

The Milk Marketing Plan Regulations

being

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

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 12

The Agri-Food Act, 2004

PART I

Title and Interpretation

Title

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

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **“board”** means the Saskatchewan Milk Marketing Board established pursuant to section 6 and includes the interim board;
- (c) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (d) **“director”** means a director of the board elected in accordance with Part V;
- (e) **“interim board”** means the interim board appointed pursuant to section 32;
- (e.1) **“licence”** means a valid licence issued pursuant to Part IV.1;
- (e.2) **“licensed processor”** means a processor to whom a licence has been issued and whose licence is in good standing;
- (f) **“licensed producer”** means a producer to whom a licence has been issued and whose licence is in good standing;
- (f.1) **“licensed transporter”** means a transporter to whom a licence has been issued and whose licence is in good standing;
- (g) **“milk”** means the lacteal secretion, free of colostrum, obtained from the mammary gland of an animal of the bovine species;
- (g.1) **“milk product”** means any product manufactured or processed wholly or primarily from milk;
- (h) **“plan”** means the Saskatchewan Milk Marketing Plan established pursuant to section 3;
- (i) **“processing”** means changing the nature, quality or condition of milk and includes pasteurizing, standardizing and dehydrating milk;

- (j) **“processor”** means any person engaged in the business of processing milk;
- (k) **“producer”** means any person engaged in the production of milk in Saskatchewan;
- (k.1) **“production location”** means the location where a licensed producer produces milk as set out in the producer’s licence;
- (k.2) **“quota”** means the amount of milk that a licensed producer is authorized to produce’
- (l) **“transporter”** means a person who transports milk from a producer to a processor.

30 Apr 2010 cA-15.21 Reg 12 s2; 17 Sep 2010
SR 97/2010 s3.

PART II Plan

Plan established

- 3** The Saskatchewan Milk Marketing Plan is established.

30 Apr 2010 cA-15.21 Reg 12 s3.

Application

- 4** The plan and the orders of the board made pursuant to the plan apply:
- (a) throughout Saskatchewan; and
 - (b) to all persons engaged in the production, marketing or production and marketing of milk in Saskatchewan.

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

Purpose

- 5** The purposes of the plan are:
- (a) to control and regulate the production and marketing of milk and milk products in Saskatchewan;
 - (b) to maintain a fair and stable price for milk sold by producers in Saskatchewan;
 - (c) to initiate, support and conduct studies and research connected with the production, marketing or production and marketing of milk and milk products, including studies and research respecting consumer demand for milk and milk products;
 - (d) to initiate, support and conduct activities to promote the production, marketing or production and marketing of milk and milk products in Saskatchewan; and

(e) to co-operate with the Governments of Saskatchewan and Canada and with any bodies empowered by an Act or an Act of the Parliament of Canada or of a province or territory of Canada to market milk and milk products or to promote, facilitate, control, regulate or prohibit the production or marketing of milk and milk products.

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

PART III Board

Board established

- 6(1)** The Saskatchewan Milk Marketing Board is established consisting of a maximum of nine directors elected in accordance with Part V.
- (2) A vacancy in the office of a director of the board does not impair the power of the remaining directors of the board to act.
- (3) The board shall administer the plan.

30 Apr 2010 cA-15.21 Reg 12 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 milk and milk products;
 - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of milk to register with the board;
 - (c) the power to set and collect registration fees and charges for services rendered by the board from any person engaged in the production, marketing or production and marketing of milk;
 - (d) the power to set and collect a levy from persons engaged in the production, marketing or production and marketing of milk;
 - (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of milk for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
 - (f) the power to set and collect penalties from any person who:
 - (i) is engaged in the production, marketing or production and marketing of milk; and
 - (ii) contravenes an order of the board;
 - (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;

- (h) subject to section 7.1, the power to require any person engaged in the production, marketing or production and marketing of milk and milk products to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
- (i) the power to market, grade or insure milk, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the plan; and
 - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any moneys received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (2), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) subject to subsection (2), the power to give financial guarantees respecting the indebtedness of any person if the board considers it necessary or advisable for the purposes of the plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the board, and to insure, sell or otherwise dispose of any of its property;
- (r) the power to grant a mortgage or security interest in any of the board's real or personal property;
- (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;
- (t) the power to:
 - (i) require any person who owes money to a producer with respect to the sale by the producer of milk to pay the moneys to the board; and
 - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the moneys are owing;

