

1989 - 90

CHAPTER F-8.001

An Act to provide for the Financial Stability of Agriculture

(Assented to July 17, 1989)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I

Title and Interpretation

Short title

1 This Act may be cited as The Farm Financial Stability Act.

Interpretation

2 In this Act:

"minister"

(a) "minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

"prescribed"

(b) "prescribed" means prescribed in the regulations.

PART II

Financial Provisions

Financial assistance

3 The minister, for any purpose relating to the financial stability of Saskatchewan farms, may provide financial assistance by way of grant, loan or other similar means in accordance with prescribed terms and conditions to any person, agency, organization, association, institution or other body within Saskatchewan.

Guarantees

4 The Lieutenant Governor in Council, on the recommendation of the minister, may authorize the Minister of Finance to guarantee agricultural loans:

(a) for prescribed purposes;

(b) in prescribed maximum amounts; and

(c) in accordance with prescribed terms and conditions.

Regulations

5 For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

(a) prescribing the terms and conditions of the provision of financial assistance pursuant to section 3;

(b) prescribing:

(i) the purposes for which a guarantee may be authorized;

(ii) the maximum amount of a loan for which a guarantee may be authorized; and

(iii) the terms and conditions on which a guarantee may be authorized;

pursuant to section 4.

PART III

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Counselling and Assistance

Interpretation
"applicant"

6 In this Part:

(a) "applicant" means a farmer who applies pursuant to section 11:

(i) for counselling assistance;

(ii) for a guarantee on:

(A) an operating loan; or

(B) a consolidation loan; or

(iii) for both of the things described in subclauses (i) and (ii);

"committee"

(b) "committee" means the Provincial Farmers' Counselling and Assistance Program Committee continued pursuant to section 7;

"consolidation loan"

(c) "consolidation loan" means a loan acquired for the purpose of consolidating liabilities that:

(i) are incurred in purchasing goods and services necessary in the production of farm commodities; and

(ii) are permitted by the regulations to be consolidated;

"counselling assistance"

(d) "counselling assistance" means assistance provided to an applicant by:

(i) a panel; or

(ii) a designated lending institution;

pursuant to subsection 14(2);

"designated lending institution"

(e) "designated lending institution" means any:

(i) bank;

(ii) credit union; or

(iii) other prescribed lending institution;

designated by an applicant as the lending institution from which he or she intends to obtain an operating loan or a consolidation loan;

"farmer"

(f) "farmer" means:

(i) an individual:

(A) who is a resident; and

(B) who is farming; or

(ii) a corporation, co-operative or partnership, at least one member or shareholder of which is an individual described in subclause (i);

"guarantee"

(g) "guarantee" means a guarantee of a loan under which the minister may make a payment pursuant to section 16;

"guaranteed loan"

(h) "guaranteed loan" means:

(i) an operating loan; or

(ii) a consolidation loan;

with respect to which a guarantee has been authorized pursuant to section 16;

"net worth"

(i) "net worth" means the amount by which the value of all assets owned by the applicant and his or her spouse and children under 18 years exceeds the value of all liabilities of the applicant and his or her spouse and children under 18 years;

- "operating loan" (j) "operating loan" means a loan for the purpose of purchasing goods and services of a kind normally used in the production of farm commodities;
- "panel" (k) "panel" means a panel of members of the committee designated pursuant to section 12;
- "program board" (l) "program board" means the board appointed pursuant to section 8;
- "program chairperson" (m) "program chairperson" means the chairperson of the program board appointed pursuant to section 9.

Committee continued

- 7(1) The Provincial Farmers' Counselling and Assistance Program Committee established pursuant to The Farmers' Counselling and Assistance Act is continued.
- (2) The minister may appoint to the committee mentioned in subsection (1) any number of active or recently retired farmers who have a demonstrated high level of farm management capability.

Program board

- 8(1) The minister may appoint:
- (a) not less than three members; and
 - (b) not more than five members;
- of the committee as the program board.
- (2) A majority of the members of the program board constitutes a quorum.

Program chairperson

- 9(1) The minister may appoint a member of the program board as program chairperson.
- (2) Where:
- (a) the program chairperson is:
 - (i) absent; or
 - (ii) unable to act; or
 - (b) there is a vacancy in the office of program chairperson;
- the minister may appoint a person to act in the place of the program chairperson.
- (3) All acts of a person appointed pursuant to subsection (2) have the same force and effect as if performed by the program chairperson.

Staff and advisors, etc.

- 10 The program chairperson may engage the services of or retain any clerical staff or any technical, professional or other advisors, specialists or consultants that he or she considers necessary to assist:
- (a) the program chairperson in performing his or her duties or exercising his or her powers; or
 - (b) the program board or a panel in performing its duties and exercising its powers; pursuant to this Act.

Application for assistance

11(1) Any farmer may apply to the program chairperson for counselling assistance.

(2) A farmer who:

- (a) is unable to obtain sufficient operating funds; and
- (b) has a net worth not exceeding the prescribed maximum amount;

may apply to the program chairperson for a guarantee of an operating loan or a guarantee of a consolidation loan.

(3) An applicant who makes an application pursuant to subsection (1) or (2) shall:

- (a) apply in the form required by the program chairperson; and
- (b) provide the program chairperson with any information the program chairperson considers necessary.

Establishment of panel

12(1) Where an application is made in accordance with section 11:

- (a) the program chairperson shall:
 - (i) take into consideration the applicant's situation and geographical location; and
 - (ii) where the application is made pursuant to subsection 11(2), determine whether the applicant meets the criteria established in that subsection; and
- (b) the program chairperson may:
 - (i) designate a maximum of three members of the committee to sit as a panel to review the application; and
 - (ii) designate one of the members as chairperson of the panel.

Farm plan

13(1) Every applicant shall:

- (a) develop an initial farm plan:
 - (i) in the form required by the program chairperson; and
 - (ii) containing the prescribed information; and
- (b) submit the initial farm plan to the program chairperson.

(2) Where a panel is designated pursuant to section 12, the program chairperson shall forward:

- (a) the application; and
- (b) the initial farm plan;

to the chairperson of the panel.

Counselling assistance

14(1) When the chairperson of a panel has received an application and an initial farm plan, the panel:

- (a) shall meet with the applicant; and
- (b) may meet with a representative of the applicant's designated lending institution, if any.

(2) The panel and the designated lending institution may provide suggestions and recommendations to the applicant on:

- (a) changes to be made to the applicant's farm plan; and
- (b) financial and production matters.

Report

- 15(1) Where an application is made for a loan guarantee pursuant to section 11 and:
- (a) a panel is designated pursuant to section 12, the panel shall provide a written report to the program chairperson containing:
 - (i) its assessment and recommendations relating to the applicant's production practices and financial management;
 - (ii) the farm plan prepared by the farmer in accordance with section 13;
 - (iii) its recommendations concerning the advisability of authorizing a guarantee of the loan for the applicant;
 - (iv) the reasons for its recommendations made pursuant to subclause (iii);
 - (v) any conditions attached to its recommendations made pursuant to subclause (iii); and
 - (vi) any additional information requested by the program chairperson;
 - (b) no panel is designated pursuant to section 12, the designated lending institution shall comply with the requirements imposed pursuant to clause (a).
- (2) Where the applicant has applied pursuant to section 11 for counselling assistance:
- (a) the panel designated pursuant to section 12 shall provide a written report to the program chairperson containing:
 - (i) its assessment and recommendations relating to the applicant's production practices and financial management; and
 - (ii) the farm plan prepared by the farmer in accordance with section 13; and
 - (b) the program chairperson:
 - (i) shall provide the report required pursuant to clause (a) to the applicant; and
 - (ii) on the request of the applicant, may forward a copy of the report to the applicant's designated lending institution.
- (3) Where the applicant has applied for a loan guarantee, the program chairperson shall provide the report required pursuant to subsection (1) to:
- (a) the applicant; and
 - (b) the designated lending institution of the applicant.

