conduct of elections

- 31(1)** If not more than the required number of candidates is nominated pursuant to section 29, the candidates nominated are deemed to be elected by acclamation.
- (2) If more than the required number of candidates is nominated pursuant to section 29, the commission shall:
- (a) fix a date for the completion of the election;
 - (b) at least 15 business days before the date fixed pursuant to clause (a), provide to every registered oat producer:
 - (i) a numbered ballot;
 - (ii) the candidate profile submitted pursuant to clause 29(3)(c); and
 - (iii) a notice that states the date and time by which and the place to which the ballot is to be returned; and
 - (c) if the commission provides ballots pursuant to subclause (b)(i) in paper form, provide an envelope with the ballot.

- (3) Every registered oat producer that wishes to vote in an election shall:
 - (a) complete the ballot provided by the commission; and
 - (b) return the ballot to the returning officer in the manner stated in the notice sent pursuant to subclause (2)(b)(iii) by the date fixed for them to be returned.
- (4) If a tie does not occur between candidates, the returning officer shall prepare and submit a written report to the chairperson that declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the commission.
- (5) The ballot of a registered oat producer is not valid if:
 - (a) the registered oat producer votes for more than the specified number of candidates;
 - (b) it is defaced;
 - (c) it is marked in any way other than to vote for candidates;
 - (d) it is not the original ballot provided by the commission; or
 - (e) the individual who voted on behalf of the registered oat producer voted more than once on behalf of that registered oat producer.
- (6) If the number of candidates nominated pursuant to section 29 is greater than the number of director positions to be filled, the commission shall not advertise in any manner any funding announcement, new program or new service provided by or delivered on behalf of the commission during the period from the date fixed pursuant to clause 29(2)(a) to the date fixed pursuant to clause (2)(a).
- (7) Ties in elections conducted pursuant to this section are decided by the drawing of lots.

21 Apr 2006 cA-15.21 Reg 6 s31; 7 Sep 2012 SR 58/2012 s12; 7 Jly 2017 SR 53/2017 s9; 24 Mar 2023 SR 17/2023 s11.

Failure to receive documents does not invalidate election

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

7 Sep 2012 SR 58/2012 s13.

Election results

33(1) The returning officer or the chairperson shall read the written report prepared pursuant to subsection 31(4) at the first annual general meeting of registered oat producers after the election.

(2) The reading of the written report pursuant to subsection (1) is deemed to be the declaration of the election of the directors.

- (3) The commission shall:
 - (a) within 10 business days of receiving the returning officer's written report, provide to candidates notification of the election results including total vote counts for all candidates; and
 - (b) make the written report of the returning officer available on request to any registered oat producer.

7 Jly 2017 SR 53/2017 s10; 24 Mar 2023 SR
17/2023 s12.

Term of office, vacancy

34(1) Subject to subsection (4), unless otherwise set by an order of the commission, a director of the commission holds office:

- (a) in the case of an elected director, for a term of four years commencing with the declaration of the director's election by the returning officer 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 subsection 7(1.1), for a term of four years commencing with the appointment of the director by the commission, and until director's successor is elected or appointed, as the case may be.
- (2) Subject to subsection (3), a director is eligible for re-election or reappointment.
- (3) Unless otherwise set by an order of the commission, if a director has completed two consecutive terms, the director is not eligible for re-election or reappointment until two years have passed since the completion of the director's second consecutive term.
- (4) The office of director becomes vacant if a director:
 - (a) ceases to qualify as:
 - (i) a registered oat producer; or
 - (ii) the representative of a registered oat producer;
 - (b) resigns, dies or is unable to act;
 - (c) is absent from two 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.
- (5) Notwithstanding subsection 7(1), if the office of a director becomes vacant, the commission may appoint a registered oat producer as a director to fill the vacancy until the next election.

7 Sep 2012 SR 58/2012 s15; 24 Mar 2023 SR
17/2023 s13.

35 Repealed. 24 Mar 2023 SR 17/2023 s14.

Retention of election records

36 The returning officer shall:

- (a) retain the following in his or her possession:
 - (i) the original nominations submitted pursuant to clause 29(3)(a);
 - (ii) the original candidate profiles submitted pursuant to clause 29(3)(c);
 - (iii) the ballots; and
- (b) not destroy any nomination, candidate profile, ballot or other record respecting an election of directors until 35 days after the annual general meeting of registered oat producers at which the results of the election were declared.

7 Jly 2017 SR 53/2017 s11.

Challenge to election results

37(1) Any registered oat producer nominated pursuant to section 29 may submit a written objection to the council to challenge the results of an election of directors, as provided pursuant to clause 33(3)(a).

(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 30 days after notification of the election results pursuant to clause 33(3)(a).

(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.

21 Apr 2006 cA-15.21 Reg 6 s37; 7 Sep 2012 SR 58/2012 s18; 7 Jly 2017 SR 53/2017 s12; 24 Mar 2023 SR 17/2023 s15.

PART VIII**Transitional and Coming into Force**

38 Repealed. 7 Sep 2012 SR 58/2012 s19.

Coming into force

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

21 Apr 2006 cA-15.21 Reg 6 s39.

