

The Forage Seed Development Plan Regulations

being

[Chapter A-15.21 Reg 3](#) (effective June 29, 2005) as amended by Saskatchewan Regulations [45/2006](#), [91/2009](#), [13/2015](#) and [60/2021](#).

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 3

The Agri-Food Act, 2004

PART I

Title and Interpretation

Title

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

Interpretation

- 2 In these regulations:

- (a) **Repealed.** 26 May 2006 SR 45/2006 s3.
- (a.1) **“Act”** means *The Agri-Food Act, 2004*;
- (a.2) **Repealed.** 21 May 2021 SR 60/2021 s3;
- (b) **“buyer”** means any person who buys forage seed produced in Saskatchewan;
- (c) **“commission”** means the Saskatchewan Forage Seed Development Commission continued pursuant to section 7;
- (c.1) **“director”** means a director of the commission elected in accordance with Part VII or appointed pursuant to subsection 7(3) or 34(7);
- (d) **“forage seed”** means all:
 - (i) forage grasses;
 - (ii) forage legumes other than alfalfa seed; and
 - (iii) species used for turf, amenity and reclamation or regeneration purposes, including commercial varieties of native forage grasses and legumes;and includes all grades of forage seed and all potential mixtures;
- (e) **“forage seed plan”** means the Forage Seed Development Plan established pursuant to section 3;
- (f) **“forage seed producer”** means:
 - (i) any person engaged in the production, marketing or production and marketing of forage seed and includes the employer of that person;
 - (ii) a person who, under any lease or agreement, is entitled to a share of the forage seed produced or the proceeds of its sale; and
 - (iii) a person who takes possession of any forage seed under any form of security or legal proceeding for a debt;
- (g) **Repealed.** 16 Oct 2009 SR 91/2009 s3.

(h) **“market development”** means to promote the popularity, consumption or general knowledge of forage seed or to bring into being, strengthen, expand or make available markets for forage seed produced in Saskatchewan;

(h.1) **“processor”** means any person engaged in the business of processing forage seed;

(i) **“registered forage seed producer”** means a forage seed producer:

(i) who is registered with the commission pursuant to section 21;

(ii) who has paid a levy pursuant to subsection 23(1) in at least 1 of the last 2 years for which that producer has not received a refund pursuant to section 24; and

(iii) whose registration has not been suspended or cancelled.

(j) **Repealed.** 16 Oct 2009 SR 91/2009 s3.

15 Jly 2005 cA-15.21 Reg 3 s2; 26 May 2006 SR 45/2006 s3; 16 Oct 2009 SR 91/2009 s3; 6 Mar 2015 SR 13/2015 s3; 21 May 2021 SR 60/2021 s3.

PART II Forage Seed Plan

Forage seed plan established

3 The Forage Seed Development Plan is established.

15 Jly 2005 cA-15.21 Reg 3 s3.

Application

4 Subject to any exemptions made by order of the commission, the forage seed plan and the orders of the commission made pursuant to the forage seed plan apply:

(a) throughout Saskatchewan;

(b) to all grades, classes or varieties of forage seeds; and

(c) to all persons engaged in the production, marketing or production and marketing of forage seed in Saskatchewan.

16 Oct 2009 SR 91/2009 s4.

Purpose

5(1) The purpose of the forage seed plan is to develop the forage seed industry in Saskatchewan.

(2) Without limiting the generality of subsection (1), the specific purposes of the forage seed plan are:

(a) to assist in the development and promotion of forage seed and forage seed products in the domestic and international marketplaces;

- (b) to conduct and encourage research on production, market development, processing and consumption of forage seed and forage seed products;
- (c) to advise governments on matters pertaining to forage seed research, production and development;
- (d) to gather, compile and distribute information related to the production, consumption and market development of forage seed and forage seed products;
- (e) to encourage the production of uniformly high quality forage seed and forage seed products;
- (f) to promote harmony and communication within the forage seed industry;
- (g) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness and demand for forage seed and forage seed products;
- (h) to establish a system of collecting levies on the production, marketing or production and marketing of forage seed for the purpose of carrying out the objectives of the forage seed plan; and
- (i) to work in co-operation with any persons or organizations who have objectives similar to those of the forage seed plan.

15 Jly 2005 cA-15.21 Reg 3 s5; 16 Oct 2009
SR 91/2009 s5; 21 May 2021 SR 60/2021 s4.

Duration of the forage seed plan

- 6** The forage seed plan remains in effect until these regulations are repealed.

