

# *The Pork Industry Development Plan Regulations*

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Chapter A-15.2 Reg 7 (effective April 5, 1998) as amended by  
Saskatchewan Regulations 17/2001.

## **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 REG 7

### *The Agri-Food Act*

#### PART I

#### Title and Interpretation

##### Title

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

##### Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act*;
- (b) **“Board”** means the development board continued pursuant to section 4, to be known as Sask Pork;
- (c) **Repealed.** 6 Apr 2001 SR 17/2001 s3.
- (c.1) **“director”** means a director of the Board elected in accordance with these regulations;
- (d) **“hog”** means a live hog;
- (e) **“plan”** means the Saskatchewan Pork Industry Development Plan continued pursuant to section 3;
- (f) **“pork”** means a hog carcass of any grade, class or variety, or any part of the carcass, and includes processed products derived from the carcass;
- (g) **“processing”** means changing the nature, size, quality or condition of hogs or pork, and includes slaughtering;
- (h) **“processor”** means any person engaged in the business of processing hogs or pork in Saskatchewan;
- (i) **“producer”** means any of the following:
  - (i) a person engaged in breeding, producing or feeding hogs in Saskatchewan, and includes the employer or principal of that person;
  - (ii) a person who, pursuant to a lease or an agreement, is entitled to a share of:
    - (A) the hogs raised by another person; or
    - (B) the proceeds from the sale of hogs raised by another person;
  - (iii) a person who takes possession of any hog pursuant to any form of security or legal proceeding for debt;

- (i.1) **“producer vote”** means a producer vote cast in accordance with sections 40 and 41;
- (j) **“production unit”** means the buildings, structures, equipment and land used by a producer for the production of hogs, whether located at one or more sites;
- (j.1) **“production vote”** means a production vote cast in accordance with sections 40 and 42;
- (k) **“promoted product”** means:
  - (i) any hog produced for feeding, breeding or slaughter; and
  - (ii) any pork;
- (l) **Repealed.** 6 Apr 2001 SR 17/2001 s3.
- (m) **“registered producer”** means a producer who:
  - (i) is registered with the Board and whose registration is in good standing;
  - (ii) has been assigned a production unit registration number by the Board pursuant to subsection 18(2); and
  - (iii) has marketed hogs within the preceding calendar year.

3 Apr 98 cA-15.2 Reg 7 s2; 6 Apr 2001 SR 17/  
2001 s3.

## PART II

### Plan and Board Continued

#### Plan continued

- 3 The Saskatchewan Pork Industry Development Plan is continued.

6 Apr 2001 SR 17/2001 s4.

#### Board continued

- 4(1) The development board known as Sask Pork is continued.
- (2) The Board shall administer the plan.

6 Apr 2001 SR 17/2001 s4.

PART III  
**Application and Purpose of Plan**

**Application**

**5** Subject to any exemption granted by the Board, the plan and any orders passed by the Board pursuant to the plan apply to:

- (a) all of Saskatchewan, all promoted products and all grades, classes or varieties of promoted products; and
- (b) all persons engaged in the production and marketing of a promoted product.

3 Apr 98 cA-15.2 Reg 7 s5.

**Purpose**

**6(1)** The general purpose of the plan is to provide for the effective development of the Saskatchewan pork industry and the promotion of hogs and pork produced in Saskatchewan.

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

- (a) to encourage production of a uniform high-quality promoted product;
- (b) to encourage, assist and carry out market development and promotion of the promoted product in domestic and export markets;
- (c) to encourage a continuous supply of high-quality promoted product for effective industry development;
- (d) to compile and distribute statistical data and information relating to the production, consumption and marketing of the promoted product;
- (e) to conduct, encourage or assist in the carrying out of studies and research relating to the production, quality improvement, marketing or consumption of the promoted product;
- (f) to promote and improve communications among persons within the pork industry, and between the pork industry and processors, consumers or others;
- (g) to co-operate and work in partnership with marketing boards, commissions or other agencies, organizations or bodies that have objectives consistent with those set out in the plan;
- (h) to contribute to industry improvement and the growth, development and success of the pork industry and producers;
- (i) to undertake and provide services and functions which contribute to the purposes of the plan.

