

The Saskatchewan Canola Development Plan Regulations

being

Chapter A-15.2 Reg 2 (effective February 6, 1991)
as amended by a Correcting Notice dated April 12, 1991,
Saskatchewan Regulations [14/2000](#) and [94/2008](#); the *Statutes
of Saskatchewan*, [2004, c.10](#).

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.

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CHAPTER A-15.2 REG 2

The Agri-Food Act

TITLE AND INTERPRETATION

Title

- 1** These regulations may be cited as *The Saskatchewan Canola Development Plan Regulations*.

Interpretation

- 2** In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **“buyer”** means any person who buys canola produced in Saskatchewan;
- (c) **“canola”** means:
 - (i) canola;
 - (ii) rapeseed; or
 - (iii) oilseed of the genus *Brassica*;

as defined in the regulations made pursuant to the *Seeds Act* (Canada), as amended from time to time;

- (d) **“commission”** means the Saskatchewan Canola Development Commission established pursuant to section 6 and includes the interim commission;

(d.1) **“director”** means a director of the commission elected or appointed in accordance with sections 19 to 24;

- (e) **“interim commission”** means the interim commission appointed pursuant to section 27;

- (f) **“market development”** means:

- (i) promoting the popularity, consumption or general knowledge of;
- (ii) to bring into being, strengthen, expand or make available markets for;

canola produced in Saskatchewan;

- (g) **“plan”** means the Saskatchewan Canola Development Plan established pursuant to section 3;

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- (h) **“producer”** means:
 - (i) a person engaged in the production or marketing of canola and includes the employer of that person;
 - (ii) a person who is entitled under any lease or agreement:
 - (A) to a share of the canola produced by a person mentioned in subclause (i); or
 - (B) to the proceeds from the sale of that canola; and
 - (iii) a person who takes possession of any canola under any form of security or legal proceedings for a debt;
- (i) **“registered producer”** means a producer who:
 - (i) is registered with the commission pursuant to section 14;
 - (ii) has paid a levy pursuant to subsection 16(1) in the last two years for which he or she has not received a refund pursuant to section 16.

15 Feb 91 cA-15.2 Reg 2 s2; 24 Oct 2008
SR 94/2008 s3.

PLAN

Plan established

- 3** The Saskatchewan Canola Development Plan is hereby established.

15 Feb 91 cA-15.2 Reg 2 s3.

Application

- 4** The plan and the orders of the commission made pursuant to the plan apply to:
- (a) all of Saskatchewan; and
 - (b) all persons engaged in:
 - (i) the production of canola; or
 - (ii) the marketing of canola produced in Saskatchewan.

15 Feb 91 cA-15.2 Reg 2 s4.

Purpose

- 5(1)** The purpose of the plan is to develop and implement production and development projects and programs to improve and develop the market opportunities for canola.
- (2)** Without limiting the generality of subsection (1), the specific purposes of the plan are:
- (a) to assist in the development and promotion of canola and canola products in the domestic and international marketplace;

- (b) to conduct and encourage research on production, market development, processing and consumption of canola and canola products;
- (c) to advise governments on matters pertaining to canola research and development;
- (d) to gather, compile and distribute information related to the production, consumption and market development of canola and canola products;
- (e) to encourage the production of uniformly high quality canola and canola products;
- (f) to promote harmony and communication within the canola industry;
- (g) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness and demand for canola and canola products;
- (h) to establish a system of collecting levies on the marketing of canola for the purpose of carrying out the objectives of the plan; and
- (i) to work in co-operation with any persons or organizations who have objectives similar to those of the plan.

15 Feb 91 cA-15.2 Reg 2 s5; 24 Oct 2008
SR 94/2008 s4.

COMMISSION

Commission

- 6(1)** The Saskatchewan Canola Development Commission is established consisting of six directors elected or appointed in accordance with sections 19 to 24.
- (2) The commission shall administer the plan.
- (3) The interim commission shall administer the plan until a commission is elected.

