

(Consolidated up to 108/2008)

ALBERTA REGULATION 336/2003

Marketing of Agricultural Products Act

ALBERTA BEEF PRODUCERS PLAN REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the Marketing of Agricultural Products Act;
- (b) “Canada Act” means the Farm Products Agencies Act (Canada);
- (c) “Canada Board” means the Canadian Beef Cattle Research, Market Development and Promotion Agency;

(d) “cattle” includes bulls, cows, heifers, steers and calves;

(d.1) “cattle industry council member” means a member appointed to the Cattle Industry Council under section 76 or 77;

(e) “cattle products” includes beef, offal, hides and other cattle by-products from the slaughter and processing of cattle;

(f) “Commission” means the Alberta Beef Producers;

(g) “Council” means the Alberta Agricultural Products Marketing Council;

(h) “dealer” means a person who is in the business of buying and selling the regulated product and includes

(i) a livestock dealer as defined in the Livestock Dealers and Livestock Dealers’ Agents Regulation (AR 66/98) or any successor to that Regulation, and

(ii) a livestock dealer’s agent as defined in the Livestock Dealers and Livestock Dealers’ Agents Regulation (AR 66/98) or any successor to that Regulation;

(i) “eligible producer” means a producer who has, during the current or immediately preceding year, sold cattle and paid a service charge to the Commission or to another person on behalf of the Commission and who,

(i) in the case of a producer who is an individual, is a resident of Alberta, and

(ii) in the case of a producer that is not an individual, carries on business in Alberta;

(j) “marketing” in respect of the regulated product means buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing and includes

(i) slaughtering, and

(ii) any other function or activity designated as marketing by the Lieutenant Governor in Council;

(k) “official Commission newsletter” means the newsletter that is published by the Commission;

(l) “person” means a person as defined in the Interpretation Act and includes

(i) a partnership as defined in the Partnership Act;

(ii) an unincorporated organization that is not a partnership referred to in subclause (i);

(iii) any group of individuals who are carrying on an activity for a common purpose and are neither a partnership referred to in subclause (i) nor an unincorporated organization referred to in subclause (ii);

(m) “Plan” means the Alberta Beef Producers Plan that is revised and continued under section 4;

(n) “processor” means a person who is in the business of buying cattle for the purpose of slaughtering or otherwise processing cattle;

(o) “producer” means

(i) a person who raises, feeds or owns cattle,

(ii) a person who takes possession of cattle from a producer under a security interest or any other security for a debt, or

(iii) a person who under any arrangement 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;

(p) “producer association” means

(i) repealed AR 255/2005 s2;

(ii) Alberta Milk;

(iii) Feeder Associations of Alberta Ltd.;

(iv) Western Stock Growers’ Association;

(q) “regulated product” means cattle and cattle products;

(r) “security interest” means a security interest as defined in the Personal Property Security Act.

AR 336/2003 s1;255/2005

References to delegates and directors

2(1) Except where there is a reference specifically to a zone delegate, a cattle feeder council delegate, a producer association delegate or a cattle industry council delegate, a reference in this Plan to a delegate is, subject to subsection (2), a reference to a delegate irrespective as to whether that delegate is a zone delegate, a cattle feeder council delegate, a producer association delegate or a cattle industry council delegate.

(2) Except where there is a reference specifically to a zone delegate or a cattle feeder council delegate, a reference in this Plan to a delegate representing a zone is a reference to a delegate elected or appointed under this Plan to represent the eligible producers for that zone irrespective as to whether that delegate is a zone delegate or a cattle feeder council delegate.

(3) Except where there is a reference specifically to a zone director, a cattle feeder council director, a director at large or a cattle industry council director, a reference in this Plan to a director is a reference to a director irrespective as to whether that director is a zone director, a cattle feeder council director, a director at large or a cattle industry council director.

AR 336/2003 s2;255/2005;108/2008

Designations

3(1) Cattle and cattle products are hereby designated as agricultural products for the purposes of the Act.

(2) Slaughtering of cattle is an activity that is hereby designated as marketing for the purposes of the Act.

Part 1

General Operation of Plan

Division 1

Plan

Plan continued

4 The Alberta Cattle Commission Plan, 1969 established under Alberta Regulation 170/69 and continued under the Alberta Beef Producers Plan Regulation (AR 272/97) is hereby revised, amended and continued under this Regulation with the name "Alberta Beef Producers Plan".

Termination of Plan

5 This Plan does not terminate at the conclusion of a specific period of time and shall remain in force unless otherwise terminated pursuant to the Act.

Application of Plan

6(1) This Plan applies

- (a) to all of Alberta,
- (b) to all producers marketing cattle in Alberta, and
- (c) for the purposes of section 10(b), (c) and (d) to all dealers and processors in Alberta.

(2) If a person is a producer and is also a dealer or processor, this Plan applies to that person both

- (a) as a producer, and
- (b) as a dealer or processor, as the case may be.

(3) None of the persons referred to in subsection (1)(b) or (c) is exempted from the Plan.

(4) No class, variety, size, grade or kind of agricultural product to which this Plan applies is exempt from this Plan.

Purposes and intent of Plan

7(1) The purpose of this Plan is to enable the Commission to initiate and carry out projects or programs to commence, stimulate, increase or improve the production or marketing, or both, of cattle and cattle products.

(2) Without restricting the generality of subsection (1), the Commission may initiate and carry out projects or programs

(a) 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 cattle and cattle products;

(b) to expand market awareness and demand for cattle and cattle products, including the development and promotion of markets for cattle and cattle products and the education of consumers;

(c) to generally develop and promote the cattle industry;

(d) to advise governments on matters concerning the cattle industry;

(e) to research and study the production, marketing and processing of cattle and cattle products, including studies and research concerning the improvement of cattle and cattle products and the development and use and consumption of cattle and cattle products;

(f) to support and co-operate with other persons and with governments when, in the opinion of the Board of Directors, such support and cooperation will further the purposes of this Plan and the objects of the Commission;

(g) to communicate with producers, dealers, processors, other persons with a commercial interest in the cattle industry and the public;

(h) to establish quality standards for cattle and cattle products.

(3) Under this Plan neither the production nor the marketing of cattle and cattle products shall be controlled or regulated.

AR 336/2003 s7;255/2005

Division 2

Operation of Plan by Commission

Commission continued

8 The Alberta Cattle Commission established under Alberta Regulation 170/69 and continued under the Alberta Beef Producers Plan Regulation (AR 272/97) is hereby continued with the name "Alberta Beef Producers".

Functions of Commission

9(1) The Commission is responsible for

(a) the administration, operation, regulation, supervision and enforcement of this Plan and the regulations made by the Commission;

(b) the conduct of the business and affairs of the Commission in carrying out its responsibilities;

(c) the conduct of and procedure to be followed at meetings held by

(i) the Commission,

(ii) zones, and

- (iii) any elected or appointed committees;
 - (d) the conduct of and the procedure to be followed in relation to elections conducted under this Plan.
- (2) Without limiting the generality of subsection (1), the Commission
- (a) shall maintain an office in Alberta;
 - (b) may appoint a General Manager and prescribe the duties and fix the remuneration of the General Manager;
 - (c) may allow the General Manager
 - (i) to retain other employees or contractors, other than the auditor appointed pursuant to section 17, and
 - (ii) to prescribe the duties and remuneration payable to those employees and contractors;
 - (d) shall open one or more bank accounts with one or more financial institutions and designate any officers, employees and other persons as persons permitted
 - (i) to sign cheques and other negotiable instruments,
 - (ii) to transact the business of the Commission with its financial institutions, and
 - (iii) generally to do all things incidental to or in connection with the transaction of the business of the Commission with its financial institutions;
 - (e) shall maintain or cause to be maintained books and records that from time to time may be required under the Act or the regulations or by virtue of any order of the Council or that may be required by the Commission;
 - (f) may become a member of, elect or appoint individuals to sit as members of and contribute funds to any task force, committee, group, organization or person when that membership, election, appointment or contribution will, in the opinion of the Board of Directors, further the purpose of this Plan and the objects of the Commission;
 - (g) may enter into any agreement with the Canada Board to support the establishment and operation of a promotion-research agency under the Canada Act;
 - (h) may make payments to the Canada Board in accordance with an agreement referred to in clause (g) or section 14;
 - (i) may issue directions governing the internal operations of the Commission;
 - (j) shall establish and implement policy for the operation of the Commission and the implementation and operation of this Plan and the regulations made by the Commission.

Regulations to operate Plan

10(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, and
 - (ii) the taking of legal action to enforce payment of the service charges;
- (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 payable by the producer to the Commission, and
 - (ii) to forward the amount deducted to the Commission;
- (e) providing for the use of any class of service charges 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;
- (f) providing for payment to the Canada Board of money that is payable under the Canada Act.

(2) Pursuant to section 28 of the Act the power to make regulations referred to in subsection (1)(a) is to be restricted by the Council so that the Commission will only be empowered to make regulations requiring producers to register their names and addresses with the Commission so as to enable the Commission to determine whether a producer is an eligible producer and to assess, charge and collect service charges.

AR 336/2003 s10;255/2005

Financing of Plan

11(1) This Plan is to be financed by the charging and collection of service charges.

(2) The Commission may, from time to time, change the amount of the service charge.

(3) A change in the amount of the service charge is not effective until the amount has been approved by a majority of the total number of all of the delegates present at an annual Commission meeting or a special Commission meeting.

Service charge is non-refundable

12 Service charges shall not be refundable on the request of a producer.

Powers under Canada Act

13 In accordance with section 50 of the Act, the Commission may, with respect to the purposes of the Plan, be authorized to perform any function or duty and exercise any power imposed or conferred on the Commission by or under the Canada Act.

Agreements

14 In accordance with section 51 of the Act, the Commission may become a party to an agreement referred to in section 51 of the Act.

Indemnification funds

15 The Commission shall not establish a fund under section 34 or 35 of the Act.

AR 336/2003 s15;108/2004

Industry advisory committee

16 The Commission may establish industry advisory committees in accordance with section 32 of the Act.

Auditor

17 The auditor for the Commission shall be appointed at an annual Commission meeting or a special Commission meeting.

Part 2

Governance of Plan

Division 1

Eligible Producers

General rights of eligible producers

18(1) In accordance with this Plan, an eligible producer is entitled

- (a) to attend any zone meeting;
- (b) to make representations on any matter pertaining to this Plan and the operation of the Commission at any zone meeting;
- (c) to vote on any matter under this Plan at any meeting of eligible producers at which a vote is held in the zone in which the eligible producer is entitled to vote;
- (d) to vote in any election for delegates to represent the zone that is conducted at any meeting of the eligible producers at which an election is held in the zone in which the eligible producer is entitled to vote;
- (e) to hold office as a delegate representing the zone in which the eligible producer is entitled to hold office;
- (f) to hold office as a producer association delegate;
- (f.1) to hold office as a cattle industry council delegate;

(g) to vote in any plebiscites of producers held under the Act;

(h) to be appointed by the Board of Directors to represent the Commission on any task force, committee, group or organization of which the Commission is a member or to which the Commission elects or appoints individuals.