3 Apr 98 cA-15.2 Reg 7 s6.

**PART IV**  
**Powers and Responsibilities of the Board**

**General powers**

7(1) The Board may do any or all of the following:

- (a) carry out educational, research and developmental programs relating to the promoted product;
- (b) require any person who is engaged in the production or marketing of the promoted product to register with the Board;
- (c) set and collect registration fees and charges for services rendered by the Board from any person engaged in the production or marketing of the promoted product;
- (d) set and collect non-refundable check-offs from any person engaged in the marketing of hogs;
- (e) establish categories of persons engaged in the production or marketing of the promoted product for the purpose of setting and collecting:
  - (i) the registration fees and charges mentioned in clause (c); and
  - (ii) the check-offs mentioned in clause (d);
- (f) recover, by suit in a court of competent jurisdiction:
  - (i) the registration fees and charges mentioned in clause (c); or
  - (ii) the check-offs mentioned in clause (d);
- (g) require any person engaged in the production or marketing of the promoted product to furnish the Board with any information or records relating to that production or marketing that the Board considers necessary;
- (h) use any moneys received by the Board to carry out the purposes of the plan and to pay the expenses of the Board;
- (i) borrow, raise or secure the payment of moneys in any manner that the Board considers appropriate for the purpose of administering the plan;
- (j) draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange and other negotiable or transferable instruments;
- (k) purchase, take on lease or exchange, or otherwise acquire real and personal property related to the business of the Board;
- (l) sell or otherwise dispose of any real or personal property acquired by the Board;
- (m) grant a mortgage against real property, or a security interest in personal property, acquired by the Board;

- (n) enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the responsibilities of the Board in relation to the plan;
  - (o) make any order that the Board considers necessary or advisable to carry out the purposes of the plan;
  - (p) amend or revoke any order mentioned in clause (o);
  - (q) exempt from the plan and any order of the Board:
    - (i) any person or category of persons engaged in the marketing of the promoted product; and
    - (ii) any grade, class or variety of promoted product;
  - (r) purchase or acquire by any other means, in the open market or otherwise, shares, bonds, debentures or other securities of any incorporated company;
  - (s) hold, sell, transfer, or otherwise deal with any of the shares, bonds, debentures or other securities mentioned in clause (r) and exercise any rights as owner of those shares, bonds, debentures or other securities, including the right to vote.
- (2) Pursuant to clause 23(1)(a) of the Act, the Board may co-operate and enter into agreements with the Government of Canada, the government of any province or territory of Canada, an agency of those governments or with any person for any purpose associated with the production, marketing or development of the promoted product, including the collection of any check-offs.
- (3) Pursuant to clause 23(1)(b) of the Act, the Board is empowered to accept and perform any function or duty imposed on it or exercise any power conferred on it by or pursuant to the *Agricultural Products Marketing Act* (Canada), as amended from time to time, relating to the production, marketing or development of the promoted product, including the collection of any check-offs.
- (4) The Board may invest any moneys that are surplus to the day-to-day operations of the Board, and may dispose of any of those investments in any manner, on any terms and in any amount that the Board considers expedient.
- (5) Nothing in these regulations authorizes the Board to purchase or sell any promoted product.

**A-15.2 REG 7** PORK INDUSTRY DEVELOPMENT PLAN**Employees**

**8(1)** The Board may:

- (a) employ any employees that it considers necessary to administer the plan; and
  - (b) determine the duties, conditions of employment and remuneration of each employee.
- (2) The Board may establish or provide for the following for the benefit of its employees and the dependants of those employees:
- (a) a group insurance plan;
  - (b) any other pension or employee benefit program.

3 Apr 98 cA-15.2 Reg 7 s8.

**Financial guarantees**

**9(1)** Subject to subsection (2), the Board may give a financial guarantee respecting the indebtedness of any person where the Board considers that giving the guarantee is necessary or advisable for the conduct of business related to the plan.

(2) The Board shall not give a financial guarantee where, as a result of the proposed financial guarantee, the total amount of financial guarantees given by the Board would be greater than the latest reported total equity of the Board at the time the financial guarantee is to be given.