Guaranteed loans

- 16(1) When the program chairperson receives a report from a panel or designated lending institution pursuant to section 15, the program board or the program chairperson may:
- (a) subject to subsection (2), authorize a guarantee of an operating loan or a consolidation loan;
 - (b) request the panel or designated lending institution to reconsider or reassess any assessments, recommendations or conditions contained in its report made pursuant to section 15 or to submit a new report after further inquiry;
 - (c) make changes to the farm plan as may be required in order to authorize a guarantee pursuant to clause (a); and

- (d) do all or any combination of the things mentioned in clauses (a) to (c).
- (2) The program board or program chairperson may only authorize guarantees pursuant to subsection (1):
 - (a) to a prescribed maximum number of loans per applicant;
 - (b) to a prescribed maximum amount per guarantee; and
 - (c) to a prescribed maximum amount for all guarantees authorized per applicant.
- (3) A farm plan may be changed at any time if:
 - (a) the program board or the program chairperson;
 - (b) the applicant; and
 - (c) the applicant's designated lending institution;authorize the change in writing.
- (4) Subject to subsection (5), if the program board or program chairperson authorizes a guarantee of an operating loan or a consolidation loan provided to an applicant by the applicant's designated lending institution, the minister, on the request of the program board or program chairperson, shall pay to the designated lending institution the amount of loss sustained by the designated lending institution as a result of making that loan to the applicant up to an amount that is not greater than the amount of the guarantee that was authorized by the program board or program chairperson plus:
 - (a) all costs of retaining a solicitor in connection with pursuing a claim against the holder of the guaranteed loan; and
 - (b) interest at the prescribed rate on the amount of the claim on the guarantee calculated as and from a day that is 30 days after the day the claim arose and until the day that payment is made pursuant to this subsection.
- (5) The minister may only make a payment to a designated lending institution pursuant to subsection (4) with respect to a guaranteed loan if:
 - (a) the guaranteed loan was made on or after the coming into force of this Act and prior to December 31, 1990 or, where an order is made pursuant to subsection (6), the further date that is specified in the order;
 - (b) the proceeds of the guaranteed loan were expended in the manner specified in the farm plan:
 - (i) submitted by the applicant pursuant to section 13; and
 - (ii) where the farm plan has been changed, as changed pursuant to:
 - (A) clause (1)(c); or
 - (B) subsection (3);
 - (c) the guaranteed loan was made subject to the prescribed terms and conditions;
 - (d) the making and the status of the guaranteed loan was reported to the program chairperson by the designated lending institution within the time and in the manner determined by the program chairperson;
 - (e) the rate of interest charged by the designated lending institution on the guaranteed loan is not more than the prescribed maximum rate;
 - (f) the designated lending institution had obtained:
 - (i) any security for the loan that a lender is able to obtain pursuant to:
 - (A) the Bank Act (Canada), as amended from time to time; or

- (B) The Personal Property Security Act; and
 - (ii) any additional security for the loan that the program board or the program chairperson, the designated lending institution and the applicant had agreed to; and
- (g) the designated lending institution:
 - (i) has taken any action required by the program board or program chairperson to enforce payment of the guaranteed loan; and
 - (ii) followed the prescribed procedures for making claims for losses sustained as a result of making the guaranteed loan.
- (6) Subject to subsection (7), the Lieutenant Governor in Council may extend, by order, the period mentioned in clause (5)(a) to any further date that is specified in the order.
- (7) The latest date that the Lieutenant Governor in Council may specify in an order made pursuant to subsection (6) is December 31, 1991.
- (8) The maximum amount payable to any one lending institution pursuant to subsection (4) is to be determined in the prescribed manner.
- (9) No lending institution is entitled to claim on a guarantee made pursuant to this Part unless the claim is made within 60 days or within any further period authorized by the program chairperson:
 - (a) in the case of an operating loan, after the expiration of:
 - (i) one year from the date that the guarantee of the loan with respect to which the claim is made was authorized by the program board or the program chairperson; or
 - (ii) where a subsequent year is authorized by the program board or the program chairperson on receipt of:
 - (A) a current cash flow projection indicating viability; and
 - (B) any additional security that the program board may require; the authorized year; and
 - (b) in the case of a consolidation loan, after the expiration of a period of seven years from the date that the guarantee of the loan with respect to which the claim is made was authorized by the program board or the program chairperson.
- (10) For the purposes of subsection (8), "lending institution" means:
 - (a) in the case of a bank that is subject to the Bank Act (Canada), as amended from time to time, all of the branches of that bank;
 - (b) in the case of a credit union that is subject to The Credit Union Act, 1985, all of the credit unions in Saskatchewan that are subject to that Act; and
 - (c) in the case of a lending institution prescribed pursuant to section 19, all of the branches of that lending institution designated by the Lieutenant Governor in Council.

Release of information

- 17(1) Subject to subsection (2), each member of the committee shall hold all information received by him or her pursuant to this Part in confidence.
- (2) Information acquired by a member of the committee pursuant to this Part may be

released to any person on the authorization of the person to whom the information relates.

(3) The program chairperson may release to the Crown or its agents any information acquired pursuant to this Part.

(4) The Crown or its agents shall hold all information received by it pursuant to subsection (3) in confidence.

Minister subrogated

18 If the minister makes a payment pursuant to section 16 to a designated lending institution with respect to a guarantee:

- (a) the minister is subrogated as against the applicant to all the rights, powers, remedies and securities of the designated lending institution with respect to the guaranteed loan;
- (b) the payment does not affect any liability of the applicant or release any security given by the applicant with respect to the guaranteed loan; and
- (c) notwithstanding the payment, the liability and security:
 - (i) remains and continues in full force and effect; and
 - (ii) may be enforced by the minister against the applicant.

Regulations

19 For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the liabilities that are permitted to be consolidated for the purpose of obtaining a guarantee pursuant to section 16;
- (b) prescribing lending institutions or categories of lending institutions eligible to be designated by an applicant for the purposes of this Part;
- (c) prescribing the maximum net worth a farmer may have for the purpose of obtaining a guarantee pursuant to section 16;
- (d) prescribing the information to be contained in a farm plan required pursuant to section 13;
- (e) prescribing:
 - (i) the maximum:
 - (A) number of loan guarantees;
 - (B) amount per guarantee; and
 - (C) amount of all loan guarantees;that may be authorized per applicant;
 - (ii) the terms and conditions under which a guaranteed loan may be made to an applicant;
 - (iii) the maximum amount of a guaranteed loan;
 - (iv) the maximum rate of interest a designated lending institution may charge on a guaranteed loan;
 - (v) the procedure a designated lending institution is to follow in making a claim for losses sustained as a result of making a guaranteed loan;
 - (vi) the manner in which the maximum amount payable to a designated lending institution is to be determined;

for the purposes of section 16.