(2) Notwithstanding subsection (1), in any year in which elections are held for the positions of delegates, irrespective as to whether the elections are for the position of zone delegates, cattle feeder council delegates, producer association delegates or cattle industry council delegates or any combination of those positions, an eligible producer, in that year,

(a) may stand for election only once as a delegate, and

(b) may not be a candidate for more than one position as a delegate.

(3) Notwithstanding subsection (1), an eligible producer may not, at any one time, hold more than one position as a delegate.

AR 336/2003 s18;255/2005;108/2008

Eligible producers who are individuals

19(1) Where an eligible producer is an individual, that eligible producer may, only in accordance with this section, exercise the rights of an eligible producer referred to in section 18.

(2) An eligible producer to which this section applies who

(a) resides and is a producer in only one zone may exercise the rights of an eligible producer only in that zone;

(b) resides and is a producer in one zone and is also a producer in one or more other zones may exercise the rights of an eligible producer only in the zone in which that eligible producer resides;

(c) resides and is a producer in more than one zone may exercise the rights of an eligible producer in only one of the zones in which that eligible producer resides and is a producer;

(d) resides in one zone but is a producer in a different zone may exercise the rights of an eligible producer only in the zone in which that eligible producer is a producer;

(e) resides in one zone but is a producer in two or more different zones may exercise the rights of an eligible producer in only one of the zones in which that eligible producer is a producer.

(3) An eligible producer to which this section applies shall not appoint a representative to act on behalf of that eligible producer under this Plan.

AR 336/2003 s19;108/2008

Eligible producers that are not individuals

20(1) Where an eligible producer is not an individual, that eligible producer may, only in accordance with this section, exercise the rights of an eligible producer referred to in section 18:

(2) An eligible producer to which this section applies who

(a) carries on business and is a producer in only one zone may exercise the rights of an eligible producer only in that zone;

(b) carries on business and is a producer in one zone and is also a producer in one or more other zones may exercise the rights of an eligible producer only in the zone in which that eligible producer carries on business;

(c) carries on business and is a producer in more than one zone may exercise the rights of an eligible producer in only one of the zones in which that eligible producer carries on business and is a producer;

(d) carries on business in one zone but is a producer in a different zone may exercise the rights of an eligible producer only in the zone in which that eligible producer is a producer;

(e) carries on business in one zone but is a producer in two or more different zones may exercise the rights of an eligible producer in only one of the zones in which that eligible producer is a producer.

(3) An eligible producer to which this section applies shall appoint an individual to be the representative of the eligible producer.

(4) A representative of an eligible producer must reside in the zone in which the rights of the eligible producer are exercised in accordance with subsection (2).

(5) Subsection (4) does not apply to a representative of an eligible producer if that representative is the majority owner of that eligible producer and is a resident of Alberta.

(6) A representative of an eligible producer shall, subject to this Plan, exercise on behalf of the eligible producer, the rights referred to in section 18.

(7) An individual cannot be a representative under this section for more than one eligible producer at any one time.

(8) An individual shall not exercise any of the rights of an eligible producer referred to in section 18 in that individual's own capacity as an eligible producer while appointed as the representative of an eligible producer.

(9) If an eligible producer to which this section applies is

(a) a corporation, it shall appoint an individual who is a director, shareholder, member, officer or employee of the corporation as its representative,

(b) a partnership, it shall appoint an individual who is a partner or employee of the partnership as its representative, or

(c) an organization, other than a corporation or a partnership, it shall appoint an individual who is a member, officer or employee of the organization as its representative.

(10) An appointment of a representative of an eligible producer shall be

(a) in writing in a form prescribed or otherwise acceptable to the Board of Directors, and

(b) filed with the Board of Directors before the representative is nominated or appointed to hold office.

AR 336/2003 s20;255/2005;108/2008

Division 2
Zones, Delegates and Zone Committees

Zones

21 For the purposes of this Plan,

(a) Alberta is divided into 9 zones as set out in the Schedule, and

(b) each zone is comprised of the lands set out in the Schedule.

AR 336/2003 s21;108/2008

Zone delegates

22(1) The Commission shall have 63 zone delegates to be elected pursuant to section 26 or otherwise appointed under this Plan.

(2) The zone delegates elected or otherwise appointed for a zone represent the eligible producers of that zone.

(3) Repealed AR 108/2008 s8.

AR 336/2003 s22;108/2008

Cattle feeder council delegates

23(1) The Commission shall have 13 cattle feeder council delegates to be elected pursuant to section 26 or otherwise appointed under this Plan.

(2) The cattle feeder council delegates elected or otherwise appointed for a zone represent the eligible producers of that zone.

AR 336/2003 s23;108/2008

Producer association delegates

24(1) The Commission shall have 2 producer association delegates for each producer association to which section 77(4) does not apply, to be elected or appointed pursuant to section 28 or otherwise elected or appointed under this Plan.

(2) The producer association delegates elected or appointed by a producer association represent that producer association.

AR 336/2003 s24;255/2005

Cattle industry council delegates

24.1(1) The Commission shall have the number of cattle industry council delegates that is determined under this section, to be elected pursuant to section 28.1 or otherwise elected or appointed under this Plan.

(2) Unless the Cattle Industry Council has been dissolved or suspended by the Board of Directors under section 73(2), the Commission shall have

(a) one cattle industry council delegate position for each cattle industry stakeholder invited to appoint members to the Cattle Industry Council under section 76, up to a maximum of 4 positions, and

(b) 2 cattle industry council delegate positions for each producer association to which section 77(4) applies, up to a maximum of 6 positions.

(3) If the Cattle Industry Council has been dissolved or suspended by the Board of Directors under section 73(2), the Commission shall have no cattle industry council delegate positions.

AR 255/2005 s10

Zone committees

25(1) The Commission shall have 9 zone committees.

(2) In the case of zones 1 and 3, each zone committee shall consist of 7 zone delegates and 2 cattle feeder council delegates.

(3) In the case of zone 2, the zone committee shall consist of 7 zone delegates and 3 cattle feeder council delegates.

(4) In the case of zones 4 to 9, each zone committee shall consist of 7 zone delegates and one cattle feeder council delegate.

(5) Repealed AR 108/2008 s10.

AR 336/2003 s25;108/2008

Election of delegates re zones 1 to 9

26(1) In the case of zones 1 to 9,

(a) the eligible producers in each zone shall, at the annual zone meetings for their zone, elect 7 zone delegates for that zone, and

(i) in the case of zones 1 and 3, elect 2 cattle feeder council delegates for that zone;

(ii) in the case of zone 2, elect 3 cattle feeder council delegates for that zone;

(iii) in the case of zones 4 to 9, elect one cattle feeder council delegate for that zone;

(b) where fewer than or only a sufficient number of eligible producers have been nominated to fill the required number of zone delegate positions, the returning officer shall declare the eligible producers nominated as zone delegates as being elected by acclamation;

(c) where fewer than or only a sufficient number of eligible producers have been nominated to fill the required number of cattle feeder council delegate positions, the returning officer shall declare the eligible producers nominated as cattle feeder council delegates as being elected by acclamation;

(d) where fewer than the required number of zone delegates have been declared elected by acclamation, the zone delegates and the cattle feeder council delegates who have been declared elected shall appoint eligible producers to the remaining positions as zone delegates and the eligible producers so appointed shall, subject to the approval of the Board of Directors, hold office as zone delegates as if elected;

(e) where fewer than the required number of cattle feeder council delegates have been declared elected by acclamation, the zone delegates and the cattle feeder council delegates who have been declared elected shall appoint eligible producers to the remaining positions as cattle feeder council delegates and the eligible producers so appointed shall, subject to the approval of the Board of Directors, hold office as cattle feeder council delegates as if elected.

(2) The elections for the delegates to represent a zone are to be conducted in such a manner so that,

(a) in the case of zones 1 to 9,

(i) 3 zone delegates are elected in one year, and

(ii) 4 zone delegates are elected in the following year;

(b) in the case of zones 1 and 3,

(i) one cattle feeder council delegate is elected in the same year that the 3 zone delegates referred to in clause (a)(i) are elected, and

(ii) one cattle feeder council delegate is elected in the same year that the 4 zone delegates referred to in clause (a)(ii) are elected;

(c) in the case of zone 2,

(i) one cattle feeder council delegate is elected in the same year that the 3 zone delegates referred to in clause (a)(i) are elected, and

(ii) 2 cattle feeder council delegates are elected in the same year that the 4 zone delegates referred to in clause (a)(ii) are elected;

(d) in the case of zones 4 to 9, one cattle feeder council delegate is elected in the same year that the 3 zone delegates referred to in clause (a)(i) are elected.

AR 336/2003 s26;108/2008

27 Repealed AR 108/2008 s12.

Election and appointment of delegates re producer associations

28(1) In the case of producer associations,

(a) each producer association to which section 77(4) does not apply may elect or appoint 2 eligible producers as producer association delegates in accordance with clause (b);

(b) each producer association shall elect or appoint its producer association delegate or delegates, as the case may be, before November 15 in the year in which an election or appointment is to take place.

(c), (d) repealed AR 255/2005 s11.

(2) The procedure to be followed by a producer association in the election or appointment of its producer association delegates is the responsibility of the producer association and not the Commission.

AR 336/2003 s28;255/2005

Election of cattle industry council delegates

28.1(1) The cattle industry council members shall elect the number of cattle industry council delegates determined under section 24.1 from among the cattle industry council members who are eligible producers before November 15 in the year in which an election is to take place.

(2) Where fewer than or only a sufficient number of cattle industry council members who are eligible producers have been nominated to fill the required number of cattle industry council delegate positions, the Board of Directors shall declare those cattle industry council members nominated as cattle industry council delegates as being elected by acclamation.

(3) Where fewer than the required number of cattle industry council delegates have been declared elected by acclamation, the cattle industry council delegates who have been declared elected shall appoint cattle industry council members who are eligible producers to the remaining positions as cattle industry council delegates, and the members so appointed shall hold office as cattle industry council delegates as if elected.

