

# *The Turkey Marketing Plan Regulations*

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[Chapter A-15.21 Reg 18](#) (effective December 20, 2013).

**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 18

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

#### PART I

#### **Title and Interpretation**

##### **Title**

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

##### **Interpretation**

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **“agent”** means a person who facilitates the sale of turkeys;
- (c) **“board”** means the marketing board known as the Turkey Farmers of Saskatchewan continued pursuant to section 6;
- (d) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (e) **“director”** means a member of the board elected or appointed pursuant to Part VIII;
- (f) **“hatchery”** means a place where turkey poults are hatched, including by artificial brooding and feeding, and from which live turkey eggs and poults are sold;
- (g) **“licence”** means a licence issued pursuant to these regulations;
- (h) **“licensed producer”** means a producer licensed pursuant to these regulations;
- (i) **“plan”** means the Saskatchewan Turkey Marketing Plan continued pursuant to section 3;
- (j) **“processor”** means any person engaged in the business of processing turkey;
- (k) **“producer”** means:
  - (i) any person engaged in the production, marketing, or production and marketing of turkey;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the turkey produced or the proceeds of its sale; and
  - (iii) a person who takes possession of any turkey under any form of security or legal proceedings for a debt;

- (l) **“production unit”** means any equipment, land, building or other structure used by a licensed producer for the production or marketing of turkey;
- (m) **“production year”** means the period that corresponds to the control period as defined in the *Canadian Turkey Marketing Quota Regulations, 1990*;
- (n) **“quota”** means the quantity, expressed as kilograms of live turkey, that the board allocates to each licensed producer to be produced within the confines of a production unit for a specified production year;
- (o) **“turkey”** means any class of turkey raised or used for meat or egg production and includes poults, broilers, light hens, heavy hens, light toms, heavy toms or mature turkeys;
- (p) **“Turkey Farmers of Canada”** means the national turkey marketing agency established pursuant to the *Farm Products Agencies Act* (Canada) as the Canadian Turkey Marketing Agency;
- (q) **“turkey product”** means turkey that has been slaughtered and includes:
  - (i) bagged or whole bird; and
  - (ii) further processed products.

3 Jan 2014 cA-15.21 Reg 18 s2.

## PART II Plan

### Plan continued

- 3** The Saskatchewan Turkey Marketing Plan is continued.

3 Jan 2014 cA-15.21 Reg 18 s3.

### Application

- 4** Subject to any exemptions made by order of the board, 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 more than 99 turkeys per year in Saskatchewan.

3 Jan 2014 cA-15.21 Reg 18 s4.

### Purpose

- 5** The purposes of the plan are:

- (a) to control and regulate the production and marketing of turkey and turkey products in Saskatchewan;

- (b) to maintain a fair and stable price for turkey and turkey products in Saskatchewan that relates to the cost of production;
- (c) to initiate, support and conduct studies and research connected with the production, marketing or production and marketing of turkey and turkey products, including studies and research respecting consumer demand for Saskatchewan-grown turkey and turkey products;
- (d) to initiate, support and conduct activities to promote the production, marketing or production and marketing of turkey and turkey products in Saskatchewan; and
- (e) to cooperate 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 turkey and turkey products or to promote, facilitate, control, regulate or prohibit the production or marketing of turkey and turkey products.

3 Jan 2014 cA-15.21 Reg 18 s5.

### PART III Board

#### Board continued

- 6(1) The marketing board known as the Saskatchewan Turkey Producers' Marketing Board is continued as the Turkey Farmers of Saskatchewan, a marketing board pursuant to the Act consisting of a maximum of five directors elected in accordance with Part VIII.
- (2) A vacancy in the office of a director does not impair the power of the remaining directors of the board to act.
- (3) The board shall administer the plan.

