

The Mustard Development Plan Regulations

being

Chapter A-15.21 Reg 11 (effective April 8, 2010) as amended
by Saskatchewan Regulations 61/2021.

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.

Table of Contents

<p style="text-align: center;">PART I Title and Interpretation</p> <p>1 Title</p> <p>2 Interpretation</p> <p style="text-align: center;">PART II Plan</p> <p>3 Plan continued</p> <p>4 Application</p> <p>5 Purpose</p> <p style="text-align: center;">PART III Commission</p> <p>6 Commission</p> <p>7 Powers of the commission</p> <p>8 Books and records</p> <p>9 Appointment of auditor</p> <p>10 Committees</p> <p>11 Chairperson and vice-chairperson</p> <p>12 Quorum</p> <p>13 Policies re conflict of interest and code of conduct</p> <p>14 Conflicts of interest</p> <p>15 Bank accounts</p> <p>16 Investments</p> <p>17 Fiscal year</p> <p>18 Financial plan</p> <p>19 Meetings of registered producers</p> <p style="text-align: center;">PART IV Registration</p> <p>20 Registration of producers</p> <p>21 Registration of buyers</p>	<p style="text-align: center;">PART V Levies</p> <p>22 Collection of levies</p> <p>23 Refund of levies</p> <p>24 Required notification</p> <p style="text-align: center;">PART VI Commission orders</p> <p>25 Commission orders</p> <p style="text-align: center;">PART VII Elections</p> <p>26 Eligibility</p> <p>27 Nominations</p> <p>28 Returning officer and scrutineer</p> <p>29 Conduct of elections</p> <p>30 Failure to receive documents does not invalidate election</p> <p>31 Election results</p> <p>32 Term of office, vacancy</p> <p>33 Tie votes</p> <p>34 Retention of election documents</p> <p>35 Challenge to election results</p> <p style="text-align: center;">PART VIII Repeal, Transitional and Coming into Force</p> <p>36 R.R.S. c.A-15.2 Reg 8 repealed</p> <p>37 Transitional</p> <p>38 Coming into force</p>
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CHAPTER A-15.21 REG 11

The Agri-Food Act, 2004

PART I

Title and Interpretation

Title

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

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **Repealed.** 21 May 2021 SR 61/2021 s3.
- (c) **“buyer”** means any person who buys mustard produced in Saskatchewan other than a producer who buys mustard produced in Saskatchewan from another producer;
- (d) **“commission”** means the Saskatchewan Mustard Development Commission continued pursuant to section 6;
- (e) **“mustard”** means:
 - (i) mustard seed or any part of the plant *Sinapis alba*;
 - (ii) non-canola-quality types of *Brassica juncea* as defined in the regulations made pursuant to the *Seeds Act* (Canada);
 - (iii) oil, protein and condiment types of *Sinapis alba*; and
 - (iv) seed or any part of the plant *Brassica carinata* for industrial use;
- (f) **“plan”** means the Saskatchewan Mustard Development Plan continued pursuant to section 3;
- (g) **“processor”** means any person engaged in the business of processing mustard;
- (h) **“producer”** means:
 - (i) any person engaged in the production, marketing, or production and marketing of mustard, and includes the employer of that person;
 - (ii) a person who, under any lease or agreement, is entitled to a share of the mustard or the proceeds of its sale;
 - (iii) a person who takes possession of any mustard under any form of security or legal proceeding for a debt;

- (i) **“registered producer”** means a producer:
 - (i) who is registered with the commission pursuant to section 20;
 - (ii) who has paid a levy pursuant to subsection 22(1) in at least 1 of the last 3 years for which that producer has not received a refund pursuant to section 23;
 - (iii) whose registration has not been suspended or cancelled.

16 Apr 2010 cA-15.21 Reg 11 s2; 21 May 2021
SR 61/2021 s3.

PART II

Plan

Plan continued

- 3** The Saskatchewan Mustard Development Plan is continued.