AR 255/2005 s12

Functions of delegates

29(1) In addition to what an eligible producer may do under this Plan,

(a) a delegate who is a zone delegate or cattle feeder council delegate may, in the zone that the delegate represents,

(i) attend zone committee meetings,

(ii) at zone committee meetings,

(A) make representations on any matter pertaining to this Plan or the operation of the Commission,

(B) vote on any matter under this Plan, and

(C) vote in any election for a zone director,

and

(iii) hold office as a zone director,

(b) a delegate who is a cattle feeder council delegate may

- (i) attend Cattle Feeder Council meetings,
 - (ii) at Cattle Feeder Council meetings,
 - (A) make representations on any matter pertaining to cattle feeders,
 - (B) vote on any matter pertaining to cattle feeders, and
 - (C) vote in any election for cattle feeder council directors,
 - and
 - (iii) hold office as a cattle feeder council director,
- (c) a delegate who is a producer association delegate may, in the zone in which the delegate resides,
 - (i) attend zone committee meetings, and
 - (ii) at zone committee meetings, make representations on any matter pertaining to this Plan or the operation of the Commission,
- (d) a delegate who is a cattle industry council delegate may
 - (i) attend Cattle Industry Council meetings,
 - (ii) at Cattle Industry Council meetings,
 - (A) make representations on any matter pertaining to the cattle industry, and
 - (B) vote on any matter pertaining to the cattle industry,
 - and
 - (iii) hold office as a cattle industry council director,
- and
- (e) a delegate may
 - (i) attend any annual or special meeting of the Commission,
 - (ii) at any annual or special meeting of the Commission,
 - (A) make representations on any matter pertaining to this Plan or the operation of the Commission,
 - (B) vote on any matter under this Plan, and
 - (C) vote in any election for
 - (I) directors at large of the Commission,

- (II) cattle industry council directors,
- (III) directors of the Canadian Cattlemen's Association, and
- (IV) members of the Beef Information Centre,

(iii) hold office as a

- (A) director at large of the Commission,
- (B) director of the Canadian Cattlemen's Association, and
- (C) member of the Beef Information Centre,

(iv) be appointed by the Board of Directors to sit as a member of any committee established by the Board of Directors under Division 6, and

(v) be appointed by the Board of Directors to represent the Commission on any task force, committee, group or organization of which the Commission is a member or to which the Commission elects or appoints individuals.

(2) Notwithstanding subsection (1), at any one meeting at which elections are held for the position of a director, irrespective as to whether the election is for the position as zone director, cattle feeder council director, director at large or cattle industry council director or any combination of those positions, a delegate may not at that meeting stand for election for more than one position as a director.

(3) Notwithstanding subsection (1), a delegate may not, at any one time, hold more than one position as a director.

AR 336/2003 s29;255/2005;108/2008

Term of office

30(1) The term of office of a delegate representing a zone

(a) commences on the announcement of the results of the elections held at the annual zone meeting, and

(b) expires on the announcement of the results of the elections held at the annual zone meeting that takes place in the 2nd year following the year in which the term commenced.

(2) Repealed AR 108/2008 s14.

(3) In the case of a producer association delegate or cattle industry council delegate, the term of office

(a) commences at the beginning of the day on November 15 of the year in which the producer association delegate or cattle industry council delegate was elected or appointed, and

(b) expires at the end of the day on November 14 in the 2nd year following the year in which the term commenced.

(4) An eligible producer shall not serve for more than 3 consecutive terms as a delegate.

(5) If an eligible producer serves for 3 consecutive terms as a delegate, that eligible producer is not eligible to serve again as a delegate of any type under this Plan until one year has expired following the expiry of that eligible producer's last term of office as a delegate.

(6) Subject to subsection (7), for the purpose of determining the number of consecutive terms that an eligible producer has served as a delegate, any portion of a term of office served by a delegate shall be considered to be a term of office.

(7) For the purpose of determining the number of consecutive terms that an eligible producer has served as a delegate, an unexpired term of office served by a delegate who is appointed or elected pursuant to section 31, 32, 32.1, 33, 35 or 96 shall be considered to be a term of office only if the time served exceeds 12 months.

(8) A delegate representing a zone may complete that delegate's term of office even though,

ceases to

- (a) if the delegate is an eligible producer who is an individual, that delegate

- (i) be an eligible producer, or

- (ii) meet the requirements of section 19;

- (b) if the delegate is the representative of an eligible producer,

- (i) that eligible producer ceases to be an eligible producer,

- (ii) that delegate ceases to be the representative of an eligible producer, or

- (iii) that delegate ceases to meet the requirements of section 20.

(9) A producer association delegate may complete that delegate's term of office even though

- (a) that delegate ceases to be an eligible producer;

- (b) if that delegate is the representative of an eligible producer,

- (i) that eligible producer ceases to be an eligible producer, or

- (ii) that delegate ceases to be the representative of an eligible producer.

(10) A cattle industry council delegate may complete that delegate's term of office even though,

ceases to

- (a) if the delegate is an eligible producer who is an individual, that delegate

- (i) be an eligible producer, or

- (ii) meet the requirements of section 19,

or

- (b) if the delegate is the representative of an eligible producer,

- (i) that eligible producer ceases to be an eligible producer,

- (ii) that delegate ceases to be the representative of an eligible producer, or
- (iii) that delegate ceases to meet the requirements of section 20.

AR 336/2003 s30;108/2004;255/2005;108/2008

Delegate vacancy re delegates representing a zone

31(1) If

(a) a delegate who is a zone delegate ceases to hold office before the expiry of that delegate's term of office, all the other delegates representing the zone shall appoint another eligible producer as a zone delegate who shall, subject to the approval of the Board of Directors, serve for the unexpired portion of that term of office, or

(b) a delegate who is a cattle feeder council delegate ceases to hold office before the expiry of that delegate's term of office, all the other delegates representing the zone shall appoint another eligible producer as a cattle feeder council delegate who shall, subject to the approval of the Board of Directors, serve for the unexpired portion of that term of office.

(2) Repealed AR 108/2008 s15.

AR 336/2003 s31;108/2008

Delegate vacancy re producer association delegate

32 If a producer association delegate ceases to hold office before the expiry of that delegate's term of office, the producer association shall elect or appoint another eligible producer as a producer association delegate to serve for the unexpired portion of that term of office.

Delegate vacancy re Cattle Industry Council

32.1 If a cattle industry council delegate ceases to hold office before the expiry of that delegate's term of office, the cattle industry council members shall elect or appoint another cattle industry council member who is an eligible producer as a cattle industry council delegate who shall serve for the unexpired portion of that term of office.

AR 255/2005 s15

Removal and replacement of delegates

33(1) The eligible producers may, at a special zone meeting, remove from office any delegate representing the zone and where a vacancy is created

(a) by the removal of a delegate who is a zone delegate, the eligible producers may, at the special zone meeting at which the delegate was removed, elect a zone delegate from among the eligible producers to serve for the unexpired portion of that term of office, or

(b) by the removal of a delegate who is a cattle feeder council delegate, the eligible producers may, at the special zone meeting at which the delegate was removed, elect a cattle feeder council delegate from among the eligible producers to serve for the unexpired portion of that term of office.

(2) Repealed AR 108/2008 s16.

(3) Notwithstanding subsection (1), if a zone delegate or a cattle feeder council delegate is not elected under subsection (1), the position may be filled under section 31.

AR 336/2003 s33;108/2008

Restriction from removal as delegate representing a zone

34(1) Notwithstanding section 33, if

(a) a delegate representing a zone is a zone director, that delegate may not be removed from office as a delegate without first having been removed from office as a zone director pursuant to section 51(1)(a) or (2)(a);

(b) a delegate representing a zone is a director at large, that delegate may not be removed from office as a delegate without first having been removed from office as director at large pursuant to section 53(1);

(c) a cattle feeder council delegate is a cattle feeder council director, that delegate may not be removed from office as a cattle feeder council delegate without first having been removed from office as a cattle feeder council director pursuant to section 52(1).

(2) Notwithstanding section 33, if a delegate representing a zone is the chair, vice-chair or finance chair of the Commission, that delegate may not be removed from office as a delegate without first having been removed from office

(a) as a director in the manner referred to in subsection (1), and

(b) as the chair, vice-chair or finance chair pursuant to section 60(1).

Removal of delegate re producer association delegate

35(1) A producer association may at any meeting of the producer association remove any producer association delegate from office.

(2) Where a vacancy is created by the removal of a producer association delegate, the producer association may, at the meeting at which the delegate was removed, appoint a producer association delegate from among the eligible producers to serve for the unexpired portion of that term of office.

(3) Notwithstanding subsection (2), if the producer association delegate is not appointed under subsection (2), the position may be filled under section 32.

Restriction from removal as producer association delegate

36(1) Notwithstanding section 35(1), if a producer association delegate is a director at large, that delegate may not be removed from office as a producer association delegate without having first been removed from office as a director at large pursuant to section 53(1).

(2) Notwithstanding section 35(1), if a producer association delegate is the chair, vice-chair or finance chair of the Commission, that delegate may not be removed from office as a producer association delegate without first having been removed from office

(a) as a director at large pursuant to section 53(1), and

- (b) as the chair, vice-chair or finance chair pursuant to section 60(1).

Removal of cattle industry council delegate

36.1(1) The cattle industry council members may, at a special Cattle Industry Council meeting, remove any cattle industry council delegate from office.

(2) Where a vacancy is created by the removal of a cattle industry council delegate, the cattle industry council members may, at the special Cattle Industry Council meeting at which the delegate was removed, elect or appoint a cattle industry council delegate from among the cattle industry council members who are eligible producers to serve for the unexpired portion of that term of office.

(3) Notwithstanding subsection (2), if the cattle industry council delegate is not appointed under subsection (2), the position may be filled under section 32.1.

AR 255/2005 s16

Restriction from removal as cattle industry council delegate

36.2(1) Notwithstanding section 36.1(1), if a cattle industry council delegate is a cattle industry council director or a director at large, that delegate may not be removed from office as a cattle industry council delegate without first having been removed from office as a director at large pursuant to section 53(1) or a cattle industry council director pursuant to section 53.1(1).

(2) Notwithstanding section 36.1(1), if a cattle industry council delegate is the chair, vice-chair or finance chair of the Commission, that delegate may not be removed from office as a cattle industry council delegate without first having been removed from office

- (a) as a director at large pursuant to section 53(1) or a cattle industry council director pursuant to section 53.1(1), and

- (b) as the chair, vice-chair or finance chair pursuant to section 60(1).

AR 255/2005 s16

Division 3 Zone Cattle Feeder Council, Cattle Industry Council and Zone Committee Meetings

Annual and special zone meetings

37(1) Each zone committee

- (a) shall, before the commencement of the annual Commission meeting, hold an annual zone meeting of the eligible producers who reside or carry on business within the zone;

- (b) shall hold a special zone meeting of the eligible producers who reside or carry on business within the zone

- (i) on the written request of not fewer than 50 eligible producers who reside or carry on business within the zone,

- (ii) on the written request of the Board of Directors, or

(iii) on the written request of the Council;

(c) may hold a special zone meeting of the eligible producers who reside or carry on business within the zone when the zone committee is of the opinion that circumstances warrant the holding of a special zone meeting.

