



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CATTLE MARKETING BOARD REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to March 18, 2017. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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CATTLE MARKETING BOARD REGULATIONS

Chapter N-3

CATTLE MARKETING BOARD REGULATIONS

Pursuant to subsection 4(2) of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following regulations:

1. Definitions

- (1) In these regulations
- (a) “**Act**” means the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3;
 - (b) “**Association**” means the Prince Edward Island Cattlemen’s Association Inc.;
 - (c) “**Board**” means the Prince Edward Island Cattle Producers constituted under section 2;
 - (d) “**cattle**” means any member of the species *Bos taurus*;
 - (e) “**marketing**” means the promotion, control and regulation of the buying, selling, shipping for sale, storage and transportation of cattle in the province in accordance with these regulations;
 - (f) “**marketing plan**” means any plan established by the Board for the marketing of cattle;
 - (g) “**producer**” means a natural person, partnership, corporation, cooperative or business group engaged in raising or producing cattle;
 - (h) “**registered producer**” means a producer registered by the Board under subsection 17(2).

Board definitions

- (2) The Board may define any term used in a Board order if the term is not defined in the t or these regulations. (EC19/07)

2. Commodity board established

- (1) The Prince Edward Island Cattle Producers
- (a) is constituted as a commodity board under subsection 4(2) of the t to administer the marketing and regulation of cattle in the province; and
 - (b) shall represent and protect the interests of the province’s producers at the provincial and national levels.

Registered producers

- (2) Every producer who, immediately before this section comes into force, is a member of the Association, is deemed, on the date this section comes into force, to be a registered producer for a period of six months from such date, unless the producer ceases to be a registered producer under these regulations. (EC19/07)

3. Initial members of Board

- (1) Notwithstanding subsections 4(1) and (2), the initial members of the Board shall be the persons who are members of the board of directors of the Prince Edward Island Cattlemen's Association Inc. on the date these regulations come into force.

Chairperson

- (2) The chairperson of the Board shall be the member who is the president of the Association.

First meeting of Board

- (3) The first meeting of the Board shall be held within 30 days of the date these regulations come into force.

Officers, employees

- (4) At its first meeting the Board shall
- (a) elect from its members a vice-chairperson and a secretary of the Board; and
 - (b) appoint a treasurer and other officers and employees as the Board considers necessary for a period not exceeding 15 months.

2007 election

- (5) The Board shall
- (a) call an election for all members for the Fall of 2007; and
 - (b) publish a notice of election in accordance with clause 19(2)(a). (EC19/07)

4. Membership of Board

- (1) The Board shall be composed of six members who are registered producers that are elected by registered producers in accordance with these regulations.

Idem

- (2) The Board shall be composed of the following members:
- (a) one member who resides in Prince County;
 - (b) one member who resides in Queens County;
 - (c) one member who resides in Kings County; and
 - (d) three members at large who reside in any county of the province.

Past chairperson as member

- (2.1) A currently registered producer who has served as chairperson of the Board and is not currently serving as a member may be nominated by the members of the Board to serve as past chairperson on the Board.

Revocation

- (2.2) The nomination of a past chairperson may be revoked by the members of the Board.



Term of office

- (3) The members of the Board shall be elected for a term of three years and newly elected members shall assume office at the first meeting of the Board in March of each year.

Term of past chairperson

- (3.1) The past chairperson may serve for a maximum term of three years and may be *re*-nominated for additional terms.

Idem

- (3.2) Subsection 18(2) does not apply to the past chairperson.

First meeting

- (4) At the first meeting of the first Board in March of 2008 and at every meeting in March thereafter, the Board shall, from its members
- (a) elect a chairperson and vice-chairperson; and
 - (b) appoint a secretary and a treasurer, who may be the same person.

Term of executive

- (5) The persons elected and appointed under subsection (4) shall hold office until they are
- (a) replaced under subsection 7(1); or
 - (b) no longer members of the Board.

Idem

- (6) Notwithstanding subsection (3), the following terms of office apply to members elected at the first election held under these regulations:
- (a) the members elected under clauses (2)(a), (b) and (c) shall serve as members for one, two and three year terms respectively;
 - (b) the members elected under clause (2)(d) shall serve for one, two and three year terms as determined by the resolution of the Board at its first meeting. (*EC19/07; 145/17*)

5. Head office

- (1) The Board shall maintain a head office in the province.

Seal, signatures

- (2) The Board shall adopt a common seal, the use of which shall be authenticated by the signature of the chairperson and secretary or other persons as the Board may authorize by resolution.