3 Jan 2014 cA-15.21 Reg 18 s6.

#### 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 turkey;
  - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of turkey 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 turkey;
  - (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of turkey;

- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of turkey 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 turkey; 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) the power to require any person engaged in the production, marketing or production and marketing of turkey 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 turkey, 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 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 money 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) 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) 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;
- (q) the power to grant a mortgage or security interest in any of the board's real or personal property;

- (r) 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;
- (s) the power to:
  - (i) require any person who owes money to a producer with respect to the sale by the producer of turkey 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;
- (t) 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;
- (u) the power to:
  - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (t); and
  - (ii) exercise any rights, including the right to vote, as:
    - (A) an owner of the securities mentioned in clause (t); or
    - (B) a member;
- (v) the power to register a business name pursuant to *The Business Names Registration Act*;
- (w) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid;
- (x) the power to control, regulate or control and regulate all or any of the following:
  - (i) the manner of distributing turkey;
  - (ii) the quantity of turkey that may be produced or marketed by any person at any time;
  - (iii) the quality or the variety, class or grade of turkey that may be produced or marketed by any person at any time;
- (y) the power to prohibit in whole or in part the production or marketing of any variety, class or grade of turkey;

- (z) the power to regulate the time and place at which, and the legal entity through which, turkey or any variety, class or grade of turkey is to be marketed;
  - (aa) 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 turkey or any variety, class or grade of turkey may be bought or offered for sale in Saskatchewan;
  - (bb) the power to establish the manner in which returns from the market are to be distributed to producers of turkey;
  - (cc) the power to require any or all persons engaged in the production, marketing or production and marketing of turkey 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;
  - (dd) the power to:
    - (i) issue licences to any or all persons producing, marketing or producing and marketing turkey 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 turkey 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;
  - (ee) subject to section 9 of the Act, the power to suspend, cancel or reinstate a licence mentioned in clause (dd) in accordance with criteria established by order of the board for the suspension, cancellation or reinstatement of licences.
- (2) The sum of the loans mentioned in clause (1)(o) shall not exceed 10% 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 is made.

3 Jan 2014 cA-15.21 Reg 18 s7.

**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 of the directors.
- (4) The board shall make the annual report mentioned in subsection (3) available:
  - (a) to the council;
  - (b) at the annual general meeting of licensed producers; and
  - (c) on request to any licensed producer.

3 Jan 2014 cA-15.21 Reg 18 s8.

#### **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.

3 Jan 2014 cA-15.21 Reg 18 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.

3 Jan 2014 cA-15.21 Reg 18 s10.

**Chairperson and vice-chairperson**

- 11(1)** The board shall elect a chairperson and vice-chairperson from among the directors 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 board.
- (3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the board.

3 Jan 2014 cA-15.21 Reg 18 s11.

**Quorum**

- 12(1)** For the transaction of business at a duly called meeting of the board:
- (a) three board members constitute a quorum; and
- (b) a decision of a majority of those directors constituting 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.

3 Jan 2014 cA-15.21 Reg 18 s12.

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

- 13** Within six months after the coming into force of these regulations, the board shall prepare and submit to the council:
- (a) a conflict of interest policy for the directors; and
- (b) a policy respecting a code of conduct for the directors.

3 Jan 2014 cA-15.21 Reg 18 s13.

**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 clause (1)(a) or (b), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 13.

3 Jan 2014 cA-15.21 Reg 18 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.

3 Jan 2014 cA-15.21 Reg 18 s15.

**Investments**

**16** The board may:

- (a) invest any money in its possession or control that is not immediately required for the purposes of the plan or its operations in any class of investments authorized for the investment of moneys 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 and on any terms that the board considers advisable.

3 Jan 2014 cA-15.21 Reg 18 s16.

**Fiscal year**

**17** The fiscal year of the board is the period commencing on January 1 in one year and ending on December 31 of that year.

3 Jan 2014 cA-15.21 Reg 18 s17.

**Financial plan**

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

3 Jan 2014 cA-15.21 Reg 18 s18.

**Meetings of licensed producers**

**19(1)** An annual general meeting of licensed producers:

- (a) is to be held on or before April 30 of each year; and
- (b) is to be held at a place and time determined by the board.

(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 30% of 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 21 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) The quorum at an annual or special general meeting of licensed producers is 60% of licensed producers.
- (7) The board 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 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 by show of hands on any questions or resolutions respecting the purposes of the plan.

3 Jan 2014 cA-15.21 Reg 18 s19.

#### 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.

3 Jan 2014 cA-15.21 Reg 18 s20.

#### PART V Licensing

##### Licence required

- 21** No person shall produce and sell turkey unless that person has a licence authorizing the person to produce and sell turkey.

