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(Consolidated up to 113/2020)

ALBERTA REGULATION 204/98

Marketing of Agricultural Products Act

ALBERTA BEEF PRODUCERS COMMISSION REGULATION

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Definitions

1(1) In this Regulation,

- (a) “export” means the transportation of cattle out of Canada by any mode of transportation;
- (b) “Plan” means the *Alberta Beef Producers Plan Regulation* (AR 286/2009).

(2) Words used in this Regulation have the same meaning as they do in the Plan.

AR 204/98 s1;279/2002;57/2009;278/2009;94/2015

Service charges

2(1) A producer who sells or exports cattle shall pay to the Commission a service charge in the amount of \$2.00 per head of cattle sold or exported by that producer.

(2) A producer who is in the business of feeding and slaughtering that producer's own cattle shall pay to the Commission a service charge in the amount of \$2.00 per head of cattle fed and slaughtered by that producer.

(3) Where, in the ordinary course of business as a dealer, a dealer feeds or owns cattle for a period of not more than 7 days, the dealer is deemed not to be a producer and is not liable to pay the service charge to the Commission under subsection (1).

(4) Repealed AR 94/2015 s3.

AR 204/98 s2;49/99;40/2004;210/2010;94/2015

Levies

2.01(1) A producer who sells or exports cattle shall pay to the Commission a levy in the amount of \$2.50 per head of cattle sold or exported by that producer.

(2) A producer who is in the business of feeding and slaughtering that producer's own cattle shall pay to the Commission a levy in the amount of \$2.50 per head of cattle fed and slaughtered by that producer.

(3) Where, in the ordinary course of business as a dealer, a dealer feeds or owns cattle for a period of not more than 7 days, the dealer is deemed not to be a producer and is not liable to pay the levy to the Commission under subsection (1).

(4) Repealed AR 94/2015 s4.

AR 210/2010 s3;42/2013;94/2015;242/2017

Variation of service charge or levy

2.1(1) The Commission may, from time to time, change

- (a) the amount of the service charge, or
- (b) the amount of the levy,

or both.

(2) Notwithstanding subsection (1), a change in the amount of the service charge or levy shall not be effective until it has been approved by a vote of the delegates at an annual delegate meeting or a special delegate meeting.

AR 24/2010 s2;94/2015

Payable by the producer who sells cattle

3(1) With respect to the service charge referred to in section 2(1) and the levy referred to in section 2.01(1), the producer shall, subject to subsection (2),

- (a) pay the service charge and levy to the Commission, and
- (b) account to the Commission for the service charge and levy, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the cattle were sold or exported.

(2) If the service charge and levy are deducted from the money payable to the producer in accordance with sections 5 and 6, the producer is not liable to the Commission for the amount of the service charge and levy.

(3) If the service charge and levy are not deducted from the money payable to the producer in accordance with sections 5 and 6 and the producer fails to pay the service charge and levy to the Commission in accordance with subsection (1), the producer is liable to the Commission for the amount of the service charge and levy.

AR 204/98 s3;210/2010;94/2015

Payable by the producer who feeds and slaughters cattle

4(1) With respect to the service charge referred to in section 2(2) and the levy referred to in section 2.01(2), the producer shall

- (a) pay the service charge and levy to the Commission, and
- (b) account to the Commission for the service charge and levy, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the cattle were slaughtered.

(2) If the producer fails to pay the service charge and levy to the Commission in accordance with subsection (1), the producer is liable to the Commission for the amount of the service charge and levy.

AR 204/98 s4;210/2010

Deduction by purchasers

5(1) Where cattle are sold or exported by a producer directly to a purchaser without engaging the services of a dealer, that purchaser shall

- (a) deduct the amount of the service charge and levy from the money payable to the producer,
- (b) forward the amount deducted to the Commission and account to the Commission for the amount deducted, in the form prescribed by the Commission, by the 25th day of the month next following the month in which the cattle were sold or exported, and
- (c) provide to that producer a document that clearly shows
 - (i) the number of cattle sold or exported,
 - (ii) the total amount of the service charge and levy that was deducted,
 - (iii) the name, address and telephone number of the purchaser, and
 - (iv) the date of the transaction in respect of which the deduction was made.

