

# 2003

## CHAPTER 22

### An Act to amend *The Farm Financial Stability Act*

(Assented to June 27, 2003)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

#### Short title

**1** This Act may be cited as *The Farm Financial Stability Amendment Act, 2003*.

#### S.S. 1989-90, c.F-8.001 amended

**2** *The Farm Financial Stability Act* is amended in the manner set forth in this Act.

#### New section 51

**3 Section 51 is repealed and the following substituted:**

#### “Purchase from member producer or category of member producers

**51** A producer association may purchase a commodity from any of its member producers or from a prescribed category of its member producers if:

- (a) permitted to do so by the regulations; and
- (b) the price of that commodity does not exceed the prescribed percentage of the value of that commodity”.

#### Section 54 amended

**4(1) Subsection 54(1) is amended by striking out “inspecting or removing” and substituting “inspecting, removing or marking”.**

**(2) The following clause is added after clause 54(2)(c):**

“(d) any other person who accompanies a person mentioned in clauses (a) to (c) for the purpose of assisting in the performance of the duties of the person mentioned in clauses (a) to (c)”.

**(3) Subsections 54(3) and (4) are repealed and the following substituted:**

“(3) If a provincial supervisor, for the purpose of carrying out his or her duties, has at a reasonable time requested access to a place or premises mentioned in subsection (1) and has been refused access, the provincial supervisor may apply to a justice of the peace or a judge of the Provincial Court of Saskatchewan for a warrant authorizing any provincial supervisor to enter and search the place or premises:

- (a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer association has obtained a guaranteed loan; or
- (b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.

“(4) If a justice of the peace or a judge of the Provincial Court of Saskatchewan receives or hears an application from a provincial supervisor pursuant to subsection (3), the justice of the peace or judge, as the case may be, may issue a warrant authorizing any provincial supervisor to enter and search the place or premises mentioned in subsection (1):

(a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer association has obtained a guaranteed loan; or

(b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.

“(5) A provincial supervisor executing a warrant issued pursuant to this section may be accompanied by any other person who, in the opinion of that provincial supervisor, may be of assistance in carrying out the warrant”.

**New section 56**

**5 Section 56 is repealed and the following substituted:**

**“Regular reporting required**

**56(1)** Every producer association and lender shall provide the provincial supervisor with a report setting out the prescribed information.

(2) A report mentioned in subsection (1) must be provided:

(a) on or before a prescribed date or dates; or

(b) within a prescribed period or periods”.

**Section 58 amended**

**6 The following subsections are added after subsection 58(4):**

“(5) The books and records of any custom operator or feedlot operator or of any person that a producer association wishes to be approved by a provincial supervisor as a custom operator or feedlot operator shall be open and available for inspection by a provincial supervisor or an auditor appointed by the minister.

“(6) Notwithstanding subsection (5), any person who does not want to be approved by a provincial supervisor as a custom operator or feedlot operator is not required to produce his or her books and records for inspection”.

**Section 59.1 amended**

**7(1) Subsection 59.1(1) is repealed and the following substituted:**

“(1) In this section, ‘**producer agreement**’ means either of the following:

(a) a producer agreement that was entered into before August 30, 2002 and pursuant to which a commodity was being grown, used, produced or finished by a member producer or custom operator on August 30, 2002;

(b) a producer agreement entered into on or after August 30, 2002.

“(1.1) Subject to section 60, this section applies notwithstanding any other Act or law”.

**(2) Subsection 59.1(3) is repealed and the following substituted:**

“(3) Notwithstanding any terms of a producer agreement and without limiting the generality of subsection (2), a producer association may, as owner of a commodity, in its absolute discretion, do all or any of the following with respect to that commodity:

- (a) take possession of the commodity;
- (b) encumber the commodity;
- (c) sell the commodity;
- (d) mark the commodity”.

**Section 61 amended**

**8(1) Clause 61(a.3) is amended by adding “or member producers” after “producers”.**

**(2) The following clause is added after clause 61(g):**

“(g.1) prescribing, for the purposes of section 51, circumstances in which a producer association may purchase a commodity”.

**(3) Clause 61(k) is repealed and the following substituted:**

“(k) prescribing, for the purposes of section 56:

- (i) the information producer associations and lenders are required to provide in their reports; and
- (ii) the dates by which or the periods within which those reports are to be provided to the provincial supervisor”.

