

# *The Winter Cereals Development Plan Regulations*

*Repealed*

by Saskatchewan Regulations [67/2023](#)  
(effective August 1, 2023).

*Formerly*

[Chapter A-15.21 Reg 7](#) (effective August 16, 2006) as amended  
by Saskatchewan Regulations [73/2012](#), [38/2014](#) and [93/2022](#).

## **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.

## Table of Contents

<b>PART I</b>		<b>PART IV</b>	
<b>Title and Interpretation</b>		<b>Registration</b>	
1	Title	21	Registration of winter cereals producers
2	Interpretation	22	Registration of buyers
<b>PART II</b>		<b>PART V</b>	
<b>Winter Cereals Plan</b>		<b>Levies</b>	
3	Winter Cereals plan established	23	Collection of levies
4	Application	24	Refund of levies
5	Purpose	25	Required notification
6	Repealed	<b>PART VI</b>	
<b>PART III</b>		<b>Commission Orders</b>	
<b>Commission</b>		26	Commission orders
7	Commission	<b>PART VII</b>	
8	Powers of commission	<b>Elections</b>	
8	Books and records	27	Eligibility
10	Appointment of auditor	28	Repealed
11	Committees	29	Nominations
12	Chairperson and vice-chairperson	30	Returning officer and scrutineers
13	Quorum	31	Conduct of elections
14	Policies re conflict of interest and code of conduct	32	Failure to receive documents does not invalidate election
15	Conflicts of interest	33	Election results
16	Bank accounts	34	Term of office, vacancy
17	Investments	35	Tie votes
18	Fiscal year	36	Retention of election records
19	Financial plan	37	Challenge to election results
20	Meetings of registered winter cereals producers	<b>PART VIII</b>	
		<b>Transitional and Coming into Force</b>	
		38	Repealed
		39	Coming into force

**CHAPTER A-15.21 REG 7**  
*The Agri-Food Act, 2004*

PART I  
**Title and Interpretation**

**Title**

**1** These regulations may be cited as *The Winter Cereals Development Plan Regulations*.

**Interpretation**

**2** In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (a.1) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (a.2) **“buyer”** means any person who buys winter cereals produced in Saskatchewan;
- (b) **“commission”** means the Saskatchewan Winter Cereals Development Commission established pursuant to section 7;
- (c) **“director”** means a director of the commission elected or appointed in accordance with these regulations;
- (d) **Repealed.** 12 Oct 2012 SR 73/2012 s3.
- (e) **“registered winter cereals producer”** means a winter cereals producer who:
  - (i) is registered with the commission pursuant to section 21; and
  - (ii) has paid a levy pursuant to subsection 23(1) in the last 3 years for which he or she has not received a refund pursuant to section 24;
- (f) **Repealed.** 12 Oct 2012 SR 73/2012 s3.
- (g) **“winter cereals”** means winter wheat *Triticum aestivum* L., fall rye *Secale cereale* L. and winter triticale X *Triticosecale* Wittmack;
- (h) **“winter cereals plan”** means the Winter Cereals Development Plan established pursuant to section 3;
- (i) **“winter cereals producer”** means:
  - (i) a person engaged in or responsible for the production, marketing or production and marketing of winter cereals but does not include an employee of such a person;

**A-15.21 REG 7** WINTER CEREALS DEVELOPMENT PLAN

- (ii) a person who is entitled under any lease agreement:
  - (A) to a share of the winter cereals produced by a person mentioned in subclause (i); or
  - (B) to a share of the proceeds from the sale of those winter cereals; or
- (iii) a person who takes possession of any winter cereals under any form of security or legal proceedings for a debt.

25 Aug 2006 cA-15.21 Reg 7 s2; 12 Oct 2012 SR 73/2012 s3; 23 Dec 2022 SR 93/2022 s3.

**PART II**  
**Winter Cereals Plan**

**Winter Cereals plan established**

- 3** The Winter Cereals Development Plan is established.

25 Aug 2006 cA-15.21 Reg 7 s3.

**Application**

- 4** Subject to any exemptions made by order of the commission, the winter cereals plan and the orders of the commission made pursuant to the winter cereals plan apply:

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of winter cereals in Saskatchewan.

25 Aug 2006 cA-15.21 Reg 7 s4.

**Purpose**

- 5(1)** The purpose of the winter cereals plan is to develop the winter cereals industry in Saskatchewan.

