

The Milk Marketing Plan Regulations

being

[Chapter A-15.21 Reg 12](#) (effective April 22, 2010) as amended
by Saskatchewan Regulations [97/2010](#) and [63/2020](#).

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

	PART I		
	Title and Interpretation		
1	Title		20.3 Producer licence
2	Definitions		20.4 Processor licence and transporter licence
			20.5 Refusal, cancellation and suspension
			20.51 New entrants
	PART II		PART IV.2
	Plan		Quota
3	Plan established		20.6 Use of quota
4	Application		20.7 Quota property of board
5	Purpose		20.8 Transfer of quota
			20.9 Adjustments to quota
	PART III		20.91 Cancellation, suspension of quota
	Board		
6	Board continued		PART V
7	Powers of the board		Elections
7.1	Terms and conditions on board powers	21	Eligibility
8	Books and records	22	Repealed
9	Appointment of auditor	23	Nominations
10	Committees	24	Returning officer and scrutineers
11	Executive	25	Conduct of elections
12	Quorum	26	Failure to receive documents does not invalidate election
13	Policies re conflict of interest and code of conduct	27	Election results
14	Conflicts of interest	28	Term of office, vacancy
15	Bank accounts	29	Tie votes
16	Investments	30	Retention of election documents
17	Fiscal year	31	Challenge to election results
18	Financial plan		PART V.1
19	Meetings of licensed producers		Levies
		31.1	Levies
	PART IV		
	Board orders		PART VI
20	Board orders		Transitional and Coming into Force
		32	Repealed
	PART IV.1	32.1	Repealed
	Licensing	33	Coming into force
20.1	Licence required		
20.2	Application for licence or renewal of licence		

CHAPTER A-15.21 REG 12

The Agri-Food Act, 2004

PART I

Title and Interpretation

Title

- 1 These regulations may be cited as *The Milk Marketing Plan Regulations*.

Definitions

- 2 In these regulations:

“**Act**” means *The Agri-Food Act, 2004*;

“**board**” means the Saskatchewan Milk Marketing Board continued pursuant to section 6;

“**director**” means a director of the board elected or appointed in accordance with Part V;

“**licence**” means a valid licence issued pursuant to Part IV.1;

“**licensed processor**” means a processor to whom a licence has been issued and whose licence is in good standing;

“**licensed producer**” means a producer to whom a licence has been issued and whose licence is in good standing;

“**licensed transporter**” means a transporter to whom a licence has been issued and whose licence is in good standing;

“**milk**” means the lacteal secretion, free of colostrum, obtained from the mammary gland of an animal of the bovine species;

“**milk product**” means any product manufactured or processed wholly or primarily from milk;

“**plan**” means the Saskatchewan Milk Marketing Plan established pursuant to section 3;

“**processing**” means changing the nature, quality or condition of milk and includes pasteurizing, standardizing and dehydrating milk;

“**processor**” means any person engaged in the business of processing milk;

“producer” means any person engaged in the production of milk in Saskatchewan;

“production location” means the location where a licensed producer produces milk as set out in the producer’s licence;

“quota” means the amount of milk that a licensed producer is authorized to produce;

“transporter” means a person who transports milk from a producer to a processor.

22 May 2020 SR 63/2020 s3.

PART II Plan

Plan established

3 The Saskatchewan Milk Marketing Plan is established.

30 Apr 2010 cA-15.21 Reg 12 s3.

Application

4 The plan and the orders of the board made pursuant to the plan apply:

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

30 Apr 2010 cA-15.21 Reg 12 s4; 17 Sep 2010 SR 97/2010 s4.

Purpose

5 The purposes of the plan are:

- (a) to control and regulate the production and marketing of milk and milk products in Saskatchewan;
- (b) to maintain a fair and stable price for milk sold by producers in Saskatchewan;
- (c) to initiate, support and conduct studies and research connected with the production, marketing or production and marketing of milk and milk products, including studies and research respecting consumer demand for milk and milk products;
- (d) to initiate, support and conduct activities to promote the production, marketing or production and marketing of milk and milk products in Saskatchewan; and
- (e) to co-operate with the Governments of Saskatchewan and Canada and with any bodies empowered by an Act or an Act of the Parliament of Canada or of a province or territory of Canada to market milk and milk products or to promote, facilitate, control, regulate or prohibit the production or marketing of milk and milk products.