15 Jly 2005 cA-15.21 Reg 3 s6.

PART III Commission

Commission

- 7(1)** The Saskatchewan Forage Seed Development Commission is continued as a development commission pursuant to the Act.
- (2)** Unless the number of directors is otherwise set by an order of the commission:
- (a) the commission consists of a maximum of 8 directors; and
 - (b) subject to subsection (4), 6 directors are to be elected in accordance with Part VII.
- (3)** Unless otherwise determined by an order of the commission and subject to subsection (4), the commission may appoint 1 or 2 directors in addition to the elected directors.

- (4) If fewer than 6 directors, or fewer than the number of directors set by an order of the commission, are elected in accordance with Part VII, the commission may appoint as directors the registered forage seed producers eligible to hold office that it considers necessary to fill those positions.
- (5) A director appointed by the commission pursuant to subsection (3) may be any individual.
- (6) The commission shall administer the forage seed plan.

21 May 2021 SR 60/2021 s5.

Powers of commission

8(1) Subject to the other provisions of these regulations, the commission may exercise the following powers that are set out in subsection 8(1) of the Act:

- (a) the power to carry out educational, research and developmental programs related to forage seed;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of forage seed to register with the commission;
- (c) the power to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production, marketing or production and marketing of forage seed;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of forage seed;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of forage seed 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 forage seed; and
 - (ii) contravenes an order of the commission;
- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of forage seed to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;
- (i) the power to market, grade or insure forage seed, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the forage seed 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 commission to carry out the purposes of the forage seed plan and to pay the expenses of the commission;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the commission considers appropriate for the purpose of administering the forage seed plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (3), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the forage seed plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the commission considers it necessary or advisable for the purposes of the forage seed plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the commission, and to insure, sell or otherwise dispose of any of its property;
- (r) the power to grant a mortgage or security interest in any of the commission's real or personal property;
- (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the commission in relation to the forage seed plan;
- (t) the power to:
 - (i) require any person who owes money to a forage seed producer with respect to the sale by the forage seed producer of forage seed to pay the moneys to the commission; and
 - (ii) distribute the moneys paid to the commission pursuant to subclause (i), in the manner determined by the commission, to the forage seed 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 reimbursement for expenses of the directors is to be determined and paid;
 - (y) the power to set the number of directors elected or appointed to the board and the terms of office of those directors;
 - (z) the power to develop, deliver or develop and deliver traceability, animal welfare and food safety strategies, programs and initiatives.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of forage seed.
- (3) Neither the sum of the loans nor the sum of the financial guarantees mentioned in clauses (1)(o) and (p) shall exceed 10% each of the commission's current assets as reported in the audited financial statement in the commission's most recent annual report at the time the loan or financial guarantee is made or given.

15 Jly 2005 cA-15.21 Reg 3 s8; 26 May 2006 SR
45/2006 s5; 21 May 2021 SR 60/2021 s6.

Books and records

- 9(1) The commission shall:
- (a) maintain any books and records that may be required for the administration of the forage seed plan; and
 - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The commission shall maintain a registered office and head office in Saskatchewan.
- (3) The commission shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the commission for its previous fiscal year;
 - (b) a description of:
 - (i) the state of the industry; and
 - (ii) the activities of the commission for its previous fiscal year; and
 - (c) a list of the names and cities, towns, villages or other municipalities of the directors of the commission.

- (4) The commission shall make the annual report available:
- (a) to the council;
 - (b) at the annual general meeting of registered forage seed producers; and
 - (c) on request to:
 - (i) any registered forage seed producer;
 - (ii) any registered buyer; or
 - (iii) any other interested person.

15 Jly 2005 cA-15.21 Reg 3 s9; 16 Oct 2009
SR 91/2009 s6; 21 May 2021 SR 60/2021 s7.

Appointment of auditor

- 10(1)** The registered forage seed producers:
- (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year; and
 - (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the commission for the current fiscal year.
- (2) If the registered forage seed producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the commission for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
- (a) be independent of:
 - (i) the commission; and
 - (ii) the directors and officers of the commission; and
 - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

15 Jly 2005 cA-15.21 Reg 3 s10; 26 May 2006 SR
45/2006 s6.

Committees

- 11(1)** The commission may appoint any committee that it considers necessary or desirable for the proper operation of the forage seed plan.
- (2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the commission may determine.

