

The Agri-Food Act

Repealed

by [Chapter A-15.21 of the *Statutes of Saskatchewan, 2004*](#)
(effective October 8, 2004).

Formerly

[Chapter A-15.2 of the *Statutes of Saskatchewan, 1990-91*](#)
(consult Table of Saskatchewan Statutes for effective date)
as amended by the [Statutes of Saskatchewan, 1992, c.42](#);
and [1997, c.27](#).

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-15.2

An Act respecting the Promotion, Development, Control and Regulation of the Production and Marketing of Agricultural Products and Certain Amendments to Certain Acts resulting from the enactment of this Act

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Agri-Food Act*.

Interpretation

2 In this Act:

(a) **“agency”** means:

- (i) a development commission;
- (ii) a development board; or
- (iii) a marketing board;

established or continued pursuant to this Act;

(b) **“agricultural product”** means:

- (i) any product of agriculture or of a forest, lake or river;
- (ii) any edible or inedible article that is wholly or partly manufactured or derived from a product described in subclause (i); or
- (iii) any product that may be of benefit to the agriculture or food industry that the Lieutenant Governor in Council may designate by regulation as an agricultural product;

(c) **“appeal committee”** means an appeal committee established pursuant to section 22;

(d) **“council”** means the Agricultural and Food Products Development and Marketing Council continued pursuant to section 15;

(e) **“court”** means Her Majesty’s Court of Queen’s Bench for Saskatchewan;

(f) **“development board”** means a development board established pursuant to section 7;

(g) **“development commission”** means a development commission established pursuant to section 4 or 5;

(h) **“licence”** means a valid and subsisting licence issued pursuant to this Act and the regulations;

- (i) **“marketing”** includes:
 - (i) advertising;
 - (ii) assembling;
 - (iii) buying;
 - (iv) financing;
 - (v) grading;
 - (v.1) insuring;
 - (v.2) managing risk;
 - (vi) offering for sale;
 - (vii) packing;
 - (viii) processing;
 - (ix) selling;
 - (x) shipping;
 - (xi) storing; and
 - (xii) transporting;
- (j) **“marketing board”** means a marketing board:
 - (i) established pursuant to section 8; or
 - (ii) continued pursuant to section 34;
- (k) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (l) **“person”** includes:
 - (i) a partnership; and
 - (ii) an unincorporated group of individuals that share a common production, processing or marketing unit;
- (m) **“plan”** means a plan for any or all of:
 - (i) the development;
 - (ii) the promotion; or
 - (iii) the regulation and control;

of the production or marketing of an agricultural product or any grade, class or variety of an agricultural product within Saskatchewan or any part of Saskatchewan;
- (n) **“processing”** means changing the nature of an agricultural or food product and includes any function or activity that the Lieutenant Governor in Council designates by regulation as processing;
- (o) **“producer”** means any person who produces an agricultural product;

- (p) **“production”** means the production of an agricultural product;
- (q) **“promoted product”** means any agricultural product, the production or marketing of which is promoted by:
 - (i) a development commission;
 - (ii) a development board;
 - (iii) a marketing board; or
 - (iv) a promotion-research agency;
- (q.1) **“promotion-research agency”** means a promotion-research agency established pursuant to the *Farm Products Agencies Act* (Canada);
- (r) **“regulated product”** means any product, the production or marketing of which is regulated or controlled by a marketing board;
- (s) **“vehicle”** means a vehicle as defined in *The Highway Traffic Act*.

1990-91, c.A-15.2, s.2; 1997, c.27, s.3.

AGRICULTURAL AND FOOD PRODUCTS DEVELOPMENT AND MARKETING

Ministerial responsibility

3 The minister is responsible for the promotion, development, control and regulation of the production and marketing of agricultural products within Saskatchewan.

1990-91, c.A-15.2, s.3.

DEVELOPMENT COMMISSIONS

Establishment of development commissions

4(1) The Lieutenant Governor in Council, by regulation may:

- (a) establish, amend or revoke plans for the promotion and development of the production and marketing of an agricultural product;
- (b) constitute development commissions to administer those plans; and
- (c) vest in those development commissions any or all of the following powers:
 - (i) to carry out educational, research and developmental programs related to the promoted product;
 - (ii) to require any or all persons engaged in the production or marketing of the promoted product to register with the commission;
 - (iii) to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production or marketing of the promoted product;

- (iv) subject to section 6, to set and collect check-offs from any person engaged in the marketing of the promoted product;
- (v) to categorize into groups persons engaged in the production or marketing of the promoted product for the purpose of setting and collecting:
 - (A) the registration fees and charges mentioned in subclause (iii); and
 - (B) the check-offs mentioned in subclause (iv);
- (vi) to recover:
 - (A) the registration fees and charges mentioned in subclause (iii); or
 - (B) the check-offs mentioned in subclause (iv);
- by suit in a court of competent jurisdiction;
- (vii) to require any person engaged in the production or marketing of the promoted product to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;
- (viii) to market, grade or insure the promoted product either as principal or agent;
- (ix) to employ any officers and other employees that it considers necessary to administer the plan and to determine their respective:
 - (A) duties;
 - (B) conditions of employment; and
 - (C) remuneration;
- (x) to establish or support:
 - (A) a group insurance plan; and
 - (B) any other pension or employee benefit program;
- for the benefit of the officers and employees mentioned in subclause (ix) and their dependants;
- (xi) to use any moneys received by the commission:
 - (A) to carry out the purposes of the plan; and
 - (B) to pay the expenses of the commission;
- (xii) to borrow, raise or secure the payment of moneys in any manner that the commission thinks appropriate for the purpose of administering the plan;

(xiii) to draw, make, accept, endorse, execute, issue, hypothecate or assign:

- (A) promissory notes;
- (B) bills of exchange; or
- (C) other negotiable or transferable instruments;

(xiv) to give financial guarantees respecting the indebtedness of any person that the commission considers necessary or advisable for the conduct of business related to the plan;

(xv) to purchase, take on lease or exchange, or otherwise acquire real and personal property related to the business of the commission;

(xvi) to sell or otherwise dispose of any real or personal property acquired by the commission;

(xvii) to grant:

- (A) a mortgage against real property; or
- (B) a security interest in personal property;

acquired by the commission;

(xviii) to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to:

- (A) the exercise of any of the powers; or
- (B) the carrying out of any of the duties;

of the commission in relation to the plan;

(xix) to require any person who owes moneys to a producer with respect to the sale of any promoted product by the producer to that person to pay the moneys to the commission which shall then distribute the moneys, in a manner and fashion to be determined by the commission, to the producer to whom the moneys are owing;

(xx) to make any orders that are considered by the commission as necessary or advisable to carry out the purposes of the plan;

(xxi) to amend or revoke any of the orders mentioned in subclause (xx);

(xxii) to exempt from the plan and any order any category of persons engaged in the marketing of the promoted product or any class, variety or grade of that product;

(xxiii) to purchase or acquire by any other means, in the open market or otherwise, shares, bonds, debentures or other securities of any incorporated company;

(xxiv) to hold, sell, transfer, or otherwise deal with any of the shares, bonds, debentures or other securities mentioned in subclause (xxiii) and to exercise any rights as owner of those shares, bonds, debentures or other securities, including the right to vote.