(2) An annual zone meeting or special zone meeting held pursuant to this section may consist of 3 or more individual meetings held within the zone, the total of which shall constitute the annual zone meeting or special zone meeting, as the case may be.

AR 336/2003 s37;108/2008

38 Repealed AR 108/2008 s19.

Notification of zone meetings

39(1) Where an annual zone meeting or a special zone meeting is to be held, the Board of Directors shall give notice of the meeting to the eligible producers residing or carrying on business within the zone in which the meeting is to be held by publishing a notice, not less than 2 weeks before the meeting takes place as follows:

- (a) in the case of an annual zone meeting
 - (i) in the official Commission newsletter, and
 - (ii) in a newspaper circulating in the zone;
- (b) in the case of a special zone meeting in a newspaper circulating in the zone.

(2) Repealed AR 108/2008 s20.

(3) A notice given under this section shall set out

- (a) the time, place, date and purpose of the meeting, and
- (b) any other information as determined by the Board of Directors, the zone committee or the zone director.

AR 336/2003 s39;108/2008

Cattle Feeder Council meetings

40 The Cattle Feeder Council

(a) shall, before the commencement of the annual Commission meeting, hold an annual Cattle Feeder Council meeting;

- (b) shall hold a special Cattle Feeder Council meeting
 - (i) on the written request of a majority,
 - (ii) on the written request of the Board of Directors, or
 - (iii) on the written request of the Council;

(c) may hold a special Cattle Feeder Council meeting when the chair of the Cattle Feeder Council is of the opinion that circumstances warrant the holding of a special Cattle Feeder Council meeting.

AR 336/2003 s40;255/2005

Cattle Industry Council meetings

40.1 The Cattle Industry Council

(a) shall, before the commencement of the annual Commission meeting, hold an annual Cattle Industry Council meeting,

(b) shall hold a special Cattle Industry Council meeting

(i) on the written request of a majority of the cattle industry council members,

(ii) on the written request of the Board of Directors, or

(iii) on the written request of the Council,

and

(c) may hold a special Cattle Industry Council meeting when the chair of the Cattle Industry Council is of the opinion that circumstances warrant the holding of a special Cattle Industry Council meeting.

AR 255/2005 s19

Zone committee meetings

41 A zone committee shall conduct meetings of the delegates representing the zone

(a) at the call of the zone director,

(b) on the written request of a majority of the members of the zone committee,
or

(c) on the written request of the Board of Directors.

Quorum

42(1) The quorum necessary to conduct business, hold a vote on any matter or have an election is,

(a) in the case of an annual zone meeting or special zone meeting that consists of one individual meeting held within the zone, not fewer than 15 eligible producers who

(i) are present at the meeting, and

(ii) are entitled to vote in the zone in respect of which the meeting is being conducted;

(b) in the case of an annual zone meeting or special zone meeting that consists of more than one individual meeting held within the zone, not fewer than 5 eligible producers who

(i) are present at each individual meeting, and

(ii) are entitled to vote in the zone in respect of which the meeting is being conducted;

(c) in the case of a zone committee meeting, a majority of the delegates representing that zone then holding office.

(2) Repealed AR 108/2008 s21.

(3) In the case of a Cattle Feeder Council meeting, the quorum necessary to conduct business, hold a vote on any matter or have an election is a majority of the delegate members and the Board member, as defined in section 67, and in determining whether a quorum exists the ex officio members of the Cattle Feeder Council are not to be taken into account.

(4) In the case of a Cattle Industry Council meeting, the quorum necessary to conduct business, hold a vote on any matter or have an election is a majority of the cattle industry council members, the chair and the Board member, if a Board member is appointed under section 75(3), and in determining whether a quorum exists the ex officio members of the Cattle Industry Council are not to be taken into account.

AR 336/2003 s42;255/2005;108/2008

Division 4
Directors

Board of Directors

43(1) The Commission shall have a Board of Directors and, subject to subsection (2), the Board of Directors shall consist of

(a) 9 zone directors elected pursuant to section 45,

(b) 3 cattle feeder council directors elected pursuant to section 46,

(c) 5 directors at large elected pursuant to section 47,

(d) subject to section 47.1(3), 2 cattle industry council directors elected pursuant to section 47.1, and

(e) the past chair of the Commission, except when the current chair of the Commission is re-elected for a subsequent term.

(2) The Board of Directors of the Commission shall have an additional director if any of the following apply:

(a) if, in the case of a zone,

(i) a zone director becomes the chair of the Commission, and

(ii) that zone elects a new zone director to represent the zone pursuant to section 45(3);

(b) if, in the case of the Cattle Feeder Council,

(i) a cattle feeder council director becomes the chair of the Commission,
and

(ii) the Cattle Feeder Council elects a new cattle feeder council director pursuant to section 46(2);

(c) if, in the case of the Cattle Industry Council,

(i) a cattle industry council director becomes the chair of the Commission,
and

(ii) the Board of Directors appoints a new cattle industry council director pursuant to section 50(4).

AR 336/2003 s43;255/2005

Responsibilities of the Board of Directors

44(1) The responsibilities of the Commission, the authority delegated to the Commission by the Council and the direction, administration and management of the Commission's work, business and affairs, including the control and management of all the assets owned, held or acquired by the Commission, are vested in the Board of Directors.

(2) The Board of Directors has the power to do all things necessary to carry out the purpose of this Plan and the responsibilities and authority of the Commission.

(3) The Board of Directors may authorize any person, entity or committee to exercise any of the powers of the Board of Directors as set forth in this Plan or otherwise.

(4) Where a person, entity or committee is authorized under subsection (3) to exercise any power of the Board of Directors,

(a) that person, entity or committee shall report back to the Board of Directors with respect to the exercise of that power, and

(b) the Board of Directors shall retain a supervisory function to oversee the actions of that person, entity or committee in the exercise of that power.

Election of zone directors

45(1) In each year after the announcement of the results of the elections of the delegates representing the zone but before the commencement of the annual Commission meeting, each zone committee shall elect from among the delegates representing the zone a delegate who shall be both

(a) the zone director for that zone, and

(b) a zone director of the Commission.

(2) Repealed AR 108/2008 s22.

- (3) Where a zone director becomes the chair of the Commission,
- (a) that zone director is relieved of the duties of the zone director and ceases to be the zone director to represent the zone, and
 - (b) the zone committee shall elect from among the delegates representing the zone another delegate who shall be both
 - (i) the zone director for that zone, and
 - (ii) a zone director of the Commission.

(4) Where only one delegate representing the zone has been nominated to fill the position of zone director for a zone, the returning officer shall declare the delegate nominated as being elected by acclamation.

(5) Where a zone director for a zone has not been elected under subsection (1) or (3) and has not been declared elected by acclamation under subsection (4), the Board of Directors shall appoint a delegate representing the zone to the position of zone director and the delegate so appointed shall, subject to the approval of the Council, hold office as zone director as if elected.

AR 336/2003 s45;108/2004;108/2008

Election of directors re Cattle Feeder Council

46(1) In each year after the announcement of the results of the elections of the cattle feeder council delegates but before the commencement of the annual Commission meeting, the Cattle Feeder Council shall elect from among the cattle feeder council delegates 3 cattle feeder council delegates who shall be the cattle feeder council directors.

- (2) Where a cattle feeder council director becomes the chair of the Commission,
- (a) that cattle feeder council director
 - (i) ceases to be a cattle feeder council director, and
 - (ii) ceases to be a cattle feeder council delegate for the period of time that the person is the chair of the Commission;
 - (b) the Cattle Feeder Council shall elect from among the cattle feeder council delegates a cattle feeder council delegate who shall be a cattle feeder council director;
 - (c) the delegates representing the zone shall appoint a zone delegate as a cattle feeder council delegate who shall, subject to the approval of the Board of Directors, serve as a cattle feeder council delegate representing the zone during the period of time that the person referred to in clause (a) is the chair of the Commission.
 - (d) repealed AR 108/2008 s23.

(3) Where fewer than or only a sufficient number of cattle feeder council delegates have been nominated to fill the required number of cattle feeder council director positions, the returning officer shall declare those cattle feeder council delegates nominated as cattle feeder council directors as being elected by acclamation.

(4) Where fewer than the required number of cattle feeder council directors have been declared elected by acclamation, the cattle feeder council directors, the zone directors and the directors at large who have been declared elected shall appoint cattle feeder council delegates to the remaining positions as cattle feeder council director and those cattle feeder council delegates so appointed shall, subject to the approval of the Council, hold office as a cattle feeder council director as if elected.

AR 336/2003 s46;108/2004;255/2005;108/2008

Election of directors at large

47(1) At the annual Commission meeting, the delegates shall elect from among themselves 5 directors at large.

(2) Where fewer than or only a sufficient number of delegates have been nominated to fill the required number of director at large positions, the returning officer shall declare the delegates nominated as directors at large as being elected by acclamation.

(3) Where fewer than the required number of directors at large have been declared elected by acclamation, the zone directors, the cattle feeder council directors, the directors at large and the cattle industry council directors that have been elected shall appoint delegates to the remaining positions as directors at large and the delegates so appointed shall, subject to the approval of the Council, hold office as directors at large as if elected.

AR 336/2003 s47;255/2005

Election of directors re Cattle Industry Council

47.1(1) Subject to subsection (3), at the annual Commission meeting the delegates shall elect from among the cattle industry council delegates 2 cattle industry council directors.

(2) Where a cattle industry council director becomes the chair of the Commission,

(a) that cattle industry council director

(i) ceases to be a cattle industry council director, and

(ii) ceases to be a cattle industry council delegate for the period of time that the person is the chair of the Commission;

(b) the Board of Directors shall appoint from among the cattle industry council delegates a cattle industry council delegate who shall, subject to the approval of the Council, be a cattle industry council director;

(c) the cattle industry council members shall appoint a cattle industry council member who is an eligible producer as a cattle industry council delegate who shall serve as a cattle industry council delegate during the period of time that the person referred to in clause (a) is the chair of the Commission.

(3) No cattle industry council directors may be elected, acclaimed or otherwise appointed at the annual Commission meeting if fewer than 3 cattle industry council delegates have been elected pursuant to section 28.1 and nominated to fill the cattle industry council director positions.

AR 255/2005 s24

Functions of directors

48 In addition to any function that a delegate may carry out under this Plan, a director may

- (a) attend Board of Directors meetings;
- (b) at Board of Directors meetings
 - (i) make representations on any matter pertaining to this Plan or the operation of the Commission, and
 - (ii) vote on any matter under this Plan;
- (c) vote at an election for the chair of the Commission, vice-chair of the Commission and finance chair of the Commission;
- (d) hold office as chair of the Commission, vice-chair of the Commission or finance chair of the Commission;
- (e) be elected or appointed by the Board of Directors to committees in accordance with Division 6, 6.1 or 7;
- (f), (g) repealed AR 255/2005 s25;
- (h) be elected or appointed by the Board of Directors to represent the Commission on any task force, committee group or organization of which the Commission is a member or to which the Commission elects or appoints individuals.