30 Apr 2010 cA-15.21 Reg 12 s5; 17 Sep 2010 SR 97/2010 s5.

PART III
Board

Board continued

- 6(1)** The Saskatchewan Milk Marketing Board is continued as a marketing board pursuant to the Act.
- (2) Unless the number of directors is otherwise set by an order of the board, the board consists of a maximum of 9 directors elected in accordance with Part V.
- (3) If less than 9 directors, or less than the number of directors set by an order of the board, are elected in accordance with Part V, the board may appoint as directors the licensed producers eligible to hold office that it considers necessary to fill these positions.
- (4) The board shall administer the plan.

22 May 2020 SR 63/2020 s4.

Powers of the board

- 7(1)** Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in section 8 of the Act:
- (a) the power to carry out educational, research and developmental programs related to milk and milk products;
 - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of milk to register with the board;
 - (c) the power to set and collect registration fees and charges for services rendered by the board from any person engaged in the production, marketing or production and marketing of milk;
 - (d) the power to set and collect a levy from persons engaged in the production, marketing or production and marketing of milk;
 - (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of milk 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 milk; and
 - (ii) contravenes an order of the board;
 - (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
 - (h) subject to section 7.1, the power to require any person engaged in the production, marketing or production and marketing of milk and milk products to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
 - (i) the power to market, grade or insure milk, either as principal or agent;

- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the plan; and
 - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any moneys received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (2), 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 (2), the power to give financial guarantees respecting the indebtedness of any person if the board considers it necessary or advisable for the purposes of the plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the board, and to insure, sell or otherwise dispose of any of its property;
- (r) the power to grant a mortgage or security interest in any of the board's real or personal property;
- (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;
- (t) the power to:
 - (i) require any person who owes money to a producer with respect to the sale by the producer of milk to pay the moneys to the board; and
 - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the moneys are owing;
- (u) the power to:
 - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
 - (ii) hold membership in any corporation;

- (v) the power to:
 - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (u); and
 - (ii) exercise any rights, including the right to vote, as:
 - (A) an owner of the securities mentioned in clause (u); or
 - (B) a member;
- (w) the power to register a business name pursuant to *The Business Names Registration Act*;
- (x) the power to prescribe the manner in which remuneration and reimbursement for expenses of the directors are to be determined and paid;
- (y) the power to control, regulate or control and regulate all or any of the following:
 - (i) the manner of distributing milk;
 - (ii) the quantity of milk that may be produced or marketed by any person at any time;
 - (iii) the quality or the variety, class or grade of milk that may be produced or marketed by any person at any time;
- (z) the power to prohibit in whole or in part the production, marketing or production and marketing of any variety, class or grade of milk;
- (aa) the power to regulate the time and place at which, and the legal entity through which, milk or any variety, class or grade of milk or milk products is to be marketed;
- (bb) the power to set or determine the price, the maximum price, the minimum price or any combination of the maximum price and minimum price at which milk or milk products or any variety, class or grade of milk or milk products may be bought or offered for sale in Saskatchewan;
- (cc) for the purposes of clause (bb), the power to set or determine different prices for different areas of Saskatchewan;
- (dd) the power to establish the manner in which returns from the market are to be distributed to producers of milk;
- (ee) the power to require any or all persons engaged in the production, marketing or production and marketing of milk to do all or any of the following:
 - (i) obtain a licence from the board;
 - (ii) provide any guarantees of financial responsibility that the board considers necessary;
- (ff) the power to:
 - (i) issue licences to any or all persons producing, marketing or producing and marketing milk in accordance with criteria set out in an order of the board;

- (ii) determine the fees payable for a licence and to require payment of those fees;
 - (iii) categorize persons producing, marketing or producing and marketing milk for the purpose of determining the fees mentioned in subclause (ii); and
 - (iv) recover the fees mentioned in subclause (ii) by an action in a court of competent jurisdiction;
 - (gg) subject to section 9 of the Act, the power to suspend, cancel or reinstate a licence mentioned in clause (ff) in accordance with criteria established by order of the board for the suspension, cancellation or reinstatement of licences;
 - (hh) the power to set the number of directors elected to the board and the terms of office of those directors;
 - (ii) the power to develop, deliver or develop and deliver traceability, animal welfare and food safety strategies, programs and initiatives.
- (2) Neither the sum of the loans mentioned in clause (1)(o), nor the sum of the financial guarantees mentioned in clause (1)(p), shall exceed 10% each of the board's current assets as reported in the audited financial statement in the board's most recent annual report at the time the loan or the financial guarantee is made or given.