(2) Where the Lieutenant Governor in Council establishes a plan pursuant to subsection (1), the Lieutenant Governor in Council, by regulation shall:

- (a) prescribe the duration of the plan;
- (b) prescribe the date on which the plan is to take effect;
- (c) where the plan calls for an elected commission:
 - (i) appoint an interim commission to administer the plan;
 - (ii) designate a period, not exceeding 18 months from the date on which the plan is to take effect, during which the interim commission is to administer the plan; and
 - (iii) designate the chairperson of the interim commission;
- (d) where the plan calls for an appointed commission:
 - (i) appoint the commission and determine the terms of office for the members of the commission;
 - (ii) prescribe the date on which the commission is to take office; and
 - (iii) designate the chairperson and the vice-chairperson of the commission;
- (e) prescribe the manner in which:
 - (i) the assets of the commission will be distributed; and
 - (ii) the liabilities of the commission will be settled;
 on disestablishment; and
- (f) prescribe the fiscal year for the commission.

(3) Where the Lieutenant Governor in Council vests in a development commission the power:

- (a) to set and collect check-offs, the Lieutenant Governor in Council may prescribe, by regulation, the purposes for which the commission may set and collect those check-offs;
- (b) to give financial guarantees, the Lieutenant Governor in Council may prescribe, by regulation, the maximum amount of financial guarantees the commission may give;
- (c) to enter into agreements, the Lieutenant Governor in Council may prescribe, by regulation, the terms and conditions pursuant to which the commission may exercise that power;
- (d) mentioned in subclause (1)(c)(xxiii), the Lieutenant Governor in Council may prescribe, by regulation, terms and conditions pursuant to which all or any portion of that power may be exercised; and
- (e) mentioned in subclause (1)(c)(xxiv), the Lieutenant Governor in Council may prescribe, by regulation, terms and conditions pursuant to which all or any portion of that power may be exercised.

(4) An interim commission appointed pursuant to subclause (2)(c)(i), within 18 months from the date on which it begins to administer the plan, shall take all necessary steps to arrange for the election of the first commission in accordance with the plan.

(5) Where the Lieutenant Governor in Council establishes a plan that contains the power to collect check-offs, the Lieutenant Governor in Council, by regulation, shall prescribe the terms and conditions pursuant to which a development commission is to make a refund of check-offs to producers.

1990-91, c.A-15.2, s.4; 1992, c.42, s.3.

Votes on development commissions

5(1) A group of persons engaged in the production or marketing of an agricultural product seeking the establishment of a plan for the promotion and development of the production or marketing of that agricultural product, to be administered by a commission which is elected from the producers of that agricultural product, shall:

(a) submit:

- (i) their request for the establishment of the plan; and
- (ii) a copy of the proposed plan signed by their representatives;

to the minister; and

(b) ensure that the proposed plan contains:

- (i) a detailed description of the proposed plan;
- (ii) the proposed composition of an interim commission to administer the plan until a commission can be elected in accordance with the plan;
- (ii.1) the manner in which the members of the commission are to be elected;
- (ii.2) subject to the provisions of this Act, the manner in which the affairs of the commission are to be conducted;
- (iii) subject to subsection (2), a list of the proposed powers to be exercised by the commission;
- (iv) a description of the manner in which:
 - (A) the assets of the commission will be distributed; and
 - (B) the liabilities of the commission will be settled;

on disestablishment;

(v) a fiscal year for the commission; and

(vi) any other information that the minister considers necessary.

(2) The powers that may be proposed to be exercised by the commission in a proposed plan submitted pursuant to subsection (1) are those powers mentioned in clause 4(1)(c).

(3) Where the minister receives a proposed plan pursuant to subsection (1) and on receipt of any additional information that the minister may request, the minister may submit the plan:

- (a) to the council for its consideration; or
- (b) to the Lieutenant Governor in Council.

(4) Where a plan is submitted to the council pursuant to clause (3)(a), the council:

- (a) shall study and assess the plan; and
- (b) may:
 - (i) require further information from the group proposing the plan in order to assess the plan; and
 - (ii) in order to determine the representative nature of the plan, hold or cause to be held public hearings for the purpose of receiving representations supporting or opposing the establishment of the plan.

(5) When the council has studied and assessed the plan pursuant to subsection (1), the council may recommend to the minister:

- (a) that it is not expedient to establish the plan;
- (b) that the question of the approval of the establishment of the plan be submitted to a vote of producers as defined in the plan; or
- (c) that the plan be established as proposed without a vote of producers.

(6) Where the council makes a recommendation pursuant to subsection (5), the minister shall:

- (a) submit the council's recommendation to the Lieutenant Governor in Council; and
- (b) advise the Lieutenant Governor in Council as to:
 - (i) the percentage of the total number of producers of the agricultural product in the area to which the proposed plan relates represented by the producers as defined in the plan; and
 - (ii) the percentage of the total production of the agricultural product in the area to which the proposed plan relates produced by the producers as defined in the plan.

(7) The Lieutenant Governor in Council, on the receipt of a plan pursuant to clause (3)(b) or on the receipt of a recommendation pursuant to subsection (6):

- (a) may, by regulation, establish the plan as proposed;
- (b) where the plan is established pursuant to clause (a), shall:
 - (i) appoint the interim commission named in the plan;
 - (ii) vest in the commission those powers that were proposed to be exercised by the commission in the proposed plan; and

- (iii) prescribe the date on which:
 - (A) the plan is to take effect; and
 - (B) the interim commission named in the plan is to take office;
 - (c) may direct that a vote of producers, as defined in the plan, be conducted on the question of whether or not a plan should be established; or
 - (d) may decide not to establish the plan.
- (8) Where the Lieutenant Governor in Council directs that a vote be conducted pursuant to clause (7)(c), the Lieutenant Governor in Council, by order, may:
 - (a) fix:
 - (i) the minimum number of votes required to be cast; or
 - (ii) the percentage of the producers eligible to vote in accordance with the plan who are required to vote;

in order for the vote to be valid; and
 - (b) determine:
 - (i) the manner in which; and
 - (ii) the time and place at which;

the vote is to be conducted.
- (9) Where:
 - (a) a vote is conducted pursuant to clause (7)(c); and
 - (b) not less than 60% of the producers, as defined in the proposed plan, within the area to which the proposed plan is to apply who vote on the question of whether or not the plan should be established, vote in favour of the establishment of the plan;

the Lieutenant Governor in Council, by regulation may:

 - (c) establish the plan as proposed;
 - (d) appoint the interim commission named in the plan;
 - (e) vest in the commission those powers that were proposed to be exercised by the commission in the proposed plan; and
 - (f) prescribe the date on which:
 - (i) the plan is to take effect; and
 - (ii) the interim commission named in the plan is to take office.
- (10) An interim commission appointed pursuant to this section, within 18 months from the date on which it begins to administer the plan, shall take all necessary steps to arrange for the election of the first commission in accordance with the plan.

(11) Where the Lieutenant Governor in Council establishes a plan that contains the power to collect check-offs, the Lieutenant Governor in Council shall prescribe, by regulation, the terms and conditions pursuant to which a development commission shall make a refund of check-offs to producers.

(12) Where the Lieutenant Governor in Council vests in a development commission the power:

- (a) to set and collect check-offs, the Lieutenant Governor in Council may prescribe, by regulation, the purposes for which the commission may set and collect those check-offs;
- (b) to give financial guarantees, the Lieutenant Governor in Council may prescribe, by regulation, the maximum amount of financial guarantees the commission may give;
- (c) to enter into agreements, the Lieutenant Governor in Council may prescribe, by regulation, the terms and conditions pursuant to which the commission may exercise that power;
- (d) mentioned in subclause 4(1)(c)(xxiii), the Lieutenant Governor in Council may prescribe, by regulation, terms and conditions pursuant to which all or any portion of that power may be exercised; and
- (e) mentioned in subclause 4(1)(c)(xxiv), the Lieutenant Governor in Council may prescribe, by regulation, terms and conditions pursuant to which all or any portion of that power may be exercised.

