



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA PORK PRODUCERS' PLAN REGULATION

Alberta Regulation 219/2001

With amendments up to and including Alberta Regulation 62/2014

Office Consolidation

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Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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(Consolidated up to 62/2014)

ALBERTA REGULATION 219/2001

Marketing of Agricultural Products Act

ALBERTA PORK PRODUCERS' PLAN REGULATION

Table of Contents

- 1 Interpretation
- 2 Designation

**Part 1
General Operation of the Plan**

**Division 1
Plan**

- 3 Continuation of Plan
- 4 Termination of Plan
- 5 Application of Plan
- 6 Purposes

**Division 2
Operation of Plan by the Commission**

- 7 Corporation continued
- 8 Responsibilities of the Corporation
- 8.1 Information
- 9 Regulations to operate the Plan
- 10 Financing of the Plan
- 11 Service charge refundable
- 12 Remuneration
- 13 Appointment of auditor
- 14 Authority from Governor in Council
- 15 Indemnification funds

**Part 2
Governance of Plan**

**Division 1
Producers**

- 16 General rights of producers
- 17 Producers who are individuals
- 18 Producers that are not individuals

**Division 2
Corporation**

- 19 Directors
- 20 Chairperson, etc.
- 21 Quorum

**Division 3
Directors**

- 24 Directors at large
- 25 Eligibility
- 26 Non-eligibility
- 27 Prohibition
- 28 Term of office
- 29 Limitation on terms

**Division 4
Regional Meetings**

- 30 Regional annual meetings
- 32 Notice of meeting
- 33 Quorum re regional annual meeting
- 34 Business re regional annual meeting

**Division 5
Commission Meetings**

- 35 Commission meetings
- 36 Special commission meetings
- 37 Time and place of meeting
- 38 Notice of meeting
- 39 Quorum

**Division 6
Nominations and Elections**

- 40 Nominations
- 41 Eligibility to vote
- 42 Voting
- 42.1 Mail ballot
- 43 Election of candidates
- 43.1 Election of candidates for 2014 and thereafter
- 43.2 Transitional provisions re terms of office
- 44.1 Tie votes
- 45 Election by acclamation
- 46 Vacancy

- 47 Returning officer
- 48 Duties of returning officer
- 49 Controverted election

Division 7
Regions

- 50 Number of regions
- 52 Composition of regions

Part 3
Transitional Provisions,
Repeals and Review

- 56 Review

Interpretation

1(1) In this Plan,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (a.1) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
- (a.2) “auditor” means a person registered under the *Regulated Accounting Profession Act* or a firm or partnership of those persons;
- (b) “Corporation” means the commission known as the Alberta Pork Producers’ Development Corporation;
- (c) “Council” means the Alberta Agricultural Products Marketing Council;
- (d) “Directors” means individuals who are elected or appointed, as the case may be, to serve as directors of the Corporation;
- (e) repealed AR 62/2014 s2;
- (f) repealed AR 2/2012 s2;
- (g) repealed AR 19/2013 s2;
- (g.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;

- (h) “marketing” includes buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing;
- (i) “Plan” means the Plan that is revised, amended, and continued under section 3;
- (j) “pork” means swine that has been processed;
- (k) “processing” means changing the nature, size, quality or condition of swine by mechanical means or otherwise and includes the slaughter of swine;
- (l) “processor” means any party that is engaged in the business of processing swine or that has swine processed on its behalf within the Province;
- (m) “producer” means
 - (i) a person who owns swine or intends to own swine and is engaged or intends to be engaged in the production of swine personally or for other persons;
 - (ii) a person who owns swine or intends to own swine that are produced or are intended to be produced for that person by another producer or producers;
 - (iii) a person who takes possession of swine from a producer under any security for a debt;
 - (iv) a person who under any arrangement, including a contractual arrangement, is entitled directly or indirectly to a share of swine raised by a producer or any portion of the revenue derived from the sale of the swine;
- (n) “Province” means the Province of Alberta;
- (n.1) repealed AR 62/2014 s2;
- (o) “registered producer” means a producer who
 - (i) has produced or marketed swine in the most recent 12-month period, and
 - (ii) has been assigned a producer registration number by the Corporation;
- (p) “swine” means any member of the species *Sus scrofa* that is commonly known as a domestic pig or farmed wild boar.