17 Sep 2010 SR 97/2010 s6 22 May 2020 SR
63/2020 s5.

Terms and conditions on board powers

- 7.1(1)** The board shall exercise its powers mentioned in clause 7(1)(h) with respect to processors only through making orders.
- (2) The board shall make and maintain an order establishing rules respecting the purpose for which information respecting processors may be collected by the board and the persons who may access that information.

17 Sep 2010 SR 97/2010 s6; 22 May 2020 SR
63/2020 s6.

Books and records

- 8(1)** The board shall:
- (a) maintain any books and records that may be required for the administration of the plan; and
 - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The board shall maintain a head office in Saskatchewan.

- (3) The board shall prepare an annual report containing:
 - (a) a copy of the audited financial statement of the board for its previous fiscal year;
 - (b) a description of:
 - (i) the state of the industry; and
 - (ii) the activities of the board for its previous fiscal year; and
 - (c) a list of the names and addresses of the directors of the board.
- (4) The board shall make the annual report available:
 - (a) to the council;
 - (b) to every licensed producer in attendance at the annual general meeting of licensed producers; and
 - (c) on request to:
 - (i) any licensed producer;
 - (ii) any licensed processor; or
 - (iii) any other interested person.

30 Apr 2010 cA-15.21 Reg 12 s8; 17 Sep 2010 SR 97/2010 s7; 22 May 2020 SR 63/2020 s7.

Appointment of auditor

- 9(1)** The licensed producers:
 - (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year; and
 - (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year.
- (2) If the licensed 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 board for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
 - (a) be independent of:
 - (i) the board; and
 - (ii) the directors and officers of the board; and
 - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

30 Apr 2010 cA-15.21 Reg 12 s9.

Committees

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

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

30 Apr 2010 cA-15.21 Reg 12 s10.

Executive

11(1) At its first meeting in each year after new directors have been elected, the board, from among the directors:

(a) shall elect a chairperson and a vice-chairperson; and

(b) may elect other executive members.

(2) Members of the executive hold office at the pleasure of the board.

(3) The chairperson, or in the absence of the chairperson another member of the executive, shall preside over all meetings of the board.

22 May 2020 SR 63/2020 s8.

Quorum

12(1) For the transaction of business at a duly called meeting of the board:

(a) a majority of the board constitutes a quorum; and

(b) a decision of a majority of those directors comprising a quorum is a decision of the board.

(2) In the case of a tie vote the chairperson, or in the absence of the chairperson the vice-chairperson, may cast the deciding vote.

30 Apr 2010 cA-15.21 Reg 12 s12.

Policies re conflict of interest and code of conduct

13 The board shall establish and maintain:

(a) a conflict of interest policy for the directors; and

(b) a policy respecting a code of conduct for the directors.

22 May 2020 SR 63/2020 s9.

Conflicts of interest

14(1) No director shall:

(a) fail to disclose to the board any conflict of interest that the director may have; or

(b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.

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

30 Apr 2010 cA-15.21 Reg 12 s14.

Bank accounts

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

30 Apr 2010 cA-15.21 Reg 12 s15.

Investments

16 The board may:

(a) invest any money in its possession or control that is not immediately required for a purpose of the plan or its operations in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and

(b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the board considers expedient.

30 Apr 2010 cA-15.21 Reg 12 s16.

Fiscal year

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

30 Apr 2010 cA-15.21 Reg 12 s17.

Financial plan

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

30 Apr 2010 cA-15.21 Reg 12 s18.

Meetings of licensed producers

19(1) An annual general meeting of licensed producers must be held:

(a) in each year within 6 months after the end of the board's fiscal year; and

(b) at a place and time determined by the board.

(1.1) **Repealed.** 22 May 2020 SR 63/2020 s10.

(1.2) **Repealed.** 22 May 2020 SR 63/2020 s10.

(2) The board:

(a) may call a special general meeting of licensed producers at any time; and

(b) shall call a special general meeting on the written request of not less than 25 licensed producers.

