

# *The Wheat Development Plan Regulations*

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[Chapter A-15.21 Reg 14](#) (effective May 30, 2013) as amended by Saskatchewan Regulations [54/2017](#), [51/2022](#) and [66/2023](#).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER A-15.21 REG 14

### *The Agri-Food Act, 2004*

#### PART I

#### Title and Interpretation

##### Title

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

##### Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (c) **“buyer”** means any person who buys wheat produced in Saskatchewan;
- (d) **“commission”** means the Saskatchewan Wheat Development Commission established pursuant to section 6 and includes the interim commission;
- (e) **“director”** means a director of the commission elected or appointed in accordance with these regulations;
- (f) **Repealed.** 7 Jly 2017 SR 54/2017 s3.
- (g) **“plan”** means the Saskatchewan Wheat Development Plan established pursuant to section 3;
- (h) **“producer”** means:
  - (i) any person engaged in the production, marketing, or production and marketing of wheat, and includes the employer of that person;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the wheat or the proceeds of its sale; and
  - (iii) a person who takes possession of any wheat under any form of security or legal proceedings for a debt;
- (i) **“registered producer”** means a producer who:
  - (i) is registered with the commission pursuant to section 20; and
  - (ii) has paid a levy pursuant to subsection 23(1);
- (j) **“wheat”** means:
  - (i) the genus species *Triticum Aestivum L. em Thell* and *Triticum Turgidum L. var. durum Desf.*, including the cultivars for the wheat classes CWRS, CWES, CPSR, CPSW, CWAD, CWSWS, CWHWS, CNHR, and CWSP, and includes winter wheat *Triticum aestivum L.*, fall rye *Secale cereale L.* and winter triticale X *Triticosecale Wittmack*; and

(ii) the grain of a cereal grass grown in Saskatchewan and used for human or animal consumption or for other commercial purposes; and includes wheat products.

7 Jne 2013 cA-15.21 Reg 14 s2; 7 Jly 2017 SR 54/2017 s3; 4 Aug 2023 SR 66/2023 s3.

## PART II Plan

### Plan established

**3** The Saskatchewan Wheat Development Plan is established.

7 Jne 2013 cA-15.21 Reg 14 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 wheat in Saskatchewan.

7 Jne 2013 cA-15.21 Reg 14 s4.

### Purpose

**5(1)** The purpose of the plan is to develop the wheat 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 Saskatchewan-grown wheat in the domestic and international marketplaces;
- (b) to conduct and encourage research on production, market development, processing and consumption of wheat;
- (c) to advise governments on matters pertaining to wheat policy, research and development;
- (d) to gather, compile and distribute information related to the production, promotion, consumption, market development and policy initiatives of wheat;
- (e) to encourage the production of uniformly high quality wheat;
- (f) to encourage communication within the wheat industry;
- (g) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness of and demand for wheat;

- (h) to establish a system of collecting levies on the production, marketing or production and marketing of wheat for the purposes of carrying out the objectives of the plan; and
- (i) to work in cooperation with any persons or organizations who have objectives similar to those of the plan.

7 Jne 2013 cA-15.21 Reg 14 s5.

### PART III Commission

#### Commission

- 6(1) The Saskatchewan Wheat Development Commission is established as a development commission pursuant to the Act.
- (2) Unless the number of directors is otherwise set by an order of the commission, the commission consists of a maximum of 8 directors elected or appointed in accordance with Part VII.
- (3) If fewer than 8 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.
- (4) The commission shall administer the plan.

8 Jly 2022 SR 51/2022 s3; 4 Aug 2023 SR  
66/2023 s4.

#### Powers of the commission

- 7(1) Subject to 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 wheat;
  - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of wheat 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 wheat;
  - (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of wheat;
  - (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of wheat for the purpose of setting and collecting 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 wheat; 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 wheat 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 wheat, 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 of 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 wheat 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 wheat.
- (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.

7 Jne 2013 cA-15.21 Reg 14 s7; 8 Jly 2022 SR  
51/2022 s4.

**Books and records**

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

- (2) The commission shall maintain a registered office and head office in Saskatchewan.
- (3) The commission shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the commission for its previous fiscal year;
  - (b) a description of:
    - (i) the state of the industry; and
    - (ii) the activities of the commission for its previous fiscal year; and
  - (c) a list of the names and addresses of the directors.
- (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;
    - (ii) any registered buyer; or
    - (iii) any other interested person.