15 Feb 91 cA-15.2 Reg 2 s6; 24 Oct 2008
SR 94/2008 s5.

Powers of commission

- 7(1)** The commission may:
 - (a) carry out educational, research and developmental programs related to canola;
 - (b) require any or all persons engaged in the production or marketing of canola to register with the commission;
 - (c) set and collect charges for services rendered by the commission from any person engaged in the production or marketing of canola;
 - (d) set and collect levies from any person engaged in the marketing of canola;

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(e) categorize into groups persons engaged in the production or marketing of canola for the purpose of setting and collecting:

- (i) the charges mentioned in clause (c); and
- (ii) the levies mentioned in clause (d);

(f) recover:

- (i) the charges mentioned in clause (c); or
- (ii) the levies mentioned in clause (d);

by suit in a court of competent jurisdiction;

(g) subject to subsection (3), require any person engaged in the production or marketing of canola to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;

(h) employ any officers and other employees that it considers necessary to administer the plan and determine their respective:

- (i) duties;
- (ii) conditions of employment; and
- (iii) remuneration;

(i) establish or support:

- (i) a group insurance plan; and
- (ii) any other pension or employee benefit program;

for the benefit of the officers and employees mentioned in clause (h) and their dependants;

(j) use any moneys received by the commission:

- (i) to carry out the purposes of the plan; and
- (ii) to pay the expenses of the commission;

(k) borrow, raise or secure the payment of moneys in any manner that the commission thinks appropriate for the purpose of administering the plan;

(l) draw, make, accept, endorse, execute, issue, hypothecate or assign:

- (i) promissory notes;
- (ii) bills of exchange; or
- (iii) other negotiable or transferable instruments;

- (m) give financial guarantees respecting the indebtedness of any person that the commission considers necessary or advisable for the conduct of business related to the plan;
 - (n) purchase, take on lease or exchange, or otherwise acquire real and personal property related to the business of the commission;
 - (o) sell or otherwise dispose of any real or personal property acquired by the commission;
 - (p) grant:
 - (i) a mortgage against real property; or
 - (ii) a security interest in personal property;acquired by the commission;
 - (q) enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to:
 - (i) the exercise of any of the powers; or
 - (ii) the carrying out of any of the duties;of the commission in relation to the plan;
 - (r) make any orders that are considered by the commission as necessary or advisable to carry out the purposes of the plan;
 - (s) amend or revoke any of the orders mentioned in clause (r);
 - (t) exempt from the plan and any order any category of persons engaged in the marketing of canola or any class, variety or grade of canola;
 - (u) purchase or acquire by any other means, in the open market or otherwise, shares, bonds, debentures or other securities of any incorporated company;
 - (v) hold, sell, transfer, or otherwise deal with any of the shares, bonds, debentures or other securities mentioned in clause (u) and to exercise any rights as owner of those shares, bonds, debentures or other securities, including the right to vote.
- (2) The commission shall not regulate or control in any way the production or marketing of canola.
- (3) The commission shall ensure that all sensitive and confidential information acquired by the commission with respect to persons engaged in the production or marketing of canola is kept in strict confidence.

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Books and records

8(1) The commission 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 commission shall maintain a registered office and head office in Saskatchewan.
- (3) The commission shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the commission for its previous fiscal year;
 - (b) a description of:
 - (i) the state of the industry; and
 - (ii) the activities of the commission for its previous fiscal year; and
 - (c) a list of the names and addresses of the directors of the commission.
- (4) **Repealed.** 7 Apr 2000 SR 14/2000 s4.
- (5) The commission shall make the annual report available:
- (a) at the annual meeting of the commission; and
 - (b) on request to:
 - (i) any registered producer; or
 - (ii) any buyer.

15 Feb 91 cA-15.2 Reg 2 s8.

Committees

- 9(1) The commission may appoint any advisory 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 commission may determine.

15 Feb 91 cA-15.2 Reg 2 s9.

Chairperson and vice-chairperson

10(1) The commission shall elect:

- (a) a chairperson; and
- (b) a vice-chairperson;

from among the directors of the commission at their first meeting in each year after new members have been elected or appointed.