15 Jly 2005 cA-15.21 Reg 3 s11.

Chairperson and vice-chairperson

12(1) The commission shall elect a chairperson and vice-chairperson from among the directors of the commission at their first meeting in each year after new members have been elected.

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

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

15 Jly 2005 cA-15.21 Reg 3 s12.

Quorum

13 For the transaction of business at a duly called meeting of the commission:

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

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

15 Jly 2005 cA-15.21 Reg 3 s13.

Policies re conflict of interest and code of conduct

14 Within 18 months after the coming into force of these regulations, the commission shall prepare and submit to the council:

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

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

15 Jly 2005 cA-15.21 Reg 3 s14.

Conflicts of interest

15(1) No director shall:

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

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

(2) If the commission is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the commission must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 14.

15 Jly 2005 cA-15.21 Reg 3 s15.

Bank accounts

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

15 Jly 2005 cA-15.21 Reg 3 s16.

Investments

17 The commission may:

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

15 Jly 2005 cA-15.21 Reg 3 s17.

Fiscal year

18 The fiscal year of the commission is the period commencing on July 1 in one year and ending on June 30 in the following year.

15 Jly 2005 cA-15.21 Reg 3 s18.

Financial plan

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

15 Jly 2005 cA-15.21 Reg 3 s19.

Meetings of registered forage seed producers

20(1) An annual general meeting of registered forage seed producers:

- (a) is to be held on or before February 1 in each year; and
- (b) is to be held at a place and time determined by the commission.

(2) The commission:

- (a) may call a special general meeting of registered forage seed producers at any time; and
- (b) shall call a special general meeting on the written request of not less than 15 registered forage seed producers.

(3) The commission shall notify all registered forage seed producers, in writing:

- (a) for an annual general meeting of registered forage seed producers of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
- (b) for a special general meeting of registered forage seed producers of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

(3.1) The notice mentioned in subsection (3) may be sent:

- (a) by ordinary or registered mail; or
- (b) at the request of a registered forage seed producer, by facsimile or electronic mail.

(3.2) If a notice is sent pursuant to clause (3.1)(b), it is deemed to have been received on the next business day after it was sent.

(4) Unless otherwise set by an order of the commission, the quorum at an annual or special general meeting of registered forage seed producers is 15 registered forage seed producers.

(5) The commission shall present to the annual general meeting of registered forage seed producers:

- (a) the annual report for the preceding fiscal year;
- (b) the financial plan it has approved for the current fiscal year; and
- (c) an outline of programs and activities it has planned for the current fiscal year.

(6) Any change to the remuneration to be paid to the directors of the commission is to be determined by motion of the commission and approved by a vote of registered forage seed producers at the next annual general meeting.

(7) At an annual or special general meeting, registered forage seed producers may debate and take a vote on any questions or resolutions respecting the purposes of the forage seed plan.

(8) One or several registered forage seed producers may attend an annual general meeting or special general meeting by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.

(9) If all registered forage seed producers will attend an annual general meeting or special general meeting by the means mentioned in subsection (8), permission from the council must first be obtained.

15 Jly 2005 cA-15.21 Reg 3 s20; 26 May 2006 SR 45/2006 s7; 16 Oct 2009 SR 91/2009 s7; 6 Mar 2015 SR 13/2015 s4; 21 May 2021 SR 60/2021 s8.

PART IV

Registration

Registered forage seed producers

21(1) Every forage seed producer shall register with the commission at the time and in the manner determined by order of the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of every registered forage seed producer.

(3) Registration of a forage seed producer takes effect at the beginning of the commission's fiscal year following the payment of the levy required pursuant to subsection 23(1).

(4) Registration remains in effect until:

- (a) the forage seed producer makes a written request for and the commission verifies the request for a refund pursuant to section 24;

- (b) the forage seed producer has not remitted a levy payment for 2 consecutive fiscal years;
- (c) the death of a forage seed producer who is an individual; or
- (d) the dissolution of a corporation, partnership or other organization that is a forage seed producer.

15 Jly 2005 cA-15.21 Reg 3 s21; 21 May 2021 SR 60/2021 s9.

Registration of buyers

22(1) Every buyer shall register with the commission at the time and in the manner determined by order of the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of every registered buyer.

15 Jly 2005 cA-15.21 Reg 3 s22.

Suspension and cancellation of registrations

22.1(1) The commission may cancel or suspend a registration if the registered forage seed producer or registered buyer, as the case may be, has contravened:

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

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

(3) If the commission suspends or cancels a registration pursuant to this section, the commission must advise the registered forage seed producer or registered buyer, as the case may be, in writing of its decision.