- (2)** Without limiting the generality of subsection (1), the specific purposes of the winter cereals plan are:

- (a) to assist in the development and promotion of winter cereals and winter cereals products in the domestic and international marketplaces;
- (b) to conduct and encourage research on production, market development, processing and consumption of winter cereals and winter cereals products;
- (c) to advise governments on matters pertaining to winter cereals research and development;
- (d) to gather, compile and distribute information related to the production, consumption and market development of winter cereals and winter cereals products;

- (e) to encourage the production of uniformly high-quality winter cereals and winter cereals products;
- (f) to promote harmony and communication within the winter cereals industry;
- (g) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness of and demand for winter cereals and winter cereals products;
- (h) to establish a system of collecting levies on the production, marketing or production and marketing of winter cereals for the purpose of carrying out the objectives of the winter cereals plan; and
- (i) to work in co-operation with any persons or organizations that have objectives similar to those of the winter cereals plan.

25 Aug 2006 cA-15.21 Reg 7 s5; 12 Oct 2012 SR 73/2012 s4.

**6 Repealed.** 12 Oct 2012 SR 73/2012 s5.

**PART III  
Commission**

**Commission**

- 7(1) The Saskatchewan Winter Cereals Development Commission is established as a development commission pursuant to the Act.
- (2) Unless the number of directors is otherwise set by an order of the commission, subject to clause (3)(b) the commission consists of five directors elected in accordance with Part VII.
- (3) Unless otherwise set by an order of the commission, the commission:
  - (a) may appoint 1 or 2 directors; and
  - (b) if less than five directors are elected pursuant to Part VII, may appoint registered winter cereals producers as directors as it considers necessary to fill those positions.
- (4) A director appointed by the commission pursuant to clause (3)(a) may be any individual.
- (5) The commission shall administer the plan.

23 Dec 2022 SR 93/2022 s4.

**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 winter cereals;

**A-15.21 REG 7** WINTER CEREALS DEVELOPMENT PLAN

- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of winter cereals 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 winter cereals;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of winter cereals;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of winter cereals 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 winter cereals; 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 winter cereals 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 winter cereals, either as principal or agent;
- (j) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the winter cereals plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any money received by the commission to carry out the purposes of the winter cereals plan and to pay the expenses of the commission;
- (m) the power to borrow, raise or secure the payment of money in any manner that the commission considers appropriate for the purpose of administering the winter cereals 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 winter cereals 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 winter cereals 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 winter cereals plan;
  - (t) the power to:
    - (i) require any person who owes money to a winter cereals producer with respect to the sale by the winter cereals producer of winter cereals to pay the money to the commission; and
    - (ii) distribute the money paid to the commission pursuant to subclause (i), in the manner determined by the commission, to the winter cereals producer to whom the money is owing;
  - (u) the power to:
    - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
    - (ii) hold membership in any corporation;
  - (v) the power to:
    - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (u); and
    - (ii) exercise any rights, including the right to vote, as:
      - (A) an owner of the securities mentioned in clause (u); or
      - (B) a member;
  - (w) the power to register a business name pursuant to *The Business Names Registration Act*;
  - (x) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid;
  - (y) the power to set out the number of directors elected to the commission 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 winter cereals.

**A-15.21 REG 7 WINTER CEREALS DEVELOPMENT PLAN**

(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.

25 Aug 2006 cA-15.21 Reg 7 s8; 12 Oct 2012 SR 73/2012 s6; 23 Dec 2022 SR 93/2022 s5.

**Books and records**

**9(1)** The commission shall:

- (a) maintain any books and records that may be required for the administration of the winter cereals 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 names and municipalities of residence 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 winter cereals producers; and
  - (c) on request to:
    - (i) any registered winter cereals producer;
    - (ii) any buyer registered pursuant to section 22; or
    - (iii) any other interested person.

25 Aug 2006 cA-15.21 Reg 7 s9; 12 Oct 2012 SR 73/2012 s7; 23 Dec 2022 SR 93/2022 s6.

**Appointment of auditor**

**10(1)** The registered winter cereals 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 winter cereals 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.

25 Aug 2006 cA-15.21 Reg 7 s10.

#### **Committees**

- 11(1)** The commission may appoint any committee that it considers necessary or desirable for the proper operation of the winter cereals 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.

25 Aug 2006 cA-15.21 Reg 7 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 directors 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.

25 Aug 2006 cA-15.21 Reg 7 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.

25 Aug 2006 cA-15.21 Reg 7 s13.

**A-15.21 REG 7 WINTER CEREALS DEVELOPMENT PLAN****Policies re conflict of interest and code of conduct**

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

- (a) a conflict of interest policy for the directors; and
- (b) a policy respecting a code of conduct for the directors.

25 Aug 2006 cA-15.21 Reg 7 s14; 23 Dec 2022  
SR 93/2022 s7.

**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 winter cereals 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.

25 Aug 2006 cA-15.21 Reg 7 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.

25 Aug 2006 cA-15.21 Reg 7 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 winter cereals 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.

25 Aug 2006 cA-15.21 Reg 7 s17.

**Fiscal year**

**18** The fiscal year of the commission is the period commencing on August 1 in one year and ending on July 31 in the following year.

