



Province of Alberta

## MARKETING OF AGRICULTURAL PRODUCTS ACT

# **ALBERTA WINTER WHEAT PRODUCERS MARKETING PLAN REGULATION**

### **Alberta Regulation 112/1999**

With amendments up to and including Alberta Regulation 28/2011

### Office Consolidation

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(Consolidated up to 28/2011)

**ALBERTA REGULATION 112/99**

**Marketing of Agricultural Products Act**

**ALBERTA WINTER WHEAT PRODUCERS  
MARKETING PLAN REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “annual Commission meeting” means an annual general meeting of the directors and the eligible producers;
- (c) “annual region meeting” means an annual general meeting of the eligible producers who carry out production of the regulated product within the region or regions in respect of which the meeting is held;
- (c.1) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
- (c.2) “auditor” means a person registered under the *Regulated Accounting Profession Act* or a firm or partnership of those persons;
- (d) “board” means the board of directors of the Commission;
- (e) “Commission” means the Alberta Winter Wheat Producers Commission;
- (f) “Council” means the Alberta Agricultural Products Marketing Council;
- (g) “crop year” means a 12-month period commencing on August 1 and terminating on the following July 31;
- (h) “dealer” means a person purchasing or acquiring regulated product from a producer and includes, but is not limited to,
  - (i) elevator companies, grain companies, grain dealers, processors, feed manufacturers, livestock feeders and producer car shippers, and
  - (ii) persons who acquire regulated product from the producer for sale on the producer’s behalf;
- (i) “directors” means the directors of the Commission;
- (j) “eligible producer” means a producer who qualifies as an eligible producer under section 16;
- (j.1) “investment” means a commitment of assets in order to gain a financial return but does not include an expenditure of assets for the purposes of research and development or current operations;

- (k) “marketing”
  - (i) means buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing, and
  - (ii) includes any other function or activity designated as marketing by the Lieutenant Governor in Council;
- (l) “person” means a person as defined in the *Interpretation Act* and includes
  - (i) a partnership as defined in the *Partnership Act*,
  - (ii) any unincorporated organization that is not a partnership referred to in subclause (i), and
  - (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) “producer” means a person who
  - (i) grows winter wheat for sale on one or more parcels of land in Alberta, or
  - (ii) is entitled to a share of the winter wheat grown on the land pursuant to a crop share arrangement;
- (n) “regulated product” means winter wheat;
- (o) “special Commission meeting” means a special general meeting of the directors and the eligible producers;
- (p) “winter wheat” means any wheat that
  - (i) is adapted to germinate in the fall and has the physiological requirements for vernalization, and
  - (ii) is the winter annual form of common wheat (*TRITICUM AESTIVUM* L. em *THELL*) and includes all Red Winter Wheat and White Winter Wheat cultivars including all eligible grades of Winter Wheat as specified by the Canadian Grain Commission standards.

AR 112/99 s1;244/2003;94/2010;28/2011

**Designation of agricultural product**

- 2** Winter wheat is designated as an agricultural product for the purposes of the Act.

**Part 1**  
**General Operation of Plan****Division 1**  
**Plan****Plan continued**

- 3** The Alberta Winter Wheat Producers Marketing Plan established under the *Alberta Winter Wheat Producers Marketing Plan Regulation* (AR 147/90) is hereby amended, revised and continued under this Regulation with the name “Alberta Winter Wheat Producers Marketing Plan”.

**Termination of Plan**

- 4** This Plan does not terminate at the conclusion of a specific period of time and remains in force unless otherwise terminated pursuant to the Act.

**Application of Plan**

- 5** This Plan applies
- (a) to all of Alberta;
  - (b) to all producers in Alberta who produce or market the regulated product, and
  - (c) for the purposes of sections 9(a), (b), (c) and (f) and 12,
    - (i) to dealers, and
    - (ii) to any persons who are not producers or dealers and who process the regulated product.