(3) Every financial guarantee given by the Board must stipulate that the Government of Saskatchewan is not liable under the guarantee.

3 Apr 98 cA-15.2 Reg 7 s9.

**Release of information**

**10** Information respecting the activities of the Board or matters of interest to producers may be released by the Board from time to time.

3 Apr 98 cA-15.2 Reg 7 s10.

**Record-keeping requirements**

**11(1)** The Board shall maintain any books and records that are required for the proper administration of the plan.

(2) The Board shall keep any book or record mentioned in subsection (1) open for inspection by the council at any reasonable time.

3 Apr 98 cA-15.2 Reg 7 s11.

**Head office**

**12** The Board shall maintain a head office in Saskatchewan and shall make the address of the head office known to those persons carrying on business with the Board.

3 Apr 98 cA-15.2 Reg 7 s12; 6 Apr 2001 SR 17/2001 s5.



**Board orders, etc.**

**13(1)** Every order issued by the Board pursuant to the Act or these regulations is to be signed by the officers designated by the Board under the seal of the Board.

(2) Every order issued by the Board is:

- (a) subject to the approval of the council in accordance with the Act; and
- (b) to be published in the Gazette and in any other media considered necessary by the Board.

(3) The Board may issue rules and regulations respecting the implementation of any order of the Board.

(4) All orders, rules and regulations issued by the Board are to be open for inspection by any of the following persons at the head office of the Board during regular business hours:

- (a) any producer;
- (b) any processor;
- (c) any trucker, assembler or sales agent of hogs;
- (d) any other person designated by the council.

(5) The Board shall annually review and consolidate all orders, rules and regulations issued by it, but shall maintain the original copies of the orders, rules and regulations at its head office.

3 Apr 98 cA-15.2 Reg 7 s13.

**Fiscal year**

**14(1)** Subject to subsection (2), on and after the coming into force of *The Pork Industry Development Plan Amendment Regulations, 2001*, the fiscal year of the Board is the period commencing on August 1 in one year and ending on July 31 in the following year.

(2) The period commencing on January 1, 2001 and ending on July 31, 2001 constitutes a fiscal year of the Board.

6 Apr 2001 SR 17/2001 s6.

**Financial plan**

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

3 Apr 98 cA-15.2 Reg 7 s15.

**Audit**

**16** A qualified auditor or firm of auditors, appointed pursuant to section 35, shall annually audit the books, records and financial statements of the Board.

3 Apr 98 cA-15.2 Reg 7 s16; 6 Apr 2001 SR 17/2001 s7.

**Annual report**

**17(1)** In each fiscal year, the Board shall submit to the council and the minister, in accordance with the Act:

- (a) a report on the business of the Board for the preceding fiscal year;
  - (b) an audited financial statement showing the business of the Board for the preceding fiscal year; and
  - (c) the names and addresses of the members of the board of directors.
- (2) The financial statement mentioned in clause (1)(b) is to be in a form acceptable to the council and the minister.
- (3) The Board shall provide any other reports and information that the council or the minister may require from time to time, and those reports and information are to be provided at a date consistent with the needs of the council and the minister.

3 Apr 98 cA-15.2 Reg 7 s17.

## PART V

### Registration

**Producer**

**18(1)** Every producer shall register with the Board at the time, on any terms and conditions and in the manner required by the Board.

(2) The Board shall assign to each producer a production unit registration number on the first occasion on which the producer markets hogs, and the producer shall use that number on subsequent occasions to identify the production unit where the hogs being marketed were produced.

3 Apr 98 cA-15.2 Reg 7 s18.

**Processor**

**19** Every processor who slaughters hogs shall register with the Board at the time, on any terms and conditions and in the manner required by the Board.

3 Apr 98 cA-15.2 Reg 7 s19.

**Commercial trucker, et al.**

**20(1)** Every commercial trucker, assembler and sales agent of hogs shall register with the Board, at the time, on any terms and conditions and in any manner required by the Board.