Transitional

20 Notwithstanding any other Act or law or any agreement entered into before, on or after the coming into force of this Part:

- (a) all guarantees authorized and payments required pursuant to section 11 of The Farmers' Counselling and Assistance Act, as that Act existed on the day before this Part comes into force, are continued pursuant to section 16 of this Act and may be dealt with as if made pursuant to this Part; and
- (b) all judgments received with respect to actions instituted against any person with respect to a guarantee made pursuant to The Farmers' Counselling and Assistance Act, as that Act existed on the day before this Part comes into force, are deemed to be valid and of full force and effect.

PART IV

Agricultural Price and Income Stabilization

Interpretation
"commodity"

21 In this Part:

"fund"

"producer"

"program"

"returns"

- (a) "commodity" means any prescribed agricultural commodity or class of agricultural commodities;
- (b) "fund" means the Saskatchewan Agricultural Stabilization Fund continued pursuant to section 23;
- (c) "producer" means any prescribed:
 - (i) producer of commodities; or
 - (ii) category of producers of commodities;
- (d) "program" includes any program, arrangement, proposal, plan, scheme or similar measure established or administered pursuant to section 22;
- (e) "returns" means prescribed returns on commodities.

Programs established and administered

22(1) The Lieutenant Governor in Council, on the recommendation of the minister, may establish, by regulation, any program to enhance or stabilize:

- (a) the incomes of Saskatchewan farmers; or
- (b) the returns from agricultural commodities produced by Saskatchewan farmers.

(2) The minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Saskatchewan, enter into agreements with the Government of Canada or any of its agencies, or with the Government of Canada together with the government of any province of Canada or agency of the government of any province of Canada to establish and administer programs.

Fund continued

23(1) The Saskatchewan Agricultural Returns Stabilization Fund established by the Lieutenant Governor in Council pursuant to The Saskatchewan Agricultural Returns Stabilization Act is continued as the Saskatchewan Agricultural Stabilization Fund.

(2) All charges and assessments collected pursuant to this Part and all other moneys received or appropriated for the purposes of this Part form part of the fund.

Administration of fund

- 24(1) Subject to subsection (2), the Treasury Board may make orders and issue directives respecting the financial operation of the fund.
- (2) The Lieutenant Governor in Council, on the recommendation of the minister, may make regulations:
- (a) establishing accounts in the fund for programs established pursuant to this Part;
 - (b) prescribing the procedures for the administration of those accounts;
 - (c) prescribing the terms and conditions on which moneys are to be paid out of those accounts; and
 - (d) continuing programs established pursuant to:
 - (i) The Saskatchewan Agricultural Returns Stabilization Act; and
 - (ii) The Beef Stabilization Act.
- (3) Subject to any orders, directives or regulations made pursuant to subsections (1) and (2), the minister may make payments or authorize the making of payments out of the fund for the purposes of this Part.

Contributions to fund

- 25 The Lieutenant Governor in Council may authorize the Minister of Finance to pay contributions into the fund pursuant to an agreement made pursuant to subsection 22(2).

Powers of minister to establish and appoint agencies and boards to administer programs

- 26(1) The Lieutenant Governor in Council, on the recommendation of the minister, by regulation, may:
- (a) establish an agency or a board or continue an agency or a board previously established in the regulations to:
 - (i) administer any program;
 - (ii) administer an account established pursuant to section 24 for the purposes of any program; or
 - (iii) do both of the things mentioned in subclauses (i) and (ii);
 - (b) appoint one or more corporations, boards, commissions, committees, associations, organizations or individuals to:
 - (i) administer any program;
 - (ii) administer an account established pursuant to section 24 for the purposes of any program; or
 - (iii) do both of the things mentioned in subclauses (i) and (ii).
- (2) The Lieutenant Governor in Council, on the recommendation of the minister, by regulation, may:
- (a) vest any or all of the following powers in an agency or board established or continued pursuant to clause (1)(a) or a corporation, board, commission, association, organization or individual appointed pursuant to clause (1)(b):
 - (i) to appoint or engage any professional and technical personnel that may be required for its purposes and determine their salaries and other remuneration;

- (ii) to employ any officers and other employees that it considers necessary for its purposes;
 - (iii) to make bylaws respecting the conduct of its proceedings and generally for the conduct of its activities;
 - (iv) to collect any levy or premium due pursuant to any program;
 - (v) to make any payment pursuant to any program;
 - (vi) to police and audit program compliance;
 - (vii) to market any commodity;
 - (viii) to borrow or raise moneys for its activities;
 - (ix) to purchase, or otherwise acquire, and sell, or otherwise dispose of, real property;
 - (x) to invest its surplus moneys;
 - (xi) to execute any bills of exchange, promissory notes and other negotiable or transferable instruments that may be required to carry out its activities;
 - (xii) to obtain and publish information for producers on the marketing of commodities;
 - (xiii) to undertake research, conduct studies and provide information to producers in relation to commodities;
 - (xiv) to establish and support any or all of:
 - (A) a superannuation plan;
 - (B) a group insurance plan; and
 - (C) any other pension, superannuation or employee benefit program; for the benefit of the members of the agency or board or the officers, employees and professional and technical personnel of the agency or board or their dependants;
 - (xv) any other powers necessary to administer programs established or administered pursuant to this Part; and
 - (b) prescribe the terms and conditions pursuant to which the powers mentioned in clause (a) are to be exercised.
- (3) Where an agency or a board is established or continued pursuant to clause (1)(a):
- (a) the agency or board is to consist of any number of members appointed by the Lieutenant Governor in Council;
 - (b) the Lieutenant Governor in Council shall fix the remuneration and allowances to be paid to each member of the agency or board;
 - (c) the Lieutenant Governor in Council may designate one member of the agency or board to be the chairperson and one member of the agency or board to be the vice-chairperson;
 - (d) a majority of the agency or board constitutes a quorum;
 - (e) the chairperson, vice-chairperson or any other person authorized by the agency or board may call a meeting of the agency or board; and
 - (f) the head office of the agency or board is to be established in any place in Saskatchewan that is designated by the Lieutenant Governor in Council.
- (4) Where an agency or a board is established or continued pursuant to clause (1)(a), the

Lieutenant Governor in Council, by regulation, may:

- (a) designate the agency or board as an employer within the meaning of The Superannuation (Supplementary Provisions) Act; and
- (b) designate the members of the agency or board and its employees as employees within the meaning of:
 - (i) The Public Service Act; or
 - (ii) The Superannuation (Supplementary Provisions) Act.

(5) Subject to the approval of the Lieutenant Governor in Council, an agency or a board established or continued pursuant to clause (1)(a) may authorize any person to perform any duties or exercise any powers imposed or conferred on it.

Loans

27 Subject to:

- (a) the approval of the Lieutenant Governor in Council; and
- (b) any prescribed terms and conditions;

the Minister of Finance, without any other or further authority that is provided by this section, may make loans out of the consolidated fund to any agency, board, corporation, commission, committee, association, organization or individual charged with the administration of the fund pursuant to section 26 for any of the purposes of the fund.

