

*The
Saskatchewan Turkey
Producers' Marketing
Plan, 1975*

being

Saskatchewan Regulation 275/75
(effective December 3, 1975) as amended by
Saskatchewan Regulations 140/79 and 27/87.

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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SASKATCHEWAN REGULATION 275/75

under *The Natural Products Marketing Act, 1972 – Section 11*

PART I

Short Title

- 1 The plan shall be known as “The Saskatchewan Turkey Producers’ Marketing Plan, 1975.”

Definitions

- 2 In this plan, unless the context otherwise requires:
 - (a) “**Act**” means The Natural Products Marketing Act, 1972.
 - (b) “**Area**” means all of the Province of Saskatchewan, or any area within the Province to which the plan relates.
 - (c) “**Board**” means the Saskatchewan Turkey Producers’ Marketing Board.
 - (d) “**Council**” means the Natural Products Marketing Council established under the Natural Products Marketing Act, 1972.
 - (e) “**Custom processing**” means processing where title to the regulated product remains with the producer.
 - (f) “**Director**” means a member of the Board appointed or elected under this plan.
 - (g) “**Marketing**” includes buying, selling, offering for sale, advertising, financing, assembling, storing, packing, processing and shipping and transporting or any one of them in any manner by any person, and “**market**” and “**marketed**” have corresponding meanings.
 - (h) “**Minister**” means the Minister of Agriculture.
 - (i) “**Person**” means any individual, partnership, co-operative, corporation, body corporate and unincorporated groups or associations.
 - (j) “**Plan**” means the Saskatchewan Turkey Producers’ Marketing Plan.
 - (k) “**Processing**” means changing the nature of turkeys and turkey products by mechanical means or otherwise and includes killing.
 - (l) “**Processor**” means a person who processes turkeys and turkey products.
 - (m) “**Producer**” means a person who operates a production unit or units, either as owner, or under lease or other agreement, and who produces and markets 100 or more turkeys in a calendar year and the returns for the turkeys produced and marketed from the production unit or units is payable to that person or payable subject to his discretion.
 - (n) “**Production unit**” means buildings, structures, equipment and land used for the production or marketing of turkeys.

- (o) **“Quota”** means quantity with reference to the production and marketing of the regulated product from designated premises as determined by the Board for any purpose under this Plan.
- (p) **“Registered Producer”** means a producer who is duly registered with the Board and whose registration is in good standing.
- (q) **“Regulated Product”** means any class of turkey so defined in 2(t) or turkey products as defined in 2(w).
- (r) **“Saskatchewan Turkey Producers’ Marketing Board”** means the board established by this Plan.
- (s) **“Trucker”** means any person who holds or is required by law to hold a public or limited freight licence issued by the Saskatchewan Highway Traffic Board and shall include persons who use their own truck to transport the regulated product.
- (t) **“Turkey”** means any class of turkey raised or used for meat or egg production (fryer-roaster, junior, broiler, young or mature turkeys).
- (u) **“Turkey Agent”** means a person operating a business that handles turkeys and turkey products.
- (v) **“Turkey Hatchery”** means a place to produce young turkeys and includes artificial brooding and feeding.
- (w) **“Turkey Products”** means the carcass and carcass by-products.
- (x) **“Vehicle”** means any motor vehicle, trailer, railway car, wagon, ship, boat, airplane, or any other conveyance in which turkeys and turkey products may be transported.
- (y) **“Warehouse”** means a place for storing the regulated product.

12 Dec 75 SR 275/75 s2; 8 Jne 79 SR 140/79 s1.

Objectives of the Plan

- 3(a) To use the powers of the plan to regulate the production and marketing of turkeys and turkey products and to maintain a fair stabilized price in the province of Saskatchewan.
- (b) To provide for the initiation, support or conduct of studies and research in connection with production and marketing of turkeys and turkey products, and including studies and research dealing with consumer demands.
- (c) To provide for the initiation, support or conduct of promotional activities dealing with production and marketing of turkeys and turkey products.
- (d) To work and co-operate with federal and provincial marketing bodies having similar objectives.