(2) Truckers, assemblers and sales agents of hogs may be governed by order of the Board, and the Board shall provide a copy of any order to all registered truckers, assemblers and sales agents 48 hours before the order takes effect.

**Cancellation or suspension of registration**

**21** The Board may cancel or suspend the registration of any person mentioned in sections 18 to 20 who fails to comply with:

- (a) the Act;
- (b) these regulations;

- (c) any order of the board; or
- (d) any term or condition of the registration.

3 Apr 98 cA-15.2 Reg 1 s21.

**Notice of cancellation or suspension**

**22(1)** The Board shall provide written notice of the intention to cancel or suspend a registration not less than four weeks before the date of the proposed cancellation or suspension.

(2) The notice mentioned in subsection (1) is to be served personally or by registered mail.

(3) Where the service mentioned in subsection (2) is effected by registered mail, it is deemed to have been served on the seventh day after the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, he or she did not receive the notice or received it at a later date.

3 Apr 98 cA-15.2 Reg 1 s22.

**Objections and hearing**

**23(1)** A person who objects to the cancellation or suspension of his or her registration may, within 14 days after being served with the Board's notice pursuant to section 22, inform the Board, in writing, of the grounds for the objection and request an opportunity to be heard.

(2) Where a person makes a request pursuant to subsection (1), the Board shall give that person the opportunity to be heard within 14 days.

(3) On completion of the hearing mentioned in subsection (2), the Board shall:

- (a) confirm the cancellation or suspension; or
- (b) order the reinstatement of the registration.

(4) The Board shall inform the person who requested the hearing of its decision made pursuant to subsection (3) within 14 days after the date of the decision.

3 Apr 98 cA-15.2 Reg 1 s23.

**Register**

**24** The Board shall keep and maintain at its head office a register containing the name, address and registration number of each person registered with the Board.

3 Apr 98 cA-15.2 Reg 1 s24.

**PART VI**  
**Board of Directors**

**Board of directors**

**25(1)** A board of directors shall manage the business and affairs of the Board.

(2) The board of directors is to consist of six registered producers:

- (a) three of whom are to be elected by producer vote; and
- (b) three of whom are to be elected by production vote.

(3) Every director:

- (a) holds office for a term:
  - (i) commencing with the announcement of the director's election by the chief returning officer in accordance with section 45; and
  - (ii) ending when the next election of directors is announced at an annual general meeting of registered producers; and
- (b) subject to subsection (4), is eligible for re-election.

(4) Where a director has completed three consecutive terms, the director is not eligible for re-election until one term has passed since the completion of the director's third consecutive term.

(5) The office of a director becomes vacant if the director:

- (a) dies;
- (b) resigns;
- (c) ceases to be a registered producer; or
- (d) is absent from three consecutive meetings of the board of directors without being excused by a resolution of the board of directors.

(6) If a director dies or resigns, he or she ceases to be a member of the board of directors on the date of death or on the date the resignation is received by the board of directors, as the case may be.

(7) Where the office of a director becomes vacant, the remaining directors shall appoint a registered producer to fill the vacancy for the remainder of the term of the person who vacated the office.

6 Apr 2001 SR 17/2001 s8.

**Conflicts of interest**

**26** A director shall disclose to the board of directors any matter in which he or she has a direct financial or other interest during the discussion of that matter, and shall not vote on the matter.

3 Apr 98 cA-15.2 Reg 1 s26; 6 Apr 2001 SR 17/2001 s9.

**Chairperson and vice-chairperson**

**27(1)** The members of the board of directors shall elect a chairperson and a vice-chairperson from among their number.

(2) The chairperson and vice-chairperson hold office for a one-year term and are eligible for re-election.

(3) The chairperson or, in his or her absence, the vice-chairperson shall preside at all meetings of the board of directors.

3 Apr 98 cA-15.2 Reg 1 s27.

**Bylaws**

**28** Subject to the Act and these regulations, the board of directors may make bylaws governing the procedures of the Board.

3 Apr 98 cA-15.2 Reg 1 s28.

**Committees**

**29** The board of directors may appoint any committees that it considers necessary or desirable for the proper operation of the plan.