Borrowing powers

28(1) The Lieutenant Governor in Council may authorize the Minister of Finance from time to time to raise by way of loan on the credit of the Government of Saskatchewan any moneys the Lieutenant Governor in Council considers necessary for the purposes of this Part.

(2) Loans authorized pursuant to subsection (1) shall be raised in accordance with The Financial Administration Act and may be borrowed for any term or terms not exceeding 30 years.

Moneys raised

29(1) Moneys raised pursuant to section 28 shall be paid into the consolidated fund and the balance, after deduction and payment of discount and commission applicable to the loan, shall be advanced by the Minister of Finance to the fund for the purposes of this Part by way of advances in those amounts, at those times and on those terms that may be determined by the Lieutenant Governor in Council.

(2) The Minister of Finance shall be reimbursed from moneys in the fund for all charges and expenses incurred in raising moneys pursuant to section 28.

Appropriation

30 Moneys required for the purposes of this Part may be paid out of moneys appropriated by the Legislature for those purposes.

Audit

31(1) Subject to subsection (2) the Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall:

- (a) annually; and
- (b) at any other time that the Lieutenant Governor in Council may require;

audit the accounts and financial statements of the fund.

(2) Where the minister has entered into an agreement pursuant to subsection 22(2) and that agreement provides for the auditing of the accounts and financial statements relating to that agreement, the audit of the accounts and financial statements relating to that agreement shall be conducted in the manner provided for in that agreement.

Appeals committee

- 32(1) The Lieutenant Governor in Council may make regulations:
- (a) establishing an appeals committee to hear appeals from participants in any program established or administered pursuant to this Part;
 - (b) respecting the number of members who are to sit on the committee;
 - (c) respecting the amount of remuneration to be paid to the members of the committee; and
 - (d) prescribing the procedure and manner by which appeals are to be conducted pursuant to this Part.
- (2) Subject to the regulations, where an appeals committee is established pursuant to subsection (1), the committee may:
- (a) set the time period within which an appeal is to be brought;
 - (b) set the rules and procedures for the conduct of an appeal including what documents are to be filed on the appeal;
 - (c) make any investigation it considers necessary for the purposes of the appeal;
 - (d) require the production of books and records that may relate to the appeal; and
 - (e) confirm, vary, disallow or stay a decision of an agency, board, commission, committee, association, organization or individual charged with the administration of a program pursuant to this Part.
- (3) An appeal may be taken to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan on a question of law with respect to a decision of the appeals committee made pursuant to clause (2)(e).

Regulations

- 33(1) For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:
- (a) specifying:
 - (i) the producers or categories of producers; and
 - (ii) the commodities or classes of commodities;to which any program established pursuant to section 22 is to apply;
 - (b) prescribing returns on commodities for the purposes of this Part;
 - (c) prescribing the basis and amount of any charges or assessments required to be paid under a program established or administered pursuant to this Part;
 - (d) prescribing the manner of payment and collection of charges or assessments required to be paid under a program established or administered pursuant to this Part;
 - (e) prescribing formulas respecting adjustments to payments made pursuant to section 24;
 - (f) exempting:
 - (i) any producer or category of producers; or
 - (ii) commodity or class of commodities;

from the provisions of this Part or a program established pursuant to this Part and prescribing the terms and conditions of the exemption;

(g) prescribing the duties of:

- (i) an agency or a board established; or
- (ii) a corporation, board, commission, committee, association, organization or individual appointed;

pursuant to section 26;

(h) prescribing a minimum period of time for which a producer is required to participate in a program;

(i) prescribing the terms and conditions of the provision of a loan pursuant to section 27.

(2) Regulations made pursuant to clause (1)(e) may be made retroactive to a day not earlier than March 31, 1984.

PART V
Production Refunds

Interpretation	34 In this Part:
"application"	(a) "application" means an application for a refund made pursuant to section 36;
"eligible farmer"	(b) "eligible farmer" means an individual, partnership, co-operative or corporation that: <ul style="list-style-type: none">(i) is resident in Saskatchewan;(ii) is actively engaged in farming; and(iii) meets the prescribed criteria of eligibility;
"eligible product"	(c) "eligible product" means any product used in agriculture and food production that is prescribed as an eligible product;
"refund"	(d) "refund" means a refund made pursuant to section 35.
Refunds	35 The minister may make refunds to eligible farmers in accordance with prescribed terms and conditions to reimburse them in part for eligible products purchased by them.
Application	36 An applicant for a refund pursuant to this Part shall apply: <ul style="list-style-type: none">(a) in the form required by the minister;(b) in the prescribed manner; and(c) by providing the prescribed information.
Calculation of refund	37 The amounts payable as refunds pursuant to this Part are to be calculated in the prescribed manner.
Records	38(1) The minister may require an applicant for a refund to maintain and keep any records that the minister considers necessary in any form that the minister considers appropriate. (2) The minister may require an applicant for a refund to:

- (a) forward; or
- (b) make available;

to the minister, or to persons authorized by him or her, records required to be maintained or kept pursuant to subsection (1), or extracts from those records, at any time, in any place and in any manner that the minister considers appropriate.

Manner of payment

39(1) Refunds made to an eligible farmer pursuant to this Part are to be made in the prescribed manner.

(2) Where an overpayment of a refund to a person pursuant to this Part occurs for any reason, the overpayment is a debt due to Her Majesty in right of Saskatchewan and may be recovered:

- (a) by deducting the amount of the overpayment from future refunds for which the person is eligible; or
- (b) by filing a certificate of the minister certifying the amount of the overpayment, together with interest at the prescribed rate to the date of the certificate, with the local registrar of Her Majesty's Court of Queen's Bench at any judicial centre.

(3) A certificate filed pursuant to clause (2)(b) has the same force and effect as if it were a judgment obtained in Her Majesty's Court of Queen's Bench for Saskatchewan for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

Regulations

40 For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the criteria of eligibility for farmers for the purposes of section 35;
- (b) prescribing the products with respect to which farmers are eligible for refunds for the purposes of section 35;
- (c) prescribing the terms and conditions of the provision of refunds made pursuant to section 35;
- (d) respecting:
 - (i) the manner in which farmers are to apply for refunds; and
 - (ii) the information to be provided in an application for a refund;
 pursuant to section 36;
- (e) respecting the manner in which refunds are to be:
 - (i) calculated pursuant to section 37; and
 - (ii) paid pursuant to section 39; and
- (f) prescribing the rate of interest for the purposes of clause 39(2)(b).