16 Oct 2009 SR 91/2009 s8.

PART V Levies

Collection of levies

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

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

- (a) is to be determined by order of the commission; and
- (b) is to be based on a fixed percentage amount of the gross value of forage seed sold by a forage seed producer.

- (3) The commission shall provide registered forage seed producers:
 - (a) an opportunity to discuss the rate of the levy at annual general meetings and special general meetings; and
 - (b) at least 10 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (4) The commission may require any buyer of forage seed to:
 - (a) deduct the levy mentioned in subsection (1), and other fees and charges on forage seed levied pursuant to these regulations, from any payment made to a forage seed producer; and
 - (b) forward the levy and other fees and charges to the commission.
- (5) The commission may require any forage seed producer to:
 - (a) deduct the levy mentioned in subsection (1), and other fees and charges on forage seed levied pursuant to these regulations, from any payment from another forage seed producer; and
 - (b) forward the levy and other fees and charges to the commission.
- (6) The commission may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from forage seed producers and from buyers.

16 Oct 2009 SR 91/2009 s9.

Refund of levies

- 24(1) The commission shall make a refund of levies only if:
 - (a) the commission receives a written request for the refund from the forage seed producer:
 - (i) with respect to levies paid between January 1 and June 30 in any year, not later than July 31 of that year; and
 - (ii) with respect to levies paid between July 1 and December 31 in any year, not later than January 31 in the following year; and
 - (b) the request has been verified by the commission.
- (2) If the commission receives and verifies a written request for a refund of levies paid to the commission by the forage seed producer:
 - (a) between January 1 and June 30 in any year, the commission shall make the refund of those levies to the forage seed producer not later than September 30 of that year; and
 - (b) between July 1 and December 31 in any year, the commission shall make the refund of those levies to the forage seed producer not later than March 31 in the following year.

16 Oct 2009 SR 91/2009 s9.

Required notification

25 If, for any one fiscal year, 35% or more of the forage seed producers representing 35% or more of the levy for that fiscal year request a refund of levies pursuant to subsection 24(1), the commission shall immediately notify the council.

16 Oct 2009 SR 91/2009 s9.

PART VI Commission Orders

Commission orders

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

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

(3) The commission shall:

- (a) cause all orders of the commission to be published in the Gazette and in any other media it considers appropriate; and
- (b) annually review the orders of the commission and consolidate them.

15 Jly 2005 cA-15.21 Reg 3 s26.

PART VII Elections

Eligibility

27(1) In this section, “**family member**” means any of the following with respect to an individual:

- (a) the spouse or person with whom the individual is cohabiting as a spouse;
- (b) a son or daughter;
- (c) a parent or legal guardian;
- (d) a brother or sister;
- (e) a grandparent;
- (f) a grandchild;
- (g) an uncle or aunt;
- (h) a nephew or niece;
- (i) a cousin;
- (j) a mother-in-law, father-in-law, sister-in-law or brother-in-law;
- (k) a person who is related by legal adoption.

- (2) Every registered forage seed producer or representative of a registered forage seed producer is eligible to hold office as a director of the commission.
- (3) If a registered forage seed producer is a corporation, partnership or other organization, it must appoint as its representative to put forward resolutions at meetings, vote or hold office on behalf of the registered forage seed producer an individual who is:
 - (a) a director, partner, shareholder, member, officer or employee of the corporation, partnership or other organization or a family member of any of those individuals; and
 - (b) involved in the farming operation of the forage seed producer.
- (4) On or before the date fixed pursuant to clause 29(2)(a) as the last date for receipt of nominations for election to the commission, a registered forage seed producer who is an individual may appoint as that individual's representative to put forward resolutions at meetings, vote or hold office on behalf of the registered forage seed producer an individual who is:
 - (a) an employee or family member of the registered forage seed producer; and
 - (b) involved in the farming operation of the registered forage seed producer.
- (5) The appointment of a representative pursuant to subsection (3) or (4) must be:
 - (a) in writing; and
 - (b) filed with the commission in a form and manner acceptable to the commission.
- (6) A corporation, partnership or other organization that is a registered forage seed producer is entitled to put forward resolutions at meetings, vote or hold office only through a representative appointed pursuant to subsections (3) and (5).
- (7) After a representative is appointed in accordance with subsections (4) and (5) and until the registered forage seed producer or the representative terminates the appointment by filing a notice in writing with the commission:
 - (a) the representative is entitled to put forward resolutions at meetings, vote or hold office as the representative of the registered forage seed producer and to receive any notice required to be given pursuant to this Part; and
 - (b) the registered forage seed producer is not entitled to put forward resolutions at meetings, vote or hold office.
- (8) A representative appointed to vote pursuant to subsection (3) or (4) must, at the time of voting, declare that the representative has been appointed by the registered forage seed producer to vote on behalf of the registered forage seed producer.
- (9) Except as provided in this section, voting by proxy is prohibited.
- (10) Every registered forage seed producer is entitled to 1 vote.