1990-91, c.A-15.2, s.5; 1992, c.42, s.4; 1997, c.27, s.4.

Refundable check-offs

6(1) A producer who:

- (a) pays check-offs to a development commission; and
- (b) wishes to obtain a refund of those check-offs;

shall submit a written request for the refund of those check-offs to the development commission to which the check-offs were paid.

(2) Where a development commission receives a request for a refund of check-offs pursuant to subsection (1), the commission shall refund to the producer all check-offs, other than those check-offs which the producer specifically agreed to pay, in accordance with those terms and conditions set out in the plan.

1990-91, c.A-15.2, s.6.

DEVELOPMENT BOARDS

Votes on development boards

7(1) A group of persons engaged in the production or marketing of an agricultural product seeking the establishment of a plan for the promotion and development of the production or marketing of that agricultural product, to be administered by a board which is elected from the producers of that agricultural product, shall:

(a) submit:

- (i) their request for the establishment of the plan; and
- (ii) a copy of the proposed plan signed by their representatives;

to the minister; and

(b) ensure that the proposed plan contains:

- (i) a detailed description of the proposed plan;
- (ii) the proposed composition of an interim board to administer the plan until a board can be elected in accordance with the plan;
- (ii.1) the manner in which the members of the development board are to be elected;
- (ii.2) subject to the provisions of this Act, the manner in which the affairs of the development board are to be conducted;
- (iii) subject to subsection (2), a list of the proposed powers to be exercised by the board;
- (iv) a description of the manner in which:
 - (A) the assets of the board will be distributed; and
 - (B) the liabilities of the board will be settled;

on disestablishment;

(v) a fiscal year for the board; and

(vi) any other information that the minister considers necessary.

(2) The powers that may be proposed to be exercised by the board in a proposed plan submitted pursuant to subsection (1) are those powers mentioned in clause 4(1)(c).

(3) Where the minister receives a proposed plan pursuant to subsection (1) and on receipt of any additional information that the minister may request, the minister shall refer the proposed plan to the council for its consideration.

(4) Where a plan is submitted to the council pursuant to subsection (3), the council:

(a) shall study and assess the plan; and

(b) may:

- (i) require further information from the group proposing the plan in order to assess the plan; and

- (ii) in order to determine the representative nature of the plan, hold or cause to be held public hearings for the purpose of receiving representations supporting or opposing the establishment of the plan.
- (5) When the council has studied and assessed the plan pursuant to subsection (4), the council may recommend to the minister:
 - (a) that it is not expedient to establish the plan; or
 - (b) that the question of the approval of the establishment of the plan be submitted to a vote of producers as defined in the plan.
- (6) Where the council makes a recommendation pursuant to subsection (5), the minister shall:
 - (a) submit the council's recommendation to the Lieutenant Governor in Council; and
 - (b) advise the Lieutenant Governor in Council as to:
 - (i) the percentage of the total number of producers of the agricultural product in the area to which the proposed plan relates represented by the producers as defined in the plan; and
 - (ii) the percentage of the total production of the agricultural product in the area to which the proposed plan relates produced by the producers as defined in the plan.
- (7) If the Lieutenant Governor in Council decides that the proposed plan warrants consideration, the Lieutenant Governor in Council may, by order, direct that a vote of producers be conducted:
 - (a) in that manner; and
 - (b) at that time and place;

that the Lieutenant Governor in Council may direct in the order.
- (7.1) Where the Lieutenant Governor in Council directs that a vote be conducted pursuant to subsection (7), the Lieutenant Governor in Council may, by order, fix the minimum number of votes required to be cast or fix the percentage of the producers eligible to vote in accordance with the plan who are required to vote in order for the vote to be valid.
- (8) Where a vote is conducted pursuant to subsection (7) and not less than 60% of the producers, as defined in the proposed plan and within the area to which the proposed plan is to apply, who vote on the question of whether or not the plan should be established, vote in favour of the establishment of the plan, the Lieutenant Governor in Council may, by regulation:
 - (a) establish the plan as proposed;
 - (b) appoint the interim board named in the plan;
 - (c) vest in the board those powers that were proposed to be exercised by the board in the proposed plan; and

- (d) prescribe the date on which:
 - (i) the plan is to take effect; and
 - (ii) the interim board named in the plan is to take office.
- (9) An interim board appointed pursuant to this section, within 18 months from the date on which it begins to administer the plan, shall take all necessary steps to arrange for the election of the first board in accordance with the plan.
- (10) Where the Lieutenant Governor in Council vests in a development board the power:
 - (a) to set and collect check-offs, the Lieutenant Governor in Council may prescribe, by regulation, the purposes for which the board may set and collect those check-offs;
 - (b) to give financial guarantees, the Lieutenant Governor in Council may prescribe, by regulation, the maximum amount of financial guarantees the board may give;
 - (c) to enter into agreements, the Lieutenant Governor in Council may prescribe, by regulation, the terms and conditions pursuant to which the board may exercise that power;
 - (d) mentioned in subclause 4(1)(c)(xxiii), the Lieutenant Governor in Council may prescribe, by regulation, terms and conditions pursuant to which all or any portion of that power may be exercised; and
 - (e) mentioned in subclause 4(1)(c)(xxiv), the Lieutenant Governor in Council may prescribe, by regulation, terms and conditions pursuant to which all or any portion of that power may be exercised.

1990-91, c.A-15.2, s.7; 1992, c.42, s.5; 1997, c.27, s.5.

MARKETING BOARDS

Votes on marketing boards

8(1) A group of persons engaged in the production or marketing of an agricultural product seeking the establishment of a plan for the promotion, development, regulation and control of the production or marketing of that agricultural product, to be administered by a board which is elected from the producers of that agricultural product, shall:

- (a) submit:
 - (i) their request for the establishment of the plan; and
 - (ii) a copy of the proposed plan signed by their representatives;
- to the minister; and

- (b) ensure that the proposed plan contains:
 - (i) a detailed description of the proposed plan;
 - (ii) the proposed composition of an interim board to administer the plan until a board can be elected in accordance with the plan;
 - (ii.1) the manner in which the members of the marketing board are to be elected;
 - (ii.2) subject to the provisions of this Act, the manner in which the affairs of the marketing board are to be conducted;
 - (iii) subject to subsection (2), a list of the proposed powers to be exercised by the board;
 - (iv) where it is proposed that the board have the power to require persons engaged in the production or marketing of the regulated product to be licensed, a description of the criteria pursuant to which licences may be issued, suspended, cancelled and reinstated;
 - (v) a description of the manner in which:
 - (A) the assets of the board will be distributed; and
 - (B) the liabilities of the board will be settled;
 on disestablishment;
 - (vi) a fiscal year for the board; and
 - (vii) any other information that the minister considers necessary.
- (2) The powers that may be proposed to be exercised by the board in a proposed plan submitted pursuant to subsection (1) are:
 - (a) those powers mentioned in clause 4(1)(c); and
 - (b) any of the following powers:
 - (i) to regulate:
 - (A) the manner of distribution;
 - (B) the quantity and quality; or
 - (C) the grade or class;
 of the regulated product that is marketed by any person at any time;
 - (ii) to prohibit in whole or in part the marketing of the regulated product of any grade, quality or class;
 - (iii) to regulate:
 - (A) the time and place at which; and
 - (B) the legal entity through which;
 the regulated product or any variety, class or grade of the regulated product is to be marketed;

- (iv) to set or determine:
 - (A) the price;
 - (B) the maximum or minimum price; or
 - (C) all or any combination of the prices mentioned in paragraphs (A) and (B);

at which the regulated product or any variety, class or grade of the regulated product may be bought or offered for sale in Saskatchewan and to set or determine different prices for different zones of Saskatchewan;