7 Jne 2013 cA-15.21 Reg 14 s8.

**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.

7 Jne 2013 cA-15.21 Reg 14 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.

7 Jne 2013 cA-15.21 Reg 14 s10.

**Chairperson and vice-chairperson**

**11(1)** The commission shall elect a chairperson and a vice-chairperson from among the directors at their first meeting in each year after new directors have been elected or appointed.

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

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

7 Jne 2013 cA-15.21 Reg 14 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 constituting a quorum is a decision of the commission.

7 Jne 2013 cA-15.21 Reg 14 s12.

**Policies re conflict of interest and code of conduct**

**13** The commission shall establish and maintain:

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

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

7 Jne 2013 cA-15.21 Reg 14 s13; 8 Jly 2022 SR 51/2022 s5.

**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.

7 Jne 2013 cA-15.21 Reg 14 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.

7 Jne 2013 cA-15.21 Reg 14 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.

7 Jne 2013 cA-15.21 Reg 14 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.

7 Jne 2013 cA-15.21 Reg 14 s17.

**Financial plan**

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

7 Jne 2013 cA-15.21 Reg 14 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 have been 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 25 registered producers.
- (7) The commission shall present to the annual general meeting of registered producers:
  - (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 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 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.

7 Jne 2013 cA-15.21 Reg 14 s19; 8 Jly 2022 SR  
51/2022 s6.

## 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 remains in effect until:
  - (a) the registered producer applies for and the commission approves a refund pursuant to section 24;

- (b) the commission has not received a levy payment from the producer for two consecutive fiscal years;
- (c) the death of a registered producer who is an individual; or
- (d) the dissolution of a corporation, partnership or other organization that is a registered producer.

7 Jne 2013 cA-15.21 Reg 14 s20; 7 Jly 2017 SR 54/2017 s4; 8 Jly 2022 SR 51/2022 s7.

#### **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.

7 Jne 2013 cA-15.21 Reg 14 s21.

#### **Suspension and cancellation of registrations**

**22(1)** The commission may cancel or suspend a registration if the registered producer has contravened:

- (a) the Act;
- (b) the plan;
- (c) these regulations; or
- (d) an order or direction of the commission.

(2) The commission shall establish, by order, procedures respecting the cancellation or suspension of a registration pursuant to this section.

(3) If the commission suspends or cancels a registration pursuant to this section, the commission must advise the registered producer in writing of its decision.

7 Jne 2013 cA-15.21 Reg 14 s22.

## **PART V Levies**

#### **Collection of levies**

**23(1)** Every producer engaged in the production, marketing, or production and marketing of wheat shall pay to the commission, at the times and in the manner determined by the commission, a levy calculated in accordance with this section.

(2) Subject to subsection (3), the levy mentioned in subsection (1):

- (a) is to be determined by order of the commission; and
- (b) is to be based on a fixed rate for every net tonne of wheat marketed by a producer, not including wheat marketed for seed in Saskatchewan.

- (3) The commission shall provide registered producers with:
  - (a) an opportunity to discuss the rate of levy at annual general meetings and special general meetings; and
  - (b) at least 10 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (4) The commission may require any buyer to:
  - (a) deduct the levy mentioned in subsection (1), and other fees and charges on wheat 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 wheat 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 and buyers.

7 Jne 2013 cA-15.21 Reg 14 s23.

#### **Refund of levies**

- 24(1)** The commission shall make a refund of levies only if:
- (a) the commission receives a written request for the refund from the producer with respect to the levy paid in a fiscal year, not later than August 31 of the following fiscal year; and
  - (b) the request has been verified by the commission.
- (2) If the commission receives and verifies a written request for a refund of the levy that was paid to the commission by the producer in a fiscal year, the commission shall make the refund of that levy to the producer not later than November 30 of the following fiscal year.

7 Jne 2013 cA-15.21 Reg 14 s24; 7 Jly 2017 SR 54/2017 s5.

#### **Required notification**

- 25** 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 24(1), the commission shall immediately notify the council.

7 Jne 2013 cA-15.21 Reg 14 s25.

PART VI  
**Commission Orders**

**Commission orders**

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

(2) The commission shall number in consecutive order, retain and make available for inspection at its head office by any 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.

7 Jne 2013 cA-15.21 Reg 14 s26.

PART VII  
**Elections**

**Eligibility**

**27(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 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 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) actively involved in the farming operation of the registered producer.
- (4) On or before the date fixed pursuant to clause 29(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 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) actively 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 vote or hold office only through a representative appointed pursuant to subsections (3) and (5).
- (7) After a representative is duly appointed as a representative in accordance with subsections (4) and (5), 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 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 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 1 vote.