(2) For the purposes of this Plan and the Act as it relates to this Plan, “regulated product” means swine.

AR 219/2001 s1;199/2004;226/2005;28/2011;2/2012;
19/2013;62/2014

Designation

2 Swine are hereby designated as agricultural products for the purpose of the Act.

AR 219/2001 s2;19/2013

Part 1 General Operation of the Plan

Division 1 Plan

Continuation of Plan

3 The Alberta Hog Producers’ Marketing Plan, 1968, established under Alberta Regulation 195/68 that was amended and continued under Alberta Regulation 141/96 and Alberta Regulation 155/2001 is hereby revised, amended and continued under this Regulation with the name “Alberta Pork Producers’ 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 persons who produce or market or produce and market swine, and
- (c) for the purposes of section 9(b), (c), (d), (e), (f) and (g), to all processors.

AR 219/2001 s5;19/2013

Purposes

6(1) The purposes of this Plan are to enable the Corporation to initiate and carry out projects or programs to commence, stimulate,

increase or improve the production or marketing, or both, of swine and pork.

(2) Without limiting the generality of subsection (1), the Corporation may initiate and carry out programs

- (a) to assist, educate and inform producers, buyers and processors in developing and improving the production and marketing of swine and pork;
- (b) to expand market awareness and demand for swine and pork, including the development and promotion of markets for swine and pork and the education of consumers;
- (c) to generally develop and promote the swine and pork industry;
- (d) to advise governments on matters concerning the swine and pork industry;
- (e) to establish, maintain and operate one or more funds under sections 34 and 35 of the Act;
- (f) to conduct or support studies and research and development relating to the production, marketing and processing of swine and pork, to the quality improvement of swine and pork and to the consumption of pork;
- (g) to promote increased consumption by consumers of pork and processed pork;
- (h) to participate in Government programs;
- (i) to encourage the improvement of methods for the assembly, transportation and handling of swine and pork;
- (j) to co-ordinate and improve understanding within the swine and pork industry and between the swine and pork industry and other related industries;
- (k) to work with marketing commissions and boards and other organizations having similar objectives, including those commissions, boards and organizations as may be established in other provinces or outside Canada;
- (l) to establish or implement health, safety and quality standards for swine and pork, including the establishment or implementation of an identification and tracing system for swine produced or marketed in Alberta;

- (m) to work with others for the betterment of the Alberta swine industry;
 - (n) to use service charges and other funds of the Corporation for the purposes of the Corporation.
- (3) Neither the production nor the marketing of swine and pork, nor either of them, is to be controlled or regulated under this Plan.
- AR 219/2001 s6;199/2004;28/2011;2/2012;19/2013

Division 2

Operation of Plan by the Commission

Corporation continued

- 7(1) The commission known as the “Alberta Pork Producers’ Development Corporation” is hereby continued under this Plan as a commission known as the “Alberta Pork Producers’ Development Corporation”.
- (2) The Corporation is to operate pursuant to this Plan.

Responsibilities of the Corporation

8 The Corporation

- (a) is, subject to the Act, responsible for the operation, regulation, supervision and enforcement of this Plan;
- (b) without limiting the generality of clause (a),
 - (i) may appoint an Executive Director and may prescribe the duties and fix and provide for the remuneration of the Executive Director;
 - (ii) may allow the Executive Director to retain other employees or contractors, other than an auditor, and may allow the Executive Director to prescribe the duties and remuneration payable to those employees and contractors;
 - (iii) must open one or more deposit accounts with one or more financial institutions and may designate the officers and employees permitted to
 - (A) sign cheques and other negotiable instruments,
 - (B) transact the business of the Corporation with its financial institutions, and

- (C) generally do all things incidental to or in connection with the transaction of the business of the Corporation with its financial institutions;
- (iii.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;
- (iii.2) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation* (AR 26/99);
- (iv) must maintain such books and records, including financial records,
 - (A) as from time to time may be required under the Act, the regulations or by virtue of any order of the Council, and
 - (B) as may be determined by the Corporation;
- (v) must maintain an office in Alberta and notify each registered producer and the Council of the location of the office of the Corporation;
- (vi) subject to the Act, may issue directions governing the internal operations of the Corporation;
- (vii) must establish and implement policy for the operation of the Corporation and the implementation and operation of this Plan;
- (viii) may retain earnings and revenues from year to year to finance the purposes of the Plan.