AR 336/2003 s48;255/2005

Term of office

49(1) The term of office of a zone director elected at the annual zone committee meeting pursuant to section 45(1)

- (a) commences immediately on the zone director for that zone being declared elected at the annual Commission meeting held following that director's election at the annual zone committee meeting, and
- (b) expires immediately on a zone director for that zone being declared elected at the next annual Commission meeting held following the zone director's election at the next annual zone committee meeting.

(2) The term of office of a zone director elected pursuant to section 45(3)

- (a) commences immediately on the zone director being declared elected at the zone committee meeting at which that director is elected, and
- (b) expires immediately on a zone director for that zone being declared elected at the next annual Commission meeting held following the zone director's election at the next annual zone committee meeting.

(3) The term of office of a cattle feeder council director elected at the annual Cattle Feeder Council meeting pursuant to section 46(1)

(a) commences immediately on the cattle feeder council director being declared elected at the annual Commission meeting held following that director's election at the annual Cattle Feeder Council meeting, and

(b) expires immediately on the cattle feeder council directors being declared elected at the next annual Commission meeting held following the cattle feeder council directors' election at the next annual Cattle Feeder Council meeting.

(4) The term of office of a cattle feeder council director elected pursuant to section 46(2)

(a) commences immediately on the cattle feeder council director being declared elected at the Cattle Feeder Council meeting at which that director is elected, and

(b) expires immediately on the cattle feeder council directors being declared elected at the next annual Commission meeting held following the cattle feeder council directors' election at the next annual Cattle Feeder Council meeting.

(5) The term of office of a director at large elected at the annual Commission meeting pursuant to section 47

(a) commences immediately on the director at large being declared elected at the annual Commission meeting, and

(b) expires immediately on the directors at large being declared elected at the next annual Commission meeting.

(5.1) The term of office of a cattle industry council director elected at the annual Commission meeting pursuant to section 47.1(1)

(a) commences immediately on the cattle industry council director being declared elected at the annual Commission meeting, and

(b) expires

(i) immediately on the cattle industry council directors being declared elected at the next annual Commission meeting, or

(ii) immediately on it being declared at the next annual Commission meeting that no cattle industry council directors are being elected at that meeting.

(5.2) The term of office of a cattle industry council director appointed pursuant to section 47.1(2)

(a) commences immediately on the cattle industry council director being appointed, and

(b) expires

(i) immediately on the cattle industry council directors being declared elected at the next annual Commission meeting, or

(ii) immediately on it being declared at the next annual Commission meeting that no cattle industry council directors are being elected at that meeting.

(6) A zone director may complete that zone director's term of office even though that zone director ceases to be a delegate representing a zone pursuant to section 30(1)(b).

(7) A cattle feeder council director may complete that cattle feeder council director's term of office even though that cattle feeder council director ceases to be a cattle feeder council delegate pursuant to section 30(1)(b).

(8) A director at large may complete that director's term of office even though that director at large ceases to be a delegate pursuant to section 30(1)(b) or (3)(b).

(8.1) A cattle industry council director may complete that cattle industry council director's term of office even though that cattle industry council director ceases to be a cattle industry council delegate pursuant to section 30(3)(b).

(9) If a director continues in office in accordance with subsection (6), (7), (8) or (8.1), that director may, until the expiry of that director's term of office, carry out only those functions,

(a) in the case of a zone director, that relate solely to the office of zone director;

(b) in the case of a cattle feeder council director, that relate solely to the office of cattle feeder council director;

(c) in the case of a director at large, that relate solely to the office of director at large;

(d) in the case of a cattle industry council director, that relate solely to the office of cattle industry council director.

AR 336/2003 s49;255/2005;108/2008

Director vacancy

50(1) Where a zone director ceases to hold office before the expiry of that director's term of office, the zone committee shall elect from among the delegates representing the zone another delegate from the zone to be both

(a) the zone director for that zone, and

(b) a zone director of the Commission,

to serve for the unexpired portion of that term of office.

(2) Where a cattle feeder council director ceases to hold office before the expiry of that director's term of office, the Cattle Feeder Council shall elect from among the cattle feeder council delegates another cattle feeder council delegate as a cattle feeder council director to serve for the unexpired portion of that term of office.

(3) Where a director at large ceases to hold office before the expiry of that director's term of office, the Board of Directors shall appoint another delegate as a director at large to serve, subject to the approval of the Council, for the unexpired portion of that term of office.

(4) Where a cattle industry council director ceases to hold office before the expiry of that director's term of office, the Board of Directors shall appoint another cattle industry council delegate as a cattle industry council director to serve, subject to the approval of the Council, for the unexpired portion of that term of office.

AR 336/2003 s50;255/2005

Removal of zone directors

51(1) The delegates representing the zone may, at a special zone committee meeting, remove their zone director from office and where a vacancy is created by the removal of a zone director,

(a) the delegates representing the zone may at the zone committee meeting at which the zone director was removed elect a zone director from among the delegates representing the zone to serve for the unexpired portion of that term of office, or

(b) if a zone director is not elected under clause (a), the position may be filled under section 50(1).

(2) Notwithstanding subsection (1), if a zone director is the chair, vice-chair or finance chair of the Commission, that zone director may not be removed from office as a zone director without first having been removed from office as chair, vice-chair or finance chair under section 60(1).

Removal of cattle feeder council directors

52(1) The cattle feeder council delegates may, at a special Cattle Feeder Council meeting, remove a cattle feeder council director from office.

(2) Where a vacancy is created by the removal of a cattle feeder council director,

(a) the cattle feeder council delegates may at the special Cattle Feeder Council meeting at which the cattle feeder council director was removed elect a cattle feeder council director from among the cattle feeder council delegates to serve for the unexpired portion of that term of office, or

(b) if a cattle feeder council director is not elected under clause (a), the position may be filled under section 50(2).

(3) Notwithstanding subsection (1), if a cattle feeder council director is the chair, vice-chair or finance chair of the Commission, that cattle feeder council director may not be removed from office as a cattle feeder council director without first having been removed from office as chair, vice-chair or finance chair under section 60(1).

AR 336/2003 s52;255/2005

Removal of directors at large

53(1) The delegates may, at a special Commission meeting, remove any director at large from office.

(2) Where a vacancy is created by the removal of a director at large,

(a) the delegates may, at the special Commission meeting at which the director at large was removed, elect a director at large from among the delegates to serve for the unexpired portion of that term of office, or

(b) if a director at large is not elected under clause (a), the position may be filled under section 50(3).

(3) Notwithstanding subsection (1), if a director at large is the chair, vice-chair or finance chair of the Commission, that director at large may not be removed from office as a director at large without first having been removed from office as chair, vice-chair or finance chair under section 60(1).

AR 336/2003 s53;255/2005

Removal of cattle industry council directors

53.1(1) The delegates may, at a special Commission meeting, remove a cattle industry council director from office.

(2) Where a vacancy is created by the removal of a cattle industry council director,

(a) the delegates may, at the special Commission meeting at which the cattle industry council director was removed, elect a cattle industry council director from among the cattle industry council delegates to serve for the unexpired portion of that term of office, or

(b) if a cattle industry council director is not elected under clause (a), the position may be filled under section 50(4).

(3) Notwithstanding subsection (1), if a cattle industry council director is the chair, vice-chair or finance chair of the Commission, that cattle industry council director may not be removed from office as a cattle industry council director without first having been removed from office as chair, vice-chair or finance chair under section 60(1).

AR 255/2005 s29

Board of Directors meetings

54(1) The Board of Directors may, at the call of the chair of the Commission, conduct meetings of the Board of Directors.

(2) The directors are eligible to vote on each matter put to the question before the Board of Directors.

(3) Unless the past chair of the Commission is ineligible to serve as a delegate by virtue of section 30(4) and (5), the past chair is eligible to vote on each matter put to the question before the Board of Directors.

Quorum

55 The quorum necessary for the Board of Directors to conduct business, hold a vote on any matter or have an election is a majority of the total number of all of the following individuals who hold office at the time:

(a) the directors;

(b) the chair of the Commission, if a zone director, a cattle feeder council director or a cattle industry council director was elected as chair of the Commission;

(c) the past chair of the Commission, if the past chair is a member of the Board of Directors and is eligible to vote.

AR 336/2003 s55;255/2005

Division 5
Executive

Election of chair, vice-chair and finance chair

56(1) The Board of Directors shall after the directors have been declared elected at the annual Commission meeting hold a meeting of the Board of Directors and that meeting of the Board must be held before the conclusion of that annual Commission meeting.

(2) Subject to subsection (2.1), at the meeting of the Board of Directors held under subsection (1), the directors shall elect from among themselves

- (a) a chair of the Commission,
- (b) a vice-chair of the Commission, and
- (c) a finance chair of the Commission.

(2.1) Notwithstanding section 48(d), a cattle industry council director may not be elected as chair of the Commission unless at least 4 cattle industry council delegates have been elected pursuant to section 28.1.

(3) The Executive of the Board of Directors consists of

- (a) the chair of the Commission,
- (b) the vice-chair of the Commission,
- (c) the finance chair of the Commission, and
- (d) the past chair of the Commission, except when the current chair of the

Commission is re-elected for a subsequent term.

(4) Where only one director has been nominated for the position of chair of the Commission, vice-chair of the Commission or finance chair of the Commission, the director so nominated shall be declared elected by acclamation.

AR 336/2003 s56;255/2005

Functions

57(1) The chair, vice-chair, finance chair and past chair of the Commission must carry out those responsibilities of the Board of Directors that are delegated to the chair, vice-chair, finance chair and past chair by the Board of Directors.

(2) The chair, vice-chair, finance chair and past chair shall report to the Board of Directors on their activities as required by the Board of Directors.

Term of office

58(1) The term of office of a member of the Executive, other than the past chair of the Commission,

(a) commences immediately on the member's being declared elected at the first meeting of the Board of Directors held during the annual Commission meeting, and

(b) expires immediately on the directors being declared elected at the next annual Commission meeting.

(2) The term of office of the past chair of the Commission

(a) commences immediately on the directors being declared elected at the annual Commission meeting, and

(b) expires immediately on the directors being declared elected at the next annual Commission meeting.

(3) A chair, vice-chair or finance chair may complete that chair's, vice-chair's or finance chair's term of office even though that chair, vice-chair or finance chair ceases to be a delegate pursuant to section 30(1)(b) or (3)(b).