3 Jan 2014 cA-15.21 Reg 18 s21.

**Application for licence or renewal of licence**

**22** 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:
  - (i) an address, telephone number and facsimile number or electronic mail address at which the applicant can be contacted;
  - (ii) the following information for each production unit at which the applicant wishes to operate:
    - (A) the legal land description for the land on which the production unit is located;
    - (B) a site plan for the production unit; and
  - (iii) any other information or material that the board may reasonably require;
- (c) submit to the board any fees required pursuant to a board order; and
- (d) satisfy any other criteria set out in an order of the board.

3 Jan 2014 cA-15.21 Reg 18 s22.

**Issuance or renewal of licence**

**23(1)** In this section, “**quota unit**” means a unit of quota that is equivalent to the production, marketing or production and marketing of one kilogram of live turkey in a production year.

- (2) The board may:
  - (a) issue a licence to an applicant, or renew the licence of an applicant, if the board:
    - (i) receives an application pursuant to section 22;
    - (ii) is satisfied that the applicant satisfies the criteria for the licence set out in an order of the board and has otherwise complied with the Act and these regulations;
    - (iii) is satisfied that the applicant has the experience, equipment and financial responsibility to engage in or to continue to engage in the activity to which the application relates; and
    - (iv) is satisfied that the applicant is suitable to be licensed and the proposed licensing is not for any reason objectionable; or
  - (b) refuse to issue or renew a licence.
- (3) The board shall keep and maintain at its head office a register containing:
  - (a) the name and address of every licensed producer;
  - (b) the legal land description for the land on which each production unit of every licensed producer is located; and
  - (c) the quota of every licensed producer, expressed as the allocated number of quota units.

3 Jan 2014 cA-15.21 Reg 18 s23.

**Effect of licence**

**24** A producer licence authorizes the licensee:

- (a) to produce turkeys up to the quota allotted pursuant to Part VI and stated on the licence; and
- (b) to sell the turkeys produced in accordance with clause (a) to:
  - (i) registered processors; and
  - (ii) consumers.

3 Jan 2014 cA-15.21 Reg 18 s24.

**Terms and conditions**

**25(1)** At the time a licence is issued or renewed, the board may:

- (a) allocate a quota in accordance with Part VI that shall be stated on the licence; and
  - (b) impose any other terms and conditions that the board considers necessary.
- (2) Subject to subsection (4), at any time after a licence is issued, the board may do all or any of the following:
- (a) amend, modify or vary terms and conditions imposed on a licence;
  - (b) impose new terms and conditions on a licence;
  - (c) repeal terms and conditions imposed on a licence and substitute new terms and conditions.
- (3) No person who holds a producer licence shall fail to comply with the terms and conditions imposed on his or her licence.
- (4) The board shall not take any action mentioned in clauses (2)(a) to (c) without giving the holder of the licence an opportunity to be heard at least 15 business days before it takes action.

3 Jan 2014 cA-15.21 Reg 18 s25.

**Suspension or cancellation of licence**

**26(1)** Subject to section 9 of the Act, the board may suspend or cancel a licence:

- (a) on any ground on which the board might have refused to issue or renew the licence pursuant to section 23;
  - (b) if a licensee has failed to comply with the Act or any regulations made pursuant to the Act, the plan, or an order or direction of the board or the council;
  - (c) if there is a change in ownership of the licensee; or
  - (d) if a licensee has not produced any of the quota stated on the licence.
- (2) If the board considers it appropriate to do so, and on receipt of any reinstatement fee required by board order, the board may reinstate a licence that has been suspended.

3 Jan 2014 cA-15.21 Reg 18 s26.

**Licence not transferable**

**27** A licence issued, renewed or reinstated pursuant to these regulations is not transferable or assignable.

3 Jan 2014 cA-15.21 Reg 18 s27.

**Expiry of licence**

**28** Every licence expires on the date set out in a board order, unless the licence has been renewed.

3 Jan 2014 cA-15.21 Reg 18 s28.

**Licensed producer to notify board re new production unit**

**29** If a licensed producer acquires a new production unit that is not noted on the producer's licence, the licensed producer shall notify the board in writing within 10 business days and provide the board with the following information:

- (a) the legal land description for the land on which the production unit is located;
- (b) a site plan for the production unit; and
- (c) any other information or material that the board may reasonably require.

