

The Canaryseed Development Plan Regulations

being

Chapter A-15.21 Reg 4 (effective February 23, 2006) as
amended by Saskatchewan Regulations 8/2010.

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-15.21 REG 4

PART I Title and Interpretation

Title

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

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (a.1) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (a.2) **“buyer”** means any person who buys canaryseed produced in Saskatchewan;
- (b) **“canaryseed”** means any seed produced by the canaryseed plant *Phalaris canariensis*;
- (c) **“canaryseed plan”** means the Canaryseed Development Plan established pursuant to section 3;
- (d) **“canaryseed producer”** means:
- (i) a person engaged in or responsible for the production, marketing or production and marketing of canaryseed but does not include an employee of such a person;
 - (ii) a person who is entitled under any lease agreement:
 - (A) to a share of the canaryseed produced by a person mentioned in subclause (i); or
 - (B) to a share of the proceeds from the sale of that canaryseed; or
 - (iii) a person who takes possession of any canaryseed under any form of security or legal proceedings for a debt;
- (e) **“commission”** means the Canaryseed Development Commission of Saskatchewan established pursuant to section 7;
- (f) **“director”** means a director of the commission elected in accordance with Part VII or appointed pursuant to subsection 7(3) or 34(7);

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- (g) **Repealed.** 19 Mar 2010 SR 8/2010 s3.
- (h) **“registered canaryseed producer”** means a canaryseed producer who:
- (i) is registered with the commission pursuant to section 21;
 - (ii) has paid a levy pursuant to subsection 23(1) in at least one of the last three years for which he or she has not received a refund pursuant to section 24;
- (i) **Repealed.** 19 Mar 2010 SR 8/2010 s3.

3 Mar 2005 cA-15.21 Reg 4 s2; 19 Mar 2010 SR 8/2010 s3.

PART II
Canaryseed Plan

Canaryseed plan established

3 The Canaryseed Development Plan is established.

3 Mar 2005 cA-15.21 Reg 4 s3.

Application

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

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

3 Mar 2005 cA-15.21 Reg 4 s4.

Purpose

5(1) The purpose of the canaryseed plan is to develop the canaryseed industry in Saskatchewan.

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

- (a) to assist in the development and promotion of canaryseed and canaryseed products in the domestic and international marketplaces;
- (b) to conduct and encourage research on production, market development, processing and consumption of canaryseed and canaryseed products;
- (c) to advise governments on matters pertaining to canaryseed research and development;

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

3 Mar 2005 cA-15.21 Reg 4 s5; 19 Mar 2010 SR 8/2010 s4.

6 Repealed. 19 Mar 2010 SR 8/2010 s5.

PART III Commission

Commission

- 7(1) The Canaryseed Development Commission of Saskatchewan is established consisting of a maximum of nine directors.
- (2) Subject to clause (3)(b), seven directors are to be elected in accordance with Part VII.
- (3) The commission:
 - (a) may appoint one or two directors; and
 - (b) if less than seven directors are elected pursuant to Part VII, may appoint registered canaryseed producers as directors as it considers necessary to fill those positions.
- (4) A director appointed by the commission pursuant to clause (3)(a) may be any individual.
- (5) The commission shall administer the canaryseed plan.

3 Mar 2005 cA-15.21 Reg 4 s7.

Powers of commission

8(1) Subject to the other provisions of these regulations, the commission 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 canaryseed;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of canaryseed to register with the commission;
- (c) the power to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production, marketing or production and marketing of canaryseed;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of canaryseed;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of canaryseed 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 canaryseed; and
 - (ii) contravenes an order of the commission;
- (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 canaryseed to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;
- (i) the power to market, grade or insure canaryseed, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the canaryseed 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 money received by the commission to carry out the purposes of the canaryseed plan and to pay the expenses of the commission;
- (m) the power to borrow, raise or secure the payment of money in any manner that the commission considers appropriate for the purpose of administering the canaryseed 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 canaryseed plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the commission considers it necessary or advisable for the purposes of the canaryseed plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the commission, 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 commission'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 commission in relation to the canaryseed plan;
- (t) the power to:
 - (i) require any person who owes money to a canaryseed producer with respect to the sale by the canaryseed producer of canaryseed to pay the money to the commission; and
 - (ii) distribute the money paid to the commission pursuant to subclause (i), in the manner determined by the commission, to the canaryseed producer to whom the money is 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 reimbursement for expenses of the directors is to be determined and paid.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of canaryseed.
- (3) Neither the sum of the loans nor the sum of the financial guarantees mentioned in clauses (1)(o) and (p) shall exceed 10% each of the commission's current assets as reported in the audited financial statement in the commission's most recent annual report at the time the loan or financial guarantee is made or given.

3 Mar 2005 cA-15.21 Reg 4 s8; 19 Mar 2010 SR
8/2010 s6.

Books and records

- 9(1) The commission shall:
- (a) maintain any books and records that may be required for the administration of the canaryseed 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) The commission shall make the annual report available:
- (a) to the council;
 - (b) at the annual general meeting of registered canaryseed producers; and

- (c) on request to:
 - (i) any registered canaryseed producer; or
 - (ii) any registered buyer.