**(4) Clauses 61(l) and (m) are repealed and the following substituted:**

“(l) prescribing, for the purposes of section 59:

- (i) the time at which member producers are to make contributions to the assurance fund;
- (ii) the amounts of contributions each member producer and category of member producers is required to make to the assurance fund; and
- (iii) the period for which a producer must remain inactive in the affairs of a producer association before he or she is eligible for a refund of the contribution mentioned in subsection 59(1);

“(l.1) respecting the manner in which assurance funds are to be maintained by a lender and are to be applied by a lender to any outstanding advances of a producer association”.

## New Part VI.1

**9 The following Part is added after Part VI:**

“PART VI.1  
**Individual Loan Guarantees**

## “Interpretation

**63.1** In this Part:

- (a) **‘advance’** means that portion of a guaranteed loan made by a lender to a producer, for the purchase of a commodity;
- (b) **‘assurance fund’** means a fund mentioned in section 63.81;
- (c) **‘commodity’** means a:
  - (i) prescribed agricultural product or category of agricultural products; or
  - (ii) prescribed item or category of items used in the growing, using, producing or finishing of an agricultural product;
- (d) **‘custom operator’** means any person or partnership that grows, uses, produces or finishes a commodity for a producer on a fee-for-service basis, and includes any person who is or is claiming to be an animal keeper as defined in subsection 15.1(1) of *The Animal Products Act* with respect to the commodity;
- (e) **‘guaranteed loan’** means a loan with respect to which a guarantee is given pursuant to section 63.3;
- (f) **‘lender’** means a bank, credit union or any other prescribed lending institution;
- (g) **‘licensed dealer’** means a dealer who holds a valid licence issued pursuant to a prescribed Act;
- (h) **‘local supervisor’** means a person appointed pursuant to section 63.2;
- (i) **‘producer’** means:
  - (i) an individual who is a resident of Saskatchewan and who is at least 18 years of age; or
  - (ii) a corporation that is registered to carry on business in Saskatchewan;
- (j) **‘provincial association’** means an association incorporated by or pursuant to a Saskatchewan Act whose members or shareholders are producers who have obtained or who propose to obtain guaranteed loans;
- (k) **‘provincial supervisor’** means a person appointed pursuant to section 63.12.

**“Provincial association**

**63.11(1)** Any group of producers may form a provincial association for the purposes of assisting those producers in obtaining a guaranteed loan pursuant to this Part.

(2) If required to do so by the regulations, producers who have obtained guaranteed loans shall form a provincial association for the purpose of assisting in the administration and supervision of those guaranteed loans.

(3) A provincial association shall:

(a) fulfil those duties and exercise those powers prescribed in this Part and in the regulations; and

(b) conduct its business in the manner prescribed in this Part and in the regulations.

**“Provincial supervisors**

**63.12(1)** The minister shall appoint one or more provincial supervisors for each commodity.

(2) A provincial supervisor shall perform the duties assigned to him or her by this Part and by the regulations.

(3) Any custom operator used by a producer to grow, use, produce or finish a commodity on a fee-for-service basis must be approved by a provincial supervisor.

**“Local supervisor**

**63.2(1)** When requested to do so by a provincial supervisor, a provincial association shall appoint one or more local supervisors and one or more secretary-treasurers.

(2) The provincial association shall obtain the approval of a provincial supervisor before appointing a person as a local supervisor or a secretary-treasurer pursuant to subsection (1).

(3) Every local supervisor and every secretary-treasurer shall perform the duties assigned to him or her by this Part and by the regulations.

**“Application**

**63.21(1)** A producer may apply to a provincial supervisor for a guarantee with respect to a loan for the purchase of commodities by the producer to be grown, used, produced or finished by the producer:

(a) on farms or feedlots operated by the producer; or

(b) with custom operators.

(2) The producer shall provide the provincial supervisor with all of the following:

(a) any information that the provincial supervisor may require to determine:

(i) whether or not a guaranteed loan should be provided; or

(ii) the amount of the guarantee to which the producer is entitled;

(b) the prescribed information;

(c) any fee that may be prescribed for a guarantee application.