3 Jan 2014 cA-15.21 Reg 18 s29.

**New entrants**

**30** Within 18 months after the coming into force of these regulations, the board shall develop 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 turkey.

3 Jan 2014 cA-15.21 Reg 18 s30.

## PART VI

### Quota

**Quota**

**31** When the board issues or renews a licence pursuant to section 23, the board shall allocate a quota to the licensee.

3 Jan 2014 cA-15.21 Reg 18 s31.

**Transfer of quota**

**32(1)** The board may, on the request of a licensed producer, approve the transfer of all or part of a licensed producer's quota to another licensed producer on any terms and conditions that the board considers appropriate.

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

- (a) the board shall amend the licence of each producer to reflect the new quota allocations; and
- (b) the transfer is not effective until the licence of each producer is amended in accordance with clause (a).

3 Jan 2014 cA-15.21 Reg 18 s32.

**Lease of quota**

- 33(1)** No licensed producer shall lease all or any part of the licensed producer's quota without the prior approval of the board.
- (2) Any lease of a licensed producer's quota that does not comply with this section is void.
- (3) Subject to these regulations, the board shall issue an order respecting the lease of a quota including:
- (a) the rules respecting the application for approval to lease; and
  - (b) the eligibility requirements that lessees must meet.
- (4) The board shall not approve any application to lease a quota unless the lessee is a licensed producer.

3 Jan 2014 cA-15.21 Reg 18 s33.

**Acquiring quota by auction**

- 34(1)** The board shall offer quota for sale by auction in accordance with this section:
- (a) if a licensed producer's quota is cancelled; or
  - (b) if the board determines that an auction is required pursuant to subsection (2).
- (2) Within six months after the coming into force of these regulations, the board shall issue an order respecting:
- (a) the conditions under which an auction is required, including an expansion of production; and
  - (b) who may participate in an auction.
- (3) When an auction is required, the board shall issue an order respecting:
- (a) the manner of acquiring additional quota by auction;
  - (b) the time, date and place of the auction;
  - (c) subject to these regulations, the eligibility requirements to participate in the auction; and
  - (d) procedures and rules governing sales by auction.
- (4) The board shall deposit in a separate bank account all moneys collected from the sale of quota pursuant to this section.
- (5) The statements of the separate bank account mentioned in subsection (4) must be included in the audited financial statements of the board.
- (6) The purposes of the auction moneys collected from the sale of quota are:
- (a) to assist in research connected with the production, marketing or production and marketing of turkey, including studies and research respecting consumer demand for turkey;

- (b) to support and conduct activities to promote and develop the production, marketing or production and marketing of turkey in Saskatchewan; and
  - (c) to support and conduct any further activities that contribute to the well being of the turkey industry in Saskatchewan.
- (7) At each annual general meeting and included in each annual report, the board shall prepare a report outlining:
- (a) the activities funded through auction proceeds and the outcomes of those activities;
  - (b) plans for future expenditures; and
  - (c) the balance of remaining proceeds.
- (8) In the event of a discontinuance of the agency while funds remain in the account mentioned in subsection (4), the board shall determine how the remaining funds are to be disbursed by:
- (a) distributing the funds *pro rata* to all producers who hold valid licences at the time of the distribution; or
  - (b) making one or more grants that are consistent with the purposes set out in subsection (6).

3 Jan 2014 cA-15.21 Reg 18 s34.

**Adjustments to quota allocations**

- 35(1)** No licensed producer shall produce and sell turkeys in excess of the quota allocation stated in his or her licence.
- (2) If a licensed producer produces and sells turkeys in excess of the quota allocation stated in his or her licence, the board may do either or both of the following:
- (a) apply a penalty to the licensed producer as set out in an approved board order;
  - (b) amend, suspend or cancel the licence as set out in an approved board order.
- (3) Subject to these regulations, the board shall make an order establishing procedures and rules respecting:
- (a) the imposition of a penalty to address excess production as set out in clause (2)(a), including the amount of the penalty and the payment deadlines; and
  - (b) the amendment, suspension or cancellation of a licence in the circumstances set out in clause (2)(b), including the amendment, suspension and cancellation criteria.