21 May 2021 SR 60/2021 s10.

28 Repealed. 16 Oct 2009 SR 91/2009 s10.

Nominations

29(1) Subject to section 27, every registered forage seed producer is eligible to be nominated for election as a director of the commission.

(2) The commission shall:

(a) fix the last date for receipt of nominations for election to the commission; and

(b) at least 30 days before the last date for receipt of nominations, notify registered forage seed producers that nominations are being accepted for the commission and the last date for receipt of nominations.

(3) Every nomination must:

(a) be made in writing in the form required by the commission;

(b) be signed by:

(i) 2 registered forage seed producers;

(ii) 2 representatives of registered forage seed producers appointed pursuant to subsection 27(3) or (4); or

(iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling 2 persons;

(c) include a candidate profile, if provided by the nominated individual; and

(d) be delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) as the last date for receipt of nominations.

(4) Any information provided pursuant to subsection (3) must be considered confidential and must not be disclosed to any person until after the date fixed pursuant to clause (2)(a).

(5) Notwithstanding subsection (4), the commission may have access to the following information before the date fixed pursuant to clause (2)(a):

(a) a running total of the number of nominations received by the returning officer; and

(b) the first name and last name of individuals who have been nominated pursuant to subsection (3).

(6) After the date fixed pursuant to clause (2)(a), the returning officer shall forward copies of all nominations to the commission.

15 Jly 2005 cA-15.21 Reg 3 s29; 21 May 2021 SR 60/2021 s11.

Returning officer and scrutineers

30(1) Subject to subsection (2), the commission shall appoint a returning officer to conduct an election pursuant to section 31.

(2) Registered forage seed producers, representatives of registered forage seed producers, forage seed producers, buyers, processors and officers and employees of the commission are not eligible to be appointed pursuant to subsection (1).

- (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting the election.
- (4) Any registered forage seed producer or representative of a registered forage seed producer nominated pursuant to section 29 may provide a scrutineer to scrutinize actions relating to conducting the election.
- (5) Directors, officers and employees of the commission are not eligible to act pursuant to subsection (4) as scrutineers.

21 May 2021 SR 60/2021 s12.

Conduct of elections

- 31(1)** If not more than the required number of candidates are nominated pursuant to section 29, the candidates nominated are deemed to be elected by acclamation.
- (2) If more than the required number of candidates are nominated pursuant to section 29, the commission shall:
 - (a) fix a date for the completion of the election;
 - (b) at least 15 business days before the date fixed pursuant to clause (a), provide to every registered forage seed producer:
 - (i) a numbered ballot;
 - (ii) the candidate profiles, if any, submitted pursuant to clause 29(3)(c); and
 - (iii) a notice that states the date and time by which and place to which the ballot is to be returned; and
 - (c) if the commission provides ballots pursuant to subclause (b)(i) in paper form, provide an envelope with the ballot.
- (3) Every registered forage seed producer who wishes to vote in an election shall:
 - (a) complete the ballot provided by the commission; and
 - (b) return the ballot to the returning officer in the manner stated in the notice sent pursuant to subclause (2)(b)(iii) by the date and time fixed for it to be returned.
- (4) The ballot of a registered forage seed producer is not valid if the voter failed to comply with the voting instructions provided, including if:
 - (a) the registered forage seed producer votes for more than the specified number of candidates;
 - (b) it is defaced;
 - (c) it is marked in any way other than to vote for candidates; or
 - (d) it is not the original ballot provided by the commission.
- (5) If a tie does not occur between candidates, the returning officer shall prepare and submit a written report to the chairperson that declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the commission.

(6) The returning officer must send the written report mentioned in subsection (5) to the commission within 10 business days after the completion of the election.

(7) The commission shall inform candidates of the election results within 10 business days after receiving the report mentioned in subsection (5).