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

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

17 Sep 2010 SR 97/2010 s6.

Terms and conditions on board powers

- 7.1(1) The board shall exercise its powers mentioned in clause 7(1)(h) with respect to processors only through making orders.
- (2) Within three months after the coming into force of *The Milk Marketing Plan Amendment Regulations, 2010*, the board shall make an order establishing rules respecting the purpose for which information respecting processors may be collected by the board and the persons who may access that information.

17 Sep 2010 SR 97/2010 s6.

Books and records

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

- (3) The board shall prepare an annual report containing:
 - (a) a copy of the audited financial statement of the board for its previous fiscal year;
 - (b) a description of:
 - (i) the state of the industry; and
 - (ii) the activities of the board for its previous fiscal year; and
 - (c) a list of the names and addresses of the directors of the board.
- (4) The board shall make the annual report available:
 - (a) to the council;
 - (b) to every licensed producer in attendance at the annual general meeting of licensed producers;
 - (c) by sending a copy of the annual report to every licensed producer who is not in attendance at the annual general meeting; and
 - (d) by sending a copy of the annual report to every licensed processor.

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

Appointment of auditor

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

30 Apr 2010 cA-15.21 Reg 12 s9.

Committees

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

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

30 Apr 2010 cA-15.21 Reg 12 s10.

Chairperson and vice-chairperson

11(1) The board shall elect a chairperson and vice-chairperson from among the directors of the board 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.

30 Apr 2010 cA-15.21 Reg 12 s11.

Quorum

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

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

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

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

30 Apr 2010 cA-15.21 Reg 12 s12.

Policies re conflict of interest and code of conduct

13 Within 18 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.

30 Apr 2010 cA-15.21 Reg 12 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 subsection (1), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 13.

30 Apr 2010 cA-15.21 Reg 12 s14.

Bank accounts

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

30 Apr 2010 cA-15.21 Reg 12 s15.

Investments

16 The board may:

- (a) invest any money in its possession or control that is not immediately required for a purpose of the plan or its operations in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the board considers expedient.

30 Apr 2010 cA-15.21 Reg 12 s16.

Fiscal year

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

30 Apr 2010 cA-15.21 Reg 12 s17.

Financial plan

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

30 Apr 2010 cA-15.21 Reg 12 s18.

Meetings of licensed producers

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

- (a) is to be held in November in each year; and
- (b) is to be held at a place and time determined by the board.

(1.1) In addition to the annual general meeting mentioned in subsection (1), at least two other meetings of licensed producers must be held in each year.

(1.2) The meetings mentioned in subsection (1.1) are to be held at the places and times 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 25 licensed producers.

- (3) The board shall notify all licensed producers, in writing:
 - (a) for an annual general meeting of licensed producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
 - (b) for a special general meeting of licensed producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.
- (4) The notice mentioned in subsection (3) may be sent:
 - (a) by ordinary or registered mail; or
 - (b) at the request of a licensed producer, by facsimile or electronic mail.
- (5) If a notice is sent pursuant to clause (4)(b), it is deemed to have been received on the next business day after it was sent.
- (6) The quorum at an annual or special general meeting of licensed producers is 25 licensed producers.
- (7) The board shall present to the annual general meeting:
 - (a) the annual report for the preceding fiscal year;
 - (b) the financial plan it has approved for the current fiscal year; and
 - (c) an outline of programs and activities it has planned for the current fiscal year.
- (8) Any change to the remuneration to be paid to the directors of the board is to be determined by motion of the board and approved by a vote of licensed producers at the next annual general meeting or special general meeting.
- (9) At an annual general meeting or special general meeting, licensed producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the plan.
- (10) No amendment to the promotional levy within the meaning of subsections 31.1(4) to (6) is effective until it is approved by a majority of licensed producers who vote at any meeting or group of meetings of licensed producers that the board may hold for that purpose.
- (11) If a group of meetings of licensed producers is held for the purposes of subsection (10), the votes of licensed producers at each meeting are to be recorded and the final result is to be determined by adding the results at each meeting.