(4) If a chair, vice-chair or finance chair continues in office in accordance with subsection (3), that chair, vice-chair or finance chair may, until the expiry of that person's term of office as chair, vice-chair or finance chair, carry out only those functions that relate solely to that person's office as the chair, vice-chair or finance chair.

AR 336/2003 s58;108/2008

Executive vacancy

59 Where a member of the Executive, other than the past chair of the Commission, ceases to hold office before the expiry of that member's term of office, the Board of Directors may elect another director to that position on the Executive to serve for the unexpired portion of that term of office.

Removal of the Executive

60(1) The Board of Directors may, at a meeting of the Board, remove a member of the Executive, other than the past chair of the Commission, from office.

(2) Where a vacancy is created by the removal of a member of the Executive under subsection (1),

(a) the Board of Directors may, at the meeting of the Board at which the member of the Executive was removed, appoint another director as that member of the Executive to serve for the unexpired portion of that term of office, or

(b) if the member of the Executive is not appointed under clause (a), that position may be filled under section 59.

Executive meetings

61(1) The Executive may, at the call of the chair of the Commission, conduct meetings of the Executive.

(2) The chair, vice-chair and the finance chair are eligible to vote on each matter put to the question before the Executive.

(3) Unless the past chair of the Commission is ineligible to serve as a delegate by virtue of section 30(4) or (5), the past chair is eligible to vote on each matter put to the question before the Executive.

Quorum

62 The quorum necessary for the Executive to conduct business or hold a vote on any matter is 2 of the members of the Executive holding office, not including the past chair of the Commission.

Division 6

Committees of the Board of Directors Standing or Special Committees

Establishment of committees

63(1) The Board of Directors may establish standing or special committees as the Board of Directors may, from time to time, consider necessary and may provide for the following:

(a) the election or appointment of the members and chair and vice-chair, if any, of the committee;

(b) the governance and operation of the committee;

(c) the duties and functions of the committee.

(2) Unless otherwise provided for by the Board of Directors under subsection (1), sections 64 to 66.5 apply, with any necessary modifications, to a committee established under subsection (1).

(3) The Board of Directors may, from time to time, dissolve, suspend or re-establish a committee established under subsection (1).

AR 255/2005 s32

Appointment of committee chairs and members

64(1) The Board of Directors shall appoint a chair of each committee from among the directors.

(2) In consultation with the chair of a committee appointed under subsection (1), the Board of Directors may appoint the committee members from among any of the following:

(a) the delegates;

(b) the directors;

(c) the eligible producers;

(d) any person who is an individual not referred to in clauses (a) to (c).

(3) The chair, vice-chair and finance chair of the Commission are ex officio members of all committees unless otherwise determined by the Board of Directors.

AR 255/2005 s32

Duties of committee

65(1) The duties of a committee are

(a) to carry out the purpose, intent and responsibilities of the Commission with regard to the work assigned to the committee by the Board of Directors, and

(b) to investigate and make recommendations and reports on specific matters referred to the committee by the Board of Directors.

(2) Each committee shall submit to the Board of Directors a report and review of the committee's activities at least once each year in advance of the annual Commission meeting.

AR 255/2005 s32

Term of office

66(1) The term of office of a chair of a committee

(a) commences on the announcement of the appointment of a director as the chair of the committee following the annual Commission meeting, and

(b) expires on the announcement of the appointment of a director as the chair of that committee following the next annual Commission meeting.

(2) The term of office of a member of a committee commences on the announcement of the appointment of a delegate, director, eligible producer or other individual as a member of that committee following the announcement of the appointment of the chair of the committee and expires,

(a) in the case of a delegate or director, on the termination of the term of office of that member of the committee as a delegate or director, and

(b) in the case of an eligible producer or other individual, at the pleasure of the Board of Directors.

(3) A chair of a committee may complete that chair's term of office even though that chair ceases to be a delegate pursuant to section 30(1)(b) or (3)(b).

(4) A chair of a committee may complete that chair's term of office even though that chair ceases to be a director pursuant to section 49.

(5) If a chair of a committee continues in office in accordance with subsection (3) or (4), the chair of the committee may, until the expiry of that chair's term of office, carry out only those functions that relate solely to the office of the chair of the committee.

AR 255/2005 s32;108/2008

Committee vacancy

66.1(1) Where a chair of a committee ceases to hold office before the expiry of that chair's term of office, the Board of Directors may appoint another director as the chair of that committee to serve for the unexpired portion of that term of office.

(2) Where a member of a committee ceases to hold office before the expiry of that member's term of office as a member of that committee, the Board of Directors, in consultation with the chair of that committee, may appoint another delegate, director, eligible producer or other individual as a member of that committee to serve for the unexpired portion of that term of office.

AR 255/2005 s32

Removal of committee chairs

66.2(1) The Board of Directors may, at a meeting of the Board, remove any chair of a committee from office.

(2) Where a vacancy is created by the removal of a chair of a committee,

(a) the Board of Directors may, at the meeting of the Board at which the chair of the committee was removed, appoint another director as chair of the committee to serve for the unexpired portion of that term of office, or

(b) if a chair of a committee is not appointed under clause (a), that position may be filled under section 66.1(1).

AR 255/2005 s32

Removal of committee members

66.3(1) The Board of Directors may, at a meeting of the Board, remove any member of a committee from office.

(2) Where a vacancy is created by the removal of a member of a committee,

(a) the Board of Directors may, at the meeting of the Board at which the member of the committee was removed, appoint another delegate, director, eligible producer or other individual as a member of that committee to serve for the unexpired portion of that term of office, or

(b) if a member of the committee is not appointed under clause (a), that position may be filled under section 66.1(2).

AR 255/2005 s32

Committee meetings

66.4(1) A committee may, at the call of the chair of the committee, conduct committee meetings.

(2) The members of the committee are eligible to vote on each matter put to the question before the committee.

(3) Committees shall keep written minutes of all committee meetings and provide copies of the minutes to the Board of Directors within 2 weeks of the meeting being held.

AR 255/2005 s32

Quorum

66.5 The quorum necessary for a committee to conduct business or hold a vote on any matter is a majority of the total number of the members holding office as members of the committee.

AR 255/2005 s32

Division 6.1
Committees of the Board of Directors
Cattle Feeder Council

Definitions

67 In this Division,

(a) “Board member” means a zone director or director at large who is appointed as a member of the Cattle Feeder Council under section 69(3);

(b) “delegate member” means a delegate who is a cattle feeder council delegate and includes any cattle feeder council delegate who is a cattle feeder council director.

AR 255/2005 s32

Establishment of Cattle Feeder Council

68 The Board of Directors shall establish a committee to be known as the “Cattle Feeder Council” consisting of those persons as provided for under section 69 and that is governed in accordance with this Division.

AR 255/2005 s32

Membership of Cattle Feeder Council

69(1) The Cattle Feeder Council consists of the 13 delegate members elected pursuant to sections 26 and 27 and the zone director or director at large appointed pursuant to subsection (3).

(2) The Board of Directors shall appoint the chair of the Cattle Feeder Council from among the cattle feeder council directors.

(3) The Board of Directors shall, in consultation with the chair of the Cattle Feeder Council, appoint a zone director or director at large, other than the chair, vice-chair or finance chair of the Commission, as a member of the Cattle Feeder Council.

(4) The chair, vice-chair and finance chair of the Commission are ex officio members of the Cattle Feeder Council.

AR 255/2005 s32

Functions of Cattle Feeder Council

70(1) The duties of the Cattle Feeder Council are

(a) to investigate and address issues of importance or concern to producers who are cattle feeders,

(b) to carry out the purpose, intent and responsibilities of the Commission with regard to the work assigned to the Cattle Feeder Council by the Board of Directors pertaining to cattle feeders, and

(c) to make recommendations to the Board of Directors and the other committees of the Commission with respect to matters of importance or concern to cattle feeders and with respect to the work assigned to the Cattle Feeders Council by the Board of Directors.

(2) The Cattle Feeder Council shall submit to the Board of Directors a report and review of its activities at least once each year in advance of the annual Commission meeting.

AR 255/2005 s32

Term of office

71(1) The term of office of a chair of the Cattle Feeder Council

(a) commences on the announcement of the appointment of a cattle feeder council director as the chair of the Cattle Feeder Council following the annual Commission meeting, and

(b) expires on the announcement of the appointment of a cattle feeder council director as the chair of the Cattle Feeder Council following the next annual Commission meeting.

(2) The term of office of the delegate members of the Cattle Feeder Council commences on the announcement of the election of the cattle feeder council delegates and expires on the termination of the term of office of the delegate members as cattle feeder council delegates.

(3) The term of office of a Board member of the Cattle Feeder Council

(a) commences on the announcement of the appointment of a zone director or director at large as the Board member of the Cattle Feeder Council following the annual Commission meeting, and

(b) expires on the announcement of the appointment of a zone director or director at large as the Board member of the Cattle Feeder Council following the next annual Commission meeting.

(4) The chair of the Cattle Feeder Council may complete that chair's term of office even though that chair ceases to be a cattle feeder council delegate pursuant to section 30(1)(b).

(5) The chair of the Cattle Feeder Council may complete that chair's term of office even though that chair ceases to be a cattle feeder council director pursuant to section 49.

(6) If the chair of the Cattle Feeder Council continues in office in accordance with subsection (4) or (5), that chair may, until the expiry of that chair's term of office, carry out only those functions that relate solely to the office of the chair of the Cattle Feeder Council.

AR 255/2005 s32;108/2008

Vacancy

71.1(1) Where the chair of the Cattle Feeder Council ceases to hold office before the expiry of that chair's term of office, the Board of Directors shall appoint another cattle feeder council director as the chair of the Cattle Feeder Council to serve for the unexpired portion of that term of office.

(2) Where a delegate member of the Cattle Feeder Council ceases to hold office as a cattle feeder council delegate before the expiry of that member's term of office as a cattle feeder council delegate,

the eligible producer appointed as a cattle feeder council delegate pursuant to section 31(1)(b) becomes the delegate member of the Cattle Feeder Council to serve for the unexpired portion of that term of office.

(3) Where a Board member of the Cattle Feeder Council ceases to hold office before the expiry of that member's term of office as a Board member, the Board of Directors, in consultation with the chair of the Cattle Feeder Council, shall appoint another zone director or director at large as a Board member to serve for the unexpired portion of that term of office.

AR 255/2005 s32;108/2008

Removal of chair

71.2(1) The Board of Directors may, at a meeting of the Board, remove the chair of the Cattle Feeder Council from office.

(2) Where a vacancy is created by the removal of the chair of the Cattle Feeder Council,

(a) the Board of Directors may, at the meeting of the Board at which the chair of the Cattle Feeder Council was removed, appoint another cattle feeder council director as chair of the Cattle Feeder Council to serve for the unexpired portion of that term of office, or

(b) if a chair of the Cattle Feeder Council is not appointed under clause (a), that position may be filled under section 71.1(1).

