

# *The Pork Industry Development Plan Regulations, 2013*

*being*

Chapter A-15.21 Reg 17 (effective December 20, 2013) as  
amended by Saskatchewan Regulations 28/2014.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**



## CHAPTER A-15.21 REG 17

### *The Agri-Food Act, 2004*

#### PART I

#### Preliminary Matters

##### Title

1 These regulations may be cited as *The Pork Industry Development Plan Regulations, 2013*.

##### Interpretation

2 In these regulations:

- (a) “**Act**” means *The Agri-Food Act, 2004*;
- (b) “**assemble**” means to gather hogs or pork in one place for the purpose of transporting it or selling it to a processor;
- (c) “**assembler**” means any person who, either directly or on behalf of a producer:
  - (i) transports hogs or pork;
  - (ii) assembles hogs or pork;
  - (iii) arranges for assembly of hogs or pork; or
  - (iv) brokers a sale of hogs or pork;
- (d) “**board**” means the development board known as the Saskatchewan Pork Development Board continued pursuant to section 6;
- (e) “**business day**” means a day other than a Saturday, Sunday or holiday;
- (f) “**director**” means a director of the board elected or appointed in accordance with these regulations;
- (g) “**hog**” means a live hog;
- (h) “**plan**” means the Saskatchewan Pork Industry Development Plan continued pursuant to section 3;
- (i) “**pork**” means a hog carcass of any grade, class or variety, or any part of the carcass, and includes processed products derived from the carcass;
- (j) “**processing**” means changing the nature, size, quality or condition of hogs or pork, and includes slaughtering;
- (k) “**processor**” means any person engaged in the business of processing hogs or pork;

- (l) **“producer”** means:
  - (i) any person engaged in the production, marketing, or production and marketing of hogs, and includes the employer of that person;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the hogs or the proceeds of their sale; and
  - (iii) a person who takes possession of any hog under any form of security or legal proceeding for a debt;
- (m) **“producer vote”** means a producer vote cast in accordance with sections 31 and 32;
- (n) **“production unit”** means the buildings, structures, equipment and land used by a producer for the production of hogs, whether located at one or more sites;
- (o) **“production vote”** means a production vote cast in accordance with sections 31 and 33;
- (p) **“promoted product”** means:
  - (i) any hog produced for feeding, breeding or slaughter; and
  - (ii) any pork;
- (q) **“registered producer”** means a producer:
  - (i) who is registered with the board pursuant to section 21;
  - (ii) whose registration has not been suspended or cancelled pursuant to section 25; and
  - (iii) who has marketed hogs within the preceding calendar year.

3 Jan 2014 cA-15.21 Reg 17 s2.

## PART II Plan

### Plan continued

- 3 The Saskatchewan Pork Industry Development Plan is continued.

3 Jan 2014 cA-15.21 Reg 17 s3.

### Application

- 4 Subject to any exemptions made by board order, the plan and the orders of the board made pursuant to the plan apply:

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of hogs or pork in Saskatchewan.

3 Jan 2014 cA-15.21 Reg 17 s4.

**Purpose**

**5(1)** The general purpose of the plan is to provide for the effective development of the Saskatchewan pork industry and the promotion of hogs and pork produced in Saskatchewan.

(2) Without limiting the generality of subsection (1), the specific purposes of the plan are:

- (a) to encourage production of uniform high-quality hogs and pork;
- (b) to encourage, assist and carry out market development and promotion of hogs and pork in domestic and export markets;
- (c) to encourage a continuous supply of high-quality hogs and pork for effective industry development;
- (d) to compile and distribute statistical data and information relating to the production, consumption and marketing of hogs and pork;
- (e) to conduct, encourage or assist in the carrying out of studies and research relating to the production, quality improvement, marketing or consumption of hogs and pork;
- (f) to promote and improve communications among persons within the pork industry, and between the pork industry and processors, consumers or others;
- (g) to cooperate and work in partnership with marketing boards, commissions or other agencies, organizations or bodies that have objectives consistent with those set out in the plan;
- (h) to contribute to industry improvement and the growth, development and success of the pork industry and producers;
- (i) to undertake and provide services and functions that contribute to the purposes of the plan.