PART VI

Production Associations Loan Guarantees

Interpretation

"assurance fund"

"board"

41 In this Part:

- (a) "assurance fund" means a fund mentioned in section 59;
- (b) "board" means the board of directors of a producer association;

- "commodity" (c) "commodity" means a prescribed:
- (i) agricultural product or category of agricultural products; or
 - (ii) item or category of items used in the:
 - (A) growing;
 - (B) using;
 - (C) producing; or
 - (D) finishing;
 of an agricultural product;
- "custom operator" (d) "custom operator" means an individual, partnership or corporation that is authorized by the provincial supervisor to:
- (i) grow;
 - (ii) use;
 - (iii) produce; or
 - (iv) finish;
- "guaranteed loan" a commodity for an association on a fee-for-service basis;
- (e) "guaranteed loan" means a loan with respect to which a guarantee is given pursuant to section 46;
- "lender" (f) "lender" means a financial institution that makes a loan to a producer association;
- "licensed dealer" (g) "licensed dealer" means a dealer who holds a valid and subsisting licence issued pursuant to a prescribed Act;
- "local supervisor" (h) "local supervisor" means a person appointed pursuant to section 44;
- "producer" (i) "producer" means an individual who is:
- (i) a resident of Saskatchewan; and
 - (ii) at least 18 years of age;
- "producer agreement" (j) "producer agreement" means an agreement between a producer and a producer association regarding the growing, using, finishing or producing of a commodity;
- "producer association" (k) "producer association" means an association of at least six persons that:
- (i) is incorporated or continued pursuant to:
 - (A) The Co-operatives Act; or
 - (B) The Business Corporations Act;
 - (ii) is comprised of members or shareholders who are producers; and
 - (iii) is a party to a producer agreement;
- "provincial supervisor" (l) "provincial supervisor" means a person appointed pursuant to section 43.

Producer associations

42(1) Any group of producers may form a producer association for the purposes of obtaining a guaranteed loan pursuant to this Part.

(2) No producer association shall fail to conduct its business in the manner prescribed in this Part and in the regulations.

Provincial supervisors

- 43(1) The minister shall appoint a provincial supervisor for each commodity.
- (2) The provincial supervisor shall perform the duties assigned to him or her by this Part and by the regulations.
- (3) The provincial supervisor may authorize custom operators to grow, use, produce or finish a commodity for an association on a fee-for-service basis.

Local supervisors

- 44(1) Every producer association, subject to the approval of the provincial supervisor, shall appoint a local supervisor and a secretary-treasurer.
- (2) Every local supervisor shall perform the duties assigned to him or her by this Part and by the regulations.

Application

- 45(1) A producer association may apply to the provincial supervisor for a guarantee with respect to a loan for the purchase of commodities to be grown, used, finished or produced by its member producers:
- (a) on producer farms; or
 - (b) with custom operators.
- (2) The producer association shall provide the provincial supervisor with:
- (a) any information that the provincial supervisor may require to determine the amount of the guarantee to which the association is entitled; and
 - (b) the prescribed information.

Guarantee

- 46(1) The Lieutenant Governor in Council, or any other person designated by the Lieutenant Governor in Council for the purpose, may authorize the Minister of Finance to guarantee a prescribed percentage of a loan from a lender to a producer association:
- (a) in accordance with prescribed terms and conditions; and
 - (b) to a prescribed maximum amount.
- (2) For the purpose of obtaining a guarantee pursuant to this Part, a producer association may borrow with respect to each of its member producers the lesser of:
- (a) the prescribed maximum amount; and
 - (b) the maximum amount established by the board of the producer association.
- (3) A guarantee made pursuant to subsection (1) shall be signed:
- (a) by the Minister of Finance; or
 - (b) by any other person designated by the Lieutenant Governor in Council.
- (4) A guarantee given pursuant to subsection (1) is:
- (a) a continuing guarantee; and
 - (b) subject to the prescribed terms and conditions.

Repayment

- 47(1) A producer association shall repay advances made pursuant to a guaranteed loan within the prescribed time period for the commodity grown, used, produced or finished by the association.
- (2) No producer association shall use any portion of a guaranteed loan for any purpose other than the purposes mentioned in subsection 45(1).

(3) The Minister of Finance may only make a payment to a lender under a guarantee authorized pursuant to subsection 46(1) in proportion to the amount of the proceeds of the guaranteed loan that were expended for the purposes mentioned in subsection 45(1).

Non-compliance by producer associations

48(1) Where a producer association does not comply with this Part, the minister, by order, may direct that a guarantee shall not be in effect with respect to any future advances to be made on a guaranteed loan.

(2) The minister shall cause a copy of an order made pursuant to subsection (1) to be served personally or by registered mail on:

- (a) the Minister of Finance; and
 - (b) the:
 - (i) lender; and
 - (ii) producer association;
- named in the order.

Non-compliance by producers

49(1) When, in the opinion of the provincial supervisor, a producer fails to comply with this Part, the provincial supervisor may direct that a guarantee shall not be in effect with respect to any future advances to be made to that producer on a guaranteed loan.

(2) The provincial supervisor shall advise the lender used by the producer association, of which the producer mentioned in subsection (1) is a member or shareholder, of a direction made pursuant to that subsection.

Purchases by association

50(1) The Lieutenant Governor in Council may require, by regulation, that a particular commodity be purchased through a licensed dealer.

(2) No producer association shall purchase, without the approval of the provincial supervisor, a commodity prescribed pursuant to subsection (1) other than through a licensed dealer.

(3) Where:

- (a) a producer does not use a custom operator, no producer association shall purchase a commodity for or deliver a commodity to a producer who:
 - (i) is indebted to any other producer association that has received a guaranteed loan;
 - (ii) in the opinion of the local supervisor, does not have proper facilities for growing, using, producing, or finishing the commodity; or
 - (iii) in the opinion of the local supervisor, cannot be properly supervised by him or her;
- (b) a producer uses a custom operator, no producer association shall purchase a commodity for or deliver a commodity to or on behalf of a producer who:
 - (i) is indebted to any other producer association that has received a guaranteed loan;

- (ii) in the opinion of the local supervisor, cannot be properly supervised by him or her; or
 - (iii) uses a custom operator that is not designated by the local supervisor pursuant to subsection (4).
- (4) The local supervisor, on behalf of the producer association, shall designate the custom operators to whom commodities are to be delivered.
- (5) A producer association shall:
 - (a) obtain a bill of sale for any commodity purchased by it; and
 - (b) issue a bill of sale for any commodity sold by it.
- (6) A producer association may place a commodity purchased by it:
 - (a) with custom operators; or
 - (b) on farms owned by producers.
- (7) When a commodity purchased by a producer association is placed with a custom operator, the producer on whose behalf the commodity was purchased shall:
 - (a) pay the custom operator the amount of any costs associated with the growing, using, producing or finishing of the commodity; and
 - (b) submit a report and receipts to the producer association on or before the last day of each month confirming that the costs mentioned in clause (a) have been paid to date.

Purchase from member

- 51 A producer association may purchase a commodity from a member producer to be grown, used, finished or produced by that producer if the price of the commodity does not exceed the prescribed percentage of the value of the commodity.

Sales by associations

- 52(1) No producer shall purchase or sell a commodity in the name of a producer association without the prior written consent of the producer association.
- (2) A producer association shall sell any commodity belonging to it in the name of the producer association.
- (3) All proceeds of any sale of a producer association shall be paid to the producer association.
- (4) Where a producer association purchases a commodity for a producer who is a party to a producer agreement, the producer association shall cause the commodity to be sold within:
 - (a) a prescribed period from the time it purchased the commodity; or
 - (b) a prescribed greater period of time authorized by the provincial supervisor.

Marking

- 53 A producer association shall cause any commodity purchased by it that is required by the regulations to be marked to be permanently marked for identification in the prescribed manner.

Access by local supervisor

- 54 Every producer who grows, uses, produces or finishes a producer association

commodity shall permit the local supervisor access to his or her facilities at any reasonable time for the purposes of carrying out the local supervisor's duties pursuant to this Part.