12 Dec 75 SR 275/75 s3.

Application of Plan

4 Subject to Board exemption, this plan and the orders and regulations passed pursuant thereto shall apply:

- (a) to the whole of the Province of Saskatchewan;

(b) to all turkeys and turkey products and to all grades, classes or varieties thereof in the Province of Saskatchewan; and

(c) to all persons engaged in the production or marketing of any turkeys or turkey products in the Province of Saskatchewan.

8 Jne 79 SR 140/79 s2.

Fiscal Year

5 The Plan shall be operated on a fiscal year commencing the first day of January and ending on the thirty-first day of December.

12 Dec 75 SR 275/75 s5.

Constitution of the Board

6 The Saskatchewan Turkey Producers' Marketing Board is hereby continued to administer this Plan, and the head office of the board shall be at any place in Saskatchewan that is:

(a) designated by the Board; and

(b) approved by not less than 60% of the producers who voted at an annual meeting or a special general meeting or by a mail ballot.

12 Dec 75 SR 275/75 s6; 1 May 87 SR 27/87 s2.

Same

7 The board shall consist of five Directors elected or appointed pursuant to this Plan.

12 Dec 75 SR 275/75 s7.

Same

8 The board shall comprise of individuals who are registered producers or designated representatives of registered producers under this Plan. The Directors of the board shall be elected by the producers entitled to vote under section 11. The director or directors elected from time to time shall hold office for three years or until their successor or successors are elected or appointed as provided in section 12.

12 Dec 75 SR 275/75 s8.

Registered Producers

9(a) The Board shall keep at its head office a record to be known as the "Register of Producers" of all persons whose names and addresses have been registered with the Board as producers. Such record shall be amended from time to time by the addition thereto of the names and addresses of all persons who are to be registered and by deletion therefrom of the names and addresses of all persons who are not to be registered; provided however, that before the name of any person is removed from the said register, the Board shall give to such person, two weeks' notice in writing by registered or certified mail of the intention to do so, and the name of such person shall not be removed as aforesaid if, in the said period, he shall give sufficient reason for the retention of his name on the said register.

- (b) Where the producer is a corporation, co-operative, partnership, association or persons carrying on the business under a trade name, farm name or other designation such, name shall be registered as the producer.
- (c) All registered producers shall be licensed annually by the Board.
- (d) Where the producer is a corporation, co-operative, partnership, association, or persons carrying on the business under a trade name, farm name or other designation, such firm shall file with the Board information showing the names of the persons with a share or other ownership interest in the firm and the relative amount of ownership in the firm of each person.

12 Dec 75 SR 275/75 s9.

Meeting of the Producers

10(a) Subsequent annual meetings of the producers shall be held before the end of April each year.

- (b) Special general meetings of the producers may be called by the Board at any time and shall be called by the Board upon the written request of the Natural Products Marketing Council or upon the written request of ten or more producers. In cases where a request for a special general meeting has been received, the board shall provide for such meeting no later than thirty days following receipt of such a request.
- (c) At least fourteen days notice in writing specifying the place, the day and the hour of any annual meeting and at least seven days notice in writing specifying the place, the day and the hour of a special general meeting of the producers, and in the case of a special general meeting, the general nature of the business shall be given by the Board to all producers by mailing such notice.

12 Dec 75 SR 275/75 s10.

Voting

11(a) A producer shall not be entitled to vote for any purpose under the plan unless he is registered and licensed under the Plan.

- (b) For the purpose of voting at the annual meeting or at any special general meeting of the producers, each producer shall have one vote.
- (c) Where the producer is a corporation, co-operative, partnership, association or persons carrying on the business under a trade name, farm name or other designation, they shall be entitled to vote only through a designated representative appointed in writing, which appointment must be filed prior to the commencement of the meeting at which such representative desires to have the right to vote.
- (d) Except as provided in 11(c) there shall be no voting by proxy.