3 Jan 2014 cA-15.21 Reg 17 s5.

**PART III**  
**Board**

**Board**

**6(1)** Sask Pork, continued as a development board pursuant to *The Pork Industry Development Plan Regulations*, as those regulations existed before the coming into force of these regulations, is continued as a development board pursuant to the Act under the name of the Saskatchewan Pork Development Board.

(2) The board consists of six directors elected in accordance with Part VII:

- (a) three of whom are to be elected by producer vote; and
- (b) three of whom are to be elected by production vote.

- (3) If fewer than six directors are elected pursuant to Part VII, the board may appoint registered producers as directors as it considers necessary to fill those positions.
- (4) The board shall administer the plan.

3 Jan 2014 cA-15.21 Reg 17 s6.

**Powers of board**

7(1) Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in subsection 8(1) of the Act:

- (a) the power to carry out educational, research and developmental programs related to hogs and pork;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of hogs or pork to register with the board;
- (c) the power to set and collect registration fees and charges for services rendered by the board from any person engaged in the production, marketing or production and marketing of hogs or pork;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of hogs or pork;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of hogs or pork for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
  - (i) is engaged in the production, marketing or production and marketing of hogs or pork; and
  - (ii) contravenes an order of the board;
- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of hogs or pork to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
- (i) the power to market, grade or insure hogs or pork, either as principal or agent;
- (j) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;

- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any moneys received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (3), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the board considers it necessary or advisable for the purposes of the plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the board, and to insure, sell or otherwise dispose of any of its property;
- (r) the power to grant a mortgage or security interest in any of the board's real or personal property;
- (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;
- (t) the power to:
  - (i) require any person who owes money to a producer with respect to the sale by the producer of any hogs or pork to pay the moneys to the board; and
  - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the moneys are owing;
- (u) the power to:
  - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
  - (ii) hold membership in any corporation;

- (v) the power to:
  - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (u); and
  - (ii) exercise any rights, including the right to vote, as:
    - (A) an owner of the securities mentioned in clause (u); or
    - (B) a member;
- (w) the power to register a business name pursuant to *The Business Names Registration Act*;
- (x) the power to prescribe the manner in which remuneration and reimbursement for expenses of the directors are to be determined and paid.
- (2) The board shall not regulate or control in any way the production, marketing or production and marketing of hogs or pork.
- (3) Neither the sum of the loans mentioned in clause (1)(o) nor the sum of the financial guarantees mentioned in clause (1)(p) shall exceed 10% each of the board's current assets as reported in the audited financial statement in the board's most recent annual report at the time the loan or the financial guarantee is made or given.

3 Jan 2014 cA-15.21 Reg 17 s7; 9 May 2014 SR  
28/2014 s2.

#### **Books and records**

- 8(1) The board shall:
  - (a) maintain any books and records that may be required for the administration of the plan; and
  - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The board shall maintain a registered office and head office in Saskatchewan.
- (3) The board shall prepare an annual report containing:
  - (a) a copy of the audited financial statement of the board for its previous fiscal year;
  - (b) a description of:
    - (i) the state of the pork industry; and
    - (ii) the activities of the board for its previous fiscal year; and
  - (c) a list of the names and addresses of the directors.
- (4) The board shall make the annual report available:
  - (a) to the council;
  - (b) at the annual general meeting of registered producers; and

- (c) on request to:
  - (i) any registered producer;
  - (ii) any registered processor; or
  - (iii) any registered commercial trucker, assembler or sales agent of hogs.

3 Jan 2014 cA-15.21 Reg 17 s8.

#### **Appointment of auditor**

**9(1)** The registered producers:

- (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year; and
- (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year.

(2) If the registered producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, or if there is a vacancy in the office of the auditor for any other reason, the council shall appoint an auditor to audit the books, records and financial statements of the board for that fiscal year.

(3) Any person appointed as auditor pursuant to this section must:

- (a) be independent of:
  - (i) the board; and
  - (ii) the directors and officers of the board; and
- (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

3 Jan 2014 cA-15.21 Reg 17 s9.

#### **Committees**

**10(1)** The board may appoint any committee that it considers necessary or desirable for the proper operation of the plan.

(2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the board may determine.