(2) If the purchaser fails to deduct and forward the service charge and levy to the Commission in accordance with subsection (1), the purchaser is liable to the Commission for the amount of the service charge and levy.

AR 204/98 s5;24/2010;210/2010;94/2015

Deduction by dealers

6(1) Where a dealer is engaged in a purchase, sale or export of cattle the dealer shall

- (a) deduct the amount of the service charge and levy from the money payable to the producer,
- (b) forward the amount deducted to the Commission and account to the Commission for the amount deducted, in the form prescribed by the Commission, by the 25th day of the month next following the month in which the cattle were sold or exported, and
- (c) provide to that producer a document that clearly shows
 - (i) the number of cattle sold or exported,
 - (ii) the total amount of the service charge and levy that was deducted,
 - (iii) the name, address and telephone number of the dealer, and

- (iv) the date of the transaction in respect of which the deduction was made.

(2) If the dealer fails to deduct and forward the service charge and levy to the Commission in accordance with subsection (1), the dealer is liable to the Commission for the amount of the service charge and levy.

AR 204/98 s6;24/2010;210/2010;94/2015;112/2015

Refund of service charge

6.1(1) Subject to this section, any service charge that is paid by or on behalf of a producer is refundable to that producer on request of that producer.

(2) A producer may request a refund of all or a portion of the service charge paid.

(3) A request for a refund of a service charge must

- (a) be in a form approved by the Commission,
- (b) be sent to the Commission
 - (i) by postmarked mail or courier to the address designated by the Commission for that purpose, or
 - (ii) by fax or e-mail to a fax number or e-mail address designated by the Commission for that purpose,
- (c) contain
 - (i) the producer's name, mailing address and telephone number,
 - (ii) the number of cattle in respect of which the service charge is requested to be refunded,
 - (iii) the amount of the service charge that is requested to be refunded,
 - (iv) the date of the transactions for which the service charge is requested to be refunded,
 - (v) if applicable, the name of the purchaser or dealer who deducted the service charge under section 5 or 6, and
 - (vi) any other information required by the Commission,

and

(d) be accompanied by such documents as may be required by the Commission to prove to the satisfaction of the Commission that the service charge was

(i) paid to the Commission by the producer, or

(ii) deducted under section 5(1)(a) or 6(1)(a),

and not passed on to another producer for payment.

(4) A request for a refund of a service charge must be submitted to the Commission

(a) during the month of July in a year in respect of a service charge paid during the months of January to June of that year, or

(b) during the month of January in a year in respect of a service charge paid during the months of July to December of the previous year.

(5) Subject to subsection (6), a producer is not entitled to a refund in respect of a service charge if

(a) the request for a refund of the service charge has not been submitted in accordance with subsections (3) and (4), or

(b) the producer, purchaser or dealer has not furnished the information requested within the time period set out in section 9(3).

(6) If the Commission is satisfied that extenuating circumstances exist, the Commission may accept a request for a refund in respect of a service charge

(a) where the request has not been submitted in accordance with subsections (3) and (4), or

(b) where the producer, purchaser or dealer has not furnished the information requested within the time period set out in section 9(3).

(7) If the request for a refund meets the requirements of subsections (1), (3) and (4), the Commission must refund the service charge to the producer

(a) by October 31 of the year in which the request is submitted in respect of a request submitted in accordance with subsection (4)(a), or

- (b) by April 30 of the year in which the request is submitted in respect of a request submitted in accordance with subsection (4)(b).

(8) If the Commission accepts a request for a refund under subsection (6), the Commission must refund the service charge to the producer within 90 days of accepting the request.

AR 24/2010 s5;94/2015

Interest

6.2 The Commission may charge interest for any late payment of a service charge and levy at the rate of 2% per month calculated on the balance due.

AR 24/2010 s5;210/2010

Recovery of service charge

7(1) The amount of the service charge and levy that

- (a) is not paid to the Commission by the producer in accordance with sections 3 and 4, or
- (b) is not deducted and forwarded to the Commission by the purchaser or dealer in accordance with sections 5 and 6

is a debt owing to the Commission and the Commission may take legal action to recover the service charge and levy.