3 Jan 2014 cA-15.21 Reg 18 s35.

**Production efficiency zones**

**36** The board may make an order:

- (a) designating a geographic area of Saskatchewan as a production efficiency zone; and
- (b) directing that a licensed producer that has a production unit outside of a production efficiency zone is subject to additional freight charges for the delivery of live turkeys from that production unit to a processor.

3 Jan 2014 cA-15.21 Reg 18 s36.

**Production units**

**37** The board may make an order establishing policies and procedures respecting production units, or any component of a production unit, including:

- (a) setting out a minimum and maximum size; and
- (b) setting out the formula for determining the size.

3 Jan 2014 cA-15.21 Reg 18 s37.

**Production limits**

**38** The board may make an order limiting the amount of quota held in total by all production units located within a production efficiency zone designated by the board for the purpose of limiting economic losses due to disease outbreak or other natural disasters that may affect the production and marketing of turkey.

3 Jan 2014 cA-15.21 Reg 18 s38.

## PART VII Processors, Hatcheries and Agents

**Registration of processors, hatcheries and agents**

**39(1)** Every processor, hatchery and agent shall register with the board at the time and in the manner determined by order of the board.

(2) The board shall keep and maintain at its head office a register containing the name and address of every registered processor, hatchery and agent.

3 Jan 2014 cA-15.21 Reg 18 s39.

**Suspension and cancellation of registrations**

**40(1)** The board may cancel or suspend a registration if the registered processor, hatchery or agent has contravened:

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

- (2) The board may establish, by order, procedures respecting the cancellation or suspension of a registration pursuant to this section.
- (3) If the board suspends or cancels a registration pursuant to this section, the board shall advise the registered processor, hatchery or agent in writing of its decision.

3 Jan 2014 cA-15.21 Reg 18 s40.

**Restrictions on processors**

- 41(1) No processor shall purchase more than 99 turkeys produced in Saskatchewan in a calendar year for processing from persons other than licensed producers.
- (2) No processor shall purchase any turkey for an amount that is less than the minimum price established by board order.
- (3) No processor shall custom kill more than 99 turkeys in a calendar year for any person other than a licensed producer.

3 Jan 2014 cA-15.21 Reg 18 s41.

**PART VIII**  
**Elections**

**Eligibility**

- 42(1) Every licensed producer is eligible to hold office as a director.
- (2) Subject to subsection (5), a licensed producer that is a corporation, association, society or other designation is entitled to vote or hold office:
  - (a) only through a designated representative appointed in writing; and
  - (b) only if notice of that appointment has been filed with the board in a form and manner acceptable to the board.
- (3) Except as provided in subsection (2), voting by proxy is prohibited.
- (4) Subject to subsection (5), every licensed producer is entitled to one vote.
- (5) No individual shall be entitled to more than one vote regardless of whether he or she is voting as an individual licensed producer or as a designated representative of a licensed producer.

3 Jan 2014 cA-15.21 Reg 18 s42.

**Nominations**

- 43(1) Any licensed producer is eligible to be nominated for election as a director.
- (2) The board shall:
  - (a) on or before November 15 of each year, fix the last date for receipt of nominations for election to the board; and
  - (b) at least 30 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 is to be:
- (a) in writing in the form required by the board;
  - (b) signed by:
    - (i) two licensed producers;
    - (ii) two representatives of licensed producers appointed pursuant to subsection 42(2); or
    - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling two persons; and
  - (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.

3 Jan 2014 cA-15.21 Reg 18 s43.

**Returning officer**

44(1) Subject to subsection (2), the board shall appoint a returning officer to conduct an election pursuant to section 45.

(2) Producers, buyers, processors, agents 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.

3 Jan 2014 cA-15.21 Reg 18 s44.

**Conduct of elections**

45(1) If not more than the required number of candidates are nominated pursuant to section 43, the candidates nominated are deemed to be elected by acclamation.

(2) If more than the required number of candidates are nominated pursuant to section 43, the board shall:

- (a) fix a date for the completion of the election; and
- (b) at least 15 business days before the date fixed pursuant to clause (a), send by ordinary or registered mail to every licensed producer:
  - (i) the ballot and a plain envelope;
  - (ii) a profile of every candidate;
  - (iii) a certificate of eligibility to vote; and
  - (iv) a notice that states the time and date by which, and the place to which, the ballot and certificate of eligibility to vote are to be returned.