- (v) to establish the manner in which returns from the market are to be distributed to producers;

- (vi) to require any or all persons engaged in the production or marketing of the regulated product to:

- (A) obtain licences from the marketing board; and
 - (B) provide those guarantees of financial responsibility that the marketing board considers necessary;

- (vii) to:

- (A) issue licences to any or all persons producing or marketing the regulated product according to the criteria established in the plan for the issuance of licences;
 - (B) determine the fees payable for a licence mentioned in paragraph (A) and to require payment of those fees;
 - (C) categorize persons producing or marketing the regulated product for the purpose of determining the fees mentioned in paragraph (B); and
 - (D) recover the fees mentioned in paragraph (B) by suit in a court of competent jurisdiction;

- (viii) subject to section 9, to suspend or cancel a licence mentioned in subclause (vi) according to the criteria established in the plan for the suspension or cancellation of licences;

- (ix) to reinstate any licence suspended or cancelled pursuant to subclause (viii) according to the criteria established in the plan for the reinstatement of licences.

(3) Where the minister receives a proposed plan pursuant to subsection (1) and on receipt of any additional information that the minister may request, the minister shall refer the proposed plan to the council for its consideration.

(4) Where a plan is submitted to the council pursuant to subsection (3), the council:

- (a) shall study and assess the plan; and
- (b) may:
 - (i) require further information from the group proposing the plan in order to assess the plan; and
 - (ii) in order to determine the representative nature of the plan, hold or cause to be held public hearings for the purpose of receiving representations supporting or opposing the establishment of the plan.

(5) When the council has studied and assessed the plan pursuant to subsection (4), the council may recommend to the minister:

- (a) that it is not expedient to establish the plan; or
- (b) that the question of the approval of the establishment of the plan be submitted to a vote of producers as defined in the plan.

(6) Where the council makes a recommendation pursuant to subsection (5), the minister shall:

- (a) submit the council's recommendation to the Lieutenant Governor in Council; and
- (b) advise the Lieutenant Governor in Council as to:
 - (i) the percentage of the total number of producers of the agricultural product in the area to which the proposed plan relates represented by the producers as defined in the plan; and
 - (ii) the percentage of the total production of the agricultural product in the area to which the proposed plan relates produced by the producers as defined in the plan.

(7) If the Lieutenant Governor in Council decides that the proposed plan warrants consideration, the Lieutenant Governor in Council may, by order, direct that a vote of producers be conducted:

- (a) in that manner; and
- (b) at that time and place;

that the Lieutenant Governor in Council may direct in the order.

(7.1) Where the Lieutenant Governor in Council directs that a vote be conducted pursuant to subsection (7), the Lieutenant Governor in Council may, by order, fix the minimum number of votes required to be cast or fix the percentage of the producers eligible to vote in accordance with the plan who are required to vote in order for the vote to be valid.

(8) Where a vote is conducted pursuant to subsection (7) and not less than 60% of the producers, as defined in the proposed plan and within the area to which the proposed plan is to apply, who vote on the question of whether or not the plan should be established, vote in favour of the establishment of the plan, the Lieutenant Governor in Council may, by regulation:

- (a) establish the plan as proposed;
- (b) appoint the interim board named in the plan;
- (c) vest in the board those powers that were proposed to be exercised by the board in the proposed plan; and
- (d) prescribe the date on which:
 - (i) the plan is to take effect; and
 - (ii) the interim board named in the plan is to take office.

(9) An interim board appointed pursuant to this section, within 18 months from the date on which it begins to administer the plan, shall take all necessary steps to arrange for the election of the first board in accordance with the plan.

(10) Where the Lieutenant Governor in Council vests in a marketing board the power:

- (a) to set and collect check-offs, the Lieutenant Governor in Council may prescribe, by regulation, the purposes for which the board may set and collect those check-offs;
- (b) to give financial guarantees, the Lieutenant Governor in Council may prescribe, by regulation, the maximum amount of financial guarantees the board may give;
- (c) to enter into agreements, the Lieutenant Governor in Council may prescribe, by regulation, the terms and conditions pursuant to which the board may exercise that power;
- (d) mentioned in subclause 4(1)(c)(xxiii), the Lieutenant Governor in Council may prescribe, by regulation, terms and conditions pursuant to which all or any portion of that power may be exercised; and
- (e) mentioned in subclause 4(1)(c)(xxiv), the Lieutenant Governor in Council may prescribe, by regulation, terms and conditions pursuant to which all or any portion of that power may be exercised.

1990-91, c.A-15.2, s.8; 1992, c.42, s.6; 1997, c.27, s.6.

Hearing

9(1) Subject to subsection (2), a marketing board established pursuant to section 8 shall not suspend or cancel a licence pursuant to subclause 8(2)(b)(viii) without giving the holder of the licence an opportunity to be heard.

(2) Where, in the opinion of the marketing board, it is in the public interest for the board to immediately suspend or cancel a licence, the board may immediately suspend or cancel the licence and, on the suspension or cancellation, shall give the holder of the licence:

- (a) written notice of the suspension or cancellation; and
- (b) an opportunity to be heard within 15 days of the date of the suspension or cancellation.

1990-91, c.A-15.2, s.9.

Agencies to be bodies corporate

10 Every:

- (a) development commission;
- (b) development board; and
- (c) marketing board;

established or continued pursuant to this Act is a body corporate.

1990-91, c.A-15.2, s.10.

Remuneration for agency members

11(1) Members appointed to any development commission, including an interim development commission, established or continued pursuant to this Act, are entitled to:

- (a) remuneration at the rates determined by the Lieutenant Governor in Council; and
- (b) reimbursement for travelling and living expenses at the rates established by the Lieutenant Governor in Council for employees of the Government of Saskatchewan.

(2) Members elected to any development commission, development board or marketing board established or continued pursuant to this Act are entitled to remuneration and reimbursement for travelling and living expenses at the rates established by resolution of a general meeting of producers as defined in the plan.

1990-91, c.A-15.2, s.11; 1992, c.42, s.7.

AMENDMENTS AND DISCONTINUANCE OF PLANS

Amendment of plans respecting development commissions

12(1) A plan established pursuant to section 5 may be amended:

- (a) in accordance with subsections (2) to (10), where a group of persons engaged in the production or marketing of an agricultural product seeks an amendment to the plan;

- (b) in accordance with subsections (8) to (10), where the Lieutenant Governor in Council proposes an amendment to the plan and directs that a vote of producers, as defined in the plan, be conducted; or
 - (c) in accordance with regulations made pursuant to subsection (10), by the Lieutenant Governor in Council, without a vote of producers, where, in the opinion of the Lieutenant Governor in Council, it is in the public interest to do so.
- (2) A group of persons mentioned in clause (1)(a) seeking an amendment to a plan established pursuant to section 5 shall:
- (a) submit to the minister:
 - (i) their request for the amendment of the plan; and
 - (ii) a copy of the proposed amendment signed by their representatives; and
 - (b) ensure that the proposed amendment contains:
 - (i) a detailed description of the proposed amendment; and
 - (ii) any other information that the minister considers necessary.
- (3) Where the minister receives a proposed amendment pursuant to subsection (2) and on receipt of any additional information that the minister may request, the minister may submit that amendment:
- (a) to the council for its consideration; or
 - (b) to the Lieutenant Governor in Council.
- (4) Where an amendment is submitted to the council pursuant to clause (3)(a), the council:
- (a) shall study and assess the amendment; and
 - (b) may:
 - (i) require further information from the group proposing the amendment in order to assess the amendment; and
 - (ii) in order to determine the representative nature of the amendment, hold or cause to be held public hearings for the purpose of receiving representations supporting or opposing the amendment of the plan.
- (5) When the council has studied and assessed the amendment pursuant to subsection (4), the council may recommend to the minister:
- (a) that it is not expedient to amend the plan;
 - (b) that the question of the approval of the amendment of the plan be submitted to a vote of producers, as defined in the plan; or
 - (c) that the plan be amended as proposed without a vote of producers.