- (3) The board shall notify all licensed producers, in writing:
- (a) for an annual general meeting of licensed 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 licensed 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 licensed producer, by facsimile or electronic mail.
- (5) If a notice is sent pursuant to clause (4)(b), it is deemed to have been received on the next business day after it was sent.
- (6) Unless otherwise set by an order of the board, the quorum at an annual or special general meeting of licensed producers is 25 licensed producers.
- (7) The board shall present to the annual general meeting:
- (a) the annual report for the preceding fiscal year;
 - (b) the financial plan it has approved for the current fiscal year; and
 - (c) 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 board is to be determined by motion of the board and approved by a vote of licensed producers at the next annual general meeting or special general meeting.
- (9) At an annual general meeting or special general meeting, licensed producers may debate and take a vote on any questions or resolutions respecting the purposes of the plan.
- (10) **Repealed.** 22 May 2020 SR 63/2020 s10.
- (11) **Repealed.** 22 May 2020 SR 63/2020 s10.

30 Apr 2010 cA-15.21 Reg 12 s19; 17 Sep 2010
SR 97/2010 s8; 22 May 2020 SR 63/2020 s10.

PART IV Board orders

Board orders

- 20(1) The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the board pursuant to section 12 of the Act.
- (2) The board shall number in consecutive order, retain and make available for inspection at its head office by any licensed producer or any other person designated by the council, original copies of all orders that have been approved by the council pursuant to section 12 of the Act.

- (3) The board shall:
- (a) cause all orders of the board to be published in the Gazette and in any other media it considers appropriate;
 - (b) cause every order of the board to be sent to any person the board considers affected by the order; and
 - (c) annually review the orders of the board and consolidate them.

30 Apr 2010 cA-15.21 Reg 12 s20.

PART IV.1 Licensing

Licence required

- 20.1(1)** No person shall produce milk unless that person:
- (a) is licensed pursuant to section 20.3; and
 - (b) is a person to whom a quota has been allotted pursuant to Part IV.2.
- (2) No person shall process milk unless that person is licensed pursuant to section 20.4.
- (3) No person shall transport milk unless that person is licensed pursuant to section 20.4.

22 May 2020 SR 63/2020 s11.

Application for licence or renewal of licence

- 20.2(1)** A person may apply to the board to be issued a licence to produce, process or transport milk.
- (2) Every applicant for a licence or a renewal of a licence shall:
- (a) apply to the board in the form provided by the board;
 - (b) provide the board with any information or material that the board may reasonably require; and
 - (c) submit to the board any fees required pursuant to a board order.
- (3) A producer shall obtain a separate licence for each production location that is owned or operated by that producer.
- (4) A processor shall obtain a separate licence for each processing location that is owned or operated by that processor in Saskatchewan.

22 May 2020 SR 63/2020 s11.

Producer licence

- 20.3(1)** Subject to section 20.5, the board shall issue or refuse to issue a licence to an applicant for a producer licence within 90 days after the date of receipt of the application by the board.
- (2) If the board issues a licence to an applicant, the board shall state in the licence:
- (a) the name and address of the licensee;
 - (b) the licence number;
 - (c) the quota allotted pursuant to Part IV.2 to the licensed producer; and
 - (d) the production location for which the licence is issued.
- (3) The board may issue the licence subject to any terms and conditions the board considers appropriate.
- (4) No licensed producer shall fail to comply with the terms and conditions mentioned in subsection (3).
- (5) If the board allots an additional quota or reduces the quota of a licensed producer, the board shall issue a new licence to the licensed producer with the new quota.
- (6) A licence issued by the board is not transferable.
- (7) A licence issued by the board:
- (a) is a licence to engage in the activity stated in the licence;
 - (b) is not an endorsement by the board of the licence holder; and
 - (c) shall not be represented by the licence holder or any other person as an endorsement by the board.

17 Sep 2010 SR 97/2010 s9.

Processor licence and transporter licence

- 20.4(1)** Subject to section 20.5, the board shall issue or refuse to issue a licence to an applicant for a processor licence or a transporter licence within 90 days after the date of receipt of the application by the board.
- (2) If the board issues a licence to an applicant, the board shall state in the licence:
- (a) the name and address of the licensee;
 - (b) the licence number; and
 - (c) in the case of a processor licence, the location of the processing facility for which the licence is issued.
- (3) The board may issue a licence subject to any terms and conditions the board considers appropriate.
- (4) No licensed processor or licensed transporter shall fail to comply with the terms and conditions mentioned in subsection (3).

- (5) A licence issued by the board is not transferable.
- (6) A licence issued by the board:
 - (a) is a licence to engage in the activity stated in the licence;
 - (b) is not an endorsement by the board of the licence holder; and
 - (c) shall not be represented by the licence holder or any other person as an endorsement by the board.