AR 255/2005 s32

Removal of members

71.3(1) Delegate members of the Cattle Feeder Council may be removed and the vacancy filled only in accordance with sections 33 and 34.

(2) The Board of Directors may, at a meeting of the Board, remove the Board member of the Cattle Feeder Council from office.

(3) Where a vacancy is created by the removal of the Board member,

(a) the Board of Directors may, at the meeting of the Board at which the Board member of the Cattle Feeder Council was removed, appoint another zone director or director at large as a member of the Cattle Feeder Council to serve for the unexpired portion of that term of office, or

(b) if the Board member of the Cattle Feeder Council is not appointed under clause (a), that position may be filled under section 71.1(3).

AR 255/2005 s32

Cattle Feeder Council meetings

71.4(1) Meetings of the Cattle Feeder Council shall be held in accordance with sections 40 and 42(3).

(2) The members of the Cattle Feeder Council are eligible to vote on each matter put to the question before the Cattle Feeder Council.

(3) The Cattle Feeder Council shall keep written minutes of all meetings of the Cattle Feeder Council and provide copies of the minutes to the Board of Directors within 2 weeks of the meeting being held.

AR 255/2005 s32

Division 7
Committees of the Board of Directors
Cattle Industry Council

Definitions

72 In this Division,

(a) “Board member” means a zone director or director at large who is appointed as a member of the Cattle Industry Council under section 75(3);

(b) “cattle industry stakeholder” means a person, other than an individual, that provides services to the cattle industry in Alberta.

AR 255/2005 s32

Establishment of the Cattle Industry Council

73(1) The Board of Directors may establish a committee to be known as the “Cattle Industry Council” consisting of those persons as provided for under section 75 and that is governed in accordance with this Division.

(2) The Board of Directors may, from time to time, dissolve, suspend or re-establish the Cattle Industry Council.

AR 255/2005 s32

Eligibility

74(1) Only the following may be appointed as a cattle industry council member:

- (a) an eligible producer;
- (b) an individual who is not an eligible producer who is
 - (i) at least 18 years of age, and
 - (ii) a resident of Alberta.

(2) Where a cattle industry council member is an individual referred to in subsection (1)(b), that member may not be elected or appointed as a cattle industry council delegate or a cattle industry council director.

AR 255/2005 s32

Membership of Cattle Industry Council

75(1) The Cattle Industry Council shall consist of the members appointed pursuant to sections 76 and 77, the chair appointed pursuant to subsection (2), and if a Board member is appointed pursuant to subsection (3), that Board member.

(2) The Board of Directors shall appoint a director, other than the chair, vice-chair or finance chair of the Commission, as the chair of the Cattle Industry Council.

(3) If a cattle industry council director is appointed as the chair under subsection (2) the Board of Directors shall, in consultation with the chair of the Cattle Industry Council, appoint a zone director or director at large, other than the chair, vice-chair or finance chair of the Commission, as a member of the Cattle Industry Council.

(4) The chair, vice-chair and finance chair of the Commission are ex officio members of the Cattle Industry Council.

AR 255/2005 s32

Appointment by cattle industry stakeholders

76(1) The Board of Directors may, in accordance with criteria determined from time to time by the Board of Directors, invite cattle industry stakeholders to appoint members to the Cattle Industry Council.

(2) A cattle industry stakeholder may, within one month of receiving an invitation under subsection (1), appoint up to 2 members to the Cattle Industry Council.

(3) An invitation under subsection (1) and an appointment under subsection (2) shall be in writing.

(4) The Board of Directors may, at any meeting of the Board of Directors, revoke an invitation issued under subsection (1).

AR 255/2005 s32

Producer association election to appoint members

77(1) The Board of Directors shall invite a producer association to appoint members to the Cattle Industry Council if the producer association elects to be invited as a cattle industry stakeholder to appoint members to the Cattle Industry Council.

(2) A producer association may, within one month of receiving an invitation under subsection (1), appoint up to 2 members to the Cattle Industry Council.

(3) An election and invitation under subsection (1) and an appointment under subsection (2) shall be in writing.

(4) Subject to section 78, a producer association that receives an invitation under subsection (1) may not elect or appoint producer association delegates under section 28.

(5) The Board of Directors may, at any meeting of the Board of Directors, revoke an invitation issued under subsection (1).

AR 255/2005 s32

Revocation of producer association election

78(1) If a period of at least 2 years following the date of the invitation referred to in section 77(1) has expired, a producer association may make an irrevocable election in writing to no longer appoint members to the Cattle Industry Council.

(2) If a producer association makes an election under subsection (1), then immediately upon delivery of the election to the Board of Directors

(a) the cattle industry council members appointed by that producer association cease to be cattle industry council members, cattle industry council delegates and cattle industry council directors, as the case may be,

(b) section 77(4) ceases to apply to that producer association, and

(c) the producer association may elect or appoint 2 producer association delegates pursuant to section 28.

AR 255/2005 s32

Functions of Cattle Industry Council

79(1) The duties of the Cattle Industry Council are

(a) to investigate and address issues of importance or concern to producers and the cattle industry,

(b) to carry out the purpose, intent and responsibilities of the Commission with regard to the work assigned to the Cattle Industry Council by the Board of Directors pertaining to the cattle industry, and

(c) to make recommendations to the Board of Directors and the other committees of the Commission with respect to matters of importance or concern to the cattle industry and with respect to the work assigned to the Cattle Industry Council by the Board of Directors.

(2) The Cattle Industry Council shall submit to the Board of Directors a report and review of its activities at least once each year in advance of the annual Commission meeting.

AR 255/2005 s32

Term of office

80(1) The term of office of a chair of the Cattle Industry Council

(a) commences on the announcement of the appointment of a director as the chair of the Cattle Industry Council following the annual Commission meeting, and

(b) expires on the announcement of the appointment of a director as the chair of the Cattle Industry Council following the next annual Commission meeting.

(2) The term of office of a cattle industry council member appointed under section 76 or 77

(a) commences on the announcement of the appointment of the cattle industry council member by the cattle industry stakeholder, and

(b) terminates when the cattle industry council member is removed from office under this Division or vacates the position.

(3) The term of office of a Board member of the Cattle Industry Council

(a) commences on the announcement of the appointment of the zone director or director at large as a Board member of the Cattle Industry Council following the annual Commission meeting, and

(b) expires

(i) on the announcement of the appointment of a zone director or director at large as the Board member of the Cattle Industry Council following the next annual Commission meeting, or

(ii) on it being declared following the next annual Commission meeting that no Board member of the Cattle Industry Council is being appointed.

(4) The chair of the Cattle Industry Council may complete that chair's term of office even though that chair ceases to be a cattle industry council director pursuant to section 49.

(5) If the chair of the Cattle Industry Council continues in office in accordance with subsection (4), that chair may, until the expiry of that chair's term of office, carry out only those functions that relate solely to the office of the chair of the Cattle Industry Council.

AR 255/2005 s32

Vacancy

80.1(1) Where the chair of the Cattle Industry Council ceases to hold office before the expiry of that chair's term of office, the Board of Directors shall appoint another director as the chair of the Cattle Industry Council to serve for the unexpired portion of that term of office.

(2) Where a cattle industry council member ceases to hold office, the cattle industry stakeholder that appointed that member may appoint another member.

(3) Where a Board member of the Cattle Industry Council ceases to hold office before the expiry of that member's term of office as a Board member, the Board of Directors, in consultation with the chair of the Cattle Industry Council, shall appoint another zone director or director at large as a Board member to serve for the unexpired portion of that term of office.

AR 255/2005 s32

Removal of chair

80.2(1) The Board of Directors may, at a meeting of the Board, remove the chair of the Cattle Industry Council from office.

(2) Where a vacancy is created by the removal of the chair of the Cattle Industry Council,

(a) the Board of Directors may, at the meeting of the Board at which the chair of the Cattle Industry Council was removed, appoint another director, other than the chair, vice-chair or finance chair of the Commission, as chair of the Cattle Industry Council to serve for the unexpired portion of that term of office, or

(b) if a chair of the Cattle Industry Council is not appointed under clause (a), that position may be filled under section 80.1(1).

AR 255/2005 s32

Removal of members

80.3(1) The Board of Directors may, at a meeting of the Board, remove any cattle industry council member from office.

(2) A cattle industry council member may be removed at any time by the cattle industry stakeholder that appointed that member.

(3) Where a cattle industry council member is removed under subsection (1) or (2), the cattle industry stakeholder that appointed the member may appoint another member.

(4) The Board of Directors may, at a meeting of the Board, remove the Board member of the Cattle Industry Council from office.

(5) Where a vacancy is created by the removal of the Board member,

(a) the Board of Directors may, at the meeting of the Board at which the Board member of the Cattle Industry Council was removed, appoint another zone director or director at large as a member of the Cattle Industry Council to serve for the unexpired portion of that term of office, or

(b) if the Board member of the Cattle Industry Council is not appointed under clause (a), that position may be filled under section 80.1(3).

AR 255/2005 s32

Restriction from removal as members

80.4 Notwithstanding section 80.3, if a cattle industry council member is

(a) a cattle industry council delegate, that member may not be removed from office as a member without first having been removed from office as a cattle industry council delegate pursuant to section 36.1,

(b) a cattle industry council director, that member may not be removed from office as a member without first having been removed from office as

(i) a cattle industry council delegate pursuant to section 36.1, and

(ii) a cattle industry council director pursuant to section 53.1,

or

(c) the chair, vice-chair or finance chair of the Commission, that member may not be removed from office as a member without first having been removed from office

(i) as a cattle industry council delegate pursuant to section 36.1,

(ii) as a cattle industry council director pursuant to section 53.1, and

(iii) as the chair, vice-chair or finance chair pursuant to section 60(1).

AR 255/2005 s32

Revocation of invitation by Board of Directors

80.5 Notwithstanding section 80.4, if the Board of Directors revokes an invitation issued to a cattle industry stakeholder under section 76(1) or a producer association under section 77(1), then immediately following the date of the revocation

(a) the cattle industry council members appointed by the cattle industry stakeholder or producer association cease to be cattle industry council members, cattle industry council delegates and cattle industry council directors, as the case may be,

(b) section 77(4) ceases to apply to the producer association, and

(c) the producer association may elect or appoint 2 producer association delegates pursuant to section 28.

AR 255/2005 s32

Dissolution or suspension of Cattle Industry Council

80.6 Notwithstanding section 80.4, if the Board of Directors dissolves or suspends the Cattle Industry Council under section 73(2), then immediately following the date of the dissolution or suspension

(a) all cattle industry council members appointed by cattle industry stakeholders and producer associations cease to be cattle industry council members, cattle industry council delegates and cattle industry council directors, as the case may be, and

(b) section 77(4) ceases to apply to each producer association that has been invited under that section to appoint members to the Cattle Industry Council and each such producer association may elect or appoint 2 producer association delegates pursuant to section 28.

