



Province of Alberta

## MARKETING OF AGRICULTURAL PRODUCTS ACT

# ALBERTA BEEF PRODUCERS PLAN REGULATION

### **Alberta Regulation 286/2009**

With amendments up to and including Alberta Regulation 169/2020

Current as of September 30, 2020

### Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer  
Suite 700, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

### **Copyright and Permission Statement**

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20\_\_.\*

\*The year of first publication of the legal materials is to be completed.

### **Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 169/2020)

**ALBERTA REGULATION 286/2009**

**Marketing of Agricultural Products Act**

**ALBERTA BEEF PRODUCERS PLAN REGULATION**

*Table of Contents*

|     |                                    |
|-----|------------------------------------|
| 1   | Interpretation                     |
|     | <b>Part 1</b>                      |
|     | <b>Plan</b>                        |
| 2   | Plan and Commission continued      |
| 3   | Application                        |
| 3.1 | Zones                              |
| 4   | Purpose of Plan                    |
| 4.1 | Regulations to operate Plan        |
|     | <b>Part 2</b>                      |
|     | <b>Requirements Respecting the</b> |
|     | <b>Operation of the Plan</b>       |
| 6   | Duty to administer                 |
| 7   | Bylaws                             |
| 8   | Commission meetings                |
| 9   | Delegate meetings                  |
| 10  | Zone producer meetings             |
| 11  | Notice of meetings                 |
| 12  | Quorum                             |
| 13  | Auditor                            |
|     | <b>Part 3</b>                      |
|     | <b>Directors</b>                   |
| 14  | Commission                         |
| 15  | Elections and term of office       |
| 16  | Removal                            |
| 17  | Vacancy                            |
| 18  | Appointment of returning officer   |
|     | <b>Part 4</b>                      |
|     | <b>Election of Commission</b>      |
| 19  | Voting                             |

- 20 Destruction of ballots, etc.
- 21 Election irregularities
- 22 Vacancy
- 25 Review

### Interpretation

#### 1(1) In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (a.1) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
- (a.2) “auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;
- (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 directors 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 directors;
- (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;
- (m.1) “investment” means a commitment of assets in order to gain a financial return but does not include an expenditure of assets for the purposes of research and development or current operations;
- (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 bylaws.

AR 286/2009 s1;28/2011; 88/2015 s2;169/2020

## **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(1)** The agricultural products to which this Plan applies are cattle and cattle products.

(2) This Plan applies to all of Alberta.

AR 286/2009 s3;169/2020

### Zones

**3.1** For the purposes of this Plan, Alberta is divided into the zones set out in the bylaws.

169/2020 s4

### 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) repealed AR 170/2010 s2.
- (3) The Commission must pay all levies collected from producers on behalf of the Canada Board to the Canada Board.

AR 286/2009 s4;170/2010

#### **Regulations to operate Plan**

**4.1(1)** For the purposes of enabling the Commission to operate this Plan, the Commission may be empowered by the Council, pursuant to section 26 of the Act, to make regulations

- (a) requiring producers engaged in the marketing of a regulated product to register their names and addresses with the Commission,
- (b) requiring any person who produces, markets or processes a regulated product to furnish to the Commission any information or record relating to the production, marketing or processing of the regulated product that the Commission considers necessary,
- (c) providing for
  - (i) the assessment, charging and collection of service charges from producers from time to time for the purposes of this Plan,
  - (ii) the assessment, charging and collection of levies from producers from time to time for the purposes of this Plan, and
  - (iii) the taking of legal action to enforce payment of the service charges and levies, as the case may be,
- (d) requiring any person who receives a regulated product from a producer

- (i) to deduct from the money payable to the producer any service charges or levies, as the case may be, payable by the producer to the Commission, and
  - (ii) to forward the amount deducted to the Commission,
- (d.1) respecting the circumstances, if any, under which a service charge may be refunded to a producer;
- (e) providing for the use of any class of service charges, levies or other money payable to or received by the Commission for the purpose of paying its expenses and administering this Plan and the regulations made by the Commission, and
  - (f) providing for payment to the Canada Board of money that is payable under the Canada Act.
- (2) Repealed AR 23/2013 s2. AR 170/2010 s3;23/2013;88/2015
- 5 Repealed AR 88/2015 s4.