17 Sep 2010 SR 97/2010 s9.

Refusal, cancellation and suspension

- 20.5(1)** Subject to subsection (2), the board may refuse to issue a licence:
- (a) if the applicant fails to provide information or additional information required by the board pursuant to subsection 20.2(3), 20.3(2) or 20.4(2), as the case may be;
 - (b) if the applicant has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan; or
 - (v) an order or direction of the board or the council;
 - (c) if the applicant, in the board's opinion, lacks the experience, equipment or financial responsibility to engage in or to continue to engage in the activity to which the application relates; or
 - (d) for any other reason that the board considers appropriate.
- (2) The board shall not refuse to issue a licence pursuant to subsection (1) without giving the applicant for the licence an opportunity to be heard.
- (3) The board may refuse to renew a licence or, subject to section 9 of the Act, cancel or suspend a licence:
- (a) if the licensee has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan; or
 - (v) an order or direction of the board or the council; or

- (b) in the case of a licensed producer, if the licensed producer:
 - (i) has sold, transferred or otherwise assigned that licensed producer's quota to another person without the prior written consent of the board;
 - (ii) is not producing the licensed producer's quota in accordance with any board orders; or
 - (iii) in the case of a licensed producer that is a corporation, partnership or other unincorporated body of persons:
 - (A) has experienced a change in the beneficial or legal ownership or membership of the corporation, partnership or unincorporated body; and
 - (B) has failed to obtain the board's approval for the change described in paragraph (A).
- (4) The board shall establish, by order, procedures respecting the refusal to issue or renew a licence or the cancellation or suspension of a licence.
- (5) If the board refuses to issue, cancels, suspends or refuses to renew a licence, the board must advise the applicant or licensee in writing of its decision.
- (6) The board may:
 - (a) suspend a licence for a period that it considers appropriate; or
 - (b) in the case of a licence that is suspended, remove the suspension.
- (7) If the board refuses to issue, cancels, suspends or refuses to renew a licence:
 - (a) the licensee shall, on receiving notice of the board's decision, immediately cease carrying on the activity authorized by the licence; and
 - (b) the licensee or applicant, as the case may be, may appeal that decision pursuant to Division 2 of Part V of the Act.
- (8) If the licence of a licensed producer expires, or is cancelled or not renewed by the board, that producer's quota reverts to the board.

17 Sep 2010 SR 97/2010 s9.

New entrants

20.51 The board shall establish and maintain a policy that will assist persons who are qualified to become licensed producers but who are not licensed producers to apply for licences to produce milk.

22 May 2020 SR 63/2020 s12.

PART IV.2

Quota**Use of quota**

20.6(1) No person shall use a quota allotted to a licensed producer other than the licensed producer to whom the quota was allotted.

(2) A licensed producer to whom a quota is allotted shall use the quota only in accordance with any terms and conditions that may be imposed by the board.

17 Sep 2010 SR 97/2010 s9.

Quota property of board

20.7 All quotas are the property of the board.

17 Sep 2010 SR 97/2010 s9.

Transfer of quota

20.8(1) No licensed producer shall transfer a quota allotted to the licensed producer without the prior written consent of the board.

(2) On application by a licensed producer, the board may approve the transfer of all or part of the quota allotted to the licensed producer to another licensed producer.

(3) If the board approves the transfer of all or part of a licensed producer's quota to another licensed producer:

(a) the board may impose any terms and conditions on the transfer that the board considers appropriate;

(b) the board shall amend the licence of each producer to reflect the new quota allotments; and

(c) the transfer is effective on the date determined by the board.

17 Sep 2010 SR 97/2010 s9.

Adjustments to quota

20.9 The board shall, by order, determine policies and procedures for:

(a) reducing quota allotments; and

(b) increasing quota allotments.

17 Sep 2010 SR 97/2010 s9.

Cancellation, suspension of quota

20.91(1) The board may suspend or cancel all or part of a licensed producer's quota if:

(a) the licensed producer has contravened:

(i) the Act;

(ii) the plan;

- (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan; or
 - (v) an order or direction of the board or the council;
- (b) the licensed producer is not producing the licensed producer's quota in accordance with any board orders; or
- (c) the licensed producer's licence has been suspended or cancelled.
- (2) For the purposes of this section, the board shall, by order, establish procedures respecting the suspension or cancellation of a licensed producer's quota.