**Purpose of Plan**

- 6(1)** The purpose of this Plan is to do the following:
- (a) to initiate, conduct and carry out projects and programs related to research and development and studies with respect to the production, handling, marketing and processing of winter wheat, including research and development and studies concerning the development and use of winter wheat products;

- (b) to assist, educate and inform producers, dealers and processors in developing and improving methods regarding the production, processing and marketing of winter wheat;
- (c) to initiate and carry out advertising programs, sales promotion programs and consumer education programs to expand the market awareness and demand for winter wheat and winter wheat products, both within Alberta and in export markets;
- (d) to assist generally in the development and promotion of the winter wheat industry in Alberta, including the development and promotion of export markets for winter wheat grown in Alberta;
- (e) to advise governments on matters concerning the winter wheat industry;
- (f) to co-operate with the Government of Canada and the Government of Alberta with respect to the maintenance of the quality and standards of the regulated product;
- (g) in the interests of the winter wheat industry, to co-operate with other relevant organizations;
- (h) to participate in programs under the *Agricultural Marketing Programs Act* (Canada);
- (i) generally to initiate, conduct and carry out projects and programs to stimulate, increase or improve the production or marketing, or both, of the regulated product.

(2) Under this Plan neither the production nor the marketing of the regulated product is to be controlled or regulated.

AR 112/99 s6;28/2011

## **Division 2**

### **Operation of Plan by Commission**

#### **Commission continued**

**7** The Alberta Winter Wheat Producers Commission is hereby continued.

#### **Functions of Commission**

**8(1)** The Commission

- (a) is, subject to the Act, responsible for the operation, regulation, supervision and enforcement of this Plan;



- (b) must
  - (i) open one or more accounts in a bank, trust company, treasury branch, credit union or other depository, and
  - (ii) designate such officers, employees and other persons as are necessary to sign cheques and transact the Commission's business with its bank, trust company, treasury branch, credit union or other depository;
- (b.1) when investing its assets must make prudent investments in accordance with the requirements of section 3 of the *Trustee Act* respecting the investment of assets and may delegate to an agent in accordance with section 5(1) to (3) of that Act;
- (b.2) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation* (AR 26/99);
- (c) may
  - (i) enter into an operating line of credit or other loan agreement with its bank, trust company, treasury branch, credit union or other lending institution, and
  - (ii) designate such officers, employees and other persons as are necessary to transact the Commission's business;
- (d) must maintain such books and records, including financial records,
  - (i) as from time to time may be required under the Act, the regulations or by virtue of any order of the Council, or
  - (ii) as may be determined by the Commission;
- (e) must maintain a head office, the location of which, at all times, is to be made known to each eligible producer;
- (f) may appoint officers, employees and agents, prescribe their duties and fix their remuneration;
- (g) subject to the Act, the regulations and any orders of the Council, may issue such general orders governing its internal operation as it may from time to time determine;
- (h) may become a member of any agricultural organization;
- (i) may contribute funds to any agricultural organization;

- (j) may, in accordance with section 50 of the Act, be authorized to perform any function or duty and exercise any power imposed or conferred on the Commission by or under the *Agricultural Marketing Programs Act* (Canada);
- (k) subject to section 11, to finance the purposes of the Plan, may retain earnings and revenues from year to year.

(2) The books and records referred to in subsection (1)(d) are to be open for inspection at the office of the Commission at all reasonable times on the written request of a member of the Council.

AR 112/99 s8;28/2011

#### **Operation of Plan re regulations**

**9** 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 any person who produces, markets or processes the 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;
- (b) requiring persons other than producers to be licensed under this Plan before they become engaged in the marketing and processing, or either of those functions, of the regulated product;
- (c) governing the issuance, suspension or cancellation of a licence issued under this Plan;
- (d) 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;
- (e) providing for the refund of service charges;
- (f) requiring any person who receives the 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;
- (g) 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.

**Financing of Plan**

**10** In accordance with the regulations,

- (a) this Plan is to be financed by the charging and collection of service charges from producers;
- (b) every producer engaged in production of the regulated product is to pay a service charge on each metric tonne, or part thereof, of regulated product sold by the producer;
- (c) the Commission may, from time to time, change the amount of the service charge, but the change will not be effective until it has been approved by a majority of the eligible producers at an annual Commission meeting or a special Commission meeting.