AR 219/2001 s8;28/2011;2/2012;170/2012;19/2013

Information

8.1(1) The Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Animal Health Act* is authorized to disclose to the Corporation for use by the Corporation in carrying out its functions and duties information, including personal information as defined in the *Freedom of Information and Protection of Privacy Act*, that has been collected or used by the Minister under the *Animal Health Act* and the regulations under that Act and that relates to the administration of the Act, including

- (a) traceability, and

- (b) quarantines, orders and other matters under Parts 4 to 8 of the *Animal Health Act*.

(2) The Corporation is authorized to disclose information, including personal information as defined in the *Freedom of Information and Protection of Privacy Act*, that has been collected by or used by the Corporation under the Act and the regulations in carrying out its functions and duties and that relates to the administration of the Plan, including the information required under Schedule 2 to the *Alberta Pork Producers' Commission Regulation* (AR 285/96), to the following:

- (a) the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Animal Health Act* in respect of matters relating to swine traceability and quarantines, orders and other matters under Parts 4 to 8 of the *Animal Health Act*;
- (b) the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Traffic Safety Act* in respect of matters relating to the transportation of swine.

AR 2/2012 s5;19/2013

Regulations to operate the Plan

9 For the purpose of enabling the Corporation to operate this Plan, the Corporation may be empowered by the Council with the approval of the Minister to make regulations pursuant to section 26 of the Act

- (a) requiring producers engaged in the production or marketing, or both, of swine to register their names and addresses with the Corporation;
- (b) requiring any person who produces, markets or processes swine to furnish to the Corporation any information or record relating to the production, marketing or processing of swine that the Corporation considers necessary;
- (c)-(e) repealed AR 19/2013 s8;
- (f) 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;

- (g) requiring any person who receives any swine from a producer
 - (i) to deduct from the money payable to the producer any service charges payable by the producer to the Corporation, and
 - (ii) to forward the amount deducted to the Corporation;
- (h) providing for the use of any class of service charges or other money payable to or received by the Corporation for the purpose of paying its expenses and administering this Plan and regulations made by the Corporation;
- (i) permitting the Corporation to exercise any one or more of the powers that are vested in a co-operative association under the *Co-operative Associations Act*.

AR 219/2001 s9;199/2004;19/2013

Financing of the Plan

10 This Plan is to be financed by the charging and collection of service charges.

AR 219/2001 s10;19/2013

Service charge refundable

11 A service charge collected on or after September 1, 2010 must be refunded at the request of a producer in accordance with the *Alberta Pork Producers' Commission Regulation* (AR 285/96).

AR 219/2001 s11;62/2011;2/2012

Remuneration

12 The remuneration to be paid to the Chairperson of the Corporation and Directors may be fixed from time to time by the board of Directors.

AR 219/2001 s12;2/2012;19/2013

Appointment of auditor

13 The auditor for the Corporation is to be appointed or selected, as the case may be, from time to time in accordance with a motion passed at an annual Commission meeting or a special Commission meeting.

AR 219/2001 s13;2/2012;19/2013

Authority from Governor in Council

14 In accordance with section 50 of the Act, the Corporation may, with respect to the production or marketing, or both, of the

regulated product, be authorized to perform any function or duty and exercise any power imposed or conferred on the Corporation by or under the *Agricultural Products Marketing Act* (Canada) or the *Farm Products Agencies Act* (Canada), or both of them.

Indemnification funds

15(1) The Corporation may establish one or more funds under section 34 or 35 of the Act.

(2) In order to finance the funds, the Corporation may raise amounts in accordance with sections 34 and 35 of the Act.