16 Apr 2010 cA-15.21 Reg 11 s3.

Application

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

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

16 Apr 2010 cA-15.21 Reg 11 s4.

Purpose

- 5(1)** The purpose of the plan is to develop the mustard industry in Saskatchewan.
- (2) Without limiting the generality of subsection (1), the specific purposes of the plan are:
 - (a) to assist in the development and promotion of mustard and mustard products in the domestic and international marketplaces;
 - (b) to conduct and encourage research on production, market development, processing and consumption of mustard and mustard products;
 - (c) to advise governments on matters pertaining to mustard research and development;
 - (d) to gather, compile and distribute information related to the production, consumption and market development of mustard and mustard products;
 - (e) to encourage the production of uniformly high quality mustard and mustard products;

- (f) to promote harmony and communication within the mustard industry;
- (g) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness and demand for mustard and mustard products;
- (h) to establish a system of collecting levies on the marketing of mustard for the purpose of carrying out the objectives of the plan; and
- (i) to work in co-operation with any persons or organizations that have objectives similar to those of the plan.

16 Apr 2010 cA-15.21 Reg 11 s5.

PART III Commission

Commission

- 6(1) The Saskatchewan Mustard Development Commission is continued as a development commission pursuant to the Act.
- (2) Unless the number of directors is otherwise set by an order of the commission:
 - (a) the commission consists of a maximum of 8 directors; and
 - (b) subject to subsection (4), 6 directors are to be elected in accordance with Part VII.
- (3) Unless otherwise determined by an order of the commission and subject to subsection (4), the commission may appoint up to 2 directors in addition to the elected directors.
- (4) If fewer than 6 directors, or fewer than the number of directors set by an order of the commission, are elected pursuant to Part VII, the commission may appoint as directors the registered producers eligible to hold office that it considers necessary to fill those positions.
- (5) The commission shall administer the plan.

21 May 2021 SR 61/2021 s4.

Powers of the commission

- 7(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 mustard;
 - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of mustard 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 mustard;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of mustard;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of mustard 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 mustard; 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 mustard 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 mustard, 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 money received by the commission to carry out the purposes of the 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 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 commission 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 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 plan;
 - (t) the power to:
 - (i) require any person who owes money to a producer with respect to the sale by the producer of mustard 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 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;
 - (y) the power to set the number of directors elected or appointed to the board and the terms of office of those directors;
 - (z) the power to develop, deliver or develop and deliver traceability, animal welfare and food safety strategies, programs and initiatives.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of mustard.
- (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 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 the financial guarantee is made or given.

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 cities, towns, villages or other municipalities 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 producers; and
 - (c) on request to:
 - (i) any registered producer; or
 - (ii) any registered buyer.

16 Apr 2010 cA-15.21 Reg 11 s8; 21 May 2021
SR 61/2021 s6.

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 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 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.

16 Apr 2010 cA-15.21 Reg 11 s9.

Committees

- 10(1)** The commission 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 commission may determine.

16 Apr 2010 cA-15.21 Reg 11 s10.

Chairperson and vice-chairperson

- 11(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.

16 Apr 2010 cA-15.21 Reg 11 s11.

Quorum

- 12** 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.

16 Apr 2010 cA-15.21 Reg 11 s12.

Policies re conflict of interest and code of conduct

- 13** 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.

16 Apr 2010 cA-15.21 Reg 11 s13.

Conflicts of interest

14(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 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 13.

16 Apr 2010 cA-15.21 Reg 11 s14.

Bank accounts

15 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.

16 Apr 2010 cA-15.21 Reg 11 s15.

Investments

16 The commission 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 commission considers expedient.

16 Apr 2010 cA-15.21 Reg 11 s16.

Fiscal year

17 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.

16 Apr 2010 cA-15.21 Reg 11 s17.

Financial plan

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

16 Apr 2010 cA-15.21 Reg 11 s18.

Meetings of registered producers

- 19(1)** An annual general meeting of registered producers:
- (a) is to be held in each year within six months after 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 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 notice mentioned in subsection (3) may be sent:
- (a) by ordinary or registered mail; or
 - (b) at the request of a registered producer, by facsimile or electronic mail.
- (5) If a notice is sent pursuant to clause (4)(b), it is deemed to be received on the next business day after it was sent.
- (6) Unless otherwise set by an order of the commission, the quorum at an annual or special general meeting of registered producers is 15 registered producers.
- (7) 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.
- (8) 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 producers at the next annual general meeting or special general meeting.
- (9) 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.

(10) One or several registered producers may attend an annual general meeting or special general meeting by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.