PART IV
Board orders

Board orders

20(1) The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the board pursuant to section 12 of the Act.

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

(3) The board shall:

(a) cause all orders of the board to be published in the Gazette and in any other media it considers appropriate;

(b) cause every order of the board to be sent to any person the board considers affected by the order; and

(c) annually review the orders of the board and consolidate them.

30 Apr 2010 cA-15.21 Reg 12 s20.

PART IV.1
Licensing

Licence required

20.1(1) No person shall produce milk unless that person is a licensed producer to whom a quota has been allotted pursuant to Part IV.2.

(2) No person shall process milk unless that person is a licensed processor.

(3) No person shall transport milk unless that person is a licensed transporter.

17 Sep 2010 SR 97/2010 s9.

Application for licence or renewal of licence

20.2(1) A person may apply to the board to be issued a licence to:

(a) produce milk;

(b) process milk; or

(c) transport milk.

(2) An application for a licence must contain the information required by the board.

(3) The board may require an applicant for a licence to submit any additional information that the board considers necessary.

(4) The board shall consider every application that it receives.

(5) A producer shall obtain a separate licence for each production location that is owned or operated by that producer.

(6) A processor shall obtain a separate licence for each processing location that is owned or operated by that processor in Saskatchewan.

17 Sep 2010 SR 97/2010 s9.

Producer licence

20.3(1) Subject to section 20.5, the board shall issue or refuse to issue a licence to an applicant for a producer licence within 90 days after the date of receipt of the application by the board.

(2) If the board issues a licence to an applicant, the board shall state in the licence:

- (a) the name and address of the licensee;
- (b) the licence number;
- (c) the quota allotted pursuant to Part IV.2 to the licensed producer; and
- (d) the production location for which the licence is issued.

(3) The board may issue the licence subject to any terms and conditions the board considers appropriate.

(4) No licensed producer shall fail to comply with the terms and conditions mentioned in subsection (3).

(5) If the board allots an additional quota or reduces the quota of a licensed producer, the board shall issue a new licence to the licensed producer with the new quota.

(6) A licence issued by the board is not transferable.

(7) A licence issued by the board:

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

17 Sep 2010 SR 97/2010 s9.

Processor licence and transporter licence

20.4(1) Subject to section 20.5, the board shall issue or refuse to issue a licence to an applicant for a processor licence or a transporter licence within 90 days after the date of receipt of the application by the board.

(2) If the board issues a licence to an applicant, the board shall state in the licence:

- (a) the name and address of the licensee;
- (b) the licence number; and
- (c) in the case of a processor licence, the location of the processing facility for which the licence is issued.

- (3) The board may issue a licence subject to any terms and conditions the board considers appropriate.
- (4) No licensed processor or licensed transporter shall fail to comply with the terms and conditions mentioned in subsection (3).
- (5) A licence issued by the board is not transferable.
- (6) A licence issued by the board:
 - (a) is a licence to engage in the activity stated in the licence;
 - (b) is not an endorsement by the board of the licence holder; and
 - (c) shall not be represented by the licence holder or any other person as an endorsement by the board.

17 Sep 2010 SR 97/2010 s9.

Refusal, cancellation and suspension

20.5(1) Subject to subsection (2), the board may refuse to issue a licence:

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

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

17 Sep 2010 SR 97/2010 s9.

New entrants

20.51 Within 18 months after the coming into force of *The Milk Marketing Plan Amendment Regulations, 2010*, 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 milk.

17 Sep 2010 SR 97/2010 s9.

PART IV.2
Quota

Use of quota

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

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

17 Sep 2010 SR 97/2010 s9.

Quota property of board

20.7 All quotas are the property of the board.

17 Sep 2010 SR 97/2010 s9.

Transfer of quota

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

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

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

- (a) the board may impose any terms and conditions on the transfer that the board considers appropriate;
- (b) the board shall amend the licence of each producer to reflect the new quota allotments; and
- (c) the transfer is effective on the date determined by the board.

17 Sep 2010 SR 97/2010 s9.

Adjustments to quota

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

- (a) reducing quota allotments; and
- (b) increasing quota allotments.