Part 2 Governance of Plan

Division 1 Producers

General rights of producers

16 In accordance with and subject to this Plan, a registered producer is entitled, as a matter of right,

- (a) to attend general regional meetings and special regional meetings;
- (b) to make representations on any matter pertaining to this Plan, the Corporation and the Directors;
- (c) to vote on any matter under this Plan;
- (d) to vote in elections held under this Plan;
- (e) to hold office under this Plan;
- (f) to vote in any plebiscites of producers held under the Act in respect of this Plan.

AR 219/2001 s16;2/2012;19/2013

Producers who are individuals

17(1) Where a registered producer is an individual, that individual may, subject to this Plan, exercise the rights referred to in section 16.

(2) An individual who is eligible to vote may appoint any person as a proxy to vote on the individual's behalf if the individual appointing the proxy deposits with the returning officer at least 2

days before the day on which the vote is to be held the document under which the proxy is appointed.

(3) A person may act as a proxy for more than one individual in respect of the same vote.

(4) A person appointed as a proxy may only vote on resolutions at an annual commission meeting.

AR 219/2001 s17;62/2014

Producers that are not individuals

18(1) Where a registered producer is not an individual, that producer may, only in accordance with this section, exercise the rights referred to in section 16.

(2) A registered 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 16.

(4) If a registered 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 is to 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 the Plan unless

- (a) the individual presents a document signed by the registered producer indicating the name of the person who may vote for the producer, or

(b) the individual makes a statutory declaration stating that

(i) the individual is a representative of the registered 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 registered producer.

(9) A representative shall not vote or hold office before the representative's appointment is filed in accordance with subsection (5).

(10) A representative of an eligible producer who is eligible to vote may appoint any person as a proxy to vote on the representative's behalf if the representative appointing the proxy deposits with the returning officer at least 2 days before the day on which the vote is to be held the document under which the proxy is appointed.

(11) Notwithstanding subsection (8),

(a) a person may act as a proxy for more than one representative in respect of the same vote, and

(b) a representative of a producer may act as a proxy for more than one producer.

(12) A person appointed as a proxy may only vote on resolutions at an annual commission meeting.

AR 219/2001 s18;62/2014

Division 2 Corporation

Directors

19 The Corporation consists of 8 Directors.

AR 219/2001 s19;2/2012;62/2014

Chairperson, etc.

20(1) The Directors are to elect from among themselves

- (a) a registered producer to be the chairperson of the Corporation, and
- (b) a registered producer to be the vice-chairperson of the Corporation.

(2) The election of the chairperson and vice-chairperson is to take place at the first meeting of the Directors held after the elections for all the Directors have been concluded.

(3) The chairperson and vice-chairperson serve at the pleasure of the Directors.

Quorum

21 A quorum for a meeting of the Directors is not fewer than 5 Directors.

Division 3 Directors

22 Repealed AR 62/2014 s6.

23 Repealed AR 19/2013 s14.

Directors at large

24 The registered producers for all the regions are entitled to elect, in accordance with this Plan, 8 Directors to represent the registered producers in general.

AR 219/2001 s24;2/2012;62/2014

Eligibility

25 In order to be elected to serve as a Director, a person must be an individual who is

- (a) a registered producer, or
- (b) appointed as a representative of a registered producer under section 18.

AR 219/2001 s25;199/2004;2/2012;19/2013;62/2014

Non-eligibility

26(1) A person is not eligible to be a Director if that person

- (a) as of the date of the election is less than 18 years of age;

- (b) is a represented adult as defined in the *Adult Guardianship and Trusteeship Act* or is the subject of a certificate of incapacity in effect under the *Trustee Act*;
- (c) is a formal patient as defined in the *Mental Health Act*;
- (d) has been found to be a person of unsound mind by a court elsewhere than in Alberta;
- (e) has the status of a bankrupt;
- (f) is not a resident of Alberta;
- (g) in the case of an individual who is a registered producer, that individual ceases to be a registered producer;
- (h) in the case of an individual who is the representative of a registered producer that is not an individual,
 - (i) that individual ceases to be the representative of the registered producer, or
 - (ii) the registered producer for which that individual is a representative ceases to be a registered producer;
- (i) in the case of an individual who is a registered producer, that individual has failed to pay any service charge payable to the Corporation in respect of any swine marketed by that registered producer during that individual's term of office as a Director;
- (j) in the case of an individual who is the representative of a registered producer that is not an individual, the registered producer has failed to pay any service charge payable to the Corporation in respect of any swine marketed by that registered producer during that individual's term of office as a Director.