(11) If all registered producers intend to attend an annual general meeting or special general meeting by the means mentioned in subsection (10), permission from the council must first be obtained.

16 Apr 2010 cA-15.21 Reg 11 s19; 21 May 2021
SR 61/2021 s7.

PART IV Registration

Registration of producers

20(1) Every 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 producer.

(3) Registration of a producer takes effect at the beginning of the commission's fiscal year following the payment of the levy required pursuant to subsection 22(1).

(4) Registration remains in effect until:

- (a) the producer makes a written request for and the commission verifies the request for a refund pursuant to section 23;
- (b) the commission has not received a levy payment from the producer for 3 consecutive fiscal years;
- (c) the death of a producer who is an individual; or
- (d) the dissolution of a corporation, partnership or other organization that is a producer.

16 Apr 2010 cA-15.21 Reg 11 s20; 21 May 2021
SR 61/2021 s8.

Registration of buyers

21(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.

16 Apr 2010 cA-15.21 Reg 11 s21.

PART V

Levies

Collection of levies

22(1) Every producer engaged in the production, marketing or production and marketing of mustard 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 percentage of the gross value of mustard sold by a producer.
- (3) The commission shall provide registered producers:
 - (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.
- (4) The commission may require any buyer or processor to:
 - (a) deduct the levy mentioned in subsection (1), and other fees and charges on mustard levied pursuant to these regulations, from any payment made to a producer; and
 - (b) forward the levy and other fees and charges to the commission.
- (5) The commission may require any producer to:
 - (a) deduct the levy mentioned in subsection (1), and other fees and charges on mustard levied pursuant to these regulations, from any payment from another producer; and
 - (b) forward the levy and other fees and charges to the commission.
- (6) The commission may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from producers, buyers and processors.

16 Apr 2010 cA-15.21 Reg 11 s22.

Refund of levies

- 23(1)** The commission shall make a refund of levies only if:
- (a) the commission receives a written request for the refund from the producer:
 - (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 following year, not later than February 28 of that year; and
 - (b) the request has been verified by the commission.

A-15.21 Reg 11**MUSTARD DEVELOPMENT PLAN**

(2) If the commission receives and verifies a written request for a refund of levies that were paid to the commission by the producer:

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

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

16 Apr 2010 cA-15.21 Reg 11 s23.

Required notification

24 If, for any one fiscal year, 35% or more of the producers representing 35% or more of the levy for that fiscal year request a refund of levies pursuant to subsection 23(1), the commission shall immediately notify the council.

16 Apr 2010 cA-15.21 Reg 11 s24.

PART VI

Commission orders

Commission orders

25(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 registered producer, registered buyer 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 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.

16 Apr 2010 cA-15.21 Reg 11 s25.

PART VII

Elections

Eligibility

26(1) In this section, “**family member**” means any of the following with respect to an individual:

(a) the spouse or person with whom the individual is cohabiting as a spouse;

(b) a son or daughter;

(c) a parent or legal guardian;

- (d) a brother or sister;
 - (e) a grandparent;
 - (f) a grandchild;
 - (g) an uncle or aunt;
 - (h) a nephew or niece;
 - (i) a cousin;
 - (j) a mother-in-law, father-in-law, sister-in-law or brother-in-law;
 - (k) a person who is related by legal adoption.
- (2) Every registered producer or representative of a registered producer is eligible to hold office as a director of the commission.
- (3) If a registered producer is a corporation, partnership or other organization, it must appoint as its representative to put forward resolutions at meetings, vote or hold office on behalf of the registered producer an individual who is:
- (a) a director, partner, shareholder, member, officer or employee of that corporation, partnership or other organization, or a family member of any of those individuals; and
 - (b) involved in the farming operation of the registered producer.
- (4) On or before the date fixed pursuant to clause 27(2)(a) as the last date for receipt of nominations for election to the commission, a registered producer who is an individual may appoint as that individual's representative to put forward resolutions at meetings, vote or hold office on behalf of the registered producer an individual who is:
- (a) an employee or family member of the registered producer; and
 - (b) involved in the farming operation of the registered producer.
- (5) The appointment of a representative pursuant to subsection (3) or (4) must be:
- (a) in writing; and
 - (b) filed with the commission in a form and manner acceptable to the commission.
- (6) A corporation, partnership or other organization is entitled to put forward resolutions at meetings, vote or hold office only through a representative appointed pursuant to subsections (3) and (5).
- (7) After an individual is duly appointed as a representative in accordance with subsections (4) and (5) and until the registered producer or the representative terminates the appointment by filing a notice in writing with the commission:
- (a) the representative is entitled to put forward resolutions at meetings, vote or hold office as the representative of the registered producer and to receive any notice required to be given pursuant to this Part; and
 - (b) the registered producer is not entitled to put forward resolutions at meetings, vote or hold office.

