

(no amdt)

**ALBERTA REGULATION 286/2009**

**Marketing of Agricultural Products Act**

**ALBERTA BEEF PRODUCERS PLAN REGULATION**

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### **Interpretation**

**1(1)** In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “bylaw” means a bylaw of the Commission;
- (c) “Canada Act” means the *Farm Products Agencies Act* (Canada);
- (d) “Canada Board” means the Canadian Beef Cattle Research, Market Development and Promotion Agency established pursuant to the *Farm Products Agencies Act* (Canada);
- (e) “cattle” means an animal of the species *Bos taurus* or *Bos indicus*;
- (f) “cattle council” means a body provided for in the bylaws for the purpose of electing Commission members to represent a specific industry interest;
- (g) “cattle products” means
  - (i) beef, or
  - (ii) offal, hides or other by-products from the slaughter and processing of cattle;
- (h) “Commission” means Alberta Beef Producers;
- (i) “Commission meeting” means a meeting of the Commission members;
- (j) “Commission regulation” means the *Alberta Beef Producers Commission Regulation* (AR 204/98);
- (k) “dealer” means a person who is required to be or who is licensed as a livestock dealer or livestock dealer’s agent under the *Livestock Identification and Commerce Act*;

- (l) “delegate” means an individual elected or appointed as a delegate as provided for in the bylaws;
- (m) “delegate meeting” means a meeting of the delegates of the Commission;
- (n) “Plan” means the Alberta Beef Producers Plan;
- (o) “producer” includes a person who
  - (i) raises, feeds or owns cattle,
  - (ii) is entitled to a share of the cattle raised by a producer or any portion of the revenue derived from the sale of the cattle, or
  - (iii) takes possession of cattle from a producer under a security interest as defined in the *Personal Property Security Act* or any other security for a debt;
- (p) “producer meeting” means a meeting of the producers of a specific zone as provided for in the bylaws;
- (q) “regulated product” means cattle and cattle products;
- (r) “zone” means a zone as described in the Schedule.

## **Part 1 Plan**

### **Plan and Commission continued**

**2** The Alberta Beef Producers Plan and Alberta Beef Producers continued under the *Alberta Beef Producers Plan Regulation* (AR 336/2003) are continued under this Regulation.

### **Application**

**3** The agricultural products to which this Plan applies are cattle and cattle products.

### **Purpose of Plan**

**4(1)** The purpose of this Plan is to enable the Commission to initiate and carry out projects or programs respecting the production or marketing of the regulated product.

**(2)** Without limiting subsection (1), the Commission may

- (a) initiate and carry out projects and programs for the following purposes:

- (i) to assist, educate and inform producers, dealers, processors and other persons with a commercial interest in the cattle industry in developing and improving their production and marketing of the regulated product;
  - (ii) to expand market awareness and demand for cattle and cattle products, including the development and promotion of markets for the regulated product and the education of consumers;
  - (iii) to generally develop and promote the cattle industry;
  - (iv) to advise and lobby government on matters concerning the cattle industry;
  - (v) to research and study the production, marketing and processing of the regulated product, including studies and research concerning the improvement of the regulated product and the development and use and consumption of the regulated product;
  - (vi) to support and co-operate with other persons and with governments when, in the opinion of the Commission, such support and co-operation will further the purposes of this Plan and the objects of the Commission;
  - (vii) to communicate with producers, dealers, processors and other persons with a commercial interest in the cattle industry and to communicate with the public;
- (b) become a member of, elect or appoint individuals to sit as directors or members of and contribute funds to any provincial or national task force, committee, group, organization, agency or person when, in the opinion of the Commission, that membership, election, appointment or contribution will further the purposes of this Plan and the objects of the Commission;
- (c) co-operate with or act as an agent of the Canada Board;
- (d) enter into an agreement with the Canada Board to support the establishment and operation of a promotion and research agency under the Canada Act;
- (e) pay \$1.00 from each service charge retained by the Commission to the Canada Board on behalf of the Commission pursuant to any agreement entered into between the Commission and the Canada Board.

**Service charge**

**5** A service charge collected on or after April 1, 2010, is refundable on the request of a producer in accordance with the Commission regulation.

## **Part 2 Requirements Respecting the Operation of the Plan**

**Duty to administer**

**6(1)** The Commission is responsible for the administration of

- (a) this Plan, and
- (b) the Commission regulation, as well as the bylaws and policies made by the Commission.