(2) A Director who is no longer eligible under subsection (1) to hold office as a Director is deemed to have resigned from that office at the time that the ineligibility arose.

AR 219/2001 s26;2/2012;19/2013

Prohibition

27(1) Repealed AR 19/2013 s17.

(2) Where a registered producer is not an individual, that registered producer is not eligible to nominate more than one person to be its representative as a candidate for election under this Plan.

(3) Repealed AR 19/2013 s17.

AR 219/2001 s27;19/2013

Term of office

28 Subject to section 43.1, the term of office of a Director is 3 years.

AR 219/2001 s28;194/2010;19/2013

Limitation on terms

29(1) No person may be elected to serve more than 2 consecutive terms as a Director.

(2) Repealed AR 19/2013 s19.

(3) For the purposes of this section, any portion of a term of office served by a person as a Director appointed under section 46 or 49(5) or (6) and that is one year or less in duration is not to be considered as a term of office.

AR 219/2001 s29;194/2010;19/2013

Division 4 Regional Meetings

Regional annual meetings

30(1) The Corporation must in each year designate the date, time and place for at least one regional meetings within each region.

(2) If more than one regional meeting is held pursuant to subsection (1), the combination of the meetings held constitutes the regional annual meeting.

(3) A regional annual meeting for a region must be commenced within 15 months from the conclusion of the last regional annual meeting for that region.

AR 219/2001 s30;2/2012;62/2014

31 Repealed AR 62/2014 s10.

Notice of meeting

32(1) Notice of a meeting called pursuant to this Division must be given by the Corporation at least 14 days prior to the day proposed for the meeting.

(2) A notice given under subsection (1) must be sent to each registered producer

- (a) by mail to the registered producer's last address as shown in the records of the Corporation, or
- (b) by e-mail to the registered producer's last e-mail address as shown in the records of the Corporation.

AR 219/2001 s32;62/2014

Quorum re regional annual meeting

33 The quorum for any one of the regional meetings that constitute a regional annual meeting or for any regional annual meeting that consists of one meeting is not fewer than 6 registered producers.

AR 219/2001 s33;2/2012;62/2014

Business re regional annual meeting

34 The registered producers attending a regional annual meeting of registered producers are to do the following:

- (a) in a year in which an election is to be held, vote in the election for Directors;
- (b) repealed AR 62/2014 s13;
- (c) repealed AR 19/2013 s21;
- (d) receive a report from the Directors as to the operations and activities of the Corporation;
- (e) receive a certified copy of the auditor's report concerning the operations of the Corporation for the preceding year;
- (f) consider such other matters not referred to in clauses (a) to (e), as the Corporation or those attending the regional annual meeting may deem advisable.

AR 219/2001 s34;226/2005;2/2012;19/2013;62/2014

Division 5 Commission Meetings

Commission meetings

35(1) In each year there must be an annual commission meeting of all the registered producers in Alberta.

(2) The annual commission meeting of the registered producers must be held not later than 15 months following the date of the conclusion of the last annual commission meeting of the registered producers.

AR 219/2001 s35;2/2012;19/2013

Special commission meetings**36(1)** Special commission meetings

- (a) may be called by the Corporation at any time, and
- (b) must be called by the Corporation on
 - (i) the written request of the Council, or
 - (ii) the written request of not less than 10% of the registered producers.

(2) Repealed AR 19/2013 s24.

AR 219/2001 s36;2/2012;19/2013

Time and place of meeting

37 The date, time and place of any meeting held pursuant to this Division is to be fixed by the Corporation.

Notice of meeting

38 The Commission shall notify the eligible producers of the annual or special commission meeting at least 14 days before that meeting is to be held specifying the date, time and place of the meeting.

AR 219/2001 s38;2/2012;19/2013

Quorum

39 The quorum for an annual or a special commission meeting of the registered producers is 20 registered producers.

AR 219/2001 s39;226/2005;2/2012;19/2013

Division 6 Nominations and Elections

Nominations**40(1)** Repealed AR 62/2014 s14.