**“Guarantee**

**63.3(1)** On the recommendation of a provincial supervisor, the Minister of Finance may guarantee loans from lenders to producers:

- (a) in accordance with prescribed terms and conditions; and
  - (b) to a prescribed maximum amount for each loan to a producer.
- (2) A guarantee made pursuant to subsection (1) shall be signed:
- (a) by the Minister of Finance; or
  - (b) by any other person designated by the Lieutenant Governor in Council.
- (3) A guarantee made pursuant to subsection (1) is:
- (a) a continuing guarantee; and
  - (b) subject to the prescribed terms and conditions.

**“Repayment**

**63.31(1)** Subject to section 63.61, a producer shall repay in the prescribed manner advances made pursuant to the producer’s guaranteed loan within the prescribed period for the commodity grown, used, produced or finished by the producer.

- (2) No producer shall use any portion of a guaranteed loan for any purpose other than the purposes mentioned in subsection 63.21(1).
- (3) In the event of a default or a potential default of repayment of any advances or loans by a producer, the lender:
- (a) shall follow, within the prescribed periods, the prescribed procedures and any procedures designated by the provincial supervisor in writing with respect to recovering the amounts defaulted on or remedying the potential default; and
  - (b) is not eligible to submit a claim on the guarantee until after the procedures mentioned in clause (a) have been followed.
- (4) The Minister of Finance may only make a payment to a lender under a guarantee made pursuant to subsection 63.3(1) in proportion to the amount of the proceeds of the guaranteed loan that were expended for the purposes mentioned in subsection 63.21(1).
- (5) Notwithstanding subsection (4) or any other provision of this Act, if the producer uses a guaranteed loan, or any portion of it, for a purpose other than those mentioned in subsection 63.21(1), the rights of the lender with respect to the guarantee given pursuant to section 63.3 are not affected if the lender:
- (a) followed the procedures designated in writing by the provincial supervisor for determining the use of the guaranteed loan; and
  - (b) could not reasonably have known that the producer would use the guaranteed loan, or any portion of it, for a purpose other than those mentioned in subsection 63.21(1).

**“Non-compliance by producers**

**63.4(1)** In this section, **‘future advance’** means any advance made by a lender on a guaranteed loan mentioned in subsection (2) that is made after the lender receives a notice from the provincial supervisor pursuant to subsection (2).

(2) If, in the opinion of a provincial supervisor, the guarantee on a guaranteed loan to a producer is unduly at risk because of the activities of that producer, the provincial supervisor may give notice to the lender and the producer that the guarantee is not effective with respect to any future advances that are made on that guaranteed loan.

(3) The Crown in right of Saskatchewan and any person who provided a guarantee pursuant to section 63.3 are not liable, pursuant to any guarantee, with respect to any future advances on a guaranteed loan described in a notice sent by a provincial supervisor to a lender pursuant to this section.

**“Purchases by producers**

**63.41(1)** The Lieutenant Governor in Council may require, by regulation, that a particular commodity be purchased through a licensed dealer.

(2) No producer shall purchase, without the approval of the provincial supervisor, a commodity prescribed pursuant to subsection (1) other than through a licensed dealer.

(3) In this section **‘future advance’** means any advance made by a lender on a guaranteed loan mentioned in subsection (4) that is made after the lender receives a notice from the provincial supervisor pursuant to subsection (4).

(4) If, in the opinion of a provincial supervisor, the guarantee on a guaranteed loan to any producer may be unduly at risk because of the activities of a licensed dealer, the provincial supervisor may give notice to any producers and any lenders that may be affected that the guarantee is not effective with respect to any future advances that are made on a guaranteed loan to a producer for the purchase of a commodity through that licensed dealer.

(5) The Crown in right of Saskatchewan and any person who provided a guarantee pursuant to section 63.3 are not liable, pursuant to any guarantee, with respect to any future advances on a guaranteed loan described in a notice sent by a provincial supervisor to a lender pursuant to this section.

(6) Subject to subsection (7), when a commodity purchased by a producer is placed with a custom operator, the producer who purchased the commodity shall:

- (a) pay the custom operator the amount of any costs associated with the growing, using, producing or finishing of the commodity; and
- (b) submit a report and receipts to the provincial supervisor on or before the last day of each month confirming that the costs mentioned in clause (a) have been paid to the end of the previous month.