17 Sep 2010 SR 97/2010 s9.

Cancellation, suspension of quota

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

- (a) the licensed producer has contravened:
 - (i) the Act;
 - (ii) the plan;

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

17 Sep 2010 SR 97/2010 s9.

PART V Elections

Eligibility

- 21(1)** Every licensed producer is eligible to hold office as a director of the board.
- (2) 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.

30 Apr 2010 cA-15.21 Reg 12 s21.

Election of first board

- 22(1)** The interim board shall conduct a vote of licensed producers to elect the first board in accordance with this section and section 25.
- (2) The interim board shall conduct the vote described in subsection (1) no later than October 31, 2010.

30 Apr 2010 cA-15.21 Reg 12 s22.

Nominations

- 23(1)** Any licensed producer is eligible to be nominated for election as a director of the board.
- (2) The board shall:
- (a) fix the last date for receipt of nominations for election to the board; and
 - (b) at least 21 days before the last date for receipt of nominations, but not before September 1, 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 21(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.

30 Apr 2010 cA-15.21 Reg 12 s23.

Returning officer and scrutineer

- 24(1)** Subject to subsection (2), the board shall appoint a returning officer and a scrutineer to conduct an election pursuant to section 25.
- (2) Producers, transporters, processors and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).
- (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.
- (4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.

30 Apr 2010 cA-15.21 Reg 12 s24.

Conduct of elections

- 25(1)** If, on the date fixed pursuant to clause 23(2)(a), not more than the required number of candidates are nominated, those candidates are deemed to be elected by acclamation and the returning officer shall prepare and submit a written report to the chairperson that sets out the names of those candidates.
- (2) If more than the required number of candidates are nominated pursuant to section 23, the board shall:
- (a) fix a date for the completion of the election that is not later than October 31 in each year; 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, date and 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 envelopes provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.
- (4) If a tie does not occur between candidates, the returning officer shall prepare and submit a written report to the chairperson that sets out those candidates receiving the greatest number of votes, up to the number of director positions to be filled.
- (5) 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.

30 Apr 2010 cA-15.21 Reg 12 s25; 17 Sep 2010
SR 97/2010 s10.

Failure to receive documents does not invalidate election

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

30 Apr 2010 cA-15.21 Reg 12 s26.

Election results

27(1) The chairperson shall read the written report prepared pursuant to subsection 25(1) or (4) at the first annual general meeting of licensed producers after the election, immediately after the minutes of the previous meeting have been dealt with.

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

30 Apr 2010 cA-15.21 Reg 12 s27.

Term of office, vacancy

28(1) Subject to subsections (2), (3) and (6), a director of the board holds office for a term of three years commencing with the declaration of the director's election by the chairperson or returning officer, as the case may be, and until the director's successor is elected.

(2) The term of office of every director of the first elected board commences on the day on which he or she is declared by the chairperson or returning officer, as the case may be, to be elected, and expires:

(a) in the case of the three directors receiving the largest number of votes, on the day the director's successor is declared elected at the third annual general meeting following the year in which the director was elected;

(b) in the case of the three directors receiving the next largest number of votes, on the day the director's successor is declared elected at the second annual general meeting following the year in which the director was elected; and

(c) in the case of the three directors receiving the next largest number of votes, on the day the director's successor is declared elected at the annual general meeting following the year in which the director was elected.

(3) If the directors of the first elected board are acclaimed, the returning officer shall draw names in the presence of the directors, and the terms and the number of directors serving those terms are those outlined in subsection (2) in accordance with the order in which the directors' names are drawn, to the number of directors acclaimed.

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

(5) If a director has completed three consecutive terms, he or she is not eligible for re-election until one year has passed since the completion of the director's third consecutive term.

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

(a) ceases to qualify as a licensed producer;

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

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

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

(7) If the office of a director becomes vacant, the board shall call a by-election, within seven business days, to fill the vacancy if there are more than 90 days remaining before the expiry of the term of the director whose office is vacant.