3 Jan 2014 cA-15.21 Reg 17 s10.

#### **Chairperson and vice-chairperson**

**11(1)** The board shall elect a chairperson and vice-chairperson from among the directors at their first meeting in each year after new directors have been elected.

(2) The chairperson and vice-chairperson hold office at the pleasure of the board.

(3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the board.

3 Jan 2014 cA-15.21 Reg 17 s11.

**Quorum**

**12** For the transaction of business at a duly called meeting of the board:

- (a) a majority of the board constitutes a quorum; and
- (b) a decision of a majority of those directors constituting a quorum is a decision of the board.

3 Jan 2014 cA-15.21 Reg 17 s12.

**Policies re conflict of interest and code of conduct**

**13(1)** Within 18 months after the coming into force of these regulations, the board shall prepare and submit to the council:

- (a) a conflict of interest policy for the directors; and
- (b) a policy respecting a code of conduct for the directors.

(2) Any amendment the board makes to a policy set out in subsection (1) shall be submitted to the council within 90 days after the amendment.

3 Jan 2014 cA-15.21 Reg 17 s13.

**Conflicts of interest**

**14(1)** No director shall:

- (a) fail to disclose to the board any conflict of interest that the director may have; or
- (b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.

(2) If the board is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 13.

3 Jan 2014 cA-15.21 Reg 17 s14.

**Bank accounts**

**15** The board may open accounts in the name of the board in a bank, credit union or trust corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997* and appoint signing officers.

3 Jan 2014 cA-15.21 Reg 17 s15.

**Investments**

**16** The board may:

- (a) invest any money in its possession or control that is not immediately required for a purpose of the plan or its operations in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the board considers expedient.

3 Jan 2014 cA-15.21 Reg 17 s16.

**Fiscal year**

**17** The fiscal year of the board is the period commencing on August 1 in one year and ending on July 31 in the following year.

3 Jan 2014 cA-15.21 Reg 17 s17.

**Financial plan**

**18** The board shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

3 Jan 2014 cA-15.21 Reg 17 s18.

**Meetings of registered producers**

**19(1)** An annual general meeting of registered producers:

- (a) is to be held on or before December 31 in each year; and
- (b) is to be held at a place and time determined by the board.

(2) The board:

- (a) may call a special general meeting of registered producers at any time; and
- (b) shall call a special general meeting within 30 days after receiving a written request from at least 25 registered producers.

(3) The board shall notify all registered producers, in writing:

- (a) for an annual general meeting of registered producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
- (b) for a special general meeting of registered producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

(4) The quorum at an annual or special general meeting of registered producers is 10 registered producers.

(5) The board shall present to the annual general meeting of registered producers:

- (a) the financial plan it has approved for the current fiscal year; and
- (b) an outline of programs and activities it has planned for the current fiscal year.

(6) Any change to the remuneration to be paid to the directors is to be determined by motion of the board and approved by a vote of registered producers at the next annual general meeting or special general meeting.

(7) At an annual general meeting or special general meeting, registered producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the plan.

3 Jan 2014 cA-15.21 Reg 17 s19.

**Notices**

**20(1)** Any notice required by these regulations to be given is to be sent:

- (a) in accordance with section 39 of the Act; or
- (b) at the request of the person who is to receive the notice, by facsimile or electronic mail.

(2) If a notice is sent in accordance with clause (1)(b), it is deemed to be received on the next business day after it was sent.

3 Jan 2014 cA-15.21 Reg 17 s20.

**PART IV  
Registration****Registration of producers**

**21(1)** Every producer shall register with the board at the time and in the manner determined by order of the board.

(2) The board shall assign to each producer a production unit registration number on the first occasion on which the producer markets hogs, and the producer shall use that number on subsequent occasions to identify the production unit where the hogs being marketed were produced.

3 Jan 2014 cA-15.21 Reg 17 s21.

**Registration of processors**

**22** Every processor who slaughters hogs shall register with the board at the time and in the manner determined by order of the board.

3 Jan 2014 cA-15.21 Reg 17 s22.

**Registration of commercial truckers, assemblers and sales agents**

**23(1)** Every commercial trucker, assembler and sales agent of hogs shall register with the board at the time and in the manner determined by order of the board.