(2) Where, at a regional annual meeting of registered producers, an election is to be conducted of registered producers to elect Directors, nominations of candidates for those positions are to be made in writing and delivered to the returning officer prior to the commencement of the first of any of the regional annual meetings at which voting is to take place in respect of that election.

(3) Repealed AR 19/2013 s27.

(4) Where the Corporation provides forms for the purposes of nominations, the nominations must be made in writing on those forms.

(5) Repealed AR 62/2014 s14.

(6) Any person who is eligible to serve as a Director may be nominated for election as a Director if

- (a) the person resides within any one of the regions, and
- (b) the person has consented to the nomination.

(7) The nomination of a candidate for election may be made by any person who is a registered producer or the representative of a registered producer.

AR 219/2001 s40;226/2005;2/2012;19/2013;62/2014

Eligibility to vote

41(1) Subject to this section and section 42, any producer is entitled to vote in any election for a Director if the producer

- (a) is a registered producer, and
- (b) has not voted at a previous regional meeting within the region during the current election.

(2) Where a registered producer

- (a) does not reside within the region in which the producer wishes to vote for a Director, but
- (b) resides in an area or region that is adjacent to the region in which the registered producer wishes to vote,

the producer may apply in writing to the Corporation, not less than 10 days prior to the day of the election in which the producer desires to cast a ballot, to be registered for the purposes of voting in that adjacent region.

(3) On receipt of the written approval of the Corporation of an application made under subsection (2), the producer is, subject to subsections (4) and (5), eligible

- (a) to vote in the adjacent region in any election held subsequent to the approval being received by the producer, and
- (b) during the time that the producer is eligible to vote in that adjacent region, to nominate persons to hold office.

(4) Where a registered producer has received approval pursuant to subsection (3) to vote in a region in which the producer does not reside, the producer may for a future election apply in writing to the Corporation to change and once more be registered for the purposes of voting in the region in which the producer resides.

(5) Notwithstanding that a producer has been approved pursuant to an application made under subsection (4) to once more in future elections be eligible to vote in the region in which the producer resides, the producer, in respect of the election that is next held following the granting of that approval,

- (a) is not eligible to vote in the region in which the producer resides, but
- (b) remains eligible to vote in the region referred to in subsection (3).

(6) Notwithstanding anything in this section, a producer may not in any election vote or be eligible to vote in more than one region.

AR 219/2001 s41;2/2012;19/2013;62/2014

Voting

42(1) Voting for the election of Directors is to occur in accordance with subsection (2.1) at each regional annual meeting and is to be by secret ballot.

(2) Subject to section 43.1, at each regional annual meeting, each registered producer, on presenting the producer registration card, is to receive one ballot for the purpose of voting for

- (a) repealed AR 62/2014 s16,
- (b) the candidates for the positions of Director.

(2.1) A registered producer may vote either

- (a) by mail ballot, or
- (b) in person,

but not by both methods.

(3) There is to be only one vote per producer registration number in respect of each position being voted on.

(4) A registered producer is entitled to not more than one vote on each matter notwithstanding that the registered producer may

- (a) have been assigned more than one producer registration number, or

- (b) manage, operate, own, lease or hold equity in more than one farm unit.

(5) A registered producer is entitled to vote in not more than one region, notwithstanding that the registered producer may have separately registered premises in more than one region.

(6) Where the registered producer is not an individual, the representative of the registered producer is entitled to vote on behalf of the registered producer.

(7) Notwithstanding section 18(6) to (9), possession by an individual of the producer registration card that is issued for a registered producer that is not an individual is considered as proof of proper designation of the individual as a representative of the registered producer.

(8) Where

- (a) the name of a producer who is eligible to vote does not appear on the voters list, or
- (b) the producer is not able to present the producer registration card issued to the producer by the Corporation,

or both, the producer is nevertheless entitled to vote if the producer signs a declaration stating that

- (c) the producer
 - (i) is a registered producer, or
 - (ii) in the case of an unregistered producer, has completed an application for producer registration,
- (d) the producer,
 - (i) subject to section 41, resides in the region in which the producer desires to vote,
 - (ii) has paid the service charges payable to the Corporation in respect of swine marketed in the most recent 12-month period, and
 - (iii) has not previously voted in the election in the region or in any other region,

and

- (e) the producer has not previously received a ballot in respect of the election.