3 Apr 98 cA-15.2 Reg 1 s29.

**Remuneration and expenses**

**30(1)** The chairperson and the other members of the board of directors shall be paid any remuneration and reimbursement for expenses that may be fixed by the registered producers at their annual general meeting.

(2) Special committees appointed by the board of directors shall be paid any remuneration and reimbursement for expenses that may be fixed by the board of directors.

3 Apr 98 cA-15.2 Reg 1 s30; 6 Apr 2001 SR 17/2001 s10.

**Meetings of the board of directors**

**31(1)** A minimum of four meetings of the board of directors shall be held each year, at the call of the chairperson.

(2) The chairperson shall call a special meeting of the board of directors within 15 days after receiving a written request to do so from at least three directors.

(3) A majority of directors constitutes a quorum, and a majority of a quorum carries a motion.

(4) Tied votes are to be declared lost.

(5) The chairperson shall vote.

3 Apr 98 cA-15.2 Reg 1 s31; 6 Apr 2001 SR 17/2001 s11.

## PART VII Regions

**Repealed.** 6 Apr 2001 SR 17/2001 s12.

## PART VIII Registered Producers

### Eligibility to vote and hold office

- 33(1)** Every registered producer is eligible to hold any office on the Board.
- (2) Every registered producer is entitled to one vote on any matter to be determined by vote other than the election of directors.
- (3) In an election of directors, every registered producer is entitled to:
- (a) three producer votes; and
  - (b) the number of production votes determined pursuant to section 42.

6 Apr 2001 SR 17/2001 s13.

### Meetings of registered producers

- 34(1)** An annual general meeting of registered producers must be held within 150 days after the end of each fiscal year of the Board at a time and place to be determined by the Board.
- (2) Special general meetings of registered producers:
- (a) may be called by the Board at any time; and
  - (b) must be called by the Board within 30 days after receiving a written request from 25 or more registered producers.
- (3) The Board must give notice of a general meeting of registered producers by sending a notice, by ordinary mail, to each registered producer at least 30 days before the date of the meeting.
- (4) The quorum at a general meeting of registered producers is 25 registered producers.
- (5) The Board shall submit to the annual general meeting of registered producers:
- (a) a report on the business of the Board for the preceding fiscal year;
  - (b) an audited financial statement showing the business of the Board for the preceding fiscal year; and
  - (c) the financial plan of the Board's operations for the next fiscal year, approved by the Board pursuant to section 15.
- (6) Registered producers may debate and take a poll at general meetings on any question or resolution related to pork.

6 Apr 2001 SR 17/2001 s13.

**Appointment of auditor**

**35(1)** At each annual general meeting of registered producers, the registered producers shall appoint an auditor to audit the books, records and financial statements of the Board for the current fiscal year.

(2) If the registered producers fail to appoint an auditor pursuant to subsection (1) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the Board for that fiscal year.

(3) Any person appointed as auditor pursuant to this section must:

- (a) be independent of:
  - (i) the Board; and
  - (ii) the directors and officers of the Board; and
- (b) be a member in good standing of a recognized professional accounting association.

6 Apr 2001 SR 17/2001 s13.

**36 Repealed.** 6 Apr 2001 SR 17/2001 s13.

## PART IX Elections

**Elections held every two years**

**37** An election of directors is to be held every second year, in the odd-numbered years.

6 Apr 2001 SR 17/2001 s15.

**Appointment of chief returning officer**

**38(1)** At the annual general meeting of registered producers held in the year between the election of directors, the registered producers shall appoint a chief returning officer for the next scheduled election of directors.

(2) The chief returning officer shall not be a producer or an employee of the Board.

3 Apr 98 cA-15.2 Reg 1 s38; 6 Apr 2001 SR 17/2001 s16.

**Nominations**

**39(1)** At least eight weeks before an annual general meeting of registered producers in the odd-numbered years, the Board shall, for the purpose of the election of directors:

- (a) fix the date by which nomination papers must be in the hands of the chief returning officer; and
- (b) send to each registered producer, by ordinary mail:
  - (i) a list of the names of the current directors;
  - (ii) a request for nominations for the office of director; and
  - (iii) a notice respecting the date by which nomination papers must be in the hands of the chief returning officer.