- (8) A representative appointed to vote pursuant to subsection (3) or (4) must, at the time of voting, declare that the representative has been appointed by the registered producer to vote on behalf of the registered producer.
- (9) Except as provided in this section, voting by proxy is prohibited.
- (10) Every registered producer is entitled to one vote.

21 May 2021 SR 61/2021 s9.

Nominations

27(1) Subject to section 26, every 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 must:
 - (a) be made in writing in the form required by the commission;
 - (b) be signed by:
 - (i) 3 registered producers;
 - (ii) 3 representatives of registered producers appointed pursuant to subsection 26(3) or (4); or
 - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling 3 persons;
 - (c) include a candidate profile, if provided by the nominated individual; and
 - (d) be delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) as the last date for receipt of nominations.
- (4) Any information provided pursuant to subsection (3) must be considered confidential and must not be disclosed to any person until after the date fixed pursuant to clause (2)(a).
- (5) Notwithstanding subsection (4), the commission may have access to the following information before the date fixed pursuant to clause (2)(a):
 - (a) a running total of the number of nominations received by the returning officer; and
 - (b) the first name and last name of individuals who have been nominated pursuant to subsection (3).
- (6) After the date fixed pursuant to clause (2)(a), the returning officer shall forward copies of all nominations to the commission.

16 Apr 2010 cA-15.21 Reg 11 s27; 21 May 2021
SR 61/2021 s10.

Returning officer and scrutineers

28(1) Subject to subsection (2), the commission shall appoint a returning officer to conduct an election pursuant to section 29.

(2) Registered producers, representatives of registered producers, producers, marketers, buyers, processors 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 relating to the conduct of the election.

(4) Any registered producer or representative of a registered producer nominated pursuant to section 27 may provide a scrutineer to scrutinize actions relating to conducting the election.

(5) Directors, officers and employees of the commission are not eligible to act pursuant to subsection (4) as scrutineers.

21 May 2021 SR 61/2021 s11.

Conduct of elections

29(1) If not more than the required number of candidates are nominated pursuant to section 27, the candidates nominated are deemed to be elected by acclamation.

(2) If more than the required number of candidates are nominated pursuant to section 27, the commission shall:

- (a) fix a date for the completion of the election;
- (b) at least 15 business days before the date fixed pursuant to clause (a), provide to every registered producer:
 - (i) a numbered ballot;
 - (ii) the candidate profiles, if any, submitted pursuant to clause 27(3)(c); and
 - (iii) a notice that states the date and time by which and place to which the ballot is to be returned; and
- (c) if the commission provides ballots pursuant to subclause (b)(i) in paper form, provide an envelope with the ballot.

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

- (a) complete the ballot provided by the commission; and
- (b) return the ballot to the returning officer in the manner stated in the notice sent pursuant to subclause (2)(b)(iii) by the date and time fixed for it to be returned.

(4) The ballot of a registered producer is not valid if the voter failed to comply with the voting instructions provided, including if:

- (a) the registered producer votes for more than the specified number of candidates;
- (b) the ballot is defaced;
- (c) the ballot is marked in any way other than to vote for candidates; or
- (d) the ballot is not the original ballot provided by the commission.

- (5) If a tie does not occur between candidates, the returning officer shall prepare and submit a written report to the chairperson that declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the commission.
- (6) The returning officer must send the written report mentioned in subsection (5) to the commission within 10 business days after the completion of the election.
- (7) The commission shall inform candidates of the election results within 10 business days after receiving the report mentioned in subsection (5).
- (8) If the number of candidates nominated pursuant to section 27 is greater than the number of director positions to be filled, the commission shall not advertise in any manner any funding announcement, new program or new service provided by or delivered on behalf of the commission during the period from the date fixed pursuant to clause 27(2)(a) until the date fixed by clause (2)(a).