**(2)** The Commission may delegate a power, duty or function of the Commission, excluding the power to make regulations, bylaws or policies.

**Bylaws**

**7(1)** Without restricting section 16 of the *Interpretation Act*, the Commission may make bylaws for the purpose of administering this Plan.

**(2)** The bylaws form a part of this Plan to the extent they do not conflict with the Act, this Plan and the Commission regulation. To the extent there might be a conflict, the Act, this Plan and the Commission regulation prevail.

**(3)** A bylaw, including an amendment or repeal, is not effective until it is approved

- (a) by a majority vote of the delegates at an annual delegate or special delegate meeting, and
- (b) by the Council if the bylaw is in respect of
  - (i) an election or appointment under the Plan with respect to a Commission member or delegate, including those bylaws addressing vacancies and removal,
  - (ii) the maximum number of consecutive terms that may be served as a Commission member, and
  - (iii) a matter specified in writing by the Council.

(4) The Commission shall make bylaws with respect to at least the following:

- (a) the notice to be given to a Commission member of a Commission meeting under section 11(1);
- (b) providing for the election and appointment of producers as delegates in respect of a zone and, if any, a cattle council, including eligibility requirements, filling vacancies and removal from office;
- (c) setting out eligibility requirements with respect to voting and running for office as a Commission member or a delegate;
- (d) providing for the election of Commission members as the chair, vice-chair or finance chair of the Commission;
- (e) the maximum number of consecutive terms that may be served as a Commission member;
- (f) the removal of Commission members from office;
- (g) any other matter required by this Plan, the Commission regulation or by a written request of the Council to be addressed by bylaw.

#### **Commission meetings**

**8(1)** The Commission shall hold a Commission meeting at least 4 times per year as provided for in the bylaws.

**(2)** The Commission shall also hold a Commission meeting on the written request of

- (a) the Commission chair,
- (b) a majority of Commission members, or
- (c) the Council.

#### **Delegate meetings**

**9(1)** The Commission shall hold an annual delegate meeting at least once each year and no later than 15 months after the previous annual delegate meeting.

**(2)** The Commission shall hold a special delegate meeting on the written request of

- (a) no less than 25% of the delegates, or

(b) the Council.

(3) Subsection (2) does not limit the ability of the Commission to hold a special delegate meeting on its own initiative.

#### **Zone producer meetings**

**10(1)** The Commission shall hold an annual producer meeting for each zone before it holds the annual delegate meeting referred to in section 9.

(2) The Commission shall hold a special producer meeting on the written request of

(a) 25 producers who are eligible to vote at a meeting in that zone, or

(b) the Council.

(3) An annual or special producer meeting may be held over a series of individual meetings, the total of which shall constitute the annual or special producer meeting, as the case may be.

(4) Subsection (2) does not limit the ability of the Commission to hold a special producer meeting on its own initiative.

#### **Notice of meetings**

**11(1)** The chair of the Commission shall give notice of a Commission meeting to the Commission members in accordance with the bylaws.

(2) The Commission shall give written notice of

(a) a delegate meeting by sending the notice to the last known physical or electronic address of each delegate in the records of the Commission, or

(b) a producer meeting by publishing the notice in a newspaper circulating in the respective zone.

(3) A notice required to be given or published under subsection (2) shall

(a) be given or published at least 15 days in advance of the meeting, and

(b) set out the time, location, date and purpose of the meeting.

**Quorum**

- 12(1)** For a Commission meeting, quorum is a majority of its members.
- (2)** For a delegate meeting, quorum is a majority of the delegates.
- (3)** For a producer meeting for a zone, quorum is 15 producers and, if the meeting is held over a series of meetings, not less than 5 producers per meeting.

**Auditor**

- 13(1)** The Commission shall have an auditor.
- (2)** The auditor shall be appointed by a vote of the delegates at an annual or special delegate meeting.

### **Part 3**

## **Commission Members**

**Commission**

- 14(1)** The Commission shall consist of
- (a) 9 members, one elected by and from the delegates of each zone as provided for in the bylaws,
  - (b) the members elected by and from the delegates of each cattle council as may be provided for in the bylaws, if any,
  - (c) the members elected by the delegates at large as may be provided for in the bylaws, if any, and
  - (d) one additional member if subsection (2) applies.
- (2)** If a Commission member holding office under subsection (1)(a) or (b) is elected as the chair of the Commission, that member is considered
- (a) to have ceased to hold the office referred to in subsection (1)(a) or (b), and
  - (b) to be holding office under section subsection (1)(d)
- during the period that the Commission member is the chair.
- (3)** If a Commission member holding office under subsection (1)(d) ceases to be the chair,

- (a) that Commission member resumes holding office under subsection (1)(a) or (b), as the case may be, until the expiry of that member's term, and
- (b) the Commission member who was elected to fill the vacancy during the period that that Commission member was the chair ceases to hold office.