(6) Where the council makes a recommendation pursuant to clause (5)(b) or (c), the minister shall:

(a) submit the council's recommendation to the Lieutenant Governor in Council; and

(b) advise the Lieutenant Governor in Council whether, in the minister's opinion, a majority of producers, as defined in the plan, support the proposed amendment.

(7) On receipt of an amendment pursuant to clause (3)(b) or on receipt of a recommendation pursuant to subsection (6), the Lieutenant Governor in Council may:

(a) by regulation, amend the plan as proposed and prescribe the date on which the amendment is to take effect;

(b) by order, direct that a vote of producers, as defined in the plan, be conducted, in the manner and at the time and place that the Lieutenant Governor in Council may order, on the question of whether the plan should be amended; or

(c) decide not to amend the plan.

(8) Where a vote is directed pursuant to clause (1)(b) or (7)(b), in order for the vote to be valid, the Lieutenant Governor in Council may fix, by order:

(a) the minimum number of votes required to be cast; or

(b) the percentage of the producers, as defined in the plan, eligible to vote in accordance with the plan who are required to vote.

(9) Where a vote is conducted pursuant to clause (1)(b) or (7)(b) and not less than 60% of the producers, as defined in the plan, who vote on the question of whether the plan should be amended, vote in favour of the amendment of the plan, the Lieutenant Governor in Council may, by regulation:

(a) amend the plan as proposed; and

(b) prescribe the date on which the amendment is to take effect.

(10) For the purposes of amending a plan in accordance with this section, the Lieutenant Governor in Council may make regulations:

(a) amending the terms of the plan;

(b) modifying or withdrawing any powers previously vested in the agency charged with administering the plan;

(c) prescribing any terms and conditions that the Lieutenant Governor in Council considers necessary to effect the amendment of the plan;

(d) respecting any other matter associated with the amendment of the plan.

Amendment of plans respecting development and marketing boards

13(1) A plan established pursuant to section 7 or 8 may be amended:

- (a) in accordance with subsections (2) to (10), where a group of persons engaged in the production or marketing of an agricultural product seeks an amendment to the plan;
- (b) in accordance with subsections (8) to (10), where the Lieutenant Governor in Council proposes an amendment to the plan and directs that a vote of producers, as defined in the plan, be conducted; or
- (c) in accordance with regulations made pursuant to subsection (10), by the Lieutenant Governor in Council, without a vote of producers, where, in the opinion of the Lieutenant Governor in Council, it is in the public interest to do so.

(2) A group of persons mentioned in clause (1)(a) seeking an amendment to a plan established pursuant to section 7 or 8 shall:

- (a) submit to the minister:
 - (i) their request for the amendment of the plan; and
 - (ii) a copy of the proposed amendment signed by their representatives; and
- (b) ensure that the proposed amendment contains:
 - (i) a detailed description of the proposed amendment; and
 - (ii) any other information that the minister considers necessary.

(3) Where the minister receives a proposed amendment pursuant to subsection (2) and on receipt of any additional information that the minister may request, the minister shall refer the amendment to the council for its consideration.

(4) Where an amendment is submitted to the council pursuant to subsection (3), the council:

- (a) shall study and assess the amendment; and
- (b) may:
 - (i) require further information from the group proposing the amendment in order to assess the amendment; and
 - (ii) in order to determine the representative nature of the amendment, hold or cause to be held public hearings for the purpose of receiving representations supporting or opposing the amendment of the plan.

(5) When the council has studied and assessed the amendment pursuant to subsection (4), the council may recommend to the minister:

- (a) that it is not expedient to amend the plan;
- (b) that the question of the approval of the amendment of the plan be submitted to a vote of producers, as defined in the plan; or
- (c) that the plan be amended as proposed without a vote of producers.

(6) Where the council makes a recommendation pursuant to clause (5)(b) or (c), the minister shall:

- (a) submit the council's recommendation to the Lieutenant Governor in Council; and
- (b) advise the Lieutenant Governor in Council whether, in the minister's opinion, a majority of producers, as defined in the plan, support the proposed amendment.

(7) On receipt of the council's recommendation pursuant to subsection (6), the Lieutenant Governor in Council may:

- (a) by regulation, amend the plan as proposed and prescribe the date on which the amendment is to take effect;
- (b) by order, direct that a vote of producers, as defined in the plan, be conducted, in the manner and at the time and place that the Lieutenant Governor in Council may order, on the question of whether the plan should be amended; or
- (c) decide not to amend the plan.

(8) Where a vote is directed pursuant to clause (1)(b) or (7)(b), in order for the vote to be valid, the Lieutenant Governor in Council may fix, by order:

- (a) the minimum number of votes required to be cast; or
- (b) the percentage of the producers, as defined in the plan, eligible to vote in accordance with the plan who are required to vote.

(9) Where a vote is conducted pursuant to clause (1)(b) or (7)(b) and not less than 60% of the producers, as defined in the plan, who vote on the question of whether the plan should be amended, vote in favour of the amendment of the plan, the Lieutenant Governor in Council may, by regulation:

- (a) amend the plan as proposed; and
- (b) prescribe the date on which the amendment is to take effect.

(10) For the purposes of amending a plan in accordance with this section, the Lieutenant Governor in Council may make regulations:

- (a) amending the terms of the plan;
- (b) modifying or withdrawing any powers previously vested in the agency charged with administering the plan;
- (c) prescribing any terms and conditions that the Lieutenant Governor in Council considers necessary to effect the amendment of the plan;
- (d) respecting any other matter associated with the amendment of the plan.

Discontinuance of plans

14(1) Any plan may be discontinued by the Lieutenant Governor in Council, by regulation:

- (a) pursuant to a vote of producers, as defined in the plan, conducted in accordance with this section; or
- (b) without a vote of producers, where, in the opinion of the Lieutenant Governor in Council, it is in the public interest to do so.

(2) Where the Lieutenant Governor in Council considers it advisable, the Lieutenant Governor in Council may direct that a vote of producers, as defined in a plan, be conducted, in the manner and at the time and place that the Lieutenant Governor in Council may order, on the question of whether a plan should be discontinued.

(3) Where the Lieutenant Governor in Council directs that a vote be conducted pursuant to subsection (2), in order for the vote to be valid, the Lieutenant Governor in Council may fix, by order:

- (a) the minimum number of votes required to be cast; or
- (b) the percentage of the producers, as defined in the plan, eligible to vote in accordance with the plan who are required to vote.

(4) Where a vote is conducted pursuant to subsection (3) and more than 50% of the producers, as defined in the plan, who vote on the question of whether the plan should be discontinued, vote in favour of the discontinuance of the plan, the Lieutenant Governor in Council may, by regulation, discontinue the plan.

(5) For the purposes of discontinuing a plan in accordance with this section, the Lieutenant Governor in Council may make regulations:

- (a) repealing the regulations that established the plan;
- (b) prescribing transitional provisions to effect the discontinuance of the plan;
- (c) dissolving the agency that was charged with administering the plan and providing for the winding up of its affairs, including:
 - (i) the satisfaction of its liabilities;
 - (ii) the payment of any administrative costs associated with the winding up;
 - (iii) the return to the producers, as defined in the plan, of any assets that are identified as being the property of or owing to the producers; and
 - (iv) the disposition of the remaining assets to or for the benefit of the producers, as defined in the plan;
- (d) prescribing any terms and conditions that the Lieutenant Governor in Council considers necessary to effect the discontinuance of the plan;
- (e) respecting any other matter associated with the discontinuance of the plan.

