

## **Nova Scotia Cattle Marketing Plan**

made under subsection 6(2) and Section 11 of the  
Natural Products Act  
R.S.N.S. 1989, c. 308

O.I.C. 2004-385 (September 23, 2004), N.S. Reg. 211/2004  
as amended by O.I.C. 2005-36 (January 27, 2005), N.S. Reg. 9/2005

### **Citation**

1 These regulations may be cited as the Nova Scotia Cattle Marketing Plan.

### **Interpretation**

2 In these regulations, unless the context otherwise requires,

- (a) "Act" means the Natural Products Act;
- (b) "Agency" means the Canadian Beef Cattle Research, Market Development and Promotion Agency, established under the Farm Products Agencies Act (Canada);
- (c) "beef" means the flesh, meat or parts of beef cattle;
- (d) "beef cattle" means live domesticated bulls, cows, steers, heifers and calves of the bovine species or their carcasses and includes bob calves, veal calves, cull cows and dairy cattle and draft animals of the bovine species;
- (e) "beef products" means edible products produced in whole or in part from beef;
- (f) "Commodity Board" or "Board" means Nova Scotia Cattle Producers;
- (g) "Council" means the Natural Products Marketing Council;
- (h) "marketing" includes advertising, buying, selling, storing, packing, transportation, shipping, pricing, processing, shipping for sale or storage, offering for sale and any other act necessary to prepare beef, beef products and beef cattle in a form or make them available at a place and time for purchase, for consumption or use and also includes sale by peddlers, hawkers and traders;
- (i) "Nova Scotia Cattlemen's Association" means the commodity group designated under that name under the Agriculture and Marketing Act;
- (j) "person" includes a board, association, corporation, firm and partnership;
- (k) "Plan" means the Nova Scotia Cattle Marketing Plan;
- (l) "processing" means altering the nature, size, quality or condition of beef cattle by mechanical means or otherwise and includes the slaughtering of beef cattle;
- (m) "processor" means a person engaged in processing;

- (n) "producer" means a person engaged in the marketing of beef cattle in the regulated area for the purpose of sale or distribution, and includes livestock dealers, public sale yard operators, slaughterhouse operators and drovers;
- (o) "producers' meeting" means a meeting of the producers who are resident or carrying on business in the regulated area;
- (p) "regulated area" means all of the Province of Nova Scotia; and
- (q) "zone meeting" means a meeting of the producers who are resident or carrying on business in a zone.

#### Objectives of Plan

3 The primary objectives of the Plan are to promote and regulate the marketing of beef, beef products and beef cattle in the regulated area, and in particular to

- (a) constitute the Commodity Board to administer the Plan;
- (b) stimulate, increase and improve the research, promotion and market development of beef, beef products and beef cattle in the regulated area;
- (c) assist in the maintenance of public health and food safety by tracking the whereabouts and origin of beef cattle through registration; and
- (d) provide for levies to enable the Board to carry out the purposes of the Plan.

#### Commodity Board

4 (1) A commodity board is hereby constituted to administer the Plan to be known as Nova Scotia Cattle Producers, which consists of 10 members who are producers or, in the case of a producer that is not a natural person, a designated representative of a producer, and who are elected, nominated or appointed in accordance with the Plan and the regulations made under the Plan.

(2) Until the date of the first annual producers' meeting, the incumbent members of the Board of Directors of the Nova Scotia Cattlemen's Association, on the date the Plan comes into force, constitute the Commodity Board.

(3) The Board is made up of

- (a) 1 member from each zone, who is elected at the annual zone meeting from among and by the producers who are resident or carrying on business in that zone;
  - (b) 3 members as members-at-large, who are elected at the annual producers' meeting from among and by the producers who are resident or carrying on business in the regulated area; and
  - (c) 1 member, who is appointed every year by Dairy Farmers of Nova Scotia for a 1-year term commencing on the date of the annual producers' meeting.
- (4) Upon receipt of a requisition signed by at least 50% of producers, the Council shall submit the question of continuing the Plan to a vote of producers and, if a majority suitable to the Council votes against the Plan, the Council may recommend that the Plan be discontinued.