- (7) If a commodity purchased by a producer is placed with a custom operator:
- (a) the producer may make a written agreement with the custom operator that the custom operator will carry the costs associated with the growing, using, producing or finishing of the commodity until an agreed payment date; and
  - (b) if a written agreement is made pursuant to clause (a), the collection and payment of those costs is a matter between the custom operator and the producer.
- (8) For the purposes of clause (7)(a), the written agreement must be on a form provided by the provincial supervisor.
- (9) If an agreement mentioned in subsection (7) exists, the custom operator relinquishes any lien rights provided pursuant to section 15.1 of *The Animal Products Act*.
- (10) Notwithstanding any other provision of this Act or any other Act or law, a custom operator is deemed not to be an animal keeper and does not have any lien rights pursuant to section 15.1 of *The Animal Products Act* with respect to a commodity unless, before beginning custom feeding of the commodity, the custom operator provides the provincial supervisor with a copy of a statement of intent to custom feed between the custom operator and the producer.
- (11) A producer shall purchase a commodity only in accordance with the prescribed terms and conditions.

**“Sales by producers**

- 63.5(1)** A producer who sells a commodity shall do so only in accordance with any prescribed terms and conditions.
- (2) A producer shall sell any commodity purchased with a guaranteed loan in the names of prescribed parties.
  - (3) All proceeds of any sale by a producer are payable to prescribed parties.
  - (4) The proceeds from the sale of a commodity by the producer are to be forwarded to the producer’s lender.
  - (5) On receipt of sale proceeds, the lender shall first apply the proceeds towards repaying the advance made by the lender on a guaranteed loan that enabled the producer to purchase the commodity:
    - (a) in accordance with any prescribed terms and conditions; and
    - (b) to a maximum amount set in accordance with the regulations.
  - (6) If a producer purchases a commodity using funds guaranteed pursuant to this Act, the producer shall cause the commodity to be sold within:
    - (a) a prescribed period from the time the commodity was purchased; or
    - (b) a prescribed greater period authorized by the provincial supervisor.

**“Marking**

**63.51(1)** In this section, ‘**required commodity**’ means a commodity that is required by the regulations to be permanently marked.

(2) Every producer shall cause a required commodity to be permanently marked for identification in the prescribed manner.

(3) Unless a provincial supervisor authorizes otherwise in writing, no guarantee provided to a lender for a loan made for the purchase of a required commodity is effective with respect to a particular advance unless that lender has received confirmation from a prescribed party that the required commodity that is the subject of the advance has been permanently marked for identification in the prescribed manner.

**“Access for the purpose of inspection, removal or marking**

**63.6(1)** Every person who is in charge of any place or premises where a commodity with respect to which a producer has obtained a guaranteed loan is kept shall permit access to the place or premises at any reasonable time by the persons mentioned in subsection (2):

(a) for the purpose of inspecting, removing or marking, the commodity;  
or

(b) for any purpose related to the duties of those persons pursuant to this Act and the regulations.

(2) For the purposes of subsection (1), the following persons must be permitted access:

(a) any local supervisor;

(b) any provincial supervisor;

(c) a representative of the lender;

(d) any other person who accompanies a person mentioned in clauses (a) to (c) for the purpose of assisting in the performance of the duties of the person mentioned in clauses (a) to (c).

(3) If a provincial supervisor, for the purpose of carrying out his or her duties, has at a reasonable time requested access to a place or premises mentioned in subsection (1) and has been refused access, the provincial supervisor may apply to a justice of the peace or a judge of the Provincial Court of Saskatchewan for a warrant authorizing any provincial supervisor to enter and search the place or premises:

(a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer has obtained a guaranteed loan; or

(b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.

(4) If a justice of the peace or a judge of the Provincial Court of Saskatchewan receives or hears an application from a provincial supervisor pursuant to subsection (3), the justice of the peace or judge, as the case may be, may issue a warrant authorizing any provincial supervisor to enter and search the place or premises mentioned in subsection (1):

- (a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer has obtained a guaranteed loan; or
- (b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.

(5) A provincial supervisor executing a warrant issued pursuant to this section may be accompanied by any other person who, in the opinion of that provincial supervisor, may be of assistance in carrying out the warrant.

**“Overdue accounts**

**63.61** The provincial supervisor may authorize a producer to carry an overdue account with a lender with respect to a commodity purchased by the producer for growing, using, producing or finishing by that producer.

