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## PART II/PARTIE II

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## PART II/PARTIE II

### REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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## REVISED REGULATIONS OF SASKATCHEWAN

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### CHAPTER A-15.21 REG 12

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

Sections 7, 8 and 43

Order in Council 231/2010, dated April 21, 2010

(Filed April 22, 2010)

#### 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;
- (f) “**licensed producer**” means a producer who holds a valid licence as a dairy producer issued pursuant to *The Dairy Producer Regulations, 1995*;
- (g) “**milk**” means the lacteal secretion, free of colostrum, obtained from the mammary gland of an animal of the bovine species;
- (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;
- (l) “**transporter**” means a person who transports milk from a producer to a processor.

**PART II**  
**Plan**

**Plan established**

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

**Application**

**4** Subject to any exemptions made by order of the board, the plan and the orders of the board made pursuant to the plan apply:

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

**Purpose**

**5** The purposes of the plan are:

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

**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.

**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 subsection 8(1) of the Act:

- (a) the power to carry out educational, research and developmental programs related to milk;

- (b) 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;
- (c) 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 (b) and their dependants;
- (d) 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;
- (e) 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;
- (f) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (g) 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 plan;
- (h) subject to subsection (3), 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;
- (i) 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;
- (j) the power to grant a mortgage or security interest in any of the board's real or personal property;
- (k) 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;
- (l) 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;

- (m) the power to:
    - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (l); and
    - (ii) exercise any rights, including the right to vote, as:
      - (A) an owner of the securities mentioned in clause (l); or
      - (B) a member;
  - (n) the power to register a business name pursuant to *The Business Names Registration Act*;
  - (o) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid.
- (2) The board shall not regulate or control in any way the production, marketing or production and marketing of milk.
- (3) Neither the sum of the loans mentioned in clause (1)(g), nor the sum of the financial guarantees mentioned in clause (1)(h), 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.

**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; and
  - (c) by sending a copy of the annual report to every licensed producer who is not in attendance at the annual general meeting.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**Financial plan**

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

**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.
- (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.

#### 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.

**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.

**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.

**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.

**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.

**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 envelope provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.

(4) 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.

**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.

**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.

**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).

**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.

**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.

**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.

**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.

**Coming into force**

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

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**CHAPTER F-8.001 REG 39**

*The Farm Financial Stability Act*

Sections 22, 24, 26, 33 and 84

Order in Council 232/2010, dated April 21, 2010

(Filed April 22, 2010)

PART I

**Title and Interpretation**

**Title**

**1** These regulations may be cited as *The Wildlife Damage Compensation Program Regulations, 2010*.

**Interpretation**

**2(1)** In these regulations:

- (a) “**account**” means the Wildlife Damage Compensation Account established in the fund pursuant to section 4;
- (b) “**Act**” means *The Farm Financial Stability Act*;
- (c) “**commercial agricultural products**” means annual seeded field crops, perennial field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees, leafcutter bee shelters, honey bees and honey bee hives;

**Account established**

- 4(1) The Wildlife Damage Compensation Account is established in the fund for the purpose of administering the program pursuant to clause 24(2)(a) of the Act.
- (2) The Minister of Finance is authorized to deposit into the account:
- (a) all contributions from the Government of Canada that are directed to the account for the purposes of the program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
  - (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the program pursuant to an agreement made pursuant to subsection 22(2) of the Act.
- (3) The Minister of Finance is authorized to make loans out of the general revenue fund to the corporation, to be deposited into the account, for the purposes of the program.
- (4) The account consists of:
- (a) all contributions mentioned in subsection (2);
  - (b) all loans mentioned in subsection (3);
  - (c) all other contributions from the Government of Canada that are directed to the account for the purposes of the program;
  - (d) all other moneys appropriated by the Legislature for the purposes of the program;
  - (e) all moneys received from the minister responsible for the administration of *The Wildlife Act, 1997* for the purposes of the program;
  - (f) all earnings on investments of the account; and
  - (g) all moneys donated to the account for the purposes of the program.
- (5) All compensation payable to producers in accordance with these regulations is to be paid from the account.

**Corporation appointed**

- 5(1) The Saskatchewan Crop Insurance Corporation is appointed, pursuant to clause 26(1)(b) of the Act, to:
- (a) administer the program; and
  - (b) administer the account for the purposes of the program.
- (2) For the purpose of administering the program and the account, the corporation has:
- (a) all the powers given to it pursuant to *The Crop Insurance Act*; and
  - (b) any other power necessary to administer the program and the account.