#### **Elections and term of office**

**15(1)** An election for an office referred to in section 14(1)(a) to (c) shall be held a reasonable time before or during every annual delegate meeting as provided for in the bylaws.

**(2)** The term of office of a Commission member, with respect to a specific office, commences or expires, as the case may be, on the declaration of the election results at the annual delegate meeting.

#### **Removal**

**16** A Commission member may be removed from office as provided for in the bylaws.

#### **Vacancy**

**17(1)** If a Commission member holding office under section 14(1)(a) or (b) ceases to hold office before the expiry of that member's term, an election shall be held as provided for in the bylaws to fill the unexpired portion of the term.

**(2)** Despite subsection (1), if no delegate stands for election, a delegate may be appointed to fill the unexpired portion of the term in accordance with the bylaws and subject to the approval of the Commission.

**(3)** If a Commission member holding office under section 14(1)(c) ceases to hold office before the expiry of that member's term, the Commission may, subject to the approval of the Council, appoint a delegate to fill the unexpired portion of the term.

#### **Appointment of returning officer**

**18(1)** The Commission shall appoint a returning officer with respect to an election held under this Plan or the bylaws.

**(2)** The returning officer may appoint deputy returning officers.

**(3)** The returning officer, in respect of an election under this Plan or the bylaws,

- (a) shall compile and maintain a voters list of delegates who are entitled to vote under this Plan and the bylaws,
- (b) may compile and maintain a voters list of producers or persons who are entitled to elect a delegate under this Plan and the bylaws,
- (c) shall ensure that a person does not cast a vote in an election for a Commission member or delegate except in accordance with this Plan and the bylaws, and
- (d) shall permit scrutiny by a candidate's scrutineer of all the actions of the returning officer and the deputy returning officers.

## **Part 4**

### **Election of Commission**

#### **Voting**

**19** A person is not entitled to vote in an election for a delegate or a Commission member unless that person is eligible to vote in accordance with the bylaws.

#### **Destruction of ballots, etc.**

**20** Unless otherwise directed by the Council, no person shall destroy any records or ballots in respect of an election until 45 days have elapsed from the date of the election.

#### **Election irregularities**

**21(1)** A producer may apply to the Council in writing to have an election of a delegate or a Commission member declared invalid within 30 days of the election on the following grounds:

- (a) the eligibility of a candidate;
- (b) the eligibility of a voter;
- (c) a matter relating to a ballot or the tabulation of ballots;
- (d) an irregularity with respect to the conduct of an election.

**(2)** If an application is received in accordance with subsection (1), the Council shall order a new election if the Council considers that

- (a) the candidate was not eligible, or
- (b) the matter complained of materially affected the result of the election.

(3) If an application is not received in accordance with subsection (1), then the election is deemed to have been valid.

### **Vacancy**

**22** To address a vacancy that arises as a result of the operation of section 21, the Council may

- (a) require a new election be held,
- (b) appoint an individual who is eligible to be elected, or
- (c) leave the vacancy to be addressed as may be provided for under this Plan or the bylaws.

### **Transition to bylaws**

**23(1)** The bylaws of the Commission made in conjunction with the coming into force of this Plan are effective despite section 7(3)(a) if the bylaws are approved by the Council.

(2) A delegate or a Commission member elected prior to the coming into force of this Plan continues to hold office until the expiry of the person's term unless

- (a) the person is removed or resigns from office, or
- (b) in the case of a delegate, the bylaws eliminate the office or reduce its term.

### **Repeal**

**24** The *Alberta Beef Producers Plan Regulation* (AR 336/2003) is repealed.

### **Review**

**25** In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before June 30, 2015.

## **Schedule**

### **Zones**

**1** Zone 1 is comprised of those lands that are located within the following areas:

- (a) Vulcan County;
- (b) County of Newell No. 4;

- (c) County of Forty Mile No. 8;
- (d) Cypress County;
- (e) M.D. of Taber;
- (f) that area of Special Area No. 2 that lies south of the Red Deer River;
- (g) any city, town or village that is encompassed by the land described in clauses (a) to (f).