12 Dec 75 SR 275/75 s11.

Election of Directors

12(a) The directors of the Board shall be elected from time to time by the producers by mail nomination and balloting.

(b) The Board shall make all arrangements for conducting the election of directors and shall fix a date for receiving nominations. At least twenty days before the date so fixed, a notice stating that nomination forms may be obtained from the Board, and giving the date fixed for receiving nominations, shall be sent by prepaid post to each registered producer.

(c) Every nomination shall be in writing in the form prescribed by the Board and shall be signed by a registered producer, and also by the nominee as accepting the nomination, and shall be delivered to the Board not later than the date fixed for receiving nominations.

(d) In the event of not more than the required number of candidates being nominated, the said candidates shall be declared elected by acclamation.

(e) In the event of more than the required number of candidates being nominated the Board shall, at least ten days prior to the date fixed for the election, send by prepaid post to each registered producer the ballot and notice of the time by which and the place to which the ballot is to be returned.

(f) All voting shall be by ballot, and the ballots, sealed in a plain envelope provided, shall be returned to the returning officer named by the Board either by person or by mail. The certificate of eligibility to vote forwarded with each ballot shall be returned with the sealed ballot, and shall be signed by the registered producer casting the ballot, or, in the case of a body corporate, association, or persons registered under a trade name, farm name or other designation, by its duly authorized agent.

(g) If it appears upon counting the votes that two or more candidates for election to the Board have an equal number of votes, the returning officer shall write the names of such candidates separately on blank sheets of paper of equal size and of the same color and texture and, after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct some person to withdraw one of the sheets; and the candidate whose name appears on the sheet thus withdrawn shall be by the returning officer declared elected. The returning officer shall not be a producer nor an employee of the Board.

(h) A producer shall be deemed to have received any notice, nomination paper or ballot under the foregoing clauses which is posted addressed to him at his last address registered with the Board. The failure of any person to receive any such notice, nomination paper or ballot shall not invalidate any election.

(i) Every qualified voter who votes shall vote for not more than the specified number of candidates required to fill the vacancies, in order for his ballot to be valid.

(j) In the event of any delay or irregularity occurring in any election or if any doubt arising as to the validity of the election the Natural Products Marketing Council shall have authority to determine who are the directors of the Board and to fix the said directors' terms of office and to direct the holding of a special directors election if the Natural Products Marketing Council deems it advisable.

(k) In the event of a vacancy occurring on the Board, the remaining directors of the Board shall have authority to fill such vacancy until the next election.

12 Dec 75 SR 275/75 s12.

Activities of the Board

13(a) The acts of the Board shall, notwithstanding any defect or irregularity in the election, appointment or qualifications of any director thereof, be as valid as if the Board and every director thereof had been duly elected or appointed and were duly qualified.

(b) The Board shall meet following their election or appointment, and shall elect a chairman and vice-chairman from among their number, and may appoint a secretary-treasurer and such other officers as are deemed necessary, and such other persons so appointed need not be members of the Board.

(c) The Board may invest any money in its possession or control that in its opinion is not immediately required for the purposes of its operation, in securities of or guaranteed by the Government of Canada and sell any securities so acquired by it and re-invest the proceeds thereof or any part thereof in like manner.

(d) The Board may open bank accounts in the name of the Board and appoint signing officers.

(e) The Board may appoint such agents and employ such staff as the Board may from time to time deem necessary or advisable for the proper operation of this Plan.

(f) The Plan administered by the Board may be a co-operative project which may or may not be operated as a pool.

(g) Within six months after the end of each year the Board shall make available to all producers under this Plan a copy of its financial statement and a report of its operations for that year.

(h) A copy of all orders and regulations shall be sent to all persons affected by such orders and regulations.