(3) Without limiting the generality of subsection (2), for the purpose of administering the program and the account, the corporation may:

- (a) appoint or engage any professional and technical personnel that may be required and determine their salaries and other remuneration;
- (b) employ any officers and other employees that the corporation considers necessary for its purposes;
- (c) make bylaws respecting the conduct of its proceedings and generally for the conduct of its activities;
- (d) police and audit program compliance;
- (e) enter into any agreement with any person, agency, organization, association, institution or body that the corporation considers advisable;
- (f) execute any bills of exchange, promissory notes and other negotiable or transferable instruments;
- (g) use any moneys received in the account to make payments to producers pursuant to the program;
- (h) invest any moneys in the account that are not presently required for the purposes of the program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
- (i) dispose of any investment made pursuant to clause (h), subject to the terms of the investment, in any manner, on any terms and in any amount that the corporation considers advisable.

### PART III Compensation

#### DIVISION 1

#### Compensation for Losses to Commercial Agricultural Products

##### Producer eligible for compensation

**6** A producer is eligible for compensation in accordance with these regulations for losses to commercial agricultural products resulting from damage caused by wildlife.

##### Determination of loss

**7** The corporation, after inspecting the damaged commercial agricultural product before it is harvested, shall determine the loss eligible for compensation by estimating:

- (a) in the case of annual seeded field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees and honey bees, the harvestable production lost as a result of the damage caused by wildlife;

- (b) in the case of perennial field crops:
  - (i) the cost of replacing the plants damaged by wildlife if the plants are completely destroyed; or
  - (ii) an amount based on the damage by wildlife to the plants if the plants are not completely destroyed;
- (c) in the case of leafcutter bee shelters damaged by wildlife, the cost of repairing or replacing those shelters;
- (d) in the case of honey bee hives damaged by wildlife, the cost of replacing those hives; or
- (e) in the case of annual seeded field crops contaminated by the excreta of wildlife, the cost of cleaning the crops to remove the excreta.

**Determination of compensation**

8(1) Subject to subsections (4) and (6), in the case of damage to annual seeded field crops, market garden crops, trees on tree nurseries, sod on sod farms, leafcutter bees and honey bees, the corporation shall pay to the producer 100% of the loss estimated pursuant to clause 7(a), calculated by the corporation based on:

- (a) the grade of that commercial agricultural product, as determined by the corporation, at the time the damage is adjusted; and
  - (b) the market value of the grade of that commercial agricultural product, as determined by the corporation, for the crop year in which the loss occurred.
- (2) Subject to subsections (4) and (6), in the case of damage to perennial field crops, the corporation shall pay to the producer 100% of the loss estimated pursuant to clause 7(b).
- (3) Subject to subsection (6), in the case of damage to leafcutter bee shelters or honey bee hives, the corporation shall pay to the producer 100% of the loss estimated pursuant to clause 7(c) or 7(d), as the case may be.
- (4) An amount payable by the corporation pursuant to subsection (1) or (2) may be reduced by an amount the corporation considers appropriate if, in the corporation's opinion, it is agronomically feasible to produce another crop of that commercial agricultural product in the same growing season on the area damaged by wildlife.
- (5) Subject to subsection (6), in the case of harvested field crops contaminated by wildlife excreta, the corporation shall pay to the producer 100% of the cost, as determined by the corporation, of cleaning to remove the excreta pursuant to clause 7(e).
- (6) No payment shall be made for a commercial agricultural product pursuant to this section if, in the opinion of the corporation, the amount of compensation is less than \$150 for that commercial agricultural product.

**Restrictions on payment**

**9(1)** The corporation shall not make any payment pursuant to section 8 if, in the corporation's opinion:

- (a) any portion of the damaged commercial agricultural product is harvested before an inspection by the corporation;
  - (b) subject to subsection (2), the producer has not made every reasonable effort to harvest the commercial agricultural product to avoid winter damage by wildlife;
  - (c) the producer has not made every reasonable effort to use prevention measures to control damage caused by wildlife to the commercial agricultural products, including prevention measures offered by any ministry of the government of Saskatchewan;
  - (d) a payment has been made in the same crop year under the unseeded acreage provisions of *The Crop Insurance Regulations* with respect to the same acres for which compensation for damage to the commercial agricultural products is requested; or
  - (e) the commercial agricultural products have been seeded too late to be reasonably expected to mature.
- (2) The restriction on payment set out in clause (1)(b) does not apply if the producer has not harvested the commercial agricultural product in order to provide feed for domestic livestock as part of a recognized alternative feeding system, as determined by the corporation.

**No payment if access by hunters has been unduly restricted**

**10(1)** The corporation shall not make any payment pursuant to section 8 if access to the land by hunters licensed pursuant to *The Wildlife Act, 1997* or the regulations made pursuant to that Act has been unduly restricted by the producer.

- (2) A restriction on access is not undue if the intent of the restriction is to:
- (a) protect persons, buildings or property;
  - (b) protect livestock in a manner consistent with the producer's normal livestock operations;
  - (c) control or restrict vehicular travel; or
  - (d) manage or limit the number of hunters.

## DIVISION 2

**Compensation for Losses to Certain Commodities****Producer eligible for compensation**

**11** A producer is eligible for compensation in accordance with these regulations for losses to the following commodities resulting from damage caused by wildlife:

- (a) stacked hay;
- (b) silage bales;
- (c) honey or associated equipment and brood.