21 May 2021 SR 61/2021 s11.

Failure to receive documents does not invalidate election

- 30** The failure of any registered producer to receive the documents mentioned in clause 29(2)(b) does not invalidate the election.

16 Apr 2010 cA-15.21 Reg 11 s30.

Election results

- 31(1)** The chairperson shall read the written report prepared pursuant to subsection 29(5) at the first annual general meeting of registered producers after the election.
- (2) The reading of the written report pursuant to subsection (1) is deemed to be the declaration of the directors.
- (3) The commission shall:
 - (a) within 10 business days after receiving the written report of the returning officer prepared pursuant to subsection 29(5):
 - (i) provide to candidates the election results, including total vote counts for all candidates; and
 - (ii) provide to the council a complete list of candidates that clearly indicates the total vote count received by each candidate and the names of the candidates who were declared directors; and
 - (b) make the written report of the returning officer available on request to any registered producer.

21 May 2021 SR 61/2021 s12.

Term of office, vacancy

- 32(1)** Subject to subsection (4), a director of the commission holds office:
 - (a) in the case of an elected director, unless the term of office is otherwise set by an order of the commission, for a term of 3 years commencing with the declaration of the director's election by the chairperson or 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 3 consecutive full terms, not including any portion of a term for which a director was appointed, that director is not eligible for re-election or reappointment until 1 year has passed since the completion of that director's third full term.
- (4) The office of director becomes vacant if a director:
 - (a) ceases to qualify:
 - (i) as a registered producer; or
 - (ii) as the representative of a registered producer;
 - (b) resigns, dies or is unable to act;
 - (c) is absent from three consecutive meetings of the commission without being excused by 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.
- (5) Notwithstanding subsection 6(2), if the office of a director becomes vacant, the commission may appoint a registered producer as a director to fill the vacancy until the next election.

16 Apr 2010 cA-15.21 Reg 11 s32; 21 May 2021
SR 61/2021 s13.

Tie votes

- 33(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) Subject to subsection 26(10), only registered producers who are in attendance, either in person or by the means mentioned in subsection 19(10) or (11), at the annual general meeting of registered producers are entitled to vote pursuant to subsection (1).
- (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 of registered producers.

16 Apr 2010 cA-15.21 Reg 11 s33 21 May 2021
SR 61/2021 s14.

Retention of election documents

34(1) The returning officer shall:

- (a) retain the following in the officer's possession:
 - (i) the original nominations submitted pursuant to clause 27(3)(a);
 - (ii) the original candidate profiles submitted pursuant to clause 27(3)(c);
 - (iii) the ballots; and
 - (b) subject to subsection (2), not destroy any nomination, candidate profile, ballot or other record respecting an election of directors until 90 days after the annual general meeting of registered producers at which the results of the election were declared.
- (2) If a registered producer submits a written objection to the council pursuant to section 35, the period mentioned in clause (1)(b) is extended until the challenge has been determined.

21 May 2021 SR 61/2021 s15.

Challenge to election results

35(1) Any registered producer nominated pursuant to section 27 may submit a written objection to the council to challenge any of the following:

- (a) the results of an election of directors, as provided pursuant to subclause 31(3)(a)(i);
 - (b) the results of a vote to break a tie, as declared by the returning officer pursuant to subsection 33(4).
- (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 30 days after the notification provided pursuant to subclause 31(3)(a)(i) or the declaration mentioned in subsection 33(4), as the case may be.
- (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.

16 Apr 2010 cA-15.21 Reg 11 s35; 21 May 2021
SR 61/2021 s16.

PART VIII
Repeal, Transitional and Coming into Force

R.R.S. c.A-15.2 Reg 8 repealed

36 *The Saskatchewan Mustard Development Plan Regulations* are repealed.

16 Apr 2010 cA-15.21 Reg 11 s36.

Transitional

37 On the coming into force of these regulations, the commission is to consist of the directors of the commission who held office pursuant to *The Saskatchewan Mustard 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.

16 Apr 2010 cA-15.21 Reg 11 s37.

Coming into force

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

16 Apr 2010 cA-15.21 Reg 11 s38.