Rules of procedure

- (3) The Board may make rules governing the calling and conduct of its meetings, the procedures for the transaction of its business and the management of its affairs.

Board policies

- (4) The Board shall, after consultation with the province's producers, create policies respecting the roles and responsibilities of the Board and its committees, including a process to be followed by the Board for responding to resolutions passed at annual or special meetings held by producers.

Fiscal year

- (5) The fiscal year of the Board shall commence on October 1 of each year and end on September 30 of the following year.

Books of account

- (6) The Board shall keep books of account, in accordance with generally accepted accounting principles, which shall be audited for each fiscal year by an auditor approved by the Board.

Annual meeting

- (7) The Board shall call an annual meeting of producers, which shall be held within four months of the end of the Board's fiscal year.

Financial statement and report at annual meeting

- (8) A copy of the audited financial statement accompanied by a report of the operations of the Board shall be presented to the producers at the annual meeting.

Information to be filed with the Council

- (9) The Board shall file with the Council a certified copy
- (a) of the audited financial statement of the Board accompanied by the report of operations of the Board within 120 days of the close of the Board's fiscal year; and
 - (b) of all minutes, orders, appointments, agreements, awards, reports, resolutions and rules of the Board within seven business days of the Board's making or approval of them. (EC19/07)

6. Committees

- (1) The Board may appoint such committees as the Board considers necessary to advise or assist the Board in its work.

Appointments

- (2) The term of a member of a committee shall be for one year and a member of a committee may be *re*-appointed to the same or to a different committee.

May include non-members

- (3) A committee appointed under subsection (1) may be comprised of Board members and any other person.

No delegation

- (4) The Board shall not delegate any of its powers to a committee established under these regulations.

Remuneration

- (5) Subject to the approval of the Council, the Board may pay remuneration to members of the Board as a *per diem* allowance in such amount as the Board may determine.

Travel and other expenses

- (6) The Board may reimburse its members for travel or other expenses that the Board considers to be properly incurred by them in connection with the business of the Board.



Special remuneration

- (7) The Board may, by resolution, award special remuneration to any member of the Board who undertakes any special services on behalf of the Board. *(EC19/07)*

7. Board elects officers

- (1) Not later than March 15 of each year, the Board shall, from its members,
- (a) elect a chairperson and a vice-chairperson; and
 - (b) appoint a secretary and a treasurer.

Secretary, treasurer

- (2) The same person may be both secretary and treasurer of the Board.

Appointment of officers and employees

- (3) The Board may appoint such officers and employees as the Board considers necessary to perform such duties as the Board may specify. *(EC19/07)*

8. Chairperson

- (1) The chairperson of the Board may vote on all motions and shall
- (a) call meetings and designate the time and place for the meetings;
 - (b) act as chairperson at meetings at which he or she is present; and
 - (c) be a signing officer of the Board.

Vice-chairperson

- (2) The vice-chairperson of the Board shall perform all of the duties and functions of the chairperson,
- (a) in the chairperson's absence;
 - (b) where the chairperson's office is vacant; and
 - (c) in the event of the chairperson's inability or refusal to act.

Duties of secretary

- (3) Under the direction of the Board, the duties of the secretary of the Board are
- (a) to attend to the meetings of the Board, the minutes of meetings, correspondence and other administrative functions of the Board;
 - (b) to maintain a register of registered producers in which the secretary shall record the names of all registered producers; and
 - (c) to perform such other duties as may be assigned from time to time by the Board.

Duties of treasurer

- (4) Under the direction of the Board, the duties of the treasurer are
- (a) to provide for the deposit of money, the safekeeping of securities and the disbursement of funds of the Board;
 - (b) to keep full and accurate books of account in which shall be recorded all receipts and disbursements of the funds of the Board;
 - (c) to prepare reports showing the financial position of the Board as the Board may direct; and

- (d) to perform such other duties as may be assigned from time to time by the Board.
(*EC19/07*)

9. Duties of members

- (1) The members of the Board shall
- (a) act in the best interests of the industry in the province; and
 - (b) subject to clause (a), represent the producers.

Duties of past chairperson

- (1.1) The duties of a member of the Board set out in subsection (1) apply to the past chairperson, and the past chairperson may vote on all motions except a motion in respect of the past chairperson's nomination or a revocation of the nomination.

Office held until replacement

- (2) A member of the Board shall hold office until a replacement is elected or appointed.

Office may be declared vacant

- (3) The Board may declare vacant the office of any member who has been convicted of an indictable offence, has resigned or become ineligible or has failed to attend three consecutive meetings of the Board without reasonable cause.