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

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

15 Feb 91 cA-15.2 Reg 2 s10; 24 Oct 2008 SR 94/2008 s7.

Quorum

11 For the transaction of business at a duly called meeting of the commission:

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

15 Feb 91 cA-15.2 Reg 2 s11.

Financial

12(1) The commission may:

- (a) open accounts in any:
 - (i) bank;
 - (ii) credit union incorporated, continued or registered pursuant to *The Credit Union Act, 1985*; or
 - (iii) trust corporation licensed pursuant to *The Trust and Loan Corporations Act*;

in the name of the commission; and

- (b) appoint signing officers.

(2) The commission may:

- (a) invest any moneys in its possession or control that is not immediately required for the purpose of its operations in securities of a class approved by the Investment Board established pursuant to *The Financial Administration Act, 1993*; and
- (b) sell any securities acquired by it pursuant to clause (a) and reinvest any of the proceeds of that sale in a similar class of securities.

(3) The fiscal year of the commission is the period commencing on August 1 in one year and ending on July 31 in the year next following.

(4) When the plan has been disestablished, any assets of the commission remaining after all of the liabilities of the commission have been settled are to be distributed to a research institute that, in the opinion of the commission, will use those assets to contribute to the development of the canola industry in Saskatchewan.

15 Feb 91 cA-15.2 Reg 2 s12; 2004, c10 s18.

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Meetings of producers

13(1) An annual general meeting of producers:

- (a) is to be held in each year within six months of the end of the commission's fiscal year; and
- (b) is to be held at a place and time determined by the commission.

(2) The commission:

- (a) may call a special general meeting of registered producers at any time; and
- (b) shall call a special general meeting on the written request of not less than 50 registered producers.

(3) The commission shall notify all producers, in writing, of the date, time and location:

- (a) of an annual general meeting of producers not less than 30 days prior to the date on which the annual general meeting commences; and
- (b) of a special general meeting of producers not less than 15 days prior to the date on which the special general meeting commences.

(4) The quorum at an annual or special general meeting of registered producers is 25 registered producers.

(5) The commission shall prepare and submit to the annual general meeting for approval:

- (a) a proposed budget outlining the collection and expenditure of funds; and
- (b) an outline of proposed programs and activities;

for the next fiscal year.

(6) At an annual or special general meeting, registered producers may:

- (a) debate; and
- (b) take a vote by show of hands on;

any questions or resolutions pertaining to the purposes of the plan.

15 Feb 91 cA-15.2 Reg 2 s13.

REGISTRATION

Registration of producers

14(1) Every producer shall register with the commission at the time and in the manner determined by the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of each registered producer.

15 Feb 91 cA-15.2 Reg 2 s14.

Registration of buyers

15(1) Every buyer shall register with the commission at the time and in the manner determined by the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of each registered buyer and processor.

15 Feb 91 cA-15.2 Reg 2 s15.

LEVIES**Levies**

16(1) Every registered producer engaged in the marketing of canola shall pay to the commission, at the times and in the manner determined by the commission, a levy calculated in accordance with this section.

(2) The levy mentioned in subsection (1):

(a) is fixed at a rate of \$0.50 per net tonne of canola marketed until the first annual general meeting of the commission is held; and

(b) after the period mentioned in clause (a):

(i) subject to subsection (3), is to be determined, by order of the commission, at the annual general meeting of the commission; and

(ii) is to be based on a fixed rate for every net tonne of canola marketed.

(3) If it is anticipated that the level of levies will be determined at an annual general meeting of the commission, the commission shall provide at least 15 days' notice to registered producers that the level of levies is to be determined at that meeting.

(4) The commission shall make a refund of levies only if:

(a) the registered producer submits the written request for the refund to the commission:

(i) with respect to levies paid between February 1 and July 31 in any year, not later than August 31 of that year; and

(ii) with respect to levies paid between August 1 in any year and January 31 in the year next following, not later than February 28 of that year; and

(b) the request has been verified by the commission.