25 Aug 2006 cA-15.21 Reg 7 s18.

**Financial plan**

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

25 Aug 2006 cA-15.21 Reg 7 s19.

**Meetings of registered winter cereals producers**

- 20(1)** An annual general meeting of registered winter cereals producers:
- (a) is to be held in each year within six months of the end of the commission's fiscal year; and
  - (b) is to be held at a place and time determined by the commission.
- (2) The commission:
- (a) may call a special general meeting of registered winter cereals producers at any time; and
  - (b) shall call a special general meeting on the written request of not less than 20 registered winter cereals producers.
- (3) The commission shall notify all registered winter cereals producers, in writing:
- (a) for an annual general meeting of registered winter cereals 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 winter cereals producers, of the date, time, location and agenda not less than 15 business 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 winter cereals producer, by facsimile or electronic mail.
- (3.2) If a notice is sent pursuant to clause (3.1)(b), it is deemed to be 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 winter cereals producers is 10 registered producers.
- (5) The commission shall present to the annual general meeting:
- (a) the financial plan it has approved for the current fiscal year;
  - (b) an outline of programs and activities it has planned for the current fiscal year; and
  - (c) the annual report for the preceding 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 winter cereals producers at the next annual general meeting or special general meeting.
- (7) At an annual general meeting or special general meeting, registered winter cereals producers may debate and take a vote on any questions or resolutions respecting the purposes of the winter cereals plan.

**A-15.21 REG 7 WINTER CEREALS DEVELOPMENT PLAN**

(8) 1 or several registered winter cereals 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 winter cereals producers intend to attend an annual general meeting or special general meeting by the means mentioned in subsection (8), permission from the council must first be obtained.

25 Aug 2006 cA-15.21 Reg 7 s20; 12 Oct 2012 SR 73/2012 s8; 23 Dec 2022 SR 93/2022 s8.

#### PART IV Registration

##### Registration of winter cereals producers

**21(1)** Every winter cereals 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 winter cereals producer.

(3) Registration remains in effect until:

- (a) the registered winter cereals producer applies for and the commission approves a refund pursuant to section 24;
- (b) the commission has not received a levy payment from the winter cereals producer for 3 consecutive fiscal years;
- (c) the death of a registered winter cereals producer who is an individual; or
- (d) the dissolution of a corporation, association, society or other designation.

25 Aug 2006 cA-15.21 Reg 7 s21; 23 Dec 2022 SR 93/2022 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.

25 Aug 2006 cA-15.21 Reg 7 s22.

#### PART V Levies

##### Collection of levies

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

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

- (a) is to be determined by order of the commission; and

- (b) is to be based on a fixed rate for every net tonne of winter cereals marketed by a winter cereals producer.
- (3) The commission shall provide registered winter cereals producers:
- (a) an opportunity to discuss the rate of levy at annual general meetings and special general meetings; and
- (b) at least 15 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.

12 Oct 2012 SR 73/2012 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 winter cereals winter cereals producer with respect to levies paid between August 1 in any year and July 31 in the following year, not later than August 31 of that 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 that were paid to the commission by the winter cereals producer between August 1 in any year and July 31 in the following year, the commission shall make the refund of those levies to the winter cereals producer not later than October 31 of that year.

12 Oct 2012 SR 73/2012 s9.

#### **Required notification**

- 25** If, for any one fiscal year, 35% or more of the winter cereals 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.

12 Oct 2012 SR 73/2012 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 winter cereals 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.

25 Aug 2006 cA-15.21 Reg 7 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 winter cereals producer or representative of a registered winter cereals producer is eligible to hold office as a director of the commission.

(3) If a registered winter cereals 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 winter cereals 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 registered winter cereals 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 winter cereals 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 producer an individual who is:

- (a) an employee or family member of the registered winter cereals producer; and
- (b) involved in the farming operation of the registered winter cereals 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 winter cereals 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 winter cereals 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 winter cereals producer and to receive any notice required to be given pursuant to this Part; and
  - (b) the registered winter cereals 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 winter cereals producer to vote on behalf of the registered winter cereals producer.
- (9) Except as provided in this section, voting by proxy is prohibited.
- (10) Every registered winter cereals producer is entitled to 1 vote.

23 Dec 2022 SR 93/2022 s10.

**28 Repealed.** 12 Oct 2012 SR 73/2012 s10.

**Nominations**

- 29(1)** Any registered winter cereals 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 winter cereals producers that nominations are being accepted for the commission and of the last date for receipt of nominations.
- (3) Every nomination is to be:
- (a) in writing in the form required by the commission;
  - (b) signed by:
    - (i) 2 registered winter cereals producers;
    - (ii) 2 representatives of registered winter cereals producers appointed pursuant to subsection 27(4); or
    - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling 2 persons;
  - (c) include a candidate profile, as required by the returning officer; and
  - (d) must be delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.