AGRICULTURAL AND FOOD PRODUCTS DEVELOPMENT AND MARKETING COUNCIL

Agricultural and Food Products Development and Marketing Council

15(1) The Natural Products Marketing Council established pursuant to *The Natural Products Marketing Act*, as that Act existed on the day before the coming into force of this Act:

- (a) is continued as the Agricultural and Food Products Development and Marketing Council; and
 - (b) is to consist of not less than three and not more than seven members appointed by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council shall:
- (a) determine the terms of office of the members of the council appointed pursuant to subsection (1); and
 - (b) designate one member of the council to be chairperson and another to be vice-chairperson.
- (3) The members of the council are entitled to:
- (a) remuneration at the rates determined by the Lieutenant Governor in Council; and
 - (b) reimbursement for travelling and living expenses at the rates established by the Lieutenant Governor in Council for employees of the Government of Saskatchewan.

1990-91, c.A-15.2, s.15.

Meetings of council

16(1) The council may:

- (a) conduct meetings for the dispatch of business; and
 - (b) regulate the procedures of those meetings;
- in the manner and at that time and place that the council considers necessary.
- (2) The chairperson of the council:
- (a) may call a meeting of the council; and
 - (b) where a meeting has been requested by at least three members of the council, shall call a meeting of the council.

1990-91, c.A-15.2, s.16.

Quorum

17 A majority of the members of the council constitutes a quorum.

1990-91, c.A-15.2, s.17.

Staff

18 The council may:

- (a) employ any officers and other employees that the council may require for carrying out its duties pursuant to this Act;
- (b) determine their respective duties, conditions of employment and remuneration; and
- (c) establish or support:
 - (i) a group insurance plan; and
 - (ii) any other pension or employee benefit program;

for the benefit of the persons mentioned in clause (a) and their dependants.

1990-91, c.A-15.2, s.18.

Responsibility of council

19(1) The council:

- (a) subject to subsection (2), is responsible to the minister for the supervision of the operation of all agencies established or continued pursuant to this Act; and
- (b) may advise the minister on matters relating to:
 - (i) the establishment and operation of the agencies mentioned in clause (a); and
 - (ii) the production, marketing and development of agricultural products.

(2) The Lieutenant Governor in Council may exempt:

- (a) any agency mentioned in clause (1)(a), other than a marketing board vested with any of the powers mentioned in subclauses 8(2)(b)(i) to (iv); or
- (b) any or all aspects of operation of those agencies;

from the council's supervisory responsibility described in clause (1)(a).

1990-91, c.A-15.2, s.19.

Supervisory powers

20(1) Where the council is responsible for supervising the operation of an agency pursuant to section 19:

- (a) that agency shall forward to the council:
 - (i) within a reasonable time after the conduct of a meeting of that agency, copies of the reports and minutes of that meeting;
 - (ii) within two months after the end of that agency's fiscal year, or within any other period, not exceeding six months from the end of that agency's fiscal year, set by the council:
 - (A) a report of that agency on its business for the preceding fiscal year;

(B) an audited financial statement showing the business of the agency for the preceding fiscal year in any form that may be required by Treasury Board; and

(C) any other information that the council considers necessary;

(b) the council may require the agency to hold an election of directors if:

(i) the agency is required to have directors; and

(ii) the producers have failed to elect directors;

(c) the council may fill any vacancy in the directorship sufficient to constitute a quorum if the directors of the agency do not constitute a quorum;

(d) **Repealed.** 1997, c.27, s.8.

(e) the council may:

(i) perform any other duties or responsibilities; and

(ii) exercise any other powers;

related to the supervisory role of the council that the Lieutenant Governor in Council may prescribe by regulation.

(2) No order of an agency whose operation is under the supervision of council is effective unless and until it is first submitted to and approved by the council.

(2.1) Subject to subsection (2.2), within 60 days from the day on which the council receives a signed copy of an order from an agency, the council shall, subject to any terms and conditions that the Lieutenant Governor in Council may prescribe by regulation:

(a) approve the order;

(b) request that the agency vary the order and resubmit the varied order for consideration by the council in accordance with this section; or

(c) refuse to approve the order.

(2.2) If the council does not act on an order in accordance with subsection (2.1) within the 60-day period, the order is deemed to have been approved by the council.

(2.3) Where an agency publishes an order before the expiration of the 60-day period mentioned in subsection (2.1), and where the council refuses to approve the order or requests that the agency vary the order, the agency, as the case requires, shall either:

(a) publish the varied order, once approved by the council; or

(b) publish a revocation of the order.

(3) Where the Lieutenant Governor in Council has exempted an agency from the council's supervisory role pursuant to section 19, that agency shall provide the information mentioned in subclause (1)(a)(ii) directly to the minister in the form of a written report.

Reporting requirements

21(1) The council shall prepare and submit to the minister on or before April 1 in each year a written report showing, with respect to the previous year:

- (a) the names of all agencies, whose operation it is required to supervise pursuant to section 19;
- (b) the names of the directors of those agencies; and
- (c) any other information that the minister may require.

(2) The minister, in accordance with *The Tabling of Documents Act*, shall lay before the Legislative Assembly each report received by the minister pursuant to subsection (1).

1990-91, c.A-15.2, s.21.

APPEAL COMMITTEES**Appeal committees**

22(1) The Lieutenant Governor in Council may, by order:

- (a) establish appeal committees to hear appeals from any person aggrieved by an act or omission of an agency;
- (b) prescribe the number of members who are to sit on an appeal committee; and
- (c) prescribe:
 - (i) the amount of remuneration to be paid to the members of an appeal committee for their services; and
 - (ii) reimbursement for travelling and living expenses that are to be paid to the members of an appeal committee.

(2) The Lieutenant Governor in Council may make regulations:

- (a) prescribing the jurisdiction to be exercised by an appeal committee;
- (b) setting the time period within which appeals are to be brought; and
- (c) prescribing the procedures for the conduct of appeals.

(3) For the purpose of conducting appeals, an appeal committee:

- (a) has all the powers conferred on the commissioners pursuant to *The Public Inquiries Act*;
- (b) may:
 - (i) where the committee believes that mediation may resolve the appeal:
 - (A) appoint any person to mediate between the agency and the person bringing the appeal; and
 - (B) set the terms and conditions pursuant to which the mediation is to be conducted;

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- (ii) confirm, vary, disallow or stay any decision of an agency; or
 - (iii) refer the matter back to the agency for its consideration; and
 - (c) where the council has supervisory responsibility for an agency that is a party to an appeal, shall provide the council with an opportunity to be heard at the appeal.
- (4) Every appeal committee shall notify the appellant, the council and the agency in writing of:
- (a) its decision; and
 - (b) the reasons for that decision.
- (5) Any person aggrieved by a decision of an appeal committee may appeal that decision on a question of law or jurisdiction to a judge of the court.
- (6) There is to be no further appeal from the appeal mentioned in subsection (5).

1990-91, c.A-15.2, s.22.