(5) A proposal to the Council by the Commodity Board to amend this Plan requires the approval of at least 2/3 of the producers present at an annual producers' meeting or a special producers' meeting.

(6) A copy of a proposed amendment under subsection (5) must be provided to each producer at least 10 days before the meeting date.

#### Powers of the Commodity Board

5 (1) Pursuant to subsection 6(2) of the Act, the Council delegates the power to the Commodity Board to do the following:

(a) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the Plan;

(b) borrow money to carry out the Plan and determine the amount of money borrowed and the kind and amount of security to be taken or given therefor;

(c) stimulate, increase and improve the marketing of beef, beef products and beef cattle in the regulated area;

(d) establish and implement promotional and research programs for the purpose of stimulating, increasing, promoting and improving the marketing of beef, beef products and beef cattle and recover all expenses incurred thereby by levying and collecting a rate on persons engaged in the producing or marketing of beef cattle;

(e) require producers to register with the Board their names and addresses and the quantities of beef cattle marketed by them, and require producers to furnish such additional information in regard to beef cattle as the Board may determine and inspect the books and premises of producers;

(f) require, by order, producers or any persons who are members of a class of persons designated by the Board and who are so engaged, to deduct from amounts payable by them to any other person engaged in the marketing of beef cattle amounts payable to the Board by such other persons by way of licence fees, levies or charges provided for in the Plan that the Board is authorized to implement and to remit all amounts so deducted to the Board;

(g) require the person in charge of any vehicle thought to be conveying beef cattle to stop the vehicle and to permit any person appointed by the Council for such purpose to inspect the vehicle and its contents;

(h) co-operate with any board or agency, established under any federal Act or any provincial Act, to market or promote, facilitate, control or regulate the marketing of beef, beef products and beef cattle and to act conjointly with any such board or agency;

(i) prohibit any person from marketing beef cattle unless registered with the Board.

(2) The Commodity Board shall not exercise any powers under the Plan that would restrict the production of beef cattle or the number of producers in the regulated area.

(3) If the Board is unable to act, the Council retains the authority to exercise the powers that have been delegated to the Board in this Section.

#### Regulation-making powers

6 Pursuant to clause 11(d) of the Act, the Governor in Council empowers the Commodity Board to make regulations, subject to approval of the Council,

- (a) regulating and controlling the marketing of beef, beef products, and beef cattle within the regulated area;
- (b) providing for the licensing of persons engaged in the marketing of beef cattle, fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments, which licence fees may be made payable to the Board;
- (c) providing the form of licences for persons engaged in the marketing of beef cattle and the terms and conditions upon which licences may be issued, renewed, suspended or revoked;
- (d) respecting fees, levies or charges payable under the Plan or regulations and providing ranges for such fees, levies or charges within which the Board may fix the fees, levies or charges payable pursuant to the Plan or regulations, provided, however, that any change to any fees, levies or charges, after the initial levy set in regulations, shall be subject to a vote to be conducted at a producers' meeting;
- (e) providing for the making of returns or the furnishing of information by any producer registered with the Board;
- (f) providing for the carrying out of the Plan; and
- (g) providing for the establishment of rates to recover the expenses of promotional and research programs under clause 5(1)(d) of the Plan and establishing procedures for the collection of such rates, provided, however, that any such rates shall be subject to a vote to be conducted at a producers' meeting.

#### Commodity Board membership

7 (1) Members of the Commodity Board shall be producers, or the designated representatives of producers, who are resident or carrying on business in the regulated area.

(2) A producer may have only 1 member representing them on the Commodity Board.