(5) If the commission receives from a registered producer a written request in compliance with these regulations for a refund of levies:

(a) paid to the commission by the registered producer between February 1 and July 31 in any year, the commission shall make the refund of those levies to the registered producer not later than October 31 of that year; and

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(b) paid to the commission by the registered producer between August 1 in any year and January 31 in the year next following, the commission shall make the refund of those levies to the registered producer not later than April 30 of that year.

24 Oct 2008 SR 94/2008 s8.

COMMISSION ORDERS**Commission orders**

17(1) The chairperson or, in the absence of the chairperson, the vice-chairperson, shall sign every order issued by the commission pursuant to clause 7(1)(r).

(2) The commission shall, at its head office:

- (a) number in consecutive order; and
- (b) retain and make available for inspection by any producer, buyer or 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 commission shall:

- (a) cause all orders of the commission to be published in the Gazette and any other media determined by the commission; and
- (b) annually review and consolidate the orders of the commission.

15 Feb 91 cA-15.2 Reg 2 s17; 24 Oct 2008 SR 94/2008 s9.

ELECTIONS**Eligibility**

18(1) Every registered producer is eligible to hold office on the commission.

(2) Subject to subsection (5), 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 commission in a form and manner acceptable to the commission.

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

- (4) Subject to subsection (5), every registered producer is entitled to one vote.
- (5) No individual shall 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.

15 Feb 91 cA-15.2 Reg 2 s18; 7 Apr 2000 SR 14/
2000 s5; 24 Oct 2008 SR 94/2008 s10.

Election of first commission

19(1) The interim commission shall conduct a vote among registered producers to elect the first commission in accordance with this section and section 20.

- (2) The interim commission:
 - (a) shall call the vote described in subsection (1) within 12 months after these regulations come into force; and
 - (b) may call the vote described in subsection (1) before the first annual general meeting of the commission after the coming into force of these regulations.

15 Feb 91 cA-15.2 Reg 2 s19.

Nominations

20(1) Any registered producer is eligible to be nominated for election as a director of the commission.

- (2) The commission shall:
 - (a) fix the last date for receipt of nominations for election to the commission; and
 - (b) at least 30 days before the last date for receipt of nominations, notify registered producers that nominations are being accepted for the commission and of the last date for receipt of nominations.
- (3) Every nomination is to be:
 - (a) in writing in the form required by the commission;
 - (b) signed by:
 - (i) five registered producers;
 - (ii) five representatives of registered producers appointed pursuant to subsection 18(2); or
 - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling five persons; and
 - (c) delivered to the returning officer on or before the date fixed pursuant to subsection (2) for receiving nominations.

15 Feb 91 cA-15.2 Reg 2 s20; 7 Apr 2000 SR 14/
2000 s6; 24 Oct 2008 SR 94/2008 s11.

A 15.2 REG 2 SASKATCHEWAN CANOLA DEVELOPMENT**Returning officer and scrutineers**

21(1) Subject to subsection (2), the commission shall appoint:

- (a) a returning officer; and
- (b) a scrutineer;

for the conduct of an election pursuant to section 22.

(2) Producers and employees of the commission 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 the conduct of an election.

(4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to the conduct of an election.

15 Feb 91 cA-15.2 Reg 2 s21.

Conduct of elections

22(1) Where not more than the required number of candidates are nominated pursuant to section 20, the candidates nominated are deemed to be elected by acclamation.

(2) Where more than the required number of candidates are nominated pursuant to section 20, the commission shall:

- (a) fix a date for the completion of the election; and
- (b) at least 21 days prior to the date fixed pursuant to clause (a), send by prepaid post to each registered producer:
 - (i) the ballot and ballot envelope;
 - (ii) a biography of each candidate;
 - (iii) a certificate of eligibility to vote in the form determined by the commission; and
 - (iv) a written notice of:
 - (A) the time by which; and
 - (B) the place to which;

the ballot and the 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 commission; 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.