**Service charges refundable**

**11(1)** In accordance with the regulations,

- (a) the service charge is refundable to a producer on request of the producer;
- (b) the request for a refund of the service charge must
  - (i) be made in writing on a form established by the Commission, and
  - (ii) contain the following information:
    - (A) the producer's name;
    - (B) the producer's mailing address, telephone number and, if available, e-mail address;
    - (C) the producer's identification number, if available;
    - (D) the quantity of regulated product sold;
    - (E) the name, mailing address, telephone number and, if available, e-mail address of any dealer who collected the service charge on behalf of the producer;

- (F) the amount of the service charge deducted;
  - (G) any specifics of the refund request;
  - (c) requests for refunds must be received by the Commission at its head office
    - (i) prior to the end of August, for service charges collected during the period commencing on the previous February 1 and ending on July 31, and
    - (ii) prior to the end of February, for service charges collected during the period commencing on the previous August 1 and ending on January 31;
  - (d) any request for a refund that is not received by the Commission within the time periods specified under clause (c) shall not be considered by the Commission and the producer will not be entitled to a refund in respect of the service charge in question;
  - (e) the Commission must refund the service charge to the producer within 90 days from the end of the period in which the request for a refund of the service charge is received, if the request complies with the regulations.
- (2) In the event that within one crop year
- (a) the eligible producers requesting refunds of the service charge comprise more than 35% of existing eligible producers, and
  - (b) those eligible producers requesting a refund in clause (a) account for at least 35% of the service charges collected during the current crop year,

the continued operation of this Plan is to be subject to the approval of a majority of the eligible producers of the regulated product at a plebiscite to be held under the direction of the Council pursuant to the Act.

- (3) The Commission must, within 90 days following the end of a crop year, report to the Council the refunds made under this section for that crop year.

AR 112/99 s11;94/2010

#### **Collection of service charge**

- 12 In accordance with the regulations,

- (a) all dealers who

- (i) purchase regulated product from a producer, or
- (ii) acquire regulated product from a producer for sale on the producer's behalf

must collect the service charge for the regulated product by deducting from any proceeds payable to or on behalf of the producer the amount of the service charge;

- (b) any person who receives proceeds on behalf of the producer with respect to the sale by the producer of regulated product must collect the service charge for the regulated product by deducting from the proceeds payable to or on behalf of the producer, the amount of the service charge;
- (c) any person who collects a service charge must pay the amount of the service charge to the Commission;
- (d) all persons required under this Plan to collect and pay to the Commission the service charge payable by a producer must
  - (i) pay the service charge to the Commission, and
  - (ii) provide to the Commission, for each producer, a summary detailing
    - (A) the amount of regulated product obtained from the producer,
    - (B) the amount of the service charge being paid on behalf of the producer, and
    - (C) the name, mailing address, telephone number and, if available, e-mail address of the producer.

AR 112/99 s12;94/2010

#### **Auditor**

**13** The auditor for the Commission is to be appointed from time to time at an annual Commission meeting or a special Commission meeting.

#### **Indemnification fund**

**14(1)** The Commission may under section 34 of the Act establish, maintain and operate one or more funds that may be used to indemnify or protect producers against financial loss suffered by them or on their behalf in the production or marketing, or both, of the regulated product.

(2) A fund shall not be established under section 35 of the Act.

(3) If a fund referred to in subsection (1) is established, the Commission may, subject to the Act and the regulations, finance the maintenance and operation of the fund by assessing, charging and collecting from producers a separate fee.

**Honorary memberships, etc.**

**15** The Commission may establish non-voting associate, patron, industry, affiliate or honorary memberships under this Plan to provide interested individuals or organizations with the opportunity to contribute to the efforts of the Commission.

## **Part 2 Governance of Plan**

### **Division 1 Producers**

**Eligible producers**

**16** For the purposes of this Plan,

- (a) any producer who has paid a service charge under this Plan in a crop year is an eligible producer for that crop year;
- (b) the Commission must maintain a list of eligible producers;
- (c) all producers who can be identified by the Commission as having paid a service charge under this Plan during a crop year are to be included on the list of eligible producers for that crop year;
- (d) any producer who is not listed on the Commission's list of eligible producers must be added to the list where the producer can provide proof to the Commission that the producer has paid a service charge under this Plan in the crop year for which the application is made;
- (e) once a producer is listed with the Commission as an eligible producer, the producer continues to be recognized as an eligible producer from crop year to crop year, unless the eligible producer ceases to pay a service charge under this Plan in 2 subsequent crop years, in which case the producer ceases to be an eligible producer;
- (f) where a producer ceases to be an eligible producer under clause (e), the producer is entitled to again become an

eligible producer for any crop year in which the producer pays a service charge under this Plan.