17 Sep 2010 SR 97/2010 s9.

PART V Elections

Eligibility

- 21(1)** Every licensed producer is eligible to hold office as a director of the board.
- (2) If a licensed producer is a corporation, partnership or other organization, it must appoint an individual who is a director, partner, shareholder, member, officer or employee as its representative.
- (3) The appointment of a representative pursuant to subsection (2) must be:
- (a) in writing; and
 - (b) filed with the board in a form and manner acceptable to the board.
- (4) A corporation, partnership or other organization is entitled to vote or hold office only through a representative appointed pursuant to subsections (2) and (3).
- (5) Except as provided in subsection (4), voting by proxy is prohibited.
- (6) Every licensed producer is entitled to one vote.

22 May 2020 SR 63/2020 s13.

22 Repealed. 22 May 2020 SR 63/2020 s14.

Nominations

- 23(1)** Any licensed producer is eligible to be nominated for election as a director of the board.
- (2) The board shall:
- (a) fix the last date for receipt of nominations for election to the board; and
 - (b) at least 21 days before the last date for receipt of nominations, notify licensed producers that nominations are being accepted for the board and of the last date for receipt of nominations.

- (3) Every nomination:
- (a) must be made in writing in the form required by the board;
 - (b) must be signed by:
 - (i) 2 licensed producers;
 - (ii) 2 representatives of licensed producers appointed pursuant to subsection 21(2); or
 - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling 2 persons;
 - (c) at the option of the nominee, may include a candidate profile; and
 - (d) must 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) After the date fixed pursuant to clause (2)(a), the returning officer shall forward copies of all nominations to the board.

30 Apr 2010 cA-15.21 Reg 12 s23; 22 May 2020
SR 63/2020 s15.

Returning officer and scrutineers

- 24(1)** Subject to subsection (2), the board shall appoint a returning officer and a scrutineer to conduct an election pursuant to section 25.
- (2) Producers, transporters, processors and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).
- (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.
- (4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.
- (5) Any licensed producer nominated pursuant to section 23 may provide a scrutineer to scrutinize the ballot verification and vote count that follow the close of an election.
- (6) Officers and employees of the board are not eligible to act pursuant to subsection (5) as scrutineers.

22 May 2020 SR 63/2020 s16.

Conduct of elections

- 25(1)** If not more than the required number of candidates are nominated pursuant to section 23, the candidates nominated are deemed to be elected by acclamation.
- (2) If more than the required number of candidates are nominated pursuant to section 23, the board 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 licensed producer:
 - (i) a numbered ballot;
 - (ii) the candidate profiles, if any, submitted pursuant to clause 23(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 board provides ballots pursuant to subclause (b)(i) in paper form, provide an envelope with the ballot.
- (3) Every licensed producer who wishes to vote in an election shall:
- (a) complete the ballot provided by the board; 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) 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.
- (5) The ballot of a licensed producer is not valid if the voter failed to comply with the voting instructions provided, including if:
- (a) the licensed 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; or
 - (d) it is not the original ballot provided by the board.
- (6) If the number of candidates nominated pursuant to section 23 is greater than the number of director positions to be filled, the board shall not, during the period from the date fixed pursuant to clause 23(2)(a) to the date fixed pursuant to clause (2) (a), engage in any activity that is intended to promote or oppose, or that may be reasonably considered intended to promote or oppose, the election or re-election of any candidate.

22 May 2020 SR 63/2020 s16.

Failure to receive documents does not invalidate election

26 The failure of any licensed producer to receive the documents mentioned in clause 25(2)(b) does not invalidate the election.

30 Apr 2010 cA-15.21 Reg 12 s26.

Election results

27(1) The chairperson shall read the written report prepared pursuant to subsection 25(4) at the first annual general meeting of licensed 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 board shall:

(a) within 10 business days after receiving the written report of the returning officer prepared pursuant to subsection 25(4), provide to candidates the election results, including total vote counts for all candidates; and

(b) make the written report of the returning officer available on request to any licensed producer.

30 Apr 2010 cA-15.21 Reg 12 s27; 22 May 2020
SR 63/2020 s17.

Term of office, vacancy

28(1) Subject to subsection (6), a director of the board holds office for a term of three years commencing with the declaration of the director's election by the chairperson or returning officer, as the case may be, and until the director's successor is elected.

(2) **Repealed.** 22 May 2020 SR 63/2020 s18.

(3) **Repealed.** 22 May 2020 SR 63/2020 s18.