Filling vacancy

- (4) Where a vacancy is declared under subsection (3),
- (a) the Board shall hold an election to fill the vacancy if two or more producers express an interest in filling the vacancy within thirty days of the declaration of the vacancy; or
 - (b) the Council may appoint a member if clause (a) does not apply. (*EC19/07; 145/17*)

10. Assistant to Board officer

- (1) The powers and duties of an officer of the Board may be exercised and performed by an assistant to the officer appointed by the Board.

Board may add to or limit powers and duties

- (2) The Board may add to or limit the powers and duties of an officer of the Board or the officer's assistant. (*EC19/07*)

11. Meetings called by chairperson

- (1) The chairperson of the Board shall call meetings of the Board by directing the secretary to give 10 business days notice of the meeting to the members.

Notice of meeting

- (2) A notice of meeting under subsection (1)
- (a) shall include the date, time and location of the meeting; and
 - (b) may be given orally or by mail to each of the members of the Board.

Notice may be waived

- (3) All of the members of the Board may waive a notice of meeting either before or after the meeting is held.



Deemed receipt of mailed notice

- (4) Notice by mail shall be
 - (a) sent to the member's latest known address as recorded in the books of the Board; and
 - (b) deemed to be received by the member four business days after mailing.

Quorum

- (5) A majority of the members of the Board constitutes a quorum of the Board.

Secretary's absence

- (6) Where the secretary is absent from a meeting the Board may appoint a secretary for the purpose of that meeting. *(EC19/07)*

12. Meetings in each county

- (1) The Board shall hold such meetings as it considers necessary and the Board shall ensure that in each year at least two meetings of producers are held in each county, as follows:
 - (a) one meeting in each county shall be held not sooner than 2 months and not later than 5 months after the annual meeting of producers;
 - (b) one meeting in each county shall be held not sooner than 7 months and not later than 10 months after the annual meeting of producers.

Member representing county

- (2) The quorum for a meeting held in any county shall include the member representing that county.

Record of minutes

- (3) The secretary shall circulate the minutes prior to or at the next meeting of the Board and the Board shall confirm or clarify the minutes at that meeting. *(EC19/07)*

13. Special meeting

- (1) Where the Board receives a petition or request signed by at least ten percent of the producers requesting that a special meeting of producers be held for the discussion of matters respecting the application of these regulations or the operation of the Board, the Board shall give notice of a special meeting of producers within thirty days of the receipt of such a petition or request.

Contents of notice

- (2) A notice of a special meeting given under subsection (1) shall
 - (a) include a statement of the matters to be discussed; and
 - (b) be mailed or published at least two weeks prior to the date of such meeting.

Meeting restricted to matters in notice

- (3) The Board shall allow only those matters contained in the notice under subsection (2) to be brought before the meeting.

Board not bound by meeting

- (4) The Board shall not be bound by a decision arising from a special or annual meeting of producers under this section. *(EC19/07)*

14. Order related to money

- (1) An order passed by the Board respecting
- (a) the borrowing of money on the credit of the Board;
 - (b) the issuing, selling or pledging securities of the Board;
 - (c) the charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the Board, including book debts and unpaid calls, rights, powers, franchises and undertakings; or
 - (d) the negotiating for any securities or any money borrowed, or other debt, or any other obligation or liability of the Board,
- shall state the purpose for using the money, or incurring the debt or liability.

Ratification of order

- (2) An order referred to in subsection (1) is not effective unless
- (a) the order is passed at a meeting of the Board called for the purpose of considering the order; and
 - (b) not less than two-thirds of the total Board members are present and vote in favour of the order. *(EC19/07)*

15. Bond

- (1) The Board may require the treasurer and such other officers or employees of the Board as the Board considers advisable to provide a bond
- (a) in such form and with such security as the Board may approve; and
 - (b) for the faithful discharge of the duties of treasurer, officer or employee of the Board.

Board pays cost of bond

- (2) The Board shall pay the cost of any bond required under subsection (1). *(EC19/07)*

16. Investments

The Board shall not invest any surplus funds of the Board other than in investment certificates of a chartered bank, trust company, credit union, or the provincial or federal treasury. *(EC19/07)*

17. Register

- (1) The Board shall establish and maintain a current Register, listing by county, the producers who are registered under subsection (2).

Registration

- (2) Where a producer applies to the Board for registration, the Board shall register the producer if the producer establishes to the satisfaction of the Board that,
- (a) the producer bought or sold cattle during the current fiscal year of the Board; and
 - (b) in the case of a producer who is a natural person, the producer is at least 18 years of age.