3 Mar 2005 cA-15.21 Reg 4 s9; 19 Mar 2010 SR 8/2010 s7.

Appointment of auditor

10(1) The registered canaryseed producers:

- (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the commission 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 commission for the current fiscal year.
- (2) If the registered canaryseed producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the commission for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
- (a) be independent of:
 - (i) the commission; and
 - (ii) the directors and officers of the commission; and
 - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

3 Mar 2005 cA-15.21 Reg 4 s10.

Committees

- 11(1)** The commission may appoint any committee that it considers necessary or desirable for the proper operation of the canaryseed 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.

3 Mar 2005 cA-15.21 Reg 4 s11.

Chairperson and vice-chairperson

- 12(1)** The commission shall elect a chairperson and vice-chairperson from among the directors of the commission 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 commission.
- (3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the commission.

3 Mar 2005 cA-15.21 Reg 4 s12.

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Quorum

13 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.

3 Mar 2005 cA-15.21 Reg 4 s13.

Policies re conflict of interest and code of conduct

14 Within 18 months after the coming into force of these regulations, the commission 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.

3 Mar 2005 cA-15.21 Reg 4 s14.

Conflicts of interest

15(1) No director shall:

- (a) fail to disclose to the commission 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 canaryseed producers.

(2) If the commission is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the commission must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 14.

3 Mar 2005 cA-15.21 Reg 4 s15.

Bank accounts

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

3 Mar 2005 cA-15.21 Reg 4 s16.

Investments

17 The commission may:

- (a) invest any money in its possession or control that is not immediately required for a purpose of the canaryseed 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 commission considers expedient.

3 Mar 2005 cA-15.21 Reg 4 s17.

Fiscal year

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

3 Mar 2005 cA-15.21 Reg 4 s18.

Financial plan

19 The commission shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

3 Mar 2005 cA-15.21 Reg 4 s19.

Meetings of registered canaryseed producers

20(1) An annual general meeting of registered canaryseed 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 canaryseed producers at any time; and

(b) shall call a special general meeting on the written request of not less than 20 registered canaryseed producers.

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

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

(3.1) The notice mentioned in subsection (3) may be sent:

(a) by ordinary or registered mail; or

(b) at the request of a registered canaryseed producer, by facsimile or electronic mail.

(3.2) If a notice is sent pursuant to clause (3.1)(b), it is deemed to be received on the next business day after it was sent.

(4) The quorum at an annual or special general meeting of registered canaryseed producers is 20 registered canaryseed producers.

(5) The commission shall present to the annual general meeting:

(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 of the commission is to be determined by motion of the commission and approved by a vote of registered canaryseed producers at the next annual general meeting or special general meeting.

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

3 Mar 2005 cA-15.21 Reg 4 s20; 19 Mar 2010 SR 8/2010 s8.

PART IV Registration

Registered canaryseed producers

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

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

3 Mar 2005 cA-15.21 Reg 4 s21.

Registration of buyers

22(1) Every buyer shall register with the commission at the time and in the manner determined by order of the commission.

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

3 Mar 2005 cA-15.21 Reg 4 s22.

PART V Levies

Collection of levies

23(1) Every canaryseed producer engaged in the marketing of canaryseed 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) Subject to subsection (3), the levy mentioned in subsection (1):

(a) is to be determined by order of the commission; and

(b) is to be based on a fixed rate for every net tonne of canaryseed marketed by a canaryseed producer.

(3) The commission shall provide registered canaryseed producers:

(a) an opportunity to discuss the rate of 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.

19 Mar 2010 SR 8/2010 s9.

Refund of levies

24(1) The commission shall make a refund of levies only if:

- (a) the commission receives a written request for the refund from the canaryseed producer with respect to levies paid between August 1 in any year and July 31 in the following year, not later than August 31 of that year; and
- (b) the request has been verified by the commission.

(2) If the commission receives and verifies a written request for a refund of levies that were paid to the commission by the canaryseed producer between August 1 in any year and July 31 in the following year, the commission shall make the refund of those levies to the canaryseed producer not later than October 31 of that year.

19 Mar 2010 SR 8/2010 s9.

Required notification

25 If, for any one fiscal year, 35% or more of the canaryseed producers representing 35% or more of the levy for that fiscal year request a refund of levies pursuant to subsection 24(1), the commission shall immediately notify the council.

19 Mar 2010 SR 8/2010 s9.

PART VI
Commission Orders

Commission orders

26(1) The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the commission pursuant to section 12 of the Act.

(2) The commission shall number in consecutive order, retain and make available for inspection at its head office by any canaryseed 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 in any other media it considers appropriate; and
- (b) annually review the orders of the commission and consolidate them.

3 Mar 2005 cA-15.21 Reg 4 s26.

PART VII
Elections

Eligibility

- 27(1)** Every registered canaryseed producer is eligible to hold office as a director of the commission.
- (2) Subject to subsection (5), a registered canaryseed 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 canaryseed 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 canaryseed producer or as a designated representative of a registered canaryseed producer.