**2** Zone 2 is comprised of those lands that are located within the following areas:

- (a) County of Warner No. 5;
- (b) County of Lethbridge;
- (c) Cardston County;
- (d) M.D. of Pincher Creek No. 9;
- (e) M.D. of Willow Creek No. 26;
- (f) M.D. of Ranchland No. 66;
- (g) Municipality of Crowsnest Pass;
- (h) I.D. No. 4 (Waterton);
- (i) Kananaskis Improvement District;
- (j) any city, town or village that is encompassed by the land described in clauses (a) to (i).

**3** Zone 3 is comprised of those lands that are located within the following areas:

- (a) Wheatland County;
- (b) Mountain View County;
- (c) M.D. of Bighorn No. 8;
- (d) M.D. of Foothills No. 31;
- (e) M.D. of Rockyview No. 44;
- (f) I.D. No. 9 (Banff);

- (g) any city, town or village that is encompassed by the land described in clauses (a) to (f).

**4** Zone 4 is comprised of those lands that are located within the following areas:

- (a) County of Paintearth No. 18;
- (b) Flagstaff County;
- (c) M.D. of Acadia No. 34;
- (d) M.D. of Provost No. 52;
- (e) M.D. of Wainwright No. 61;
- (f) that area of Special Area No. 2 that lies north of the Red Deer River;
- (g) Special Area No. 3;
- (h) Special Area No. 4;
- (i) any city, town or village that is encompassed by the land described in clauses (a) to (h).

**5** Zone 5 is comprised of those lands that are located within the following areas:

- (a) County of Stettler No. 6;
- (b) Lacombe County;
- (c) Red Deer County;
- (d) Starland County;
- (e) Kneehill County;
- (f) Clearwater County;
- (g) Town of Drumheller;
- (h) any city, town or village that is encompassed by the land described in clauses (a) to (g).

**6** Zone 6 is comprised of those lands that are located within the following areas:

- (a) Ponoka County;
- (b) Beaver County;

- (c) County of Wetaskiwin No. 10;
- (d) Strathcona County;
- (e) Camrose County;
- (f) Leduc County;
- (g) Parkland County;
- (h) I.D. 13 (Elk Island);
- (i) Brazeau County;
- (j) City of Edmonton;
- (k) any city, town or village that is encompassed by the land described in clauses (a) to (j).

**7** Zone 7 is comprised of those lands that are located within the following areas:

- (a) County of Thorhild No. 7;
- (b) County of Barrhead No. 11;
- (c) County of Athabasca No. 12;
- (d) Lac Ste. Anne County;
- (e) Woodlands County;
- (f) M.D. of Opportunity No. 17;
- (g) Sturgeon County;
- (h) Westlock County;
- (i) Yellowhead County;
- (j) M.D. of Lesser Slave River No. 124;
- (k) I.D. No. 12 (Jasper National Park);
- (l) I.D. No. 25 (Willmore Wilderness);
- (m) any city, town or village that is encompassed by the land described in clauses (a) to (l).

**8** Zone 8 is comprised of those lands that are located within the following areas:

- (a) Smoky Lake County;

- (b) County of St. Paul No. 19;
- (c) County of Two Hills No. 21;
- (d) County of Vermilion River;
- (e) County of Minburn No. 27;
- (f) Lamont County;
- (g) M.D. of Bonnyville No. 87;
- (h) Regional Municipality of Wood Buffalo;
- (i) I.D. No. 24 (Wood Buffalo);
- (j) Lac La Biche County;
- (k) any city, town or village that is encompassed by the land described in clauses (a) to (j).

**9** Zone 9 is comprised of those lands that are located within the following areas:

- (a) County of Grande Prairie No. 1;
- (b) M.D. of Greenview No. 16;
- (c) Birch Hills County;
- (d) Saddle Hills County;
- (e) Clear Hills County;
- (f) M.D. of Northern Lights No. 22;
- (g) Mackenzie County;
- (h) M.D. of Big Lakes;
- (i) M.D. of Smoky River No. 130;
- (j) Northern Sunrise County;
- (k) M.D. of Spirit River No. 133;
- (l) M.D. of Peace No. 135;
- (m) M.D. of Fairview No. 136;
- (n) any city, town or village that is encompassed by the land described in clauses (a) to (m).