AR 112/99 s16;94/2010

#### **General rights of producers**

**17** In accordance with and subject to this Plan, a producer who is an eligible producer is entitled, as a matter of right,

- (a) to attend annual region meetings held in respect of the region in which the producer carries out production of the regulated product and to attend annual Commission meetings and special Commission meetings;
- (b) to make representations on any matter pertaining to this Plan, the Commission and the board;
- (c) to vote on any matter under this Plan;
- (d) to vote in any election for directors;
- (e) to hold office as a director;
- (f) to vote in any plebiscites of producers held under the Act.

#### **Producers who are individuals**

**18** Where a producer who is an eligible producer is an individual, that individual may exercise the rights of an eligible producer referred to in section 17.

#### **Producers that are not individuals**

**19(1)** Where a producer who is an eligible producer is not an individual, that producer may, only in accordance with this section, exercise the rights of an eligible producer referred to in section 17.

**(2)** A producer to which this section applies must appoint an individual to be the representative of the producer.

**(3)** A representative appointed by a producer under this section is, subject to this Plan, to exercise on behalf of the producer the rights referred to in section 17.

**(4)** If an eligible producer is

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

- (b) a partnership, it must 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 must appoint an individual who is a member, officer or employee of the organization as its representative.
- (5)** An appointment of a representative under this section must be
  - (a) in writing, and
  - (b) in the case where a vote is to be taken at a meeting, filed with the returning officer prior to the calling to order of the meeting at which a vote is to take place.
- (6)** An individual who is the representative of a producer shall not cast a vote under this Plan unless
  - (a) the individual presents a document signed by the producer indicating the name of the person who may vote for the producer, or
  - (b) the individual makes a statutory declaration in writing stating that
    - (i) the individual is a representative of the eligible producer, and
    - (ii) the individual has not previously voted in the election or on the matter in respect of which the individual wishes to cast a vote.
- (7)** A statutory declaration made under subsection (6)(b) must be made in writing before the returning officer or the deputy returning officer prior to the vote being cast.
- (8)** An individual cannot at any one time be a representative under this section for more than one eligible producer.
- (9)** A representative shall not vote or hold office before the representative's appointment is filed in accordance with subsection (5).

## **Division 2 Regions**

### **Regions**

**20** For the purpose of this Plan, Alberta is divided into 7 regions.

AR 112/99 s20;94/2010



**Regions set out in Schedule**

**21** The area included in each region is as set out in the Schedule to this Plan.

**Annual region meeting**

**22(1)** At the annual region meetings, the eligible producers in the region are to be provided with

- (a) information with respect to the Commission and the board, and
- (b) an opportunity to provide to the board suggestions and recommendations.

**(2)** The annual region meeting is to be

- (a) organized by the Commission,
- (b) financed by the Commission, and
- (c) held once in every crop year.

**(3)** The time, place and date of any annual region meeting is to be set by the board.

**(4)** The Commission is to notify all of the eligible producers who carry out production of the regulated product within a region of any annual region meeting for that region.

**(5)** A notice of a meeting must set forth the time, place, date and purpose of the meeting.

AR 112/99 s22;244/2003;94/2010

**Quorum**

**23** The quorum necessary for the conduct of business at an annual region meeting is not fewer than

- (a) 5 of the eligible producers who carry out production of the regulated product within the region, if the meeting is held in respect of one region, or
- (b) 10 of the eligible producers who carry out production of the regulated product within one or more of the regions in respect of which the meeting is held, if the meeting is held in respect of 2 or more regions.

AR 112/99 s23;94/2010

### **Division 3**

#### **Board of Directors of the Commission**

##### **Board of directors**

**24** The Commission consists of a board of directors made up of 9 directors with

- (a) one director being elected from each region to represent the region in which the director carries out production of the regulated product, and
- (b) 2 directors who carry out production of the regulated product in one or more regions and who are elected at large at the annual Commission meeting from among the producers.