Updating register

- (3) The secretary of the Board shall update the register
- (a) at least 90 days prior to any vote to be held under these regulations; and



- (b) as often as the Board considers necessary.

Inspection of register

- (4) The Board shall make the Register available for inspection by producers without charge at all times during the normal business hours of the Board.

Designation of individual to act

- (5) A producer, other than a natural person, shall be registered in the corporate or firm name of such producer and all of the rights, privileges, and responsibilities of such registered producer shall be exercised by an individual designated by the registered producer by notice in writing to the Board.

Removal from register

- (6) The Board may remove from the register any producer who does not meet the criteria set out in subsection (2) by giving thirty days notice in writing mailed to the last known address of such producer.

Appeal or removal from register

- (7) A producer may appeal the removal of his or her name from the register to the Board and the producer's name shall remain on the register until the appeal is heard.

Idem

- (8) An appeal under subsection (7) shall be heard in accordance with the Appeals Procedure Regulations made under the t. (EC19/07)

18. Qualification of Board member

- (1) An individual is eligible to be elected as a member of the Board or to vote for a member of the Board, if the individual
- (a) is a registered producer or has been designated by a registered producer pursuant to subsection 17(5);
 - (b) is a resident of the county for which the election will be held; and
 - (c) has been a resident of the province for not less than six months prior to the date of the election.

Consecutive terms

- (2) If a registered producer has served two consecutive full terms as a member of the Board, the registered producer shall not be eligible for *re*-election to the Board until the expiry of one full year after the completion of his or her second term as a member of the Board. (EC19/07)

19. Returning officer

- (1) The Board shall appoint a returning officer to conduct elections for the members of the Board.

Notice of election

- (2) The returning officer shall
- (a) ensure that a notice of the election is published, not later than the second Saturday of October, in at least two daily or weekly newspapers in circulation in each of the counties of the province; and

- (b) provide a nomination form to each registered producer who requests a nomination form.

Nominations

- (3) A nomination for a Board member shall
 - (a) be in writing on a form approved by the Board;
 - (b) be signed by at least five registered producers; and
 - (c) be postmarked or received by the returning officer not later than October 31 of the election year.

Acceptance of nomination

- (4) Acceptance of a nomination by the nominee shall be by notice in writing from the nominee to the returning officer and the notice of acceptance shall accompany the nomination.

No nomination received

- (5) If no nomination is received for a position on the Board for which an election is being held,
 - (a) the incumbent shall be declared to be elected; or
 - (b) if the incumbent has served two consecutive terms on the Board or is unable or unwilling to serve, the Council shall appoint another registered producer.

More than one nomination

- (6) If only one nomination is received for a position on the Board for which an election is being held, the nominee shall be declared to be elected.

Register closes for election

- (7) For the purpose of conducting an election, the register of producers shall be closed during the month of October of each year. *(EC19/07)*

20. Mail-in ballots

- (1) The returning officer shall cause mail-in ballots, containing a list of candidates for membership on the Board, to be sent to registered producers not later than November 15 of each year.

Election not invalidated

- (2) If a registered producer fails to receive a ballot such failure shall not invalidate an election.

Counterfoil

- (3) The returning officer shall ensure that the registered producer's name and registration number are recorded on the counterfoil of the ballot sent to the registered producer.

Scrutineers

- (4) Each candidate in an election is entitled to appoint one scrutineer to represent the candidate at the opening and counting of the ballots.

Deadline for receipt of ballots

- (5) Each registered producer who votes shall return the ballot to the returning officer by mail or hand delivery, with the counterfoil intact.



Counting ballots

- (6) The returning officer shall set a date during the month of December for counting the ballots for the election. *(EC19/07)*

21. Witnesses

- (1) The returning officer may appoint any persons necessary to witness the opening and counting of the ballots.

Idem

- (2) The Council may appoint a witness to represent the Council at the opening and counting of the ballots.

Counting not invalidated

- (3) The failure of a person appointed under subsection (1) and (2), or subsection 20(4) to witness the counting of the ballots shall not invalidate an election.

Ballots to be counted

- (4) The returning officer may count a ballot only if
- (a) the ballot is received by hand delivery, or postmarked, not later than November 30 of the election year;
 - (b) the registered producer's name and registration number are recorded on the counterfoil; and
 - (c) the returning officer removes the counterfoil before the ballot is placed in the ballot box.