12 Dec 75 SR 275/75 s13.

Powers of the Board

14 The Board is vested with the power necessary to effectively promote, control and regulate the marketing of turkeys and turkey products that are within the province and to prohibit such marketing in whole and in part and without limiting the generality of the foregoing the Board shall have the powers as follows:

(a) To regulate the time and place at which and to designate the agency by or through which turkeys or turkey products shall be marketed; to regulate the manner of distribution, the quantity and quality, grade or class of turkeys and turkey products that shall be marketed by any person at any time; and to prohibit in whole or in part the transportation, packing, storage or marketing of any grade, quality or class of turkey and turkey products.

- (b) To market, including grading and insuring, turkeys and turkey products or any class, variety or grade thereof either as principal or agent.
- (c) To exempt from any order or regulation any person or class of persons engaged in the production or marketing of turkeys and turkey products or any class, variety or grade thereof.
- (d) To require any or all persons engaged in the production or marketing of turkeys and turkey products to register with, and obtain licences from the Board and provide such guarantees of financial responsibility as may be deemed necessary.
- (e) To fix and collect licence fees, charges for services rendered by the Board and penalties from any or all persons producing or marketing turkeys and turkey products; and for that purpose to classify such persons into groups and fix the licence fees and charges or either of them payable by the members of the different groups in different amounts; and to recover any such licence fees, charges and penalties or any of them by suit in any court of competent jurisdiction.
- (f) To cancel or suspend any licence for violation of any part or provision of the Plan or any order of the Board or of the regulations and to reinstate any cancelled or suspended licence.
- (g) To require full information relating to the production and marketing of turkeys and turkey products from all persons engaged therein; and to require from those persons periodic information in such form as the Board may determine, and to inspect the books and premises of those persons;
- (h) To fix or determine the price or prices, maximum price or prices, minimum price or prices, or both maximum and minimum prices at which turkeys and turkey products or any grade or class thereof, may be bought or offered for sale in the province; and to fix different prices for different zones of the province.
- (i) To require the person in charge of any vehicle in which turkeys and turkey products could be transported to permit such persons as may be designated by the Board for the purpose to search the vehicle.
- (j) To seize, remove, dispose of any turkeys and turkey products marketed in violation of an order of the Board and retain or otherwise dispose of the proceeds thereof.
- (k) To use in carrying out the purposes of the Plan and paying the expenses of the Board any monies received by the Board.
- (l) To borrow, raise or secure the payment of money in such manner as the Board may think fit for the purpose of carrying out the objectives of the Plan.
- (m) To draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange and other negotiable or transferable instruments.
- (n) To purchase, take on lease or in exchange or otherwise acquire real property for the purposes of its business and to sell or otherwise dispose of, or mortgage, real property acquired by the Board.

(o) To make such orders as are deemed by the Board necessary or advisable to promote, control and regulate the marketing of turkeys and turkey products, and to amend or revoke such orders subject to approval of the Council.

(p) To require any person who owes money to a producer in respect of the sale of any regulated product by the producer to the person to pay the money to the Board which shall then distribute the money, in a manner and fashion to be determined by the Board, to the producer to whom the money is owing.

12 Dec 75 SR 275/75 s14.

Auditor

15 The auditor for the Board shall be appointed by the registered producers at the annual meeting or at any special general meeting of the producers.

12 Dec 75 SR 275/75 s15.

Quorums

16(a) A quorum required for the conducting of business relative to this Plan at any annual or special general meeting of the producers, shall be ten producers or ten per cent of the producers whichever is greater.

(b) A quorum for meetings of the directors of the Board shall not be less than 50% of the directors.

12 Dec 75 SR 275/75 s16.

Remuneration

17(a) The remuneration to be paid from time to time to the directors of the Board shall be fixed by the producers at the annual meeting or at any special general meeting of the producers.

(b) The officers and staff of the Board or of any committee appointed by the Board may be paid such remuneration as may be fixed by resolution of the Directors; which shall be paid as an expense out of the general revenue to the annual meeting in each year.

12 Dec 75 SR 275/75 s17.

Penalties

18(a) No director, officer or staff of the Board, acting in good faith, shall be held personally liable for any act of the Board.

(b) Every person who fails to comply with any determination, regulation or order of the Board is guilty of an offence and liable to such penalties and orders provided under the Act.