- (2) Every nomination for director must be in writing, in the form prescribed by the Board and signed by two registered producers.
- (3) The nomination papers must be in the hands of the chief returning officer by the date fixed by the Board pursuant to clause (1)(a).
- (4) Every person nominated pursuant to this section stands for election by both producer vote and production vote.

6 Apr 2001 SR 17/2001 s17.

#### **Conduct of elections**

**40(1)** If not more than the required number of candidates is nominated for the office of director, the chief returning officer shall declare those candidates elected by acclamation in accordance with section 45.

(2) If more than the required number of candidates is nominated, the Board shall:

- (a) fix the date by which and the place to which a ballot and a certificate of eligibility to vote are to be returned; and
- (b) at least 21 days before the date fixed pursuant to clause (a), send to each registered producer, by ordinary mail:
  - (i) one ballot;
  - (ii) a certificate of eligibility to vote;
  - (iii) a plain envelope; and
  - (iv) a notice of the date by which and the place to which, pursuant to clause (a), the ballot and certificate of eligibility to vote are to be returned.

(3) Voting is to be by ballot, and the ballot, sealed in the plain envelope provided, is to be returned to the chief returning officer either in person or by mail, together with the certificate of eligibility to vote signed by the registered producer casting the ballot.

(4) Any ballot not returned to the chief returning officer by the date fixed pursuant to clause (2)(a) is disqualified.

6 Apr 2001 SR 17/2001 s17.

#### **Casting producer votes**

**41(1)** Every registered producer is entitled to vote for three candidates by producer vote.

(2) A ballot is disqualified, and the chief returning officer shall not count the producer votes or the production votes cast by that ballot, if the ballot is marked with:

- (a) more than three producer votes; or
- (b) more than one producer vote for any one candidate.

6 Apr 2001 SR 17/2001 s17.



**Casting production votes**

**42(1)** A registered producer is entitled to one production vote for each hog that the registered producer marketed or slaughtered in the Board's previous fiscal year, as determined by the Board based on the check-offs paid by the registered producer.

(2) The Board shall indicate on the ballot sent to each registered producer the number of production votes to which the registered producer is entitled.

(3) A registered producer is entitled to cast his or her production votes for one or more candidates in any manner that the registered producer wishes.

(4) A ballot is disqualified, and the chief returning officer shall not count the producer votes or the production votes cast by that ballot, if the ballot is marked with more production votes than the registered producer is entitled to, as determined by the Board pursuant to this section.

(5) Where a registered producer objects to the number of production votes to which he or she is entitled, as indicated on the ballot, the registered producer may request that the Board reconsider its determination.

(6) Any request made pursuant to subsection (5) must be made at least seven days before the date fixed pursuant to clause 40(2)(a) for the return of ballots.

(7) On receipt of a request made in accordance with subsection (6), the Board shall with all due dispatch:

(a) reconsider the determination objected to and confirm or vary the determination; and

(b) notify the registered producer making the objection and the chief returning officer of the Board's decision.

(8) A decision of the Board pursuant to subsection (7) is final, and there is no right of appeal from that decision.

6 Apr 2001 SR 17/2001 s17.

**Election by production votes**

**43(1)** Promptly after the date fixed pursuant to clause 40(2)(a) for the return of ballots, the chief returning officer shall count the votes cast in the election.

(2) Production votes are to be counted before producer votes.

(3) The three candidates receiving the most production votes are elected as directors for the purposes of clause 25(2)(b).

(4) A tie between candidates based on production votes is to be decided in favour of the candidate with the most producer votes.

(5) Neither the chief returning officer nor any person assisting the chief returning officer in counting production votes shall disclose the number of production votes cast in favour of any candidate.

6 Apr 2001 SR 17/2001 s17.

**Election by producer votes**

44(1) After determining the directors elected by production vote pursuant to section 43, the chief returning officer shall remove the names of the candidates elected by production vote from the list of candidates to be elected by producer vote pursuant to this section.