GENERAL**Agreements**

23(1) Subject to the approval of the Lieutenant Governor in Council, any agency may:

- (a) co-operate or enter into agreements with:
 - (i) the Government of Canada;
 - (ii) the government of any other province of Canada;
 - (iii) any agency of any of the governments mentioned in subclauses (i) and (ii); or
 - (iv) any person;

for any purpose associated with the production, marketing or development of agricultural products;

(b) be appointed or designated by any government, agency or person mentioned in clause (a) to:

- (i) perform any function or duty imposed; or
- (ii) exercise any power conferred;

by or pursuant to an Act of the Parliament of Canada, or of any other province, relating to the production, marketing or development of agricultural products, including the collection of any levies, fees or charges and the setting and enforcement of quotas;

(c) delegate to:

- (i) the Government of Canada;
- (ii) the government of any other province;

- (iii) any agent of the governments mentioned in subclauses (i) and (ii);
- (iv) any person; or
- (v) any combination of the governments, agents or persons mentioned in this clause;

any of the powers of the agency.

(2) If the Lieutenant Governor in Council considers it to be in the public interest, the Lieutenant Governor in Council may, by order, authorize the minister to exercise any power on behalf of an agency that the agency could exercise pursuant to subsection (1), including:

- (a) entering into an agreement or arrangement pursuant to clause (1)(a) or amending, terminating or carrying out an agreement or arrangement entered into by the minister or the agency pursuant to clause (1)(a) or by the agency pursuant to any previous Act respecting the production, marketing or development of agricultural products;
- (b) being appointed or designated pursuant to clause (1)(b) or amending, terminating or carrying out any appointment or designation conferred on the minister or the agency pursuant to clause (1)(b) or on the agency pursuant to any previous Act respecting the production, marketing or development of agricultural products; or
- (c) delegating any powers of the agency pursuant to clause (1)(c) or amending, terminating or carrying out the delegation of the agency's power made by the minister or the agency pursuant to clause (1)(c) or by the agency pursuant to any previous Act respecting the production, marketing or development of agricultural products.

(3) In an order issued pursuant to subsection (2), the Lieutenant Governor in Council:

- (a) shall state the powers the minister is to exercise;
- (b) may include any terms and conditions that the Lieutenant Governor in Council considers appropriate; and
- (c) may provide that the agency shall not exercise the powers that are exercisable by the minister during the period mentioned in the order.

(4) If, pursuant to clause (3)(c), the Lieutenant Governor in Council provides that an agency shall not exercise the powers that are exercisable by the minister, the agency shall not exercise those powers during the period mentioned in the order.

1990-91, c.A-15.2, s.23; 1992, c.42, s.10; 1997,
c.27, s.9.

Levy or charge to support promotion-research agencies

23.1(1) A levy or charge to support a promotion-research agency may be established in accordance with this section.

(2) If, in the opinion of the council, a majority of producers who would be subject to a proposed levy or charge to support a promotion-research agency are in favour of the proposed levy or charge, the council may recommend to the minister that the levy or charge be established.

(3) Where the minister receives a recommendation of the council pursuant to subsection (2), and on receipt of any additional information the minister may request of the council, the minister may submit the recommendation to the Lieutenant Governor in Council.

(4) Where the Lieutenant Governor in Council decides that the recommendation submitted pursuant to subsection (3) warrants consideration, and where the Lieutenant Governor in Council is satisfied that the interests of Saskatchewan are fairly represented in the constitution of the promotion-research agency, the Lieutenant Governor in Council may do any of the following:

- (a) by regulation, establish the levy or charge and prescribe the date on which collection of the levy or charge is to begin;
- (b) by order, direct that a vote of producers who would be subject to the levy or charge be conducted on the question of whether the levy or charge should be established before the collection of the levy or charge mentioned in clause (a) is to begin;
- (c) for the purpose of determining the impact of a levy or charge on the development of an industry, by order, establish the levy or charge, subject to a vote of producers who would be subject to the levy or charge being conducted no later than 24 months after the date of the order on the question of whether the levy or charge should be established or continued.

(5) Where a vote is directed pursuant to clause (4)(b) or (c), the Lieutenant Governor in Council may, by order:

- (a) direct the manner in which, and the time and place at which, the vote is to be conducted;
- (b) determine which producers are eligible to vote; and
- (c) fix, in order for the vote to be valid:
 - (i) the minimum number of votes required to be cast; or
 - (ii) the percentage of producers eligible to vote pursuant to clause (b) who are required to vote.

(6) Where the Lieutenant Governor in Council establishes a levy or charge pursuant to clause (4)(a), the Lieutenant Governor in Council may, by regulation:

- (a) vest in the promotion-research agency, in relation to the marketing, production and development of a promoted product in Saskatchewan, any or all of the powers mentioned in clause 4(1)(c), including the power to:
 - (i) fix, impose and collect levies or charges from producers; and
 - (ii) use the levies or charges mentioned in subclause (i) for the purposes of the promotion-research agency; and

- (b) prescribe the terms and conditions on which the powers mentioned in clause (a) are granted, including limits on the amount of the levies or charges that may be imposed.
- (7) Where a vote is conducted pursuant to clause (4)(b) or (c) and not less than 60% of the producers who vote on the question of whether the levy or charge should be established or continued, vote in favour of the establishment or continuance of the levy or charge, the Lieutenant Governor in Council may, by regulation:
- (a) establish or confirm the levy or charge as proposed or previously ordered;
 - (b) vest in the promotion-research agency, in relation to the marketing, production and development of a promoted product in Saskatchewan, any or all of the powers mentioned in clause 4(1)(c), including the power to:
 - (i) fix, impose and collect levies or charges from producers; and
 - (ii) use the levies or charges mentioned in subclause (i) for the purposes of the promotion-research agency; and
 - (c) prescribe the terms and conditions on which the powers mentioned in clause (b) are granted, including limits on the amount of the levies or charges that may be imposed.
- (8) Where a vote is conducted for the purposes of clause (4)(b) or (c) and less than 60% of the producers who vote on the question of whether the levy or charge should be established or continued vote in favour the establishment or continuance of a levy or charge, collection of the levy or charge is to be discontinued no later than 30 days after the announcement of the results of the vote.
- (9) Where collection of a levy or charge is discontinued pursuant to subsection (8), any moneys collected from the producers by way of the levy or charge before its discontinuance are not recoverable by the producers.
- (10) Notwithstanding any other provision of this Act, where, in the opinion of the Lieutenant Governor in Council, it is in the public interest to do so, the Lieutenant Governor in Council may, by regulation:
- (a) discontinue the levy or charge; and
 - (b) prescribe transitional provisions to effect the discontinuance of the levy or charge.

Auditors

24(1) For every interim development commission appointed pursuant to clause 4(2)(c) and every development commission appointed pursuant to clause 4(2)(d), the Lieutenant Governor in Council shall appoint an auditor or firm of auditors to:

- (a) annually; and
- (b) at any other time that the Lieutenant Governor in Council may require;

audit the accounts and financial statements of every development commission.

(2) Every development commission elected pursuant to section 5 shall appoint an auditor or firm of auditors to audit the accounts and financial statements of the development commission annually and at any other time that the development commission may require.

1990-91, c.A-15.2, s.24; 1992, c.42, s.11.

Reports to be made available

25 Within six months after the end of each fiscal year, each development commission, development board and marketing board shall provide access to:

- (a) its financial statements; and
- (b) its reports on its operations;

for that fiscal year to all producers under its plan.

1990-91, c.A-15.2, s.25.

Defects not affecting validity

26 Notwithstanding any defect or irregularity in the election, appointment or qualification of any member of:

- (a) the council;
- (b) any agency; or
- (c) an appeal committee;

the acts of those bodies are deemed to be as valid as if those members had been duly elected, appointed or were duly qualified.

1990-91, c.A-15.2, s.26.