8 Jly 2022 SR 51/2022 s8.

**28 Repealed.** 7 Jly 2017 SR 54/2017 s7.

**Nominations**

- 29(1)** Subject to section 27, any registered producer is eligible to be nominated for election as a director.
- (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) two registered producers;
    - (ii) two representatives of registered producers mentioned in subsection 27(2); or
    - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling two persons;
  - (c) include a candidate profile, as required by the returning officer; 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) shall be considered confidential and is not to 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 commission.

7 Jne 2013 cA-15.21 Reg 14 s29; 7 Jly 2017 SR  
54/2017 s8; 8 Jly 2022 SR 51/2022 s9.

**Returning officer and scrutineers**

- 30(1)** Subject to subsection (2), the commission shall appoint a returning officer to conduct an election pursuant to section 31.
- (2) Producers, buyers and officers and employees of the commission are not eligible to be appointed pursuant to subsection (1).
- (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.
- (4) Any registered producer nominated pursuant to section 29 may provide a scrutineer to scrutinize the ballot verification and vote count that follow the close of an election.
- (5) Directors, officers and employees of the commission are not eligible to act pursuant to subsection (4) as scrutineers.

7 Jly 2017 SR 54/2017 s9; 8 Jly 2022 SR  
51/2022 s10.



**Conduct of elections**

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

(2) If more than the required number of candidates are nominated pursuant to section 29, 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 profile submitted pursuant to clause 29(3)(c); and
  - (iii) a notice that states the date and time by which and the 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 that 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 fixed for them 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 registered producer is not valid if:

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

(6) If the number of candidates nominated pursuant to section 29 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 29(2)(a) to the date fixed pursuant to clause (2)(a).

7 Jne 2013 cA-15.21 Reg 14 s31; 7 Jly 2017 SR  
54/2017 s10.

**Failure to receive documents does not invalidate election**

**32** The failure of any registered producer to receive the documents mentioned in clause 31(2)(b) does not invalidate the election.

7 Jne 2013 cA-15.21 Reg 14 s32.

**Election results**

**33(1)** The chairperson shall read the written report prepared pursuant to subsection 31(4) at the first annual general meeting of registered producers after the election, immediately after the minutes of the previous meeting have been dealt with.

(2) The reading of the written report pursuant to subsection (1) is deemed to be the declaration of the election of the directors.

(3) The commission shall:

(a) within 10 business days of receiving the returning officer's written report, provide to candidates notification of 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 registered producer.

7 Jne 2013 cA-15.21 Reg 14 s33; 7 Jly 2017 SR  
54/2017 s11.

**Term of office, vacancy**

**34(1)** Subject to subsection (4), unless otherwise set by an order of the commission, a director of the commission holds office:

(a) in the case of an elected director, for a term of 4 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 or appointed; or

(b) in the case of an appointed director, until the next election is held after that director is appointed and until that 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) Unless otherwise set by an order of the commission, if a director has completed 2 consecutive 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 2 years have passed since the completion of the director's second consecutive 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 2 consecutive meetings of the commission without being excused by resolution of the commission; or

- (d) fails to fulfil that director's 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.

8 Jly 2022 SR 51/2022 s11.

**Tie votes**

- 35(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 27(2), only registered producers who are in attendance at the annual general meeting of registered producers are entitled to vote pursuant to subsection (1), and each of those registered producers is entitled to one vote for that purpose.
- (4) The returning officer shall count the votes cast pursuant to subsection (1) and declare the winner of the tie vote before proceeding with any further business at the annual general meeting of registered producers.

7 Jne 2013 cA-15.21 Reg 14 s35.

**Retention of election records**

- 36** The returning officer shall:
  - (a) retain the following in his or her possession:
    - (i) the original nominations submitted pursuant to clause 29(3)(a);
    - (ii) the original candidate profiles submitted pursuant to clause 29(3)(c);
    - (iii) the ballots; and
  - (b) not destroy any nomination, candidate profile, ballot or other record respecting an election of directors until 35 days after the annual general meeting of registered producers at which the results of the election were declared.

7 Jly 2017 SR 54/2017 s13.

**Challenge to election results**

- 37(1)** Any registered producer nominated pursuant to section 29 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 33(3)(a);
  - (b) the results of a vote to break a tie, as declared by the returning officer pursuant to subsection 35(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 of the election results pursuant to clause 33(3)(a).
- (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.

7 Jne 2013 cA-15.21 Reg 14 s37; 7 Jly 2017 SR 54/2017 s14.

## PART VIII

### Transitional and Coming into Force

**38 Repealed.** 7 Jly 2017 SR 54/2017 s15.

#### Coming into force

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

7 Jne 2013 cA-15.21 Reg 14 s39.