## 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.
- (3)** The Commission
- (a) when investing its assets must make prudent investments in accordance with the requirements of section 3 of the *Trustee Act* respecting the investment of assets and may delegate to an agent in accordance with section 5(1) to (3) of that Act;
  - (b) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation* (AR 26/99);

- (c) subject to section 5, to finance the purposes of the Plan, may retain earnings and revenues from year to year.

AR 286/2009 s6;28/2011

### **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 two-thirds 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 director or delegate, including those bylaws addressing vacancies and removal,
  - (ii) the maximum number of consecutive terms that may be served as a director, 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 director 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 director or a delegate;
- (d) providing for the election of directors as the chair, vice chair or finance chair of the Commission;
- (e) the term of office of a director;

- (e.1) the maximum number of consecutive years that may be served by a director;
- (f) the removal of directors and delegates 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.

AR 286/2009 s7;88/2015;169/2020

#### **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 directors, or
- (c) the Council.

AR 286/2009 s8;88/2015;169/2020

#### **Delegate meetings**

**9(1)** The Commission shall hold an annual delegate meeting at least once each calendar 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.

AR 286/2009 s9;169/2020

#### **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 directors 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.

AR 286/2009 s11;88/2015;169/2020

#### **Quorum**

**12(1)** For a Commission meeting, quorum is a majority of its directors.

(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.

AR 286/2009 s12;88/2015

#### **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 Directors**

#### **Commission**

**14(1)** The Commission shall consist of

- (a) 9 directors, one elected by and from the delegates of each zone as provided for in the bylaws,
- (b) the directors elected by and from the delegates of each cattle council as may be provided for in the bylaws, if any,
- (c) the directors elected by the delegates at large as may be provided for in the bylaws, if any, and
- (d) one additional director if subsection (2) applies.

(2) If a Commission director holding office under subsection (1)(a) or (b) is elected as the chair of the Commission, that director 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 director is the chair.

(3) If a Commission director holding office under subsection (1)(d) ceases to be the chair,

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

AR 286/2009 s14;88/2015

#### **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 director, 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.

AR 286/2009 s15;88/2015

### **Removal**

**16** A director or delegate may be removed from office as provided for in the bylaws.

AR 286/2009 s16;88/2015;169/2020

### **Vacancy**

**17** If a director ceases to hold office before the expiry of that director's term, the Commission may, subject to the approval of the Council, appoint a delegate to fill the position until the conclusion of the next annual delegate meeting.

AR 286/2009 s17;88/2015;169/2020

### **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 director 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.

AR 286/2009 s18;88/2015;169/2020

## **Part 4 Election of Commission**

### **Voting**

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

AR 286/2009 s19;88/2015;169/2020

### **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 director 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.

AR 286/2009 s21;88/2015;169/2020

### **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.

**23** Repealed by AR 88/2015 s18.

**24** Repealed by AR 88/2015 s17.

**Review**

**25** In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before June 30, 2025.

AR 286/2009 s25;88/2015;169/2020

**Schedule** Repealed AR 169/2020 s18.

**Transitional — annual delegate meeting**

**19** Notwithstanding section 9(1), the Commission is not required to hold an annual delegate meeting in 2020 and the first annual delegate meeting held after the coming into force of this Regulation may be held in 2021.

AR 169/2020 s19

**Transitional — directors**

**20** Notwithstanding sections 14(1) and 15(2), the Commission directors holding office immediately before this Regulation comes into force shall hold office as directors until the conclusion of the first annual delegate meeting held after this Regulation comes into force.

AR 169/2020 s20



Printed on Recycled Paper 