(2) Commercial truckers, assemblers and sales agents of hogs may be governed by order of the board, and the board shall provide a copy of any order to all registered commercial truckers, assemblers and sales agents at least 48 hours before the order takes effect.

3 Jan 2014 cA-15.21 Reg 17 s23.

**Register**

**24** The board shall keep and maintain at its head office a register containing the name, address and registration number of every person registered with the board.

3 Jan 2014 cA-15.21 Reg 17 s24.

**Suspension and cancellation of registrations**

**25(1)** The board may cancel or suspend a registration of any person mentioned in sections 21 to 23 who has contravened:

- (a) the Act;
  - (b) the plan;
  - (c) these regulations; or
  - (d) an order or direction of the board.
- (2) The board shall establish, by order, procedures respecting the cancellation or suspension of a registration pursuant to this section.
- (3) If the board suspends or cancels a registration pursuant to this section, the board must advise the registered producer, processor, commercial trucker, assembler or sales agent of hogs, as the case may be, in writing of its decision.

3 Jan 2014 cA-15.21 Reg 17 s25.

**PART V  
Levies**

**Collection of levies**

**26(1)** Every producer shall pay to the board, at the times and in the manner determined by the board, a levy in an amount determined by order of the board.

- (2) The board shall provide registered producers with:
- (a) an opportunity to discuss the rate of the levy at annual general meetings and special general meetings; and
  - (b) at least 10 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (3) The board may require any marketer of hogs or pork to:
- (a) deduct the levy mentioned in subsection (1), and other fees and charges on hogs or pork levied pursuant to these regulations, from any payment made to a producer; and
  - (b) forward the levy and other fees and charges to the board.
- (4) The board may require any producer of hogs or pork to:
- (a) deduct the levy mentioned in subsection (1), and other fees and charges on hogs or pork levied pursuant to these regulations, from any payment from another producer; and
  - (b) forward the levy and other fees and charges to the board.
- (5) The board may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from producers and marketers.

3 Jan 2014 cA-15.21 Reg 17 s26.

**PART VI**  
**Board Orders****Board orders**

27(1) The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the board pursuant to section 12 of the Act.

(2) The board shall number in consecutive order, retain and make available for inspection at its head office by any person registered pursuant to section 21, 22 or 23, or any other person designated by the council, original copies of all orders that have been approved by the council pursuant to section 12 of the Act.

(3) The board shall:

(a) cause all orders of the board to be published in the Gazette and in any other media it considers appropriate; and

(b) annually review the orders of the board and consolidate them.

3 Jan 2014 cA-15.21 Reg 17 s27.

**PART VII**  
**Elections****Eligibility**

28(1) Every registered producer is eligible to hold office as a director.

(2) Subject to subsection (6), a registered producer that is a corporation, association, society or other designation is entitled to vote or hold office:

(a) only through a designated representative appointed in writing; and

(b) only if notice of that appointment has been filed with the board in a form and manner acceptable to the board.

(3) Except as provided in subsection (2), voting by proxy is prohibited.

(4) Subject to subsections (5) and (6), every registered producer is entitled to one vote on any matter to be determined by vote other than the election of directors.

(5) Subject to subsection (6), in an election of directors, every registered producer is entitled to:

(a) three producer votes; and

(b) the number of production votes determined pursuant to section 33.

- (6) No individual shall:
- (a) in the case of a vote mentioned in subsection (4), be entitled to more than one vote regardless of whether he or she is voting as an individual registered producer or as a designated representative of a registered producer; and
  - (b) in the case of a vote mentioned in subsection (5), be entitled to more than three producer votes regardless of whether he or she is voting as an individual registered producer or as a designated representative of a registered producer.

3 Jan 2014 cA-15.21 Reg 17 s28.

**Nominations**

**29(1)** Any registered producer is eligible to be nominated for election as a director of the board.

- (2) The board shall:
- (a) fix the last date for receipt of nominations for election to the board; and
  - (b) at least 30 days before the last date for receipt of nominations, notify registered producers that nominations are being accepted for the board and of the last date for receipt of nominations.
- (3) Every nomination is to be:
- (a) in writing in the form required by the board;
  - (b) signed by:
    - (i) three registered producers;
    - (ii) three representatives of registered producers appointed pursuant to subsection 28(2); or
    - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling three persons; and
  - (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.
- (4) Every person nominated pursuant to this section stands for election by both producer vote and production vote.