(3) The Council may remove from office any member of the Commodity Board who is convicted of any offence under the Act, the regulations made under the Act or the Criminal Code (Canada), or who fails to attend 3 consecutive meetings of the Commodity Board without adequate cause.

#### Voting

8 (1) At meetings of the Commodity Board or its Committees, each member, including the Chair, has only 1 vote.

(2) In the case of a tied vote, the motion is defeated.

(3) At producers' meetings and zone meetings, each producer has only 1 vote.

(4) If a producer is a corporation or partnership, the person eligible to vote or be elected to the Board or eligible to vote at a meeting of the Board is the shareholder or partner designated by the corporation or partnership for that purpose.

(5) A producer may designate in writing a representative, who may be another producer, to attend a meeting and to vote on their behalf and a representative may not attend as the representative of more than 1 producer.

#### Electoral zones

9 (1) For the purposes of electing the members of the Commodity Board, the regulated area is divided into the following zones:

(a) Zone 1 - the counties of Richmond, Inverness, Cape Breton and Victoria;

(b) Zone 2 - the counties of Antigonish, Guysborough and Pictou;

(c) Zone 3 - the counties of Cumberland and the area designated in subsection (2) as "North Colchester";

(d) Zone 4 - the area designated in subsection (2) as "South Colchester", the County of Halifax and the area designated in subsection (2) as "East Hants";

(e) Zone 5 - the area designated in subsection (2) as "West Hants" and the counties of Kings and Annapolis;

Clause 9(1)(e) replaced: O.I.C. 2005-36, N.S. Reg. 9/2005.

(f) Zone 6 - the counties of Digby, Yarmouth, Shelburne, Queens and Lunenburg.

Clause 9(1)(f) replaced: O.I.C. 2005-36, N.S. Reg. 9/2005.

(2) For purpose of subsection (1), the designated areas are as follows:

(a) North Colchester - the area in the county of Colchester north of the Cobequid Bay as well as north of Highway 104, plus the area bounded by the Cobequid Bay to the north, Shubenacadie River to the west, on the south from Green Oaks to Brookfield (Route 289), to the east by Highway 102;

(b) South Colchester - all that area in the county of Colchester not included in North Colchester as described in clause (a);

(c) East Hants - the area in the county of Hants east of a line drawn from Selma to the Nine Mile River Bridge in Nine Mile River;

(d) West Hants - all that area in the county of Hants not included in East Hants, as described in clause (c);

Clauses 9(2)(e)-(f) repealed: O.I.C. 2005-36, N.S. Reg. 9/2005.

#### Terms of office

10 (1) The term of office for members elected to the Commodity Board is 3 years and commences on the date of the annual producers' meeting.

(2) Despite subsection (1), the initial terms of office for Board members are:

- (a) 1 year for Zones 1 and 4;
  - (b) 2 years for Zones 2 and 5;
  - (c) 3 years for Zones 3 and 6;
  - (d) 3 years for the member-at-large who receives the highest number of votes at the first annual producers' meeting;
  - (e) 2 years for the member-at-large who receives the second highest number of votes at the first annual producers' meeting; and
  - (f) 1 year for the member-at-large who receives the third highest number of votes at the first annual producers' meeting.
- (3) A member of the Commodity Board may serve a maximum of 2 consecutive 3-year terms and is not eligible for re-election, renomination or reappointment for at least 1 year following the end of the second 3-year term.
- (4) If a member dies, resigns or is otherwise removed, the remaining members may appoint a producer who is resident or carrying on business in the respective zone or the regulated area, as the case may be, to fill the vacancy until an election is held in accordance with subsection (5).
- (5) If a member dies, resigns or is otherwise removed during his term of office, the producers resident or carrying on business in that zone, or in the regulated area, as the case may be, shall elect a member to complete the term at their next annual meeting.
- (6) Subject to subsection (3), if the producers fail to elect a new member, the incumbent member for that position is considered re-elected for a 3-year term.
- (7) Despite any irregularity in the appointment, election or qualification of any member of the Board or any temporary vacancy on the Board, every act of the Board is as valid as if the Board were duly constituted and every member duly appointed, elected and qualified.