(c) Where a person has been convicted by a court of an offence under the Plan, all rights and licences of the person under the Plan are cancelled. The Board may reinstate such rights and licences by unanimous vote of the directors.

12 Dec 75 SR 275/75 s18.

Quotas

19(a) The Board may by order provide for the fixing and allotting of quotas to persons for the production and marketing of turkeys and turkey products.

(b) A quota allotted by the Board to a person remains the property of the Board and that person shall not assign, sell or offer for sale or receive payment for any such quota.

(c) Smaller producers of turkeys and turkey products, as determined by the Board, shall be given preference by the Board in the allocation of quotas.

(d) Provision shall be made by the Board for allowing new producers to enter into the production of turkeys and turkey products.

(e) The Board shall institute and maintain a priority list for new and increased quotas which may be based on area needs.

12 Dec 75 SR 275/75 s19.

Budget

20(a) The Board shall prepare a list of estimated expenditures for each year.

(b) The Board shall set a schedule of fees to recover such estimated expenditures and may include provision for a surplus but such surplus shall be no greater than twenty per cent of total revenue.

(c) In the event that a loss is sustained through unexpected expenses, the Board shall institute a fee structure to recover such losses within the next five years.

12 Dec 75 SR 275/75 s20.

Co-operation with other Agencies

21(a) The Board may co-operate with any Canada agency or extra-provincial agency to regulate the marketings of turkeys and turkey products of the province and may act conjointly with the Canada agency or extra-provincial agency.

(b) The Board may perform any function or duty and exercise any power imposed or conferred upon it by or pursuant to a Canada or extra-provincial Act with reference to the marketing of turkeys and turkey products.

12 Dec 75 SR 275/75 s21.

Advisory Committee

22(a) There shall be a committee known as the Turkey Board Advisory Committee.

(b) The Committee shall be composed of three members:

(1) The Saskatchewan Egg and Poultry Association will be invited to name one member.

(2) The Saskatchewan Hatchery Association will be invited to name one member.

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(3) The Saskatchewan Feed Manufacturers' Association will be invited to name one member.

(4) The Board shall appoint the members where the associations in 22(b) (1), (2), (3) fail to name a member.

(c) The members of the Turkey Board Advisory Committee shall remain in office until replaced by their respective organizations.

(d) The Turkey Board Advisory Committee shall arrange and conduct its meetings as it deems necessary and may make recommendations to the Board with respect to the Turkey industry.

12 Dec 75 SR 275/75 s22.

Conciliation Committee

23(a) There shall be a committee known as the Turkey Board Conciliation Committee.

(b) The Conciliation Committee shall be composed of three members:

(1) One member named by the Turkey Board Advisory Committee.

(2) One member named by the producers and such person shall not be a Board director.

(3) One member named by the Board.

(c) The Board shall refer grievances to the Turkey Board Conciliation Committee for recommendation.

12 Dec 75 SR 275/75 s23.

Right of Appeal

24 Subject to the provisions of the Act, a person who considers himself aggrieved by an act or omission, may appeal the matter to the Council.

12 Dec 75 SR 275/75 s24.

Amendments

25(1)(a) The Board may submit a request for the amendment of the Plan to the Minister after:

(1) The said amendment has been approved by a vote of the producers.

(2) A majority of 60% of the voters have approved the proposed amendments.

(2) The vote on the proposed amendment may be taken at a general meeting or at any special general meeting or by mail ballot.

12 Dec 75 SR 275/75 s25.

Dissolution

26(a) The Council may recommend to the Minister that a vote be held to determine whether or not the producers defined in the Plan are in favor of the continued operation of the Plan.

(b) The Board may submit a request to the Minister that the Plan be dissolved after:

(1) The dissolution has been approved by a vote of the producers.

(2) A majority of 60% of the voters have approved the dissolution.

(c) The vote referred to in 26(b)(1) may be taken at a general meeting or at any special general meeting or by mail ballot.