AR 219/2001 s42;199/2004;226/2005;194/2010;2/2012;
19/2013;62/2014

Mail ballot

42.1(1) A mail ballot must be made available to each registered producer by being mailed to the registered producer at least 30 days prior to the ballot closing date for the last regional annual meeting at which the vote will be conducted.

- (2) The ballot closing date must be

- (a) set by the Commission, and
- (b) not more than 5 business days prior to the date of the last regional annual meeting at which the vote will be conducted.

AR 2/2012 s21;62/2014

Election of candidates

43(1) Subject to this Plan, in an election for Directors, the candidates receiving the largest number of votes are to be declared elected.

- (2) The counting of ballots is to take place after the conclusion of the last of all of the regions' annual meetings at which voting was conducted in respect of that election.

AR 219/2001 s43;226/2005;194/2010;2/2012;19/2013;
62/2014

Election of candidates for 2014 and thereafter

43.1 The Corporation must hold elections during the regional annual meetings for the year 2014 and thereafter as follows:

- (a) all regions must participate in the election of 2 Directors at the 2014 regional annual meeting and every 3rd year thereafter;
- (b) all regions must participate in the election of 4 Directors at the 2015 regional annual meeting and every 3rd year thereafter;
- (c) all regions must participate in the election of 2 Directors at the 2016 regional annual meeting and every 3rd year thereafter.

AR 194/2010 s7;2/2012;19/2013;62/2014

Transitional provisions re terms of office

43.2(1) Repealed AR 62/2014 s20.

(2) The unexpired term of office of a Director of Region No. 2 elected in 2011 expires on the day before the regional annual meeting in 2014.

(3), (4) Repealed AR 62/2014 s20.

(4) The unexpired term of office of a Director at large elected prior to or in 2009 expires on the day before the last regional annual meeting in 2012.

AR 194/2010 s7;2/2012;19/2013;62/2014

44 Repealed AR 62/2014 s21.

Tie votes

44.1 If there occurs a tie vote for the position of director, the returning officer or deputy returning officer must immediately select by a draw, drawn from the names of all the tied candidates, the name of the candidate to fill the position and the person whose name is drawn is deemed to have been elected to that position.

AR 337/2003 s2;19/2013;62/2014

Election by acclamation

45 Where only the number of registered producers required to be elected as Directors have been nominated for the positions of Directors, the chief returning officer is to declare the persons nominated as being elected by acclamation.

AR 219/2001 s45;226/2005;2/2012;19/2013;62/2014

Vacancy

46 Where the position of a Director becomes vacant, or where the regions fail to elect a Director the other Directors of the Corporation, with the approval of Council, may appoint to the vacant position a registered producer who is eligible to hold that position and that registered producer holds that position until the expiration of the remaining portion of the term of office of the vacant position.

AR 219/2001 s46;226/2005;2/2012;19/2013;62/2014

Returning officer

47 The Executive Director of the Corporation, or the designate of the Executive Director, is the returning officer and responsible for all administrative procedures relating to the conduct of elections.

AR 219/2001 s47;2/2012

Duties of returning officer

48(1) The returning officer is to prepare and distribute to each region a list of eligible voters for that region, and that list must contain

- (a) the names of the eligible voters,
- (b) their addresses, and
- (c) their producer registration numbers.

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

AR 219/2001 s48;226/2005;2/2012

Controverted election

49(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 the 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 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 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 voided election was held.

(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 meeting be held and an election be conducted to fill the vacant position, or
- (b) direct that a registered producer be appointed to the position under section 46.

(6) Where a person fills a position under subsection (5), the person is to serve for the unexpired portion of the term.