3 Mar 2005 cA-15.21 Reg 4 s27.

28 Repealed. 19 Mar 2010 SR 8/2010 s10.

Nominations

- 29(1)** Any registered canaryseed 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 canaryseed producers that nominations are being accepted for the commission and 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) three registered canaryseed producers;
 - (ii) three representatives of registered canaryseed producers appointed pursuant to subsection 27(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.

3 Mar 2005 cA-15.21 Reg 4 s29.

Returning officer and scrutineers

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

(2) Registered canaryseed producers, canaryseed producers, buyers and officers 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 related to conducting an election.

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

3 Mar 2005 cA-15.21 Reg 4 s30.

Conduct of elections

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

(2) If more than the required number of candidates is nominated pursuant to section 29, the commission 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 prepaid mail to every registered canaryseed producer:

(i) the ballot and a plain envelope;

(ii) a profile of every candidate;

(iii) a certificate of eligibility to vote; and

(iv) notice of the time by which and the place to which the ballot and the certificate of eligibility to vote are to be returned.

(3) Every registered canaryseed 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) The ballot of a registered canaryseed producer is not valid if:

(a) the registered canaryseed 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 canaryseed producer voted more than once.

3 Mar 2005 cA-15.21 Reg 4 s31; 19 Mar 2010
SR 8/2010 s11.

Validity of election

32 A registered canaryseed producer is deemed to have received any document that is mailed to the last address provided by him or her to the commission, and the failure of any registered canaryseed producer to receive that document does not invalidate the election.

3 Mar 2005 cA-15.21 Reg 4 s32.

Election results

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

3 Mar 2005 cA-15.21 Reg 4 s33; 19 Mar 2010 SR 8/2010 s12.

Term of office, vacancy

34(1) Subject to subsections (2), (3) and (6), a director of the commission holds office:

(a) in the case of an elected director, for a term of three 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) The term of office of every director of the first elected commission commences on the day on which he or she is declared by the returning officer to be elected, and expires:

(a) in the case of the three directors receiving the largest number of votes, on the day the director's successor is declared at the third annual general meeting following the year in which the director was elected;

(b) in the case of the two directors receiving the next largest number of votes, on the day the director's successor is declared at the second annual general meeting following the year in which the director was elected; and

(c) in the case of the two directors receiving the next largest number of votes, on the day the director's successor is declared at the annual general meeting following the year in which the director was elected.

(3) If the directors of the first elected commission are acclaimed, their terms of office commence on the day on which they are declared by the returning officer to be elected and expire in accordance with clauses (2)(a) to (c) applied to a vote held pursuant to section 35 as if a tie had occurred.

(4) Subject to subsection (5), a director is eligible for re-election or reappointment.

- (5) If a director has completed two consecutive terms, he or she is not eligible for re-election or re-appointment until one year has passed since the completion of the director's second consecutive term.
- (6) The office of a director becomes vacant if a director:
- (a) ceases to qualify as a registered canaryseed producer in the case of an elected director;
 - (b) resigns, dies or is unable to act;
 - (c) is absent from two consecutive meetings of the commission without being excused by a resolution of the commission; or
 - (d) fails to fulfil his or her duties as established by the policy of the commission and approved by the council.
- (7) Notwithstanding subsection 7(1), if the office of a director becomes vacant, the commission may appoint a director to fill the vacancy for the remainder of the term for that office.

3 Mar 2005 cA-15.21 Reg 4 s34; 19 Mar 2010
SR 8/2010 s13.

Tie votes

- 35(1)** If a tie occurs between candidates, the successful candidate is to be determined by a vote of registered canaryseed producers conducted at the next annual general meeting of registered canaryseed producers.
- (2) Voting pursuant to subsection (1) is to be by secret ballot.
- (3) Subject to subsection 27(5), only registered canaryseed producers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (1), and each of those registered canaryseed producers is entitled to one vote for that purpose.
- (4) The returning officer shall count the votes cast pursuant to subsection (1) and declare the winner of the tie vote before proceeding with any further business at the annual general meeting.

3 Mar 2005 cA-15.21 Reg 4 s35; 19 Mar 2010
SR 8/2010 s14.

Retention of ballots

- 36** The returning officer shall:
- (a) retain all ballots in his or her possession; and
 - (b) not destroy any ballot or other record respecting an election of directors until 90 days after the annual general meeting of registered canaryseed producers at which the returning officer declared the results of the election.

3 Mar 2005 cA-15.21 Reg 4 s36; 19 Mar 2010
SR 8/2010 s15.

Challenge to election results

37(1) Any registered canaryseed producer may challenge the results of an election of directors, as declared by the returning officer pursuant to section 33 or subsection 35(4), 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 canaryseed 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 Mar 2005 cA-15.21 Reg 4 s37; 19 Mar 2010 SR 8/2010 s16.

PART VIII**Transitional and Coming into Force**

38 Repealed. 19 Mar 2010 SR 8/2010 s17.

Coming into force

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

3 Mar 2005 cA-15.21 Reg 4 s39.