#### Commodity Board meetings

11 (1) Meetings of the Commodity Board shall be held at least quarterly and shall be called by the Chair or their designate.

- (2) The Commodity Board shall meet within 2 weeks of every annual producers' meeting to make the elections required by subsection 12(1).
- (3) Reasonable notice of all meetings of the Commodity Board, specifying the time and place, shall be given to each member, except that a meeting of the Commodity Board may be held without notice at the close of an annual producers' meeting.
- (4) In the absence of the Chair and Vice-chair at a meeting of the Board, the members present may select someone by consensus from the members present to chair the meeting.
- (5) At meetings of the Commodity Board, 6 members constitute a quorum.

#### Officers and committees

12 (1) The Commodity Board shall annually elect from among themselves a Chair, a Vice-chair and a representative of the Board to the Canadian Cattlemen's Association.

(2) If no member of the Commodity Board is willing or able to be the Board representative to the Canadian Cattlemen's Association, the Commodity Board may appoint a producer who is not a member of the Commodity Board to be the Board representative to the Canadian Cattlemen's Association and a producer appointed for this purpose is a non-voting member of the Board for the period they are appointed.

(3) The Commodity Board may appoint committees in such form and for such purposes as may be required.

#### Duties of officers

##### 13 (1) The Chair

(a) presides at Commodity Board, producers' and zone meetings;

(b) serves ex-officio on all committees; and

(c) represents the Commodity Board in all regular transactions and activities except those for which another person has been appointed by the Commodity Board.

##### (2) The Vice-chair

(a) presides at meetings in the absence of the Chair; and

(b) performs duties assigned by the Chair or the Board.

#### Secretary-Manager

14 (1) The Commodity Board may employ a Secretary-Manager who is responsible for

(a) recording and maintaining minutes of the Commodity Board, committee, producers' and zone meetings;

(b) attending to all Commodity Board correspondence;

(c) notifying members or producers of meetings;

(d) maintaining financial records and bank accounts;

(e) preparing financial reports;

(f) collecting and receiving levies;

(g) hiring and management of staff; and

(h) performing duties as assigned by the Chair or the Board.

(2) The Secretary-Manager attends all Board, producers', zone and committee meetings, but has no voting privileges.

#### Producers' and zone meetings

15 (1) An annual producers' meeting shall be held no later than 120 days after each fiscal year-end of the Commodity Board.

(2) An annual zone meeting shall be held before the annual producers' meeting and no later than 90 days after each fiscal year-end of the Commodity Board.

(3) A special producers' meeting may be held

(a) as determined by the Commodity Board; or

(b) within 30 days of receiving a written request signed by at least 20 producers.

(4) The Commodity Board shall provide at least 10 days' written notice to all producers of annual producers' meetings and special producers' meetings .

(5) The agenda for an annual producers' meeting shall include

(a) an annual report to producers;

(b) a financial report (including audited financial statements);

(c) the election of members; and

(d) the appointment of auditor.

(6) At producers' meetings, 20 producers constitutes a quorum.

#### Fiscal year

16 (1) The fiscal year of the Commodity Board is from January 1 to December 31, in each year.

(2) Despite subsection (1), the first fiscal year of the Board is from the date the Plan comes into force until December 31 in that year.

#### Reporting

17 (1) The Commodity Board shall maintain proper books of account, subject to annual audit by an auditor appointed at the annual producers' meeting.

(2) An annual report and audited financial statements of the Commodity Board shall be sent to the Council within 120 days of fiscal year-end, and shall be provided to all producers at least 10 days before the annual producers' meeting.

(3) Copies of all Commodity Board minutes, orders, directions or determinations shall be provided to the Council and be available from the Board on request to all producers, subject to the applicable provisions of provincial and federal privacy legislation.