(2) In a case where section 5 or 6 applies, the producer and the purchaser or dealer, as the case may be, are jointly and severally liable to the Commission for the amount of the service charge and levy.

AR 204/98 s7;210/2010

Use of service charge and payment of levy

8(1) The Commission may use the service charge or other money payable to or received by the Commission for the purpose of paying the Commission's expenses and administering the Plan and the regulations made by the Commission.

(1.1) The Commission shall pay the levy collected under section 2.01 to the Canada Board for services performed by the Canada Board on behalf of the Commission pursuant to any agreement entered into between the Commission and the Canada Board.

(2) Repealed AR 94/2015 s10.

AR 204/98 s8;279/2002;40/2004;210/2010;94/2015

Information

9(1) Any person who produces, markets, exports or processes cattle or cattle products shall furnish to the Commission on the request of the Commission any information or record relating to the production, marketing, exporting or processing of cattle or cattle products that the Commission considers necessary for the purposes of administering

- (a) the Plan,
- (b) this Regulation, and
- (c) any other regulation made under the Act in respect of the Commission.

(2) Where the Commission requests a person to furnish information under subsection (1), that person must furnish that information to the Commission by the 25th day of the month next following the month in which the request was made for the information.

(3) A producer, purchaser or dealer shall, on request, furnish to the Commission, within 7 days after receiving the request, any information or record relating to the sale, export or feeding and slaughter of cattle that the Commission considers necessary for the purposes of considering or processing a request for a refund of a service charge.

AR 204/98 s9;57/2009;24/2010;94/2015

Inspection of records

9.1 If the Commission is of the opinion that circumstances warrant it, the Commission may in writing require a producer, purchaser or dealer to produce for the Commission's inspection any information or record in the possession or under the control of the producer, purchaser or dealer that relates to the deduction, remittance and payment of service charges and levies by the producer, purchaser or dealer.

AR 24/2010 s7;210/2010

Reports by livestock dealer, etc.

10 Any person who

- (a) is a purchaser,
- (a.1) is a dealer, or
- (b) is a supervisor of a feeder association operating under the *Feeder Associations Guarantee Act*,

shall, within the reporting period set by the Commission, complete to the satisfaction of the Commission the forms prescribed by the Commission for the reporting of the particulars of sales or exports whether or not those persons have marketed or exported cattle during the reporting period.

AR 204/98 s10;57/2009;24/2010;94/2015

Request for information or report

10.1 A request by the Commission for information or records under section 9 or 9.1 or a report under section 10

- (a) must be in writing, and
- (b) may be sent
 - (i) by postmarked mail or courier to the person's last address shown on the records of the Commission, or
 - (ii) by fax or e-mail to the person's last fax number or e-mail address shown on the records of the Commission.

AR 24/2010 s9

Determination of date of request, information and report

10.2(1) A refund request is considered to be submitted under section 6.1, information or records are considered to be requested, furnished or produced under section 9 or 9.1 and a report is considered to be requested or completed under section 10

- (a) on the day that it is postmarked or delivered, where the request, information, record or report is sent by mail or courier, or
- (b) on the day that it is sent where the request, information, record or report is sent by fax or e-mail.

(2) If there is a dispute as to whether the request, information, record or report was sent to the recipient within the time required by this Regulation, the onus is on the person sending the request, information, record or report to prove that it was so sent.

AR 24/2010 s9

11 and 12 Repealed AR 210/2010 s12.

Expiry

13 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be

repassed in its present or an amended form following a review, this Regulation expires on **June 30, 2032**.

The expiration date will be changed to seven years to align with the seven-year mandatory regulation review timing. This review cycle was once every five years. With the onset of MBC bylaws, the Marketing Council shifted the mandatory regulation review timeline to seven years. Regulations can be updated between regulation review periods/cycles. Any amended regulation between review periods is called an issues-based regulation amendment.

AR 204/98 s13;279/2002;260/2007;57/2009;24/2010;94/2015;
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