(2) Of the candidates remaining on the list of candidates to be elected by producer vote, the three candidates receiving the most producer votes are elected as directors for the purposes of clause 25(2)(a).

(3) A tie between candidates based on producer votes is to be decided in favour of the candidate with the most production votes.

6 Apr 2001 SR 17/2001 s17.

**Election results**

45 The chief returning officer shall announce the names of the persons elected as directors at the first annual general meeting of registered producers after the election, immediately after the minutes of the previous meeting have been dealt with.

6 Apr 2001 SR 17/2001 s17.

**Tie votes**

46(1) If a tie occurs between candidates notwithstanding subsection 43(4) or 44(3), the successful candidate is to be determined by a producer vote conducted at the annual general meeting of registered producers.

(2) Voting pursuant to subsection (1) is to be by secret ballot.

(3) Only registered producers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (1), and each of those registered producers is entitled to one vote for that purpose.

(4) The chief returning officer shall count the votes cast pursuant to subsection (1) and announce the winner of the tie vote before moving on to any further business at the annual general meeting.

6 Apr 2001 SR 17/2001 s17.

**Retention of ballots**

46.1 The chief returning officer shall retain all ballots in his or her possession and shall not destroy any ballot or other record connected with an election of directors until 90 days have elapsed after the annual general meeting of registered producers at which the chief returning officer announced the results of the election.

6 Apr 2001 SR 17/2001 s17.

**Challenge to election results**

46.2(1) Any registered producer may challenge the results of an election of directors, as announced by the chief returning officer pursuant to section 45 or subsection 46(4), by submitting a written objection to the council.

(2) A written objection submitted to the council pursuant to subsection (1) must:

(a) set out the grounds for the objection; and

- (b) be received by the council within 90 days after the annual general meeting of registered producers at which the chief returning officer announced the results of the election.
- (3) Where the council receives a written objection in accordance with this section and is satisfied that the objection is neither frivolous nor vexatious, the council may appoint a vote recount officer to conduct a recount of the votes cast in the election.
- (4) Where the council appoints a vote recount officer pursuant to subsection (3), the results of the election as announced by the vote recount officer are final.

6 Apr 2001 SR 17/2001 s17.

#### **Deemed notice of election**

**46.3** A registered producer is conclusively deemed to have received any notice, nomination paper or ballot that is sent, by ordinary mail, to the registered producer at his or her last address registered with the Board, and the failure of any person to receive a notice, nomination paper or ballot does not invalidate the election.

6 Apr 2001 SR 17/2001 s17.

## **PART X**

### **Repeal, Transitional and Coming into Force**

#### **R.R.S. c.N-3 Reg 5 repealed**

**47** *The SPI Marketing Group Regulations* are repealed.

3 Apr 98 cA-15.2 Reg 1 s47.

**48 Repealed.** 6 Apr 2001 SR 17/2001 s18.

**49 Repealed.** 6 Apr 2001 SR 17/2001 s18.

#### **Transitional - change in fiscal year**

**49.1(1)** Notwithstanding any other provision of these regulations:

- (a) the annual general meeting of registered producers to be held at the end of the fiscal year of the Board ending on December 31, 2000 must be held by May 15, 2001;
- (b) an election of directors is to be conducted and the results of the election announced by the chief returning officer at the annual general meeting mentioned in clause (a); and
- (c) the directors elected in accordance with clause (b) hold office until the election of new directors is announced at the annual general meeting of registered producers held in 2003.

(2) Notwithstanding any other provision of these regulations, for the fiscal year of the Board commencing on January 1, 2001 and ending on July 31, 2001, there is to be no election of directors at the annual general meeting of registered producers held at the end of that fiscal year, notwithstanding that it is an odd-numbered year.

(3) The members of the board of directors who hold office on the day before the day on which *The Pork Industry Development Plan Amendment Regulations, 2001* come into force continue to hold office until a new board of directors is announced at the annual general meeting mentioned in clause (1)(a).

6 Apr 2001 SR 17/2001 s19.

### **Appendix**

[*Subsection 32(1)*]

### **Producer Regions**

**Repealed.** 6 Apr 2001 SR 17/2001 s20.