(8) If the number of candidates nominated pursuant to section 29 is greater than the number of director positions to be filled, the commission shall not advertise in any manner any funding announcement, new program or new service provided by or delivered on behalf of the commission during the period from the date fixed pursuant to clause 29(2)(a) to the date fixed pursuant to clause (2)(a).

21 May 2021 SR 60/2021 s13.

Failure to receive documents does not invalidate election

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

6 Mar 2015 SR 13/2015 s6.

Election results

33(1) The chairperson shall read the written report prepared pursuant to subsection 31(5) at the first annual general meeting of registered forage seed producers after the election.

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

(3) The commission shall:

(a) within 10 business days after receiving the written report of the returning officer prepared pursuant to subsection 31(5):

(i) provide to candidates the election results, including total vote counts for all candidates; and

(ii) provide to the council a complete list of candidates that clearly indicates the total vote count received by each candidate and the names of the candidates who were declared directors; and

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

21 May 2021 SR 60/2021 s14.

Term of office, vacancy

34(1) Subject to subsection (4), a director of the commission holds office:

(a) in the case of an elected director, unless the term of office is otherwise set by an order of the commission, for a term of 3 years commencing with the declaration of the director's election by the returning officer and until the director's successor is elected or appointed, as the case may be; or

(b) in the case of an appointed director, unless the term of office is otherwise set by an order of the commission, for a term of 3 years and until the director's successor is elected or appointed, as the case may be.

- (2) Subject to subsection (3), a director is eligible for re-election or reappointment.
- (3) If a director has completed three consecutive terms, he or she is not eligible for re-election or reappointment until one year has passed since the completion of the director's third consecutive term.
- (4) The office of a director becomes vacant if a director:
 - (a) ceases to qualify:
 - (i) as a registered forage seed producer in the case of an elected director; or
 - (ii) as the representative of a registered forage seed producer;
 - (b) resigns, dies or is unable to act;
 - (c) is absent from two consecutive meetings of the commission without being excused by resolution of the commission; or
 - (d) fails to fulfil his or her duties as established by the policy of the commission and approved by the council.
- (5) Notwithstanding subsection 7(1), if the office of a director becomes vacant, the commission may appoint a director to fill the vacancy for the remainder of the term for that office.

6 Mar 2015 SR 13/2015 s6; 21 May 2021 SR 60/2021 s15.

Tie votes

- 35(1)** If a tie occurs between candidates, the successful candidate is to be determined by a vote of registered forage seed producers conducted at the next annual general meeting of registered forage seed producers.
- (2) Voting pursuant to subsection (1) is to be by secret ballot.
- (3) Subject to section 27, only registered forage seed producers who are in attendance, either in person or by the means mentioned in subsection 20(8) and (9), at the annual general meeting of registered forage seed producers are entitled to vote pursuant to subsection (1).
- (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.

6 Mar 2015 SR 13/2015 s6; 21 May 2021 SR 60/2021 s16.

Retention of election documents

- 36(1)** The returning officer shall:
 - (a) retain the following in the officer's possession:
 - (i) the original nominations submitted pursuant to clause 29(3)(a);
 - (ii) the original candidate profiles submitted pursuant to clause 29(3)(c);
 - (iii) the ballots; and

(b) subject to subsection (2), not destroy any nomination, candidate profile, ballot or other record respecting an election of directors until 95 days after the annual general meeting of registered forage seed producers at which the results of the election are declared.

(2) If a registered forage seed producer submits a written objection to the council pursuant to section 37, the period mentioned in clause (1)(b) is extended until the challenge has been determined.

21 May 2021 SR 60/2021 s17.

Challenge to election results

37(1) Any registered forage seed producer nominated pursuant to section 29 may submit a written objection to the council to challenge any of the following:

- (a) the results of an election of directors, as provided pursuant to subclause 33(3)(a)(i);
- (b) the results of a vote to break a tie, as declared by the returning officer pursuant to subsection 35(4).

(2) A written objection submitted pursuant to subsection (1) must:

- (a) set out the grounds for the objection; and
- (b) be received by the council within 30 days after the notification provided pursuant to subclause 33(3)(a)(i) or the declaration mentioned in subsection 35(4), as the case may be.

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

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

15 Jly 2005 cA-15.21 Reg 3 s37; 21 May 2021 SR 60/2021 s18.

PART VIII Transitional and Coming into Force

38 Repealed. 16 Oct 2009 SR 91/2009 s12.

Coming into force

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

15 Jly 2005 cA-15.21 Reg 3 s39.