3 Jan 2014 cA-15.21 Reg 17 s29.

**Returning officer**

**30(1)** Subject to subsection (2), the board shall appoint a returning officer to conduct an election pursuant to section 31.

(2) Producers, processors, commercial truckers, assemblers, sales agents of hogs, and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).

(3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.

3 Jan 2014 cA-15.21 Reg 17 s30.

**Conduct of elections**

**31(1)** If not more than the required number of candidates are nominated pursuant to section 29, the candidates nominated are deemed to be elected by acclamation.

(2) If more than the required number of candidates are nominated pursuant to section 29, the board shall:

(a) fix a date for the completion of the election; and

(b) at least 15 business days before the date fixed pursuant to clause (a), send by ordinary or registered mail to every registered producer:

(i) the ballot and a plain envelope;

(ii) a profile of every candidate;

(iii) a certificate of eligibility to vote; and

(iv) a notice that states the time, date and place to which the ballot and certificate of eligibility to vote are to be returned.

(3) Every registered producer that wishes to vote in an election shall:

(a) complete the ballot provided by the board; and

(b) seal the ballot and certificate of eligibility to vote in the envelope provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.

3 Jan 2014 cA-15.21 Reg 17 s31.

**Casting producer votes**

**32** Every registered producer is entitled to vote for three candidates by producer vote.

3 Jan 2014 cA-15.21 Reg 17 s32.

**Casting production votes**

**33(1)** A registered producer is entitled to one production vote for each hog that the registered producer marketed or slaughtered in the board's previous fiscal year, as determined by the board based on the levies paid by the registered producer.

(2) The board shall indicate on the ballot sent to each registered producer the number of production votes to which the registered producer is entitled.

- (3) A registered producer is entitled to cast his or her production votes for one or more candidates in any manner that the registered producer wishes.
- (4) If a registered producer objects to the number of production votes to which he or she is entitled, as indicated on the ballot, the registered producer may request that the board reconsider its determination.
- (5) Any request made pursuant to subsection (4) must be made at least seven days before the date fixed pursuant to clause 31(2)(a) for the return of ballots.
- (6) On receipt of a request made in accordance with subsection (5), the board shall, as soon as possible:
  - (a) reconsider the determination objected to and confirm or vary the determination; and
  - (b) notify the registered producer making the objection and the returning officer of the board's decision.
- (7) A decision of the board pursuant to subsection (6) is final, and there is no right of appeal from that decision.

3 Jan 2014 cA-15.21 Reg 17 s33.

**Election by production votes**

- 34(1)** Promptly after the date fixed pursuant to clause 31(2)(a) for the return of ballots, the returning officer shall count the votes cast in the election.
- (2) Production votes are to be counted before producer votes.
- (3) The three candidates receiving the most production votes are elected as directors for the purposes of clause 6(2)(b).
- (4) Neither the returning officer nor any person assisting the returning officer in counting production votes shall disclose the number of production votes cast in favour of any candidate.

3 Jan 2014 cA-15.21 Reg 17 s34.

**Election by producer votes**

- 35(1)** After determining the directors elected by production vote pursuant to section 34, the returning officer shall remove the names of the candidates elected by production vote from the list of candidates to be elected by producer vote pursuant to this section.
- (2) Of the candidates remaining on the list of candidates to be elected by producer vote, the three candidates receiving the most producer votes are elected as directors for the purposes of clause 6(2)(a).

3 Jan 2014 cA-15.21 Reg 17 s35.

**Validity of ballot**

**36** The ballot of a registered producer is not valid, and the returning officer shall not count the producer votes or the production votes cast by that ballot, if:

- (a) the certificate of eligibility is not returned with the ballot;
- (b) it is defaced;
- (c) it is marked in any way other than to vote for candidates;
- (d) it is not the original ballot provided by the board;
- (e) it is marked with more than three producer votes;
- (f) it is marked with more than one producer vote for any one candidate; or
- (g) it is marked with more production votes than the registered producer is entitled to, as determined by the board pursuant to section 33.