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

(5) Unless the term of office is otherwise set by an order of the board, if a director has completed 3 consecutive terms, the director is not eligible for re-election until 1 year has passed since the completion of the director's third consecutive term.

(6) The office of a director becomes vacant if a director:

(a) ceases to qualify as a licensed producer;

(b) resigns, dies or is unable to act;

(c) is absent from two consecutive meetings of the board without being excused by a resolution of the board; or

(d) fails to fulfil his or her duties as established by the policy of the board and approved by the council.

(7) If the office of a director becomes vacant, the board may:

(a) call a by-election;

(b) leave the position vacant until the next scheduled election; or

(c) appoint an interim director to serve until the next scheduled election is held and a successor is elected or appointed.

(8) Subject to subsection (9), sections 21, 23 to 26, 30 and 31 apply, with any necessary modification, to the conduct of a by-election pursuant to subsection (7).

(9) The returning officer shall declare the candidate receiving the greatest number of votes to be a director of the board.

(10) Subject to subsection (6), a director elected at a by-election held pursuant to subsection (7) holds office commencing with the reading of the written report of the returning officer prepared pursuant to subsection 25(4) and until the director's successor is elected or appointed at the expiry of the term of the director whose office became vacant.

(11) If a tie occurs between candidates of a by-election, the tie is to be decided by the drawing of lots within 20 business days after the date fixed for the return of ballots pursuant to clause 25(3)(c).

30 Apr 2010 cA-15.21 Reg 12 s28; 22 May 2020
SR 63/2020 s18.

Tie votes

29(1) If a tie occurs between candidates, the successful candidate is to be determined by a vote of licensed producers conducted at the first annual general meeting of licensed producers after the election.

(2) Voting pursuant to subsection (1) is to be by secret ballot.

(3) Subject to subsection 21(2), only licensed producers who are in attendance at the annual general meeting of licensed producers are entitled to vote pursuant to subsection (1), and each of those licensed 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 of licensed producers.

(5) If the vote conducted pursuant to this section results in a tie between candidates, the tie is to be decided by the drawing of lots.

30 Apr 2010 cA-15.21 Reg 12 s29.

Retention of election documents

30(1) The returning officer shall:

(a) retain the ballots in the returning officer's possession; and

(b) subject to subsection (2), not destroy any ballot or other record respecting an election of directors until 35 days after the annual general meeting of licensed producers at which the results of the election were declared.

(2) If a licensed producer submits a written objection to the council pursuant to section 31, the period mentioned in clause (1)(b) is extended until the challenge has been determined.

22 May 2020 SR 63/2020 s19.

Challenge to election results

31(1) Any licensed producer nominated pursuant to section 23 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 clause 27(3 (a));
- (b) the results of a vote to break a tie, as declared by the returning officer pursuant to subsection 29(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 notification provided pursuant to clause 27(3)(a) or the declaration mentioned in subsection 29(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.

30 Apr 2010 cA-15.21 Reg 12 s31; 22 May 2020
SR 63/2020 s20.

PART V.1
Levies

Levies

31.1(1) Every licensed producer shall pay to the board, at the times and in the manner determined by order of the board, an administrative levy calculated by the board and based on hectolitres of milk or kilograms of butterfat produced.

(2) **Repealed.** 22 May 2020 SR 63/2020 s21.

(3) The board may use moneys paid as an administrative levy pursuant to subsection (1) only for costs associated with administration of the board and the plan.

(4) Subject to subsection (5), every licensed producer shall pay to the board, at the times and in the manner determined by order of the board, a promotional levy calculated by the board and based on hectolitres of milk or kilograms of butterfat produced.

(5) The board may use moneys paid as a promotional levy pursuant to subsection (4) for any or all of the following:

- (a) production and market research respecting milk and milk products;
- (b) promotional activities respecting milk and milk products;

- (c) market development activities;
 - (d) administrative and salary costs associated with the activities mentioned in clauses (a) to (c).
- (6) The board shall, by order, determine the manner in which a levy is to be calculated for the purposes of this section.

17 Sep 2010 SR 97/2010 s11; 22 May 2020 SR
63/2020 s21.

PART VI Transitional and Coming into Force

32 Repealed. 22 May 2020 SR 63/2020 s22.

32.1 Repealed. 22 May 2020 SR 63/2020 s22.

Coming into force

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

30 Apr 2010 cA-15.21 Reg 12 s33.