AR 112/99 s24;244/2003;94/2010

##### **Responsibilities of the board of directors**

**25(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.

**(2)** The board has the power to do all things that are necessary to carry out the purpose of this Plan and the responsibilities and authority of the Commission.

**(3)** The board may authorize any person, entity or committee to exercise any of the powers of the board 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,

- (a) that person, entity or committee is to report back to the board with respect to the exercise of that power, and
- (b) the board retains a supervisory function to oversee the actions of that person, entity or committee in the exercise of that power.

**(5)** The remuneration to be paid

- (a) to the directors, and
- (b) to the officers and staff of the Commission,

may, from time to time, be prescribed by the board.

**Chair and other officers**

**26(1)** Following the annual Commission meeting, the board is to elect from among the elected members of the board the officers of the Commission, including the chair and vice-chair of the Commission.

**(2)** The term of office as an officer of the Commission, including the chair and vice-chair, is 3 years.

AR 112/99 s26;94/2010

**Term of office of directors**

**27(1)** Each director is to hold office for a term of 3 years.

**(2)** Elections for directors

- (a) to represent regions 1 and 5 and for one director to represent the producers at large are to be held in the same year,
- (b) to represent regions 3, 4 and 7 are to be held in the year following the year referred to in clause (a), and
- (c) to represent regions 2 and 6 and for one director to represent the producers at large are to be held in the year following the year referred to in clause (b).

**(3)** The term of office of a director

- (a) commences on the conclusion of the annual Commission meeting that takes place following the director's election, and
- (b) expires on the conclusion of the annual Commission meeting that takes place in the year that the director's term of office is to expire.

**(4)** An eligible producer shall not serve as a director for more than 2 consecutive terms.

AR 112/99 s27;244/2003;305/2003;94/2010

**Removal from office**

**28(1)** Where a director ceases to be an eligible producer or a representative of an eligible producer during that director's term of office, that individual ceases to be a director of the Commission.

**(2)** Where a director is absent from 3 consecutive meetings of the board, without reasons that the board considers adequate, that director's position on the board is deemed to be vacant at the

conclusion of the 3rd consecutive meeting from which that director was absent.

**(3)** Where a vacancy occurs on the board under this section or by resignation, the board may, with the approval of the Council, appoint an individual to fill the position from among the eligible producers who would be eligible to be elected to that position.

**(4)** Where a person is appointed as a director under subsection (3), that person is to serve for the unexpired portion of the term.

**(5)** A term of office served by a director appointed under subsection (3) is to be included as a term for the purposes of section 27(4) only if more than 50% of the term is unexpired when the director is appointed.

AR 112/99 s28;94/2010

#### **Eligibility re director**

**29(1)** To be eligible for election as a director to represent regions 1 to 6, an eligible producer must carry on production of the regulated product in the region for which the person is nominated.

**(2)** Notwithstanding section 37(3)(a), to be eligible for election as a director to represent the producers at large, an eligible producer must carry on production of the regulated product in one or more of the regions.

**(3)** Notwithstanding section 27(4), an eligible producer who was a director is once again eligible to be elected as a director if one year has elapsed since that eligible producer's last term as a director concluded.

AR 112/99 s29;244/2003;94/2010

#### **Quorum**

**30** With respect to a meeting of the board, the quorum necessary for the conduct of business is a majority of the directors then holding office.

### **Division 4 General Producer Meetings of the Commission**

#### **Annual Commission meetings**

**31(1)** An annual Commission meeting must be held once in every crop year.

**(2)** Repealed AR 94/2010 s14.

AR 112/99 s31;94/2010

**Special Commission meetings**

- 32** The Commission must hold a special Commission meeting
- (a) when requested to do so by the Council,
  - (b) on the written request of not less than 10% of the eligible producers, or
  - (c) when the board considers it necessary or advisable.

**Calling of general meetings**

- 33(1)** The time, place and date of any annual Commission meeting and of any special Commission meeting is to be set by the board.
- (2)** The Commission is to notify all of the eligible producers of any annual Commission meeting and of any special Commission meeting.
- (3)** A notice of a meeting must set forth the time, place, date and purpose of the meeting.