Overdue accounts

55 The provincial supervisor may authorize a producer association to carry an overdue account with a lender with respect to a commodity purchased by the producer association for growing, using, producing or finishing by producers.

Monthly reports

56 Every producer association and lender shall provide the provincial supervisor with a report on or before the last day of each month setting out the prescribed information.

Subrogation

57(1) Where:

- (a) a producer association defaults in repaying an amount due pursuant to a guaranteed loan; and
 - (b) the Minister of Finance makes payment to a lender pursuant to a guaranteed loan on which a producer association has defaulted;
- the Minister of Finance is subrogated with respect to that guaranteed loan:
- (c) to all rights of the lender under any security or negotiable instrument given to the lender by the producer association;
 - (d) to any action that the lender may have against the producer association;
 - (e) to all rights of the producer association under any security or negotiable instrument given to the producer association by its member producers; and
 - (f) to any action that the producer association may have against its member producers.
- (2) A payment made by the Minister of Finance pursuant to a guarantee due to a default by a producer association does not affect the liability of or security given by the producer association pursuant to the guarantee and, notwithstanding that a payment was made pursuant to the guarantee, the liability of and the security given by the producer association remains in effect and may be enforced by the Minister of Finance against the producer association.

Books and records

58(1) The books and records of a producer association shall:

- (a) subject to subsection (2), be audited annually in accordance with generally accepted auditing standards; and
 - (b) be open and available for inspection by the provincial supervisor or an auditor appointed by the minister.
- (2) Where the provincial supervisor considers it advisable in the circumstances, he or she may exempt a producer association from:
- (a) the requirement that a full audit be conducted pursuant to clause (1)(a); or
 - (b) the requirement that a member of a recognized professional accounting association be used for the conduct of audits as prescribed in subsection (3).
- (3) Audits conducted pursuant to subsection (1) are to be conducted by a member of a recognized professional accounting association.

Assurance fund

59(1) Every producer association shall maintain an assurance fund in accordance with this section consisting of moneys contributed by member producers:

- (a) at the prescribed times; and
- (b) in the prescribed amounts.

(2) A producer association shall place contributions made pursuant to subsection (1) in an assurance fund that the association shall:

- (a) keep separate from all the association's other funds or accounts; and
- (b) use solely to pay debts of the association that are due to a lender and cannot otherwise be paid.

(3) No producer association that has a due or overdue account with a lender and for which moneys from the assurance fund have not been paid shall refund the contribution mentioned in subsection (1) to any producer.

(4) Subject to subsection (3), where a producer resigns from a producer association, the association shall refund the contribution mentioned in subsection (1) to the producer in the prescribed manner.

(5) Subject to subsection (3), where a producer is expelled from a producer association, the producer association may refund the contribution mentioned in subsection (1) to the expelled producer in the manner prescribed pursuant to subsection (4).

(6) Subject to subsection (3), where a producer remains a member of a producer association but has been inactive in the affairs of the producer association, the producer association may refund the contribution mentioned in subsection (1) to the producer in the prescribed manner but not until the producer has remained inactive in the affairs of the producer association for a prescribed period of time.

Market insurance plans

60(1) A producer association shall:

- (a) hold commodities as a trustee for the benefit of the appropriate individual member producer; and
- (b) in its capacity as trustee, be entitled in its absolute discretion to purchase, sell, encumber and take possession of commodities.

(2) Notwithstanding subsection (1):

- (a) for the purposes of any programs established under:
 - (i) section 22; or
 - (ii) The Saskatchewan Agricultural Returns Stabilization Act;with respect to the particular commodity; and
- (b) for any other purposes that the Lieutenant Governor in Council may prescribe; commodities are deemed to be owned by the individual member producer.

Regulations

61 For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the manner in which producer associations are to conduct their business for the purposes of section 42;
- (b) prescribing the duties of provincial and local supervisors;

(c) prescribing:

- (i) the commodities with respect to which a guarantee on a loan made to purchase those commodities may be made; and
- (ii) the information to be provided to the provincial supervisor;

pursuant to section 45;

(d) prescribing:

- (i) the percentage of a loan; and
- (ii) the maximum amount of a loan;

that may be guaranteed with respect to a commodity or a producer association or category of producer associations pursuant to section 46;

(e) prescribing:

- (i) the terms and conditions on which a guarantee may be made; and
- (ii) the maximum amount a producer association may borrow with respect to each of its member producers for the purpose of obtaining a guarantee;

pursuant to section 46;

(f) prescribing the period within which a producer association is required to repay advances pursuant to section 47;

(g) prescribing the commodities that are required to be purchased through a licensed dealer pursuant to section 50;

(h) prescribing the percentage of the value of a commodity for the purpose of section 51;

(i) prescribing:

- (i) the period of time within which a commodity purchased by a producer association for a member producer is required to be sold; and
- (ii) the greater period of time that the provincial supervisor may authorize for the sale of a commodity purchased by a producer association for a member producer;

pursuant to section 52;

(j) prescribing:

- (i) the commodities purchased by producer associations that are required to be permanently marked for identification; and
- (ii) the manner in which those commodities are to be permanently marked for identification;

pursuant to section 53;

(k) prescribing the information producers or lenders are required to provide in a report submitted pursuant to section 56;

(l) prescribing:

- (i) the time at which producers are to make contributions; and
- (ii) the amounts of contributions producers are required to make;

to the assurance fund pursuant to section 59;

(m) the period of time for which a producer must remain inactive in the affairs of a

producer association before he or she is eligible for a refund of the contribution mentioned in subsection 59(1);

(n) prescribing the manner in which refunds of contributions are to be made to producers who:

- (i) resign from;
- (ii) are expelled from; or
- (iii) remain inactive in the affairs of;

a producer association pursuant to section 59;

(o) prescribing the purposes for which producer association commodities are deemed to be owned by member producers pursuant to section 60.

Guarantees continued

62 All guarantees authorized pursuant to section 7 of The Feeder Associations Loan Guarantee Act as that Act existed on the day before the coming into force of this Part are continued pursuant to section 46 of this Act and may be dealt with as if made pursuant to this Part.

Orders continued

63 Orders prohibiting further loans against a guarantee issued pursuant to section 9 of The Feeder Associations Loan Guarantee Act, as that Act existed on the day before the coming into force of this Part, are continued pursuant to section 48 of this Act.

PART VII
Tax Credits

Interpretation
"commodity"

64 In this Part:

(a) "commodity" means any agricultural product or class of agricultural products as designated in the regulations for the purpose of this Part;

"corporation"

(b) "corporation" means a corporation other than a distributing corporation as defined in The Business Corporations Act;

"claimant"

(c) "claimant" means an individual, partnership or corporation resident in Saskatchewan;

"eligible claimant"

(d) "eligible claimant" means a claimant who is eligible for a tax credit pursuant to section 65;

"eligible commodity"

(e) "eligible commodity" means a commodity that an eligible claimant has:

- (i) grown, used, finished, produced or harvested in Saskatchewan; and
- (ii) owned for a prescribed minimum period of time;

"eligible facility"

(f) "eligible facility" means any facility or improvement to a facility that:

- (i) is being used in the business of growing, using, finishing or producing a facilities commodity; and
- (ii) meets the prescribed requirements;

and includes related equipment used in the business of growing, using, finishing or

- producing that facilities commodity;
- "facilities commodity"
- (g) "facilities commodity" means any agricultural product or category of agricultural product designated in the regulations for the purposes of this Part;
- "tax credit"
- (h) "tax credit" means a deduction from tax otherwise payable in accordance with section 8.3 of The Income Tax Act;
- "tax otherwise payable"
- (i) "tax otherwise payable" means the tax otherwise payable pursuant to The Income Tax Act;
- "ungraded abattoir"
- (j) "ungraded abattoir" means a slaughter house that is licensed pursuant to The Public Health Act.