(4) The returning officer shall declare those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the commission.

- (5) **Repealed.** 24 Oct 2008 SR 94/2008 s12.
- (6) The ballot of a registered producer is not valid if:
- (a) the registered producer votes for more than the specified number of candidates;
 - (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 commission; or
 - (e) the individual who voted for the registered producer voted more than once.

15 Feb 91 cA-15.2 Reg 2 s22; 24 Oct 2008 SR 94/2008 s12.

Tie votes

- 22.1**(1) If a tie occurs between candidates, the successful candidate is to be determined by a vote of registered producers conducted at the next annual general meeting of registered producers.
- (2) Voting pursuant to subsection (1) is to be by secret ballot.
- (3) Only registered producers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (1), and each of those registered producers is entitled to one vote for that purpose.
- (4) The returning officer shall count the votes cast pursuant to subsection (1) and announce the winner of the tie vote before proceeding with any further business at the annual general meeting.

24 Oct 2008 SR 94/2008 s13.

Validity of election

- 23** A registered producer is deemed to have received any notice or nomination paper that is posted to the last address registered by that producer to the commission, and the failure of any registered producer to receive that notice or nomination paper does not invalidate the election.

15 Feb 91 cA-15.2 Reg 2 s23.

Term of office, vacancy

- 24**(1) Subject to subsection (2), a director of the commission holds office:
- (a) for a term of three years after the date of that director's election; and
 - (b) until the director's successor is elected.
- (2) The term of office of each director of the first elected commission:
- (a) commences on the day on which he or she is declared by the returning officer to be elected; and

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- (b) ends on December 31:
 - (i) in the case of the two directors receiving the largest number of votes, of the third year;
 - (ii) in the case of the two directors receiving the next largest number of votes, of the second year; and
 - (iii) in the case of the two directors receiving the next largest number of votes, of the first year;
 following the year in which the election is held.
- (3) Subject to subsection (4), a director is eligible for re-election after the end of the director's term.
- (4) If a director has completed three consecutive terms, the director is not eligible for re-election or appointment until one year has passed since the completion of the director's third consecutive term.
- (5) The office of director becomes vacant if a director:
 - (a) ceases to qualify as a registered producer;
 - (b) resigns from office; or
 - (c) is absent from three consecutive meetings of the commission without being excused by resolution of the commission.
- (5.1) If fewer than the required number of directors are elected in accordance with section 22 and this section, the commission may appoint a registered producer as a director to fill the vacancy for the term mentioned in subsection (1).
- (6) Where the office of a director becomes vacant, the remaining directors may appoint a registered producer to fill the vacancy until the next election.

15 Feb 91 cA-15.2 Reg 2 s24; 7 Apr 2000 SR 14/
2000 s7; 24 Oct 2008 SR 94/2008 s14.

Required recommendation

25 Where, in any one year, not less than 35% of the producers representing not less than 35% of the production of canola of all producers request a refund of levies, the commission shall recommend to the minister that a vote be conducted pursuant to section 14 of the Act on whether the plan should be disestablished.

15 Feb 91 cA-15.2 Reg 2 s25; 24 Oct 2008 SR
94/2008 s15.

Duration of the plan

26 The plan remains in effect until these regulations are repealed.

15 Feb 91 cA-15.2 Reg 2 s26.

TRANSITIONAL

Interim commission

27(1) The following persons constitute the interim commission:

- (a) Zenneth Faye, Westbend;
- (b) Andre Assie, St. Brieux;
- (c) Dave Sefton, Broadview;
- (d) Doug Sword, Unity;
- (e) Ron Schultz, Langenburg;
- (f) Raymond Wilfing, Meadow Lake.

(2) Zenneth Faye is designated as chairperson of the interim commission.

(3) The members of the interim commission are entitled to:

- (a) in the case of the chairperson, \$155 per day; and
- (b) in the case of all other members, \$110 per day;

while performing their duties and responsibilities as members.