**Quorum**

- 34** The quorum necessary for the conduct of business is,
- (a) in the case of an annual Commission meeting, not fewer than 15 eligible producers, and
  - (b) in the case of a special Commission meeting, not fewer than 15 eligible producers.

AR 112/99 s34;94/2010

## **Part 3**

### **Voting and Elections**

**Election of directors**

- 35(1)** The board is to solicit nominations for the position of director for each region from which a director is required to be elected by any means of notice that the board may determine.
- (2)** Nominations for the position of director may be
- (a) in writing and filed at the Commission's head office by a date fixed by the board, or
  - (b) received from the floor at the annual region meeting.
- (3)** A nomination referred to in subsection (2) must be

- (a) endorsed by at least 3 eligible producers from the region in respect of which the election is to be held, and
  - (b) accompanied by the consent of the eligible producer who is being nominated as a director.
- (4) The election of a director to represent a region is to be carried out by a secret ballot at the annual region meeting.

AR 112/99 s35;94/2010

**Failure to elect director**

**36(1)** If the eligible producers in a region fail to elect a director, the election of a director to represent that region may be held at the next annual Commission meeting.

(2) Where an election of a director is to be held at the annual Commission meeting, nominations for the position of director may be

- (a) in writing and filed at the Commission's head office by a date fixed by the board, or
  - (b) received from the floor at the annual Commission meeting.
- (3) A nomination referred to in subsection (2) must be
- (a) endorsed by at least 3 eligible producers from the region in respect of which the election is to be held, and
  - (b) accompanied by the consent of the eligible producer who is being nominated as a director.

AR 112/99 s36;94/2010

**Eligibility to vote**

**37(1)** An eligible producer is eligible to vote in an election and on any question put to a vote at an annual Commission meeting or a special Commission meeting if the eligible producer is present at the meeting at which the vote is held.

(2) An eligible producer is eligible to vote in an election and on any question put to a vote at an annual region meeting if

- (a) the eligible producer carries out production of the regulated product in the region for which the election is held or to which the question pertains, and
  - (b) is present at the meeting at which the vote is held.
- (3) Repealed AR 94/2010 s17.

- (4) An eligible producer may vote once on each matter, notwithstanding that the eligible producer may manage or operate or own, lease or hold equity in 2 or more operations.

AR 112/99 s37;94/2010

**Must be on list of eligible producers**

- 38** An eligible producer shall not cast a vote under this Plan unless the eligible producer's name appears on the current list of eligible producers.

**Returning officer**

- 39(1)** The Commission is to appoint a returning officer for the purposes of and in connection with any election or vote taken under this Plan.

- (2) The returning officer may appoint individuals as deputy returning officers to assist in the conduct of elections and votes under this Plan.

- (3) The returning officer

- (a) must compile and maintain a voters list of eligible producers who are entitled to vote under this Plan;
- (b) is to ensure that a person does not cast a vote, except in accordance with this Plan;
- (c) is to carry out the tabulation of the ballots;
- (d) must permit scrutiny of the actions of the returning officer and the deputy returning officers by a scrutineer in respect of the conduct of a vote taken under this Plan.

- (4) Unless otherwise directed by the Council, no person shall destroy any records or ballots in respect of a vote or election held under this Plan until 90 days have elapsed from the day on which the vote was taken.

**Controverted election**

- 40(1)** 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 other irregularity with respect to the conduct of an election,

and

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

that person may, not later than 15 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.

**(2)** If, within the 15-day period referred to in subsection (1), the Council has not received an application under subsection (1), a person elected at that election is deemed to be duly elected.

**(3)** On receipt of an application under subsection (1), the Council must 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 for 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.

**(4)** Notwithstanding that an election is declared void and a position is declared vacant under subsection (3)(c), the term of office of the position declared vacant is nevertheless deemed to have commenced on the day that the term of office would commence under this Plan.

**(5)** 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 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 individual to fill the vacant position.
- (6) Where a person fills a position under subsection (5), that person is to serve for the unexpired portion of the term.