3 Jan 2014 cA-15.21 Reg 17 s36.

**Failure to receive documents does not invalidate election**

**37** The failure of any registered producer to receive the documents mentioned in clause 31(2)(b) does not invalidate the election.

3 Jan 2014 cA-15.21 Reg 17 s37.

**Election results**

**38** The returning officer shall declare the names of the persons elected as directors at the first annual general meeting of registered producers after the election, immediately after the minutes of the previous meeting have been dealt with.

3 Jan 2014 cA-15.21 Reg 17 s38.

**Term of office, vacancy**

**39(1)** Subject to subsection (4), a director holds office:

- (a) in the case of an elected director, for a term of two years commencing with the declaration of the director's election by the returning officer and until the director's successor is elected or appointed, as the case may be; or
  - (b) in the case of an appointed director, until the next election that is held after he or she is appointed and until the director's successor is elected or appointed, as the case may be.
- (2) Subject to subsection (3), a director is eligible for re-election or reappointment.
- (3) If a director has completed three consecutive terms, he or she is not eligible for re-election or reappointment until one year has passed since the completion of the director's third consecutive term.

- (4) The office of director becomes vacant if a director:
  - (a) ceases to qualify as a registered producer;
  - (b) resigns, dies or is unable to act;
  - (c) is absent from three consecutive meetings of the board without being excused by resolution of the board; or
  - (d) fails to fulfil his or her duties as established by the policy of the board and approved by the council.
- (5) Notwithstanding subsection 6(2), if the office of a director becomes vacant, the board may appoint a registered producer as a director to fill the vacancy until the next election.

3 Jan 2014 cA-15.21 Reg 17 s39.

**Tie votes**

- 40(1) A tie between candidates based on production votes is to be decided in favour of the candidate with the most producer votes.
- (2) A tie between candidates based on producer votes is to be decided in favour of the candidate with the most production votes.
- (3) If a tie occurs between candidates notwithstanding subsections (1) and (2), the successful candidate is to be determined by a producer vote conducted at the annual general meeting of registered producers.
- (4) Voting pursuant to subsection (3) is to be by secret ballot.
- (5) Only registered producers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (3), and each of those registered producers is entitled to one vote for that purpose.
- (6) The returning officer shall count the votes cast pursuant to subsection (3) and declare the winner of the tie vote before moving on to any further business at the annual general meeting.

3 Jan 2014 cA-15.21 Reg 17 s40.

**Retention of ballots**

- 41 The returning officer shall:
  - (a) retain the ballots in his or her possession; and
  - (b) not destroy any ballot or other record respecting an election of directors until 95 days after the annual general meeting of registered producers at which the returning officer declared the results of the election.

3 Jan 2014 cA-15.21 Reg 17 s41.

**Challenge to election results**

42(1) Any registered producer may challenge the results of an election of directors, as declared by the returning officer pursuant to section 38 or subsection 40(6), by submitting a written objection to the council.

(2) A written objection submitted pursuant to subsection (1) must:

(a) set out the grounds for the objection; and

(b) be received by the council within 90 days after the annual general meeting of registered producers at which the returning officer declared the results of the election.

(3) If the council receives a written objection in accordance with this section and is satisfied that the objection is neither frivolous nor vexatious, the council may appoint a vote recount officer to conduct a recount of the votes cast in the election.

(4) If the council appoints a vote recount officer pursuant to subsection (3), the results of the election as determined by the vote recount officer are final.

3 Jan 2014 cA-15.21 Reg 17 s42.

**PART VIII**  
**Repeal, Transitional and Coming into Force**

**R.R.S. c.A-15.2 Reg 7 repealed**

43 *The Pork Industry Development Plan Regulations* are repealed.

3 Jan 2014 cA-15.21 Reg 17 s43.

**Transitional**

44 On the coming into force of these regulations, the board is to consist of the directors of the board who held office pursuant to *The Pork Industry Development Plan Regulations* on the day before these regulations came into force, and those directors continue to hold office as if they had been elected or appointed pursuant to these regulations until their successors are elected or appointed pursuant to these regulations.

3 Jan 2014 cA-15.21 Reg 17 s44.

**Coming into force**

45 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

3 Jan 2014 cA-15.21 Reg 17 s45.