**“Regular reporting required**

**63.7(1)** Every producer, lender and provincial association shall provide the provincial supervisor with a report setting out the prescribed information.

(2) A report mentioned in subsection (1) must be provided:

- (a) on or before a prescribed date or dates; or
- (b) within a prescribed period or periods.

**“Subrogation**

**63.71(1)** If a producer defaults in repaying an amount due pursuant to a guaranteed loan and the Minister of Finance makes payment to a lender pursuant to a guaranteed loan on which a producer has defaulted, the Minister of Finance is subrogated with respect to that guaranteed loan:

- (a) to all rights of the lender under any security or negotiable instrument given to the lender by the producer;
- (b) to any action that the lender may have against the producer or any other person; and
- (c) to any action that the producer may have against any person whose acts or omissions may have caused or contributed to the producer's default.

(2) If the Minister of Finance makes a payment pursuant to a guarantee due to a default by a producer:

- (a) the payment does not affect the liability of or security given by the producer pursuant to the guarantee; and
- (b) notwithstanding that the payment was made pursuant to the guarantee, the liability of and the security given by the producer remain in effect and may be enforced by the Minister of Finance against the producer.

(3) Notwithstanding subsections (1) and (2), if the Minister of Finance considers it to be in the public interest, the Minister of Finance may enter into an agreement with a lender who has submitted a claim pursuant to a guarantee, and that agreement may:

- (a) provide:
  - (i) that the lender may receive payment of any portion of the amount pursuant to the guarantee; and
  - (ii) that the lender is entitled to exercise its rights under any security or negotiable instrument given to the lender by the producer and to any action that the lender may have against the producer or any other person; and
- (b) contain any other terms and conditions that may be agreed to.

**“Books and records**

**63.8(1)** Subject to subsection (2), the books and records of a provincial association must be audited in accordance with generally accepted auditing standards.

(2) If the provincial supervisor considers it advisable in the circumstances, he or she may exempt a provincial association from:

- (a) the requirement that a full audit be conducted pursuant to subsection (1); or
- (b) the requirement that a member of a recognized professional accounting association be used for the conduct of audits as prescribed in subsection (3).

(3) Audits conducted pursuant to subsection (1) are to be conducted by a member of a recognized professional accounting association.

(4) On request by the provincial supervisor, the lender shall provide the following information to the provincial supervisor related to a producer's loans and operations:

- (a) security documentation;
- (b) loan agreements;
- (c) loan records;
- (d) deposit and cheque records;
- (e) any other information the provincial supervisor may require.

(5) On request by the provincial supervisor, the producer shall provide the following information to the provincial supervisor related to the producer's loans and operations:

- (a) records of purchases of the commodity;
- (b) records of sales of the commodity;
- (c) records of deposits and withdrawals;
- (d) any other information the provincial supervisor may require.

(6) The books and records of the following persons shall be open and available for inspection by a provincial supervisor or an auditor appointed by the minister:

- (a) a producer;
- (b) a provincial association;
- (c) any custom operator;
- (d) any person that a producer wishes to be approved by a provincial supervisor as a custom operator.

(7) Notwithstanding subsection (6), any person who does not want to be approved by a provincial supervisor as a custom operator is not required to produce his or her books and records for inspection.

**“Assurance fund**

**63.81(1)** The Lieutenant Governor in Council may, by regulation, require the establishment of one or more assurance funds by one or more of the following:

- (a) producers;
- (b) lenders;
- (c) provincial associations;
- (d) the minister;
- (e) any person in addition to those mentioned in clauses (a) to (d).

(2) An assurance fund established pursuant to this section:

- (a) may consist of contributions made by one or more producers or a class of producers, as specified in the regulations;
- (b) is to be used solely to repay, in accordance with the regulations, guaranteed loans that are not repaid by a producer; and
- (c) notwithstanding any other Act or law, is not subject to seizure, garnishment, attachment or claim by any person, including any creditor of a producer or the person administering the assurance fund, except as prescribed in the regulations.