Application and eligibility

- 65(1) Where an application is made:
- (a) with respect to an eligible facility, a claimant is eligible to receive a tax credit pursuant to this Part if he or she submits to the minister an application:
- (i) in the form required by the minister;
 - (ii) containing the prescribed information; and
 - (iii) within the prescribed time period; and
- (b) with respect to an eligible commodity, a claimant is eligible to receive a tax credit pursuant to this Part if he or she:
- (i) submits to the minister an application:
 - (A) in the form required by the minister; and
 - (B) within the prescribed period of time;
 - (ii) meets the prescribed criteria for:
 - (A) growing, using, finishing, producing or harvesting of;
 - (B) grades for;
 - (C) points of sale for; or
 - (D) slaughter for;
 that commodity; and
 - (iii) provides prescribed information verified by:
 - (A) declaration; or
 - (B) any other means that the minister considers appropriate.
- (2) A claimant for a tax credit with respect to an eligible facility shall invest to the prescribed minimum amount for the facilities commodity grown, used, produced or finished in that facility.
- (3) A claimant for a tax credit pursuant to either clause (1)(a) or (b) shall meet any other prescribed criteria in order to be eligible for a tax credit.

Tax credits

- 66(1) Where the minister:
- (a) receives an application from a claimant pursuant to section 65; and
 - (b) is satisfied that the claimant has complied with this Part and the regulations;

the minister, subject to subsections (2) and (3), may allow the claimant a tax credit for the claimant's taxation year equal to the prescribed amount for the eligible facility or eligible commodity.

(2) Where a deductible has been prescribed for a commodity or a facility, there is to be deducted from a tax credit allowed to an eligible claimant in a taxation year pursuant to subsection (1) the lesser of:

(a) the eligible claimant's total tax credit for the taxation year; and

(b) the prescribed deductible for that commodity or that facility.

(3) To be eligible to receive a tax credit under this Part, the claimant must have:

(a) where the claim is with respect to an eligible facility, invested in the eligible facility:

(i) on or after January 1, 1986; and

(ii) on or before a date prescribed in the regulations; or

(b) where the claim is with respect to an eligible commodity, grown, used, finished or produced the eligible commodity in the period commencing on March 22, 1984 and ending on a date prescribed in the regulations.

(4) Where the amount of money allowed by the minister by way of tax credit pursuant to subsection (1) reaches the maximum amount of money prescribed in the regulations for the allowance of tax credits, the minister may, with the approval of the Lieutenant Governor in Council, by order, suspend the allowance of tax credits pursuant to that subsection for any period of time that may be specified in the order.

Ownership requirement

67(1) Where a claimant fails to:

(a) maintain ownership of the eligible facility; or

(b) use the eligible facility in the growing, using, finishing or producing of a facilities commodity;

for any prescribed period for that commodity, he or she is not entitled to a tax credit pursuant to this Part.

(2) The Lieutenant Governor in Council may make regulations respecting the prorating of the tax credit over the period prescribed pursuant to subsection (1).

Claiming tax credit

68(1) Subject to subsection (2), a claimant who is allowed a tax credit pursuant to section 66 is entitled, in accordance with any procedures that may be determined by the Minister of Finance, to apply that tax credit pursuant to section 8.3 of The Income Tax Act.

(2) Where a claimant claims a tax credit pursuant to section 8.3 of The Income Tax Act for a taxation year with respect to a tax credit allowed pursuant to section 66, the annual return required pursuant to The Income Tax Act for the taxation year shall be accompanied by a completed form certified by the minister.

Carry forward of tax credit

69 The unused portion of the tax credit obtained pursuant to section 66 may be carried

forward by the claimant and deducted from the tax otherwise payable by the claimant in any one or more of the claimant's seven subsequent taxation years.

Persons having interest in commodity or facility

70(1) The Lieutenant Governor in Council may make regulations permitting any persons or categories of persons who, in the opinion of the minister, have an interest in a commodity or facility to apply for and receive a tax credit in accordance with this Part where no tax credit is payable to any other claimant with respect to that commodity or facility.

(2) The provisions of this Part apply, with any necessary modification, to any person who is permitted to apply for and receive a tax credit pursuant to regulations made pursuant to subsection (1).

No double credit

71 No corporation that has received investment capital from a venture capital corporation, as defined in The Venture Capital Tax Credit Act, for a particular eligible facility is eligible for a tax credit pursuant to this Part with respect to the same facility.

Debt due

72 Where a claimant obtains a tax credit pursuant to this Part:

(a) on the basis of:

(i) information that is false or misleading; or

(ii) an application that contains any false or misleading statement; or

(b) in contravention of section 67;

the amount of the tax credit is a debt due to the Crown in right of Saskatchewan and may be recovered by:

(c) deducting the amount from future tax credits to which the claimant is eligible pursuant to this Part;

(d) deducting that amount from tax credits that the eligible claimant is eligible to carry forward pursuant to section 69; or

(e) suit in a court of competent jurisdiction.

Regulations

73 The Lieutenant Governor in Council may make regulations:

(a) designating agricultural products or classes of agricultural products as:

(i) commodities; or

(ii) facilities commodities;

for the purposes of this Part;

(b) prescribing the minimum period of time for which a commodity is required to be owned by a claimant in order to be an eligible commodity;

(c) prescribing the requirements for a facility to be an eligible facility;

(d) prescribing:

(i) the information to be provided with an application made;

(ii) the time period within which an application is required to be submitted;

(iii) the criteria for growing, using, finishing, producing or harvesting a commodity or for grades, points of sale or slaughter for a commodity;

(iv) the minimum investment in a facility for the growing, using, producing or

- finishing of a commodity required;
 - (v) any other criteria a claimant is required to meet;
- pursuant to section 65;
- (e) prescribing:
- (i) the amount of a tax credit that a claimant is eligible to receive with respect to an eligible commodity or facility;
 - (ii) the deductible to be deducted from a tax credit; and
 - (iii) the time period within which:
 - (A) an investment in an eligible facility is to be made; and
 - (B) an eligible commodity is to be grown, used, finished or produced;
 and
 - (iv) the maximum amount of money that may be allowed by way of tax credit;
- pursuant to section 66;
- (f) prescribing the period of time for which a claimant is to:
- (i) maintain ownership of an eligible facility; and
 - (ii) use an eligible facility;
- pursuant to section 67.