AR 255/2005 s32

Cattle Industry Council meetings

80.7(1) Meetings of the Cattle Industry Council shall be held in accordance with sections 40.1 and 42(4).

(2) The cattle industry council members are eligible to vote on each matter put to the question before the Cattle Industry Council.

(3) The Cattle Industry Council shall keep written minutes of all meetings of the Cattle Industry Council and provide copies of the minutes to the Board of Directors within 2 weeks of the meeting being held.

AR 255/2005 s32

Division 8 Commission Meetings

Annual and special Commission meetings

81 The Board of Directors

- (a) shall hold an annual Commission meeting of the delegates once in each year;
- (b) shall hold a special Commission meeting on
 - (i) the written request of a majority of the total number of all the delegates, or
 - (ii) the written request of the Council;
- (c) may hold a special Commission meeting when the Board of Directors is of the opinion that circumstances warrant the holding of a special Commission meeting.

Notification of Commission meetings

82(1) Where an annual Commission meeting or a special Commission meeting is to be held, the Board of Directors shall in writing notify the delegates of the meeting by sending a notice of the meeting to each delegate at the delegate's last known address.

(2) A notice given under this section

- (a) shall be sent to the delegates at least 15 days before the meeting referred to in the notice is to take place, and
- (b) shall set out
 - (i) the time, place, date and purpose of the meeting, and
 - (ii) any other information as determined by the Board of Directors.

Quorum

83 The quorum necessary to conduct business, hold a vote on any matter or have an election at an annual Commission meeting or a special Commission meeting is not fewer than 46 delegates who are present at the meeting.

Voting

84 At an annual Commission meeting or at a special Commission meeting the delegates may each

- (a) vote on each matter put to the question,
- (b) in the case of an election for directors at large, vote in an election for directors at large, and
- (c) in the case of an election for cattle industry council directors, vote in an election for cattle industry council directors.

AR 336/2003 s84;255/2005

Division 9
National and Other Organizations

Commission membership in other organizations

85(1) The Commission is entitled to become the provincial member of, elect or appoint individuals to sit as directors or members of and contribute funds to

- (a) the Canadian Cattlemen's Association,
- (b) the Beef Information Centre,
- (c) the Canada Beef Export Federation, and
- (d) any task force, committee, group, organization or person,

when, in the opinion of the Board of Directors, that membership, election, appointment or contribution will further the purpose of this Plan and the objects of the Commission.

(2) The Commission

(a) is entitled to be the provincial cattle association as defined by the Proclamation establishing the Canada Board, and

(b) may pay \$1 from each \$2 service charge 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.

Part 3

Voting and Elections

Division 1

Voting by Eligible Producers

Eligibility to vote re individual

86 Where an eligible producer is an individual, that eligible producer may vote in an election or on any matter under this Plan only if

- (a) the eligible producer's name appears on the current voters list, or
- (b) the eligible producer, prior to the vote being cast, makes a declaration stating that he or she
 - (i) is an eligible producer,
 - (ii) resides and is a producer within the zone in which the election or vote is being held or is a producer within the zone in which the election or vote is being held and is not a producer within the zone in which the eligible producer resides,
 - (iii) has not previously voted in the election or on the matter in respect of which the eligible producer wishes to cast a vote in either the zone in which the election or vote is being held or in any other zone, and
 - (iv) has not been appointed as the representative of an eligible producer for the purpose of the election or the matter in respect of which the eligible producer wishes to cast a vote.

Eligibility to vote re non-individual

87 Where an eligible producer is not an individual, the representative of the eligible producer may vote in an election or on any matter under this Plan only if

- (a) the eligible producer's name appears on the current voters list, and
- (b) that representative, prior to the vote being cast, makes a declaration stating that
 - (i) the representative has been appointed in writing as the representative of the eligible producer,
 - (ii) the representative is the only representative of the eligible producer,
 - (iii) the eligible producer carries on business and is a producer within the zone in which the election or vote is being held or is a producer within the zone in which the election or vote is being held and is not a producer within the zone in which the eligible producer carries on business,
 - (iv) the representative of the eligible producer resides within the zone in which the election or vote is being held or the representative is the majority owner of the eligible producer and is a resident of Alberta,
 - (v) the representative has not, in the representative's own capacity as an eligible producer, previously voted in the election or on the matter in respect of which the representative wishes to cast a vote in either the zone in which the election or vote is being held or in any other zone, and
 - (vi) the representative has not previously voted in the election or on the matter in respect of which the representative wishes to cast a vote on behalf of the eligible producer in either the zone in which the election or vote is being held or in any other zone.

AR 336/2003 s87;108/2008

When to provide declaration

88 A declaration referred to in sections 86 and 87 shall,

- (a) in the case of an election, be provided to or made before the returning officer or deputy returning officer, or
- (b) in the case of a vote other than an election, be provided to or made before a director or officer of the Commission.

Voting at zone meetings

89 An eligible producer who

- (a) is entitled to vote in the zone, and
- (b) is present at the annual zone meeting or special zone meeting, as the case may be,

is eligible to vote

(c) on each matter put to the question, and

(d) for such number of candidates for delegates as the eligible producer chooses, not exceeding,

(i) in the case of zone delegates, the number of zone delegates to be elected, and

(ii) in the case of cattle feeder council delegates, the number of cattle feeder council delegates to be elected.

AR 336/2003 s89;108/2008

Division 2
Returning Officer

Appointment of returning officer

90(1) The Board of Directors shall appoint a returning officer for the purposes of and in connection with any election held under this Plan.

(2) The returning officer may appoint deputy returning officers to assist in the conduct of elections held under this Plan.

Duties of returning officer

91 The returning officer, in respect of an election under this Plan,

(a) may compile and maintain a voters list of eligible producers who are entitled to vote under this Plan,

(b) shall ensure that an eligible producer does not cast a vote except in accordance with this Plan, and

(c) shall permit scrutiny by any scrutineer of all the actions of the returning officer and the deputy returning officers.

Destruction of ballots, etc.

92 Unless otherwise directed by the Council, neither the returning officer nor any other person shall destroy any records or ballots in respect of an election held under this Plan until not less than 90 days have elapsed from the date on which the election was held.

Division 3
Controverted Elections

Election irregularities

93 If an eligible producer

(a) questions

(i) the eligibility of a candidate,

- (ii) the eligibility of a voter,
- (iii) any matter relating to a ballot or the tabulation of ballots, or
- (iv) any irregularity with respect to the conduct of an election,

and

- (b) seeks to have the election declared invalid and the position declared vacant,

that eligible producer must, not later than 30 days after the day on which the election was held, apply in writing to the Council to have the election declared invalid and the position declared vacant.

Effect of no application re election irregularities

94 If, within the 30-day period referred to in section 93, the Council has not received an application under section 93, an eligible producer who was elected at that election is deemed to be duly elected.

Effect of application re election irregularities

95(1) An application to have an election declared invalid and a position declared vacant which has not been received by the Council within 30 days from the date of the election shall not be considered by the Council.

(2) On receipt of an application under section 93, the Council shall consider the matter and may

- (a) declare the election to be proper and the position filled, if, in the opinion of the Council, there is no basis for the application,

- (b) declare the election to be proper and the position filled, notwithstanding that there is a basis for the application, if, in the opinion of the Council,

- (i) the basis of the application did not materially affect the result of the election, and

- (ii) the election was conducted substantially in accordance with this Plan and the Act,

or

- (c) declare the election to be void and the position vacant, if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to, or did, affect the result of the election.

Effect of invalid election

96(1) Notwithstanding that an election is declared void and a position is declared vacant under section 95(2), the term of office for the position declared vacant is nevertheless deemed to have commenced on the day that the voided election was held.

(2) If the Council declares an election to be void and the position vacant, the Council may

(a) order that, within the time that the Council considers proper, a special Commission meeting, special zone meeting, special zone committee meeting or special Cattle Feeder Council meeting, as the case may be, be held and an election be conducted to fill the vacant position, or

(b) appoint from among the eligible producers who are eligible to be elected to the position an eligible producer to fill the vacant position.

(3) Where an eligible producer

(a) is elected to a position under subsection (2)(a), or

(b) is appointed to a position under subsection (2)(b)

that eligible producer shall serve for the unexpired portion of the term.

AR 336/2003 s96;108/2008

Part 4

Transitional Provisions, Review and Repeal

Transitional re sub-zone delegates

97(1) A sub-zone delegate who held office immediately before the coming into force of the Alberta Beef Producers Plan Amendment Regulation continues to hold office as a zone delegate for zone 9 until the term of office to which the sub-zone delegate was elected expires, or a successor to the position is sooner elected or the sub-zone delegate is otherwise replaced under this Regulation.

(2) Notwithstanding sections 26(2)(a)(i) and (d) and 30(1), in the case of zone 9,

(a) 5 zone delegates shall be elected in 2008 to replace the 5 sub-zone delegates currently serving terms of office, and

(i) the term of office of 2 zone delegates elected in accordance with this subsection is one year, and

(ii) the term of office of 3 zone delegates elected in accordance with this subsection is 2 years,

and

(b) one cattle feeder council delegate shall be elected in 2008 for a term of 2 years.

(3) The 2 zone delegates for zone 9 who were elected in 2007 continue to hold office until the expiry of their terms of office.

(4) Subject to subsection (5), the term of office of a zone delegate referred to in subsection (2)(a)(i) is not a term of office for the purpose of determining the number of consecutive terms served by the zone delegate pursuant to section 30(5).

(5) Subsection (4) does not apply to a zone delegate referred to in subsection (2)(a)(i) who held office as a sub-zone delegate on the coming into force of the Alberta Beef Producers Plan Amendment Regulation.

AR 336/2003 s97;108/2008

98 Repealed AR 108/2008 s34.

Review

99 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before March 31, 2009.

AR 336/2003 s99;108/2008

Repeal

100 The Alberta Beef Producers Plan Regulation (AR 272/97) is repealed.

Schedule

Zones

1 Zone number 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 number 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 number 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 number 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 number 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 number 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) County of Camrose No. 22;
- (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 number 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);
- (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 number 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 No. 24;
- (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) Lakeland County;
- (k) any city, town or village that is encompassed by the land described in clauses (a) to (j).

9 Zone number 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) M.D. of Clear Hills No. 21;
- (f) M.D. of Northern Lights No. 22;
- (g) M.D. of Mackenzie No. 23;
- (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).

AR 336/2003 Sched.1;255/2005;108/2008

Schedule 2 Repealed AR 108/2008 s37.

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