## **Part 4**

### **Transitional Provision, Review and Repeal**

#### **Transitional re directors**

**41** The directors of the Commission who held office immediately before the coming into force of this Regulation continue to hold office on the board of directors until their terms of office expire, or their successors to the positions are sooner elected or they are replaced under this Regulation.

#### **Review**

**42** In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before July 1, 2015.

AR 112/99 s42;244/2003;94/2010

#### **Repeal**

**43** The *Alberta Winter Wheat Producers Marketing Plan Regulation* (AR 147/90) is repealed.

## **Schedule**

### **Boundaries of the Regions**

**1** Region 1 is comprised of the area that is included within the following boundaries:

Western Boundary:	Alberta-British Columbia border;
Southern Boundary:	49th Parallel;
Eastern Boundary:	Highway #4 north to intersect with Highway #36 and then north on Highway #36 to Taber;
Northern Boundary:	Highway #3.

**2** Region 2 is comprised of the area that is included within the following boundaries:

Western Boundary:	Highway #4 north to intersect with Highway #36 and then north on Highway #36 to Taber;
Southern Boundary:	49th Parallel;
Eastern Boundary:	Alberta-Saskatchewan border;
Northern Boundary:	Highway #3 east to intersect with Highway #1 and then east on Highway #1 to the Alberta-Saskatchewan border.

**3** Region 3 is comprised of the area that is included within the following boundaries:

Western Boundary:	Highway #36;
Southern Boundary:	Highway #3 east to intersect with Highway #1 and then east on Highway #1 to the Alberta-Saskatchewan border;
Eastern Boundary:	Alberta-Saskatchewan border;
Northern Boundary:	Highway #9.

**4** Region 4 is comprised of the area that is included within the following boundaries:

Western Boundary:	Alberta-British Columbia border;
Southern Boundary:	Highway #3;
Eastern Boundary:	Highway #36;
Northern Boundary:	Highway #9 west to intersect with Highway #1 and then west on Highway #1 to the Alberta-British Columbia border.

**5** Region 5 is comprised of the area that is included within the following boundaries:

Western Boundary:	Alberta-British Columbia border;
Southern Boundary:	Highway #9 west to intersect with Highway #1 and then west on Highway #1 to the Alberta-British Columbia border;
Eastern Boundary:	Highway #56 north to intersect with Highway #26 and then west on Highway #26 to intersect with Highway #21 and then north on Highway #21 to intersect with

Northern Boundary: Highway #37 and then west on Highway #37 to intersect with Highway #28A and then north on Highway #28A to intersect with Highway #28 and then north on Highway #28 to intersect with Highway #63 and then north on Highway #63 to intersect with Highway #55 and then west on Highway #55 to intersect with Highway #2 and then north on Highway #2 to intersect with the Athabasca River;

**6** Region 6 is comprised of the area that is included within the following boundaries:

Western Boundary: Highway #56 north to intersect with Highway #26 and then west on Highway #26 to intersect with Highway #21 and then north on Highway #21 to intersect with Highway #37 and then west on Highway #37 to intersect with Highway #28A and then north on Highway #28A to intersect with Highway #28 and then north on Highway #28 to intersect with Highway #63 and then north on Highway #63 to intersect with Highway #55 and then west on Highway #55 to intersect with Highway #2 and then west on Highway #2 to intersect with Highway #88 and then north on Highway #88 to intersect with Highway #58 and then west on Highway #58 to intersect with Highway #35 and then north on Highway #35 to the Alberta-Northwest Territories border;

Southern Boundary: Highway #9;

Eastern Boundary: Alberta-Saskatchewan border;

Northern Boundary: Alberta-Northwest Territories border.

**7** Region 7 is comprised of the area that is included within the following boundaries:

Western Boundary: Alberta-British Columbia border;

Southern Boundary: Athabasca River;

Eastern Boundary:	Highway #2 north from where it intersects with the Athabasca River to where it intersects with Highway #88 and then north on Highway #88 to intersect with Highway #58 and then west on Highway #58 to intersect with Highway #35 and then north to the Alberta-Northwest Territories border;
Northern Boundary:	Alberta-Northwest Territories border.

AR 112/99 Sched.;244/2003;94/2010