PART VIII Miscellaneous

Offences

- 74(1) Every person who:
- (a) makes or assists in making a statement in any document required to be kept or submitted pursuant to this Act that:
 - (i) at the time and in light of the circumstances under which it was made, is false or misleading with respect to any material fact; or
 - (ii) omits to state any material fact, the omission of which makes the statement false or misleading; or
 - (b) contravenes any provision of this Act or the regulations;
- is guilty of an offence and liable on summary conviction to a fine, in the case of an individual, of not more than \$20,000 and, in the case of a person other than an individual, of not more than \$50,000.
- (2) A person is not guilty of an offence pursuant to subsection (1) where:
- (a) he or she did not know that the statement was false or misleading; and
 - (b) in the exercise of reasonable diligence, he or she could not have known that the statement was false or misleading.
- (3) Where a person has been convicted pursuant to subsection (1), the court may order restitution of any benefits provided to that person by any program established pursuant to this Act.

Non-liability

75 No action lies or shall be instituted against any member of the Executive Council charged with the administration of all or any of the provisions of this Act, the department over which that member of the Executive Council presides or, any member, officer, employee or advisor of that department, or any other person appointed pursuant to this Act

to administer all or any of the provisions of this Act, who is acting pursuant to the authority of this Act or the regulations for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done, or omitted to be done, by any of them, pursuant to or in exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

Proof of benefits received

76 In a prosecution for a contravention of this Act or the regulations, a certificate of the person having charge of the appropriate records stating:

- (a) that benefits were received by the person charged; and
- (b) the amount of those benefits;

is admissible in evidence and, in the absence of proof to the contrary, is proof of the facts stated in the certificate without proof of the signature or official capacity of the person signing the certificate.

Service

77 An order served by registered mail is deemed to be received on the third day following the date of its mailing unless the person to whom it was mailed established that:

- (a) through no fault of his or her own, that person did not receive the order; or
- (b) that he or she received it at a later date.

Verification of information

78 Where information is required to be provided to the minister pursuant to this Act, the minister may require that information to be verified:

- (a) by declaration; or
- (b) by any other means that the minister considers appropriate.

Enforcement

79(1) Any person authorized in writing by the minister for the purpose of administering and enforcing this Act may:

- (a) at any reasonable time, enter any place or premises, other than a residence;
- (b) audit and examine the books, records and documents that relate to or may relate to:

- (i) the information that is required to be kept; or
 - (ii) the amount of a benefit a person is entitled to receive;

pursuant to this Act;

- (c) demand, in writing, the production of and make copies of the books, records or documents or any entry in a book, record or document described in clause (b); and
- (d) examine:

- (i) property described in an inventory; or
 - (ii) any property, process or matter, an examination of which, in his or her opinion, may assist him or her:

(A) in determining the accuracy of an inventory or any information required to be kept pursuant to this Act; or

(B) in ascertaining the amount of a benefit a person is entitled to receive pursuant to this Act.

(2) The:

(a) individual; or
(b) in the case of a partnership or corporation, the president, manager, director, secretary, agent or other representative of the corporation or partnership; whose books, records or documents are audited or property examined pursuant to subsection (1) shall provide the person conducting the audit or examination with all reasonable assistance in the conduct of the audit or examination.

(3) Where:

(a) a person authorized by the minister:
(i) has demanded entry into any place or premises for the purpose of administering or enforcing this Act; or
(ii) made a demand pursuant to clause (1)(c);
(b) any person has refused:
(i) to permit entry to the person mentioned in subclause (a)(i); or
(ii) the production of books, records or documents pursuant to a demand made under clause (1)(c); and
(c) there are reasonable and probable grounds to believe that there is, in that place or premises:
(i) books, records and documents that relate to or may relate to:
(A) the information that is required to be kept; or
(B) the amount of a benefit a person is entitled to receive; pursuant to this Act; or
(ii) any property, the examination of which, may assist in determining:
(A) the accuracy of information required to be kept; or
(B) the amount of a benefit a person is entitled to receive; pursuant to this Act;
the person authorized by the minister may apply to a justice of the peace or a judge of the Provincial Court for Saskatchewan for a warrant authorizing him or her to enter into and search any place or premises and conduct the audit and examination described in subsection (1).

(4) No person shall:
(a) hinder, molest or interfere with a person; or
(b) prevent or attempt to prevent a person from;
doing anything he or she is authorized to do pursuant to this section or section 80 or 81.

Search and seizure

80 If satisfied by evidence given on the oath of a person authorized by the minister that:
(a) there are reasonable grounds for believing that a violation of this Act or the regulations has occurred; and
(b) there is evidence to be found at the place or premises to be searched;

a justice of the peace or a judge of the Provincial Court for Saskatchewan may issue a warrant under his or her hand authorizing the person named in the warrant to enter the place or premises named in the warrant and every part of that place and of the premises connected with that place to examine that place and connected premises and search for and seize and take possession of any document or other materials that may constitute evidence of a violation of this Act or the regulations.

Books and records

81(1) Where any book, record or other document has been:

- (a) produced pursuant to section 79; or
- (b) seized pursuant to section 80;

a person authorized by the minister may make or cause to be made one or more copies of the book, record or document seized and shall return the originals to the person who produced them or from whom they were seized with reasonable dispatch.

(2) A copy made pursuant to subsection (1) certified by:

- (a) the minister; or
- (b) the person authorized by the minister;

is admissible as prima facie evidence of the contents of the book, record or document, without proof of the office or signature of the person having certified the document.

Fiscal year

82 Subject to the regulations, the fiscal year of all agencies and boards established pursuant to this Act or the regulations is the period:

- (a) commencing on April 1 in one year; and
- (b) ending on March 31 in the next year.

Tabling of documents

83(1) The provincial supervisor mentioned in section 43 shall, in accordance with The Tabling of Documents Act, prepare and submit to the minister a report with respect to the administration of Part VI of this Act for each fiscal year.

(2) The minister, in accordance with The Tabling of Documents Act, shall cause to be prepared a report and financial statements on the administration of the Saskatchewan Agricultural Stabilization Fund for the immediately preceding fiscal year.

(3) The financial statements prepared pursuant to subsection (2) shall be in the form required by Treasury Board.

(4) The minister, in accordance with The Tabling of Documents Act, shall lay before the Legislative Assembly each report and financial statement:

- (a) received by him or her pursuant to subsection (1); or
- (b) caused to be prepared by him or her pursuant to subsection (2).

Regulations

84 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting, for the purposes of all or any part of this Act, the meaning of any word or expression used in this Act but not defined in section 2;
- (b) prescribing the contents of forms used or required for the purposes of this Act;
- (c) establishing the fiscal year for any agency or board established pursuant to

section 26;

(d) requiring that a report and financial statements of an agency or a board established pursuant to section 26 be prepared and tabled in accordance with The Tabling of Documents Act;

(e) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations.

PART IX

Repeal and Coming into Force

Repeal and transitional

85(1) The Beef Stabilization Act is repealed.

(2) The Farmers' Counselling and Assistance Act is repealed.

(3) The Farmers' Oil Royalty Refund Act is repealed.

(4) The Feeder Associations Loan Guarantee Act is repealed.

(5) The Livestock Facilities Tax Credit Act is repealed.

(6) The Livestock Investment Tax Credit Act is repealed.

(7) The Saskatchewan Agricultural Returns Stabilization Act is repealed.

(8) Notwithstanding the repeal of the Acts mentioned in subsections (5) and (6), those Acts remain in force for the purpose of processing applications for tax credits made pursuant to those Acts before the coming into force of this section.

Coming into force

86 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.