- (3) Every licensed producer that wishes to vote in an election shall:
  - (a) complete and sign the certificate of eligibility to vote;
  - (b) complete the ballot provided by the board; and
  - (c) seal the ballot and certificate of eligibility to vote in the envelope provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.
- (4) The ballot of a licensed producer is not valid if:
  - (a) the certificate of eligibility is not returned with the ballot;
  - (b) the licensed producer votes for more than the specified number of candidates;
  - (c) it is defaced;
  - (d) it is marked in any way other than to vote for candidates;
  - (e) it is not the original ballot provided by the board; or
  - (f) the individual who voted for the licensed producer voted more than once.
- (5) Ties are to be decided by the drawing of lots.

3 Jan 2014 cA-15.21 Reg 18 s45.

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

**46** The failure of any licensed producer to receive the documents mentioned in clause 45(2)(b) does not invalidate the election.

3 Jan 2014 cA-15.21 Reg 18 s46.

**Election results**

**47(1)** Within seven business days after the date fixed for the return of ballots pursuant to clause 45(3)(c), the returning officer shall send a notice to the board that:

- (a) in the case of directors elected by acclamation, declares those candidates to be directors of the board; or
- (b) in the case of an election, declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the board.

(2) As soon as possible after receiving a notice pursuant to subsection (1), but in any case no later than December 31 in any year, the board shall notify every licensed producer of the results of the election by ordinary or registered mail or by any other means the board considers appropriate.

3 Jan 2014 cA-15.21 Reg 18 s47.

**Term of office, vacancy**

**48(1)** Subject to subsection (4), a director holds office:

- (a) in the case of an elected director, for a term of three years commencing on the first day of January following the election and until the director's successor is elected; or
  - (b) in the case of a director appointed pursuant to subsection (5), until the next election that is held after he or she is appointed and until the director's successor is elected.
- (2) Subject to subsection (3), a director is eligible for re-election.
- (3) If a director has completed three consecutive terms as set out in clause (1)(a), he or she is not eligible for re-election until one year has passed since the completion of the director's third consecutive term.
- (4) 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 three 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.
- (5) Notwithstanding subsection 6(1), if the office of a director becomes vacant, the board may appoint a licensed producer as a director to fill the vacancy until the next election.

3 Jan 2014 cA-15.21 Reg 18 s48.

**Retention of ballots**

**49** The returning officer shall:

- (a) retain the ballots in his or her possession; and
- (b) not destroy any ballot or other record respecting an election of directors before April 6 in the year following the election.

3 Jan 2014 cA-15.21 Reg 18 s49.

**Challenge to election results**

**50(1)** Any licensed producer may challenge the results of an election of directors, as declared by the returning officer pursuant to section 47, by submitting a written objection to the council.

- (2) A written objection submitted pursuant to subsection (1) must:
- (a) set out the grounds for the objection; and
  - (b) be received by the council by March 31 in the year following the election.

(3) If the council receives a written objection in accordance with this section and is satisfied that the objection is neither frivolous nor vexatious, the council may appoint a vote recount officer to conduct a recount of the votes cast in the election.

(4) If the council appoints a vote recount officer pursuant to subsection (3), the results of the election as determined by the vote recount officer are final.

3 Jan 2014 cA-15.21 Reg 18 s50.

## PART IX

### Repeal, Transitional and Coming into Force

#### **Sask. Reg. 275/75 repealed**

**51** “The Saskatchewan Turkey Producers’ Marketing Plan, 1975”, being Saskatchewan Regulations 275/75, are repealed.

3 Jan 2014 cA-15.21 Reg 18 s51.

#### **Sask. Reg. 27/74 repealed**

**52** The “Saskatchewan Turkey Producers’ Marketing Plan, Part II”, being Saskatchewan Regulations 27/74, are repealed.

3 Jan 2014 cA-15.21 Reg 18 s52.

#### **Transitional - board**

**53** On the coming into force of these regulations, the board is to consist of the directors of the board who held office pursuant to “The Saskatchewan Turkey Producers’ Marketing Plan, 1975”, being Saskatchewan Regulations 275/75, 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.

3 Jan 2014 cA-15.21 Reg 18 s53.

#### **Coming into force**

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

3 Jan 2014 cA-15.21 Reg 18 s54.