Division 7 Regions

Number of regions

50 For the purposes of this Plan, Alberta is divided into 3 regions as set out in section 52.

AR 219/2001 s50;226/2005;2/2012

51 Repealed AR 19/2013 s37.

Composition of regions

52(1) Region No. 1, to be known as the “South Region”, consists of that land included in the following:

- (a) Cardston County;
- (b) Municipal District of Pincher Creek No. 9;
- (c) Municipal District of Ranchland No. 66;
- (d) Municipal District of Taber;
- (e) Vulcan County;
- (f) County of Warner No. 5;
- (g) Municipal District of Willow Creek No. 26;
- (h) Improvement District No. 4 (Waterton);
- (i) County of Lethbridge;
- (j) Municipal District of Acadia No. 34;
- (k) Cypress County;
- (l) County of Forty Mile No. 8;
- (m) County of Newell No. 4;
- (n) County of Paintearth No. 18;
- (o) County of Stettler No. 6;
- (p) Special Area No. 2;
- (q) Special Area No. 3;
- (r) Special Area No. 4;
- (s) Starland County;
- (t) Town of Drumheller;
- (u) any urban area that is totally surrounded by one or a combination of 2 or more of the municipalities referred to in clauses (a) to (s).

(2) Region No. 2, to be known as the “Central Region”, consists of that land included in the following:

- (a) Municipal District of Bighorn No. 8;
- (b) Municipal District of Foothills No. 31;
- (c) Kneehill County;

- (d) Mountain View County;
- (e) Municipal District of Rocky View No. 44;
- (f) Wheatland County;
- (g) Kananaskis Improvement District;
- (h) Improvement District No. 9 (Banff);
- (i) Municipal District of Brazeau No. 77;
- (j) Clearwater County;
- (k) Lacombe County;
- (l) Leduc County;
- (m) Red Deer County;
- (n) Ponoka County;
- (o) County of Wetaskiwin No. 10;
- (p) any urban area that is totally surrounded by one or a combination of 2 or more of the municipalities referred to in clauses (a) to (o).

(3) Region No. 3, to be known as the “North Region”, consists of that land included in the following:

- (a) County of Athabasca No. 12;
- (b) Beaver County;
- (c) County of Camrose No. 22;
- (d) Flagstaff County;
- (e) Lamont County;
- (f) County of Minburn No. 27;
- (g) Municipal District of Provost No. 52;
- (h) Smoky Lake County;
- (i) Strathcona County;
- (j) County of St. Paul No. 19;
- (k) County of Thorhild No. 7;

- (l) County of Two Hills No. 21;
- (m) County of Vermilion River No. 24;
- (n) Municipal District of Bonnyville No. 87;
- (o) Municipal District of Wainwright No. 61;
- (p) Regional Municipality of Wood Buffalo;
- (q) Lakeland County;
- (r) Improvement District No. 5 (Elk Island);
- (s) Improvement District No. 24 (Wood Buffalo);
- (t) County of Barrhead No. 11;
- (u) Municipal District of Big Lakes;
- (v) Birch Hills County;
- (w) Municipal District of Clear Hills No. 21;
- (x) Municipal District of East Peace No. 131;
- (y) Municipal District of Fairview No. 136;
- (z) County of Grande Prairie No. 1;
- (aa) Municipal District of Greenview No. 16;
- (bb) Lac Ste. Anne County;
- (cc) Municipal District of Lesser Slave River No. 124;
- (dd) Municipal District of Northern Lights No. 22;
- (ee) Municipal District of Mackenzie No. 23;
- (ff) Municipal District of Opportunity No. 17;
- (gg) Parkland County;
- (hh) Municipal District of Peace No. 135;
- (ii) Saddle Hills County;
- (jj) Municipal District of Smokey River No. 130;
- (kk) Municipal District of Spirit River No. 133;
- (ll) Sturgeon County;

- (mm) Westlock County;
- (nn) Woodlands County;
- (oo) Yellowhead County;
- (pp) Improvement District No. 12 (Jasper);
- (qq) Improvement District No. 25 (Willmore Wilderness);
- (rr) any urban area that is totally surrounded by one or a combination of 2 or more of the municipalities referred to in clauses (a) to (qq).

AR 219/2001 s52;226/2005;2/2012

Part 3

Transitional Provisions, Repeals and Review

53 to 55 Repealed AR 2/2012 s29.

Review

56 In compliance with the on-going regulatory review initiative, this Regulation must be reviewed on or before September 30, 2017.

AR 219/2001 s56;226/2005;2/2012



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