In presence of appointed persons

- (5) The returning officer shall open and count the ballots in the presence of the persons appointed under subsections (1) and (2), and subsection 20(4).

Report of count

- (6) The returning officer shall file with the Council and the Board, a complete report of the results of the counting of the ballots, bearing the signatures of those present at the counting of the ballots.

Majority vote

- (7) The returning officer shall declare the candidate receiving the greatest number of votes for each vacancy to be elected as a member of the Board.

Tied vote

- (8) Where two or more candidates for election receive an equal number of votes, the returning officer shall cast a ballot for one of the candidates to complete the election and the returning officer shall declare that person to be elected as a member of the Board. *(EC19/07)*

22. Defect or irregularity

Notwithstanding any defect or irregularity in the appointment, election or qualifications of any member, the actions of the Board are as valid as if the Board and every member were duly qualified and had been duly appointed or elected. *(EC19/07)*

23. Limitation of action

- (1) No action shall be brought against any person who acts or purports to act in good faith under the authority of the t, these regulations or a Board order.

Indemnification

- (2) Every member or officer of the Board and his or her heirs, executors, administrators or assigns shall be indemnified and saved harmless out of the funds of the Board, from and against all costs, charges and expenses whatsoever that such member or officer sustains or incurs in or about any action, suit or proceeding brought, commenced or prosecuted against him or her, for or in respect of any act, deed, matter or thing made, done or permitted by him or her, in or about the execution of the duties of his or her office. (EC19/07)

24. Compliance with Act, etc.

No person shall market, purchase, store or transport cattle in any manner contrary to the t, these regulations, or Board orders. (EC19/07)

25. Regulations

- (1) The Lieutenant Governor in Council hereby vests in the Board the powers necessary to enable the Board to make orders in respect of the following:
- (a) respecting persons who buy, sell, store, ship for sale or transport cattle, to require such persons
 - (i) to register with the Board,
 - (ii) to provide full information related to any aspect of the buying, selling, storing, shipping for sale or storage of cattle and transportation of cattle from all persons engaged therein;
 - (iii) to make periodic returns as required by the order,
 - (iv) to provide proof of financial responsibility,
 - (b) establishing price stabilization programs and to fix and collect from producers, fees and levies to be used for services rendered or to be rendered to establish a price stabilization program and for the general purposes of orderly buying, selling, storing, and shipping for sale or storage of cattle and transportation of cattle;
 - (c) fixing and collecting from the persons described in clause (a), fees and levies for services rendered or to be rendered by the Board;
 - (d) exempting from any order of the Board any class of persons described in clause (a) or any class, variety, or grade of cattle as described by the order;
 - (e) determining the charges that may be made for its services by any designated agency;
 - (f) recovering such fees or levies by suit in any court of competent jurisdiction;
 - (g) imposing penalties as provided by applicable regulations for the violation of any determination or order made by the Board under the t, these regulations or the orders of the Board;
 - (h) inspecting the books and premises of the persons described in clause (a) for matters relating to the powers conveyed by these regulations;
 - (i) requiring the person in charge of any vehicle to permit any agent or employee authorized by the Board to search the vehicle;
 - (j) purchasing, taking in exchange, or otherwise acquiring real property for the purposes of its business and to sell or otherwise dispose of or mortgage real property acquired by the Board;



- (k) borrowing, raising or securing the payment of money in such manner as the Board may consider appropriate for the purpose of carrying out a marketing plan;
- (l) drawing, making, accepting, endorsing, executing, issuing, hypothecating, or assigning promissory notes, bills of exchange and other negotiable or transferable instruments;
- (m) taking, or otherwise acquiring and holding, shares, debentures or other securities of any company having objects altogether or in part similar to those of the Board, or carrying on any business capable of being conducted so as, directly or indirectly, to benefit producers, and to sell or otherwise deal with the same;
- (n) using any money received by the Board in carrying out a marketing plan and paying the expenses of the Board;
- (o) delegating its powers to any agent or employee of the Board to carry out a marketing plan, except that this clause shall not permit the Board to delegate the power to make an order under section 14;
- (p) respecting the investigation and arbitration by the Board of any dispute arising from the sale of cattle between producers, shippers, transporters and distributors;
- (q) respecting any other matter or thing that the Board considers necessary or advisable to carry out effectively the intent and purposes of this section.

Producer plebiscite required

- (2) The Board shall not exercise the powers contained in clauses (1)(b), (j), or (m) unless the Council has conducted a producer plebiscite in which the majority of producers who voted indicate their support for the Board exercising these powers. *(EC19/07)*