**A-15.21 REG 7 WINTER CEREALS DEVELOPMENT PLAN**

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

25 Aug 2006 cA-15.21 Reg 7 s29; 23 Dec 2022  
SR 93/2022 s11.

**Returning officer and scrutineers**

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

(2) Registered winter cereals producers, winter cereals producers, buyers and officers and employees of the commission are not eligible to be appointed pursuant to subsection (1).

(3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures related to conducting an election.

(4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.

(5) Any registered winter cereals producer nominated pursuant to section 29 may provide a scrutineer to scrutinize the ballot verification and vote count that follow the close of an election.

25 Aug 2006 cA-15.21 Reg 7 s30; 23 Dec 2022  
SR 93/2022 s12.

**Conduct of elections**

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

(2) If more than the required number of candidates is 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 winter cereals producer:

(i) a numbered ballot;

(ii) the candidate profiles 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 winter cereals producer that wishes to vote in an election shall:

(a) complete the ballot provided by the commission; and

(b) return the ballot to the returning officer in the manner stated in the notice sent pursuant to subclause (2)(b)(iii) by the date fixed for them to be returned.

- (4) If a tie does not occur between candidates, the returning officer shall prepare and submit a written report to the chairperson that declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the commission.
- (5) The ballot of a registered winter cereals producer is not valid if:
- (a) the registered winter cereals producer votes for more than the specified number of candidates;
  - (b) it is defaced;
  - (c) it is marked in any way other than to vote for candidates;
  - (d) it is not the original ballot provided by the commission; or
  - (e) the individual who voted on behalf of the registered winter cereals producer voted more than once.
- (6) If the number of candidates nominated pursuant to section 29 is greater than the number of director positions to be filled, the commission shall not, during the period from the date fixed pursuant to clause 29(2)(a) to the date fixed pursuant to clause (2)(a), engage in any activity that is intended to promote or oppose, or that may be reasonably considered intended to promote or oppose, the election or re-election of any candidate.

25 Aug 2006 cA-15.21 Reg 7 s31; 12 Oct 2012 SR 73/2012 s11; 23 Dec 2022 SR 93/2022 s13.

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

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

12 Oct 2012 SR 73/2012 s12.

**Election results**

**33(1)** The returning officer or the chairperson shall read the written report prepared pursuant to subsection 31(4) at the first annual general meeting of registered winter cereals 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(4), provide to candidates the election results, including total vote counts for all candidates; and
- (b) make the written report of the returning officer available on request to any registered winter cereals producer.

23 Dec 2022 SR 93/2022 s14.

**A-15.21 REG 7** WINTER CEREALS DEVELOPMENT PLAN**Term of office, vacancy**

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

- (a) in the case of an elected director, for a term of three 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, until the next election that is held after he or she is appointed 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) Unless otherwise set by an order of the commission, if a director has completed 3 consecutive terms, the director is not eligible for re-election or reappointment until 2 years have passed since the completion of the director's third consecutive term.
- (4) The office of director becomes vacant if a director:
- (a) in the case of an elected director, or a director appointed pursuant to clause 7(3)(b) or subsection (5), ceases to qualify as:
    - (i) a registered winter cereals producer; or
    - (ii) the representative of a registered winter cereals producer;
  - (b) resigns, dies or is unable to act;
  - (c) is absent from two consecutive meetings of the commission without being excused by a 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(2), if the office of a director becomes vacant, the commission may appoint a registered winter cereals producer as a director to fill the vacancy until the next election.

12 Oct 2012 SR 73/2012 s14; 30 May 2014 SR 38/2014 s2; 23 Dec 2022 SR 93/2022 s15.

**Tie votes**

- 35(1)** If a tie occurs between candidates, the successful candidate is to be determined by a vote of registered winter cereals producers conducted at the next annual general meeting of registered winter cereals producers.
- (2) Voting pursuant to subsection (1) is to be by secret ballot.
- (3) Only registered winter cereals producers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (1), and each of those registered winter cereals 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.

25 Aug 2006 cA-15.21 Reg 7 s35; 12 Oct 2012 SR 73/2012 s15.

**Retention of election records**

**36** The returning officer shall:

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

23 Dec 2022 SR 93/2022 s16.

**Challenge to election results**

**37(1)** Any registered winter cereals producer nominated pursuant to section 29 may challenge the results of an election of directors, as provided pursuant to clause 33(3)(a) or subsection 35(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 30 days after notification of the election results pursuant to clause 33(3)(a).

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

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

25 Aug 2006 cA-15.21 Reg 7 s37; 12 Oct 2012 SR 73/2012 s17; 23 Dec 2022 SR 93/2022 s17.

**PART VIII****Transitional and Coming into Force**

**38 Repealed.** 12 Oct 2012 SR 73/2012 s18.

**Coming into force**

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

25 Aug 2006 cA-15.21 Reg 7 s39.