Immunity

27 No action lies or shall be instituted against:

- (a) the council or any agency;
- (b) any member, officer or employee of the council or agency; or

- (c) any other person appointed pursuant to this Act;

where the council, agency, member, officer, employee or person is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered by any person by reason of anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done, by any of them pursuant to, or in the exercise of or supposed exercise of, any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1990-91, c.A-15.2, s.27.

Service of documents

28(1) Any document or notice required by this Act or the regulations to be given or served, unless otherwise provided for, is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served.

(2) A document or notice served by ordinary or registered mail is deemed to have been received on the tenth day following the day of its mailing.

1990-91, c.A-15.2, s.28.

Inspection, investigation

29(1) The minister may appoint any person to make any inspection, investigation or inquiry that the minister considers necessary for the purpose of administering and enforcing:

- (a) this Act;
- (b) the regulations; or
- (c) any order of an agency.

(2) A person appointed pursuant to subsection (1) may, at any reasonable time, for the purpose of enforcing this Act, the regulations or any order of an agency:

- (a) subject to subsection (3), enter, without a warrant, any place or premises; and
- (b) make any inspection, investigation or inquiry that the person considers necessary.

(3) A person appointed pursuant to subsection (1) shall not enter a private dwelling without a warrant issued pursuant to subsection (4) unless the occupant of the dwelling consents to the entry.

(4) Where a person appointed pursuant to subsection (1) believes on reasonable and probable grounds that:

- (a) an offence against this Act has been committed; and

(b) there is evidence of the offence to be found:

- (i) at the place or premises; or
- (ii) on the vehicle;

to be searched;

a justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant to enter into and search any place or premises or search any vehicle named in the warrant.

(5) A person appointed pursuant to subsection (1) with a warrant issued pursuant to subsection (4) may:

- (a) enter and search any place or premises named in the warrant;
- (b) require the production of and examine any books, records, papers and other documents that the person believes on reasonable and probable grounds may contain information related to an offence against this Act;
- (c) subject to section 30, on the giving of a receipt for the books, records, papers or documents, remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies of extracts of those books, records, papers or documents;
- (d) search any vehicle named in the warrant; and
- (e) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.

(6) A person appointed pursuant to subsection (1) may exercise all or any of the powers mentioned in subsection (5) without a warrant issued pursuant to this section if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the person believes, on reasonable and probable grounds, that the delay necessary to obtain a warrant would result in:
 - (i) danger to human life or safety; or
 - (ii) the loss or destruction of evidence.

(7) No person shall obstruct any person who is authorized to conduct a search pursuant to this section.

1990-91, c.A-15.2, s.29.

Copies of documents

30(1) Where any book, record, paper or document is seized, examined or produced pursuant to section 29, any person appointed pursuant to subsection 29(1) may make copies of the book, record, paper or other document.

(2) Any person authorized to make copies pursuant to subsection (1) shall:

- (a) make those copies with reasonable dispatch; and

- (b) promptly return the books, records, papers or other documents from which the copies were made to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the person authorized to make copies and the person:
 - (A) who furnished them; or
 - (B) from whom they were seized.
- (3) A document certified by the minister to be a copy made pursuant to this section:
 - (a) is admissible in evidence without proof of the office or signature of that person appearing to have certified the document; and
 - (b) has the same probative force as the original document.

1990-91, c.A-15.2, s.30.

Offence

31(1) Any person who:

- (a) fails to comply with any order of:
 - (i) the council;
 - (ii) any agency; or
 - (iii) an appeal committee;
 acting pursuant to the authority of this Act; or
 - (b) violates any provision of this Act or the regulations;
- is guilty of an offence and liable on summary conviction to:
- (c) in the case of an individual, a fine of not more than \$5,000; and
 - (d) in the case of a person other than an individual, a fine of not more than \$10,000.
- (2) No prosecution for an offence committed against subsection (1) is to be commenced more than two years after the day on which the offence is alleged to have been committed.

1990-91, c.A-15.2, s.31.

Regulations

32 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) respecting any matter or thing required or authorized by this Act to be prescribed in the regulations;

- (c) prescribing any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1990-91, c.A-15.2, s.32.

TRANSITIONAL, REPEAL, CONSEQUENTIAL AMENDMENTS AND COMING INTO FORCE

33 To be proclaimed.

Transitional; plans and boards

34(1) Every plan established for the promotion, control and regulation within Saskatchewan of the marketing of any agricultural product pursuant to *The Natural Products Marketing Act*, as that Act existed on the day before the coming into force of this Act is hereby continued.

(2) The:

- (a) board within the meaning of *The Pulse Crop Development Plan Regulations*, being chapter N-3 Reg 7 of *The Revised Regulations of Saskatchewan*;
- (b) Sheep Development Board established by *The Sheep Development Plan Regulations*, being chapter N-3 Reg 3 of *The Revised Regulations of Saskatchewan*; and
- (c) Saskatchewan Vegetable Marketing and Development Board established by *The Vegetable Marketing and Development Plan Regulations*, being chapter N-3 Reg 2 of *The Revised Regulations of Saskatchewan*;

are hereby continued as development boards and are subject to this Act as if they had been established as development boards pursuant to this Act.

(3) The:

- (a) board within the meaning of *The Pork Producers' Marketing Plan Regulations*, being chapter N-3 Reg 5 of *The Revised Regulations of Saskatchewan*;
- (b) Saskatchewan Broiler Hatching Egg Producers' Marketing Board established by *The Broiler Hatching Egg Marketing Plan Regulations*, being chapter N-3 Reg 1 of *The Revised Regulations of Saskatchewan*;
- (c) Saskatchewan Chicken Marketing Board continued by Saskatchewan Regulations 387/78;
- (d) Saskatchewan Commercial Egg Producers' Marketing Board continued by Saskatchewan Regulations 270/76; and
- (e) Saskatchewan Turkey Producers' Marketing Board continued by Saskatchewan Regulations 275/75;

are hereby continued as marketing boards and are subject to this Act as if they had been established as marketing boards pursuant to this Act.

1990-91, c.A-15.2, s.34.

Transitional; orders

35 Every order made by a marketing board pursuant to *The Natural Products Marketing Act*, as that Act existed on the day before this Act comes into force, continues in force and may be enforced as if it had been made pursuant to this Act.

1990-91, c.A-15.2, s.35.

Transitional; licences, registrations and quotas

36 Every licence issued or registration or quota granted by a marketing board pursuant to *The Natural Products Marketing Act*, as that Act existed on the day before this Act comes into force, which is valid and subsisting on the day that this Act comes into force, continues in force as if it had been issued or granted, as the case may be, pursuant to this Act.

1990-91, c.A-15.2, s.36.

Previously acquired securities

36.1 Where a development commission, development board or marketing board purchased or acquired shares, bonds, debentures or other securities of any incorporated company before the coming into force of this section:

- (a) the shares, bonds, debentures or other securities are deemed to have been validly purchased or acquired; and
- (b) the power to hold, sell, transfer or otherwise deal with any of those shares, bonds, debentures or other securities or to exercise any rights as owner, including the right to vote, is subject to any terms and conditions that the Lieutenant Governor in Council may prescribe by regulation pursuant to section 4, 5, 7 or 8, as the case may be.

1992, c.42, s.12.

37(1) To be proclaimed.**R.S.S. 1978, c.N-3 repealed**

- (2) *The Natural Products Marketing Act* is repealed.

1990-91, c.A-15.2, s.37.

Editorial Appendix

Sections 38 and 39 enacted consequential amendments to *The Co-operative Guarantee Act* and *The Co-operatives Act, 1989*. Those amendments have been incorporated into the corresponding Acts.