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

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

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

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

30 Apr 2010 cA-15.21 Reg 12 s28.

Tie votes

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

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

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

(4) The returning officer shall count the votes cast pursuant to subsection (1) and declare the winner of the tie vote before proceeding with any further business at the annual general meeting of licensed producers.

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

30 Apr 2010 cA-15.21 Reg 12 s29.

Retention of ballots

30 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 until 95 days after the annual general meeting of licensed producers at which the chairperson or returning officer, as the case may be, declared the results of the election.

30 Apr 2010 cA-15.21 Reg 12 s30.

Challenge to election results

31(1) Any licensed producer may challenge the results of an election of directors, as declared by the chairperson pursuant to section 27 or the returning officer pursuant to subsection 29(4), 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 within 90 days after the annual general meeting of licensed producers at which the chairperson or returning officer, as the case may be, declared the results of 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.

30 Apr 2010 cA-15.21 Reg 12 s31.

PART V.1

Levies

Levies

- 31.1(1)** Every licensed producer shall pay to the board, at the times and in the manner determined by order of the board, an administrative levy calculated by the board and based on hectolitres of milk or kilograms of butterfat produced.
- (2) Every licensed processor shall pay to the board, at the times and in the manner determined by order of the board, an administrative levy calculated by the board and based on hectolitres of milk or kilograms of butterfat processed.
- (3) The board may use moneys paid as an administrative levy pursuant to subsection (1) or (2) only for costs associated with administration of the board and the plan.
- (4) Subject to subsection (5) and to subsection 19(10), every licensed producer shall pay to the board, at the times and in the manner determined by order of the board, a promotional levy calculated by the board and based on hectolitres of milk or kilograms of butterfat produced.
- (5) The board may use moneys paid as a promotional levy pursuant to subsection (4) for any or all of the following:
- (a) production and market research respecting milk and milk products;
 - (b) promotional activities respecting milk and milk products;
 - (c) administrative and salary costs associated with the activities mentioned in clauses (a) and (b).
- (6) The board shall, by order, determine the manner in which a levy is to be calculated for the purposes of this section.

17 Sep 2010 SR 97/2010 s11.

PART VI
Transitional and Coming into Force

Interim board

32(1) The following persons are appointed to the interim board:

- (a) Wes Cairns, Harris;
 - (b) Gordon Ell, Kronau;
 - (c) David Entz, Pennant;
 - (d) David Finlay, Delisle;
 - (e) Jack Ford, Wishart;
 - (f) Melvin Foth, Hague;
 - (g) Elvin Haupstein, Weyburn;
 - (h) Isaac Klassen, Osler;
 - (i) Albert Leyenhorst, Dalmeny;
 - (j) Blaine McLeod, Caronport;
 - (k) Jim Ross, Grenfell;
 - (l) Alvin Schultz, Dalmeny;
 - (m) Dale Strudwick, Balgonie; and
 - (n) Jason Wildeboer, Warman.
- (2) Blaine McLeod is designated as the chairperson of the interim board.
- (3) The directors of the interim board, while performing their duties and responsibilities as directors, are entitled to:
- (a) in the case of the chairperson, \$300 per day; and
 - (b) in the case of all other directors, \$200 per day.
- (4) The chairperson of the interim board is to be paid a monthly stipend of \$2,500.

Transitional – certain licences**32.1(1)** In this section:

- (a) **“amending regulations”** means *The Milk Marketing Plan Amendment Regulations, 2010*;
 - (b) **“existing licence”** means a licence that is in force and not under suspension on the day the amending regulations come into force and that was issued to a producer, processor or transporter pursuant to *The Milk Control Act, 1992*, *The Dairy Producers Regulations, 1995* or ‘The Milk Transportation Regulations’, being Saskatchewan Regulations 50/79.
- (2) On the coming into force of the amending regulations, an existing licence:
- (a) is continued and is deemed to be a licence issued pursuant to these regulations and may be dealt with by the board as if it were issued pursuant to these regulations; and
 - (b) expires on the earlier of:
 - (i) the date a new licence is issued to the producer, processor or transporter pursuant to these regulations; and
 - (ii) the date that is three months after the coming into force of the amending regulations.

17 Sep 2010 SR 97/2010 s12.

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

30 Apr 2010 cA-15.21 Reg 12 s33.