**“Regulations**

**63.9** For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing lending institutions for the purposes of clause 63.1(f);
- (b) prescribing Acts for the purposes of clause 63.1(g);
- (c) prescribing categories of producers;
- (d) prescribing the duties of provincial supervisors and local supervisors;
- (e) prescribing the rules pursuant to which corporate producers may participate in loan guarantee programs established pursuant to this Part;

- (f) requiring, for the purposes of section 63.11, that producers with guaranteed loans must form one or more provincial associations, and specifying the provincial association or provincial associations that any producer or category of producers must participate in and the manner of that participation;
- (g) governing the establishment and operation of a provincial association, including rules as to membership or ownership of a provincial association;
- (h) governing agreements between producers and a provincial association;
- (i) prescribing the duties and powers of a provincial association, including authorizing the provincial association to confirm commodity inventories, mark commodities, manage assurance funds and carry out any other activities and exercise any other powers that the Lieutenant Governor in Council considers necessary and appropriate;
- (j) prescribing for the purposes of section 63.21:
  - (i) the commodities with respect to which a guarantee on a loan made to purchase those commodities may be made;
  - (ii) the information to be provided to the provincial supervisor, including information to be provided to the provincial supervisor for release to the lender; and
  - (iii) the fees that may be charged for a guarantee application;
- (k) prescribing for the purposes of section 63.3:
  - (i) the percentage of each loan that may be guaranteed with respect to a commodity, a producer or category of producers; and
  - (ii) the maximum amount of each loan that may be guaranteed with respect to a commodity, a producer or category of producers;
- (l) prescribing for the purposes of section 63.3:
  - (i) the terms and conditions on which a guarantee may be made; and
  - (ii) the maximum amount a producer may borrow for the purpose of obtaining a guarantee;
- (m) prescribing for the purposes of section 63.31:
  - (i) the period within which a producer is required to repay advances;
  - (ii) the manner in which a producer is required to repay advances; and
  - (iii) in the event of a default or a potential default by a producer of repayment of any advances or loans, the procedures lenders shall follow, within prescribed periods, with respect to recovering any amounts defaulted on or remedying a potential default before being eligible to submit a claim on the guarantee;

- (n) prescribing for the purposes of section 63.41:
  - (i) the commodities that are required to be purchased through a licensed dealer; and
  - (ii) the purchase documents required for the purchase of a commodity;
- (o) prescribing for the purposes of section 63.5:
  - (i) the terms and conditions mentioned in subsection 63.5(1);
  - (ii) parties for the purposes of subsections 63.5(2) and (3);
  - (iii) the terms and conditions mentioned in clause 63.5(5)(a), and the manner in which the maximum amount mentioned in clause 63.5(5)(b) is to be determined;
  - (iv) the period within which a commodity purchased by a producer is required to be sold; and
  - (v) the procedures and documents required for the sale of a commodity;
- (p) prescribing the greater period that the provincial supervisor may authorize for the sale of a commodity purchased by a producer;
- (q) prescribing, for the purposes of section 63.51:
  - (i) the commodities that are required to be permanently marked for identification;
  - (ii) the manner in which those commodities are to be permanently marked for identification; and
  - (iii) the method of replacing or identifying commodities that are the subject of a guaranteed loan;
- (r) prescribing, for the purposes of section 63.7:
  - (i) the information producers and lenders are required to provide in their reports; and
  - (ii) the dates by which or the periods within which those reports are to be provided to the provincial supervisor;
- (s) for the purposes of section 63.81:
  - (i) respecting the establishment and operation of assurance funds;
  - (ii) respecting the amount, timing and method of making contributions to an assurance fund by producers, including specifying any contributions that are to be refundable;
  - (iii) respecting the administration of an assurance fund, including the investments that may be made using moneys in the assurance fund and the disposition of the income earned from those investments;

- (iv) respecting the circumstances and manner in which claims on the assurance fund are to be paid;
  - (v) respecting the replenishment of contributions in an assurance fund by producers following a payment of a claim out of the assurance fund and respecting the circumstances in which the person administering the assurance fund may pursue a subrogated claim to recover that payment;
  - (vi) respecting the entitlement to, and timing and method of paying, refunds of moneys in an assurance fund, including any set-offs of amounts that may be made against those refunds; and
  - (vii) respecting any other matters involving assurance funds that the Lieutenant Governor in Council considers necessary or appropriate;
- (t) designating the expenses that lenders may:
- (i) deduct from the proceeds of the sale of a commodity; or
  - (ii) claim against a guarantee;
- (u) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part”.

**Coming into force**

- 10(1)** Subject to subsection (2), this Act comes into force on assent.
- (2) Section 9 of this Act comes into force on proclamation.