**Determination of loss**

**12** The corporation, after inspecting the stacked hay, silage bales, or honey or associated equipment and brood damaged by wildlife, shall determine the loss eligible for compensation by estimating the volume of the stacked hay, silage bales, or honey or associated equipment and brood damaged by wildlife.

**Determination of compensation**

**13(1)** In this section, “**storage yard site**” means a site where stacked hay, silage bales or honey or associated equipment and brood is stored by a producer.

(2) If there is more than one storage yard site on a quarter-section of land or a river lot, the combination of storage yard sites on that quarter-section or river lot is deemed to be one storage yard site.

(3) Subject to subsection (4), the corporation shall pay to the producer 100% of the loss estimated pursuant to section 12 at a price that reflects the value of the damaged commodity, as determined by the corporation.

(4) No payment shall be made pursuant to this section if, in the opinion of the corporation, the amount of compensation is less than \$150 per storage yard site.

**Restrictions on payment**

**14** The corporation shall not make any payment pursuant to section 13 if the producer has not made every reasonable effort to use prevention measures to control damage caused by wildlife to stacked hay, silage bales, or honey or associated equipment and brood, including prevention measures offered by any ministry of the government of Saskatchewan.

**DIVISION 3****Compensation for Losses to Eligible Livestock****Producer eligible for compensation**

**15** A producer is eligible for compensation in accordance with these regulations for losses to eligible livestock injured or killed by a predator animal.

**Determination of loss**

**16** The corporation:

(a) after inspecting the eligible livestock injured by a predator animal, shall determine the loss eligible for compensation by establishing the actual veterinary costs incurred as a result of the injury; and

(b) after inspecting the eligible livestock killed by a predator animal, shall determine the loss eligible for compensation by establishing the number of eligible livestock killed by a predator animal.

**Determination of compensation**

**17(1)** In the case of eligible livestock injured by a predator animal, the corporation shall pay to the producer 100% of the loss established pursuant to clause 16(a), to a maximum of 80% of the value of the injured eligible livestock, as determined by the corporation.

(2) Subject to subsection (3), in the case of eligible livestock killed by a predator animal, the corporation shall pay to the producer 100% of the loss estimated pursuant to clause 16(b) at a price that reflects the value of the killed eligible livestock, as determined by the corporation.

- (3) If it cannot be conclusively determined that the death of eligible livestock was as a result of a predator animal, the maximum compensation payable is 50% of the value of the eligible livestock, as determined by the corporation.

**Restrictions on payment**

**18** The corporation shall not make any payment pursuant to section 17 if the producer has not made every reasonable effort to use prevention measures to control damage caused by predator animals to eligible livestock, including prevention measures offered by any ministry of the government of Saskatchewan.

**PART IV  
General**

**Application for compensation**

**19** A producer who is eligible for compensation pursuant to these regulations and who wishes to obtain compensation shall:

- (a) apply to the corporation on a form provided by the corporation and within a period determined by the corporation;
- (b) solemnly declare that the contents of the form mentioned in clause (a) are true; and
- (c) at the time the application is submitted or at any subsequent time, supply the corporation with any information the corporation may require in order to determine the producer's eligibility for compensation.

**Reconsideration and revision by corporation**

**20(1)** Within 30 days after a determination by the corporation pursuant to these regulations, an applicant may request, in writing, that the corporation reconsider the determination.

(2) If the corporation receives a request pursuant to subsection (1), the corporation shall reconsider the determination and may confirm, reverse or vary that determination.

(3) Nothing in these regulations entitles an applicant to a hearing before the corporation.

(4) Subject to subsection (5), the corporation may revise a determination of compensation made pursuant to these regulations:

- (a) after reinspecting the damaged commercial agricultural product, commodity or eligible livestock to which the determination relates; or
- (b) after receiving information that the initial determination was incorrect.

(5) The corporation must complete any revision of a determination made pursuant to these regulations:

(a) in the case of an application relating to Division 1 or 2 of Part III, within six years after the last day of the crop year with respect to which the determination relates; and

(b) in the case of an application relating to Division 3 of Part III, within six years after the day on which the damage to the eligible livestock took place.

PART V  
**Financial Matters**

**Fiscal year**

**21** The fiscal year of the program and the account is the fiscal year of the corporation.

**Annual report**

**22** The corporation shall report on the activities of the program and the account in its annual report prepared pursuant to *The Crop Insurance Act*.

PART VI  
**Repeal and Coming into Force**

**R.R.S. c.F-8.001 Reg 33 repealed**

**23** *The Wildlife Damage Compensation Program Regulations* are repealed.

**Coming into force**

**24(1)** Subject to subsection (2), these regulations come into force on April 1, 2010.

(2) If these regulations are filed with the Registrar of Regulations after April 1, 2010, these regulations come into force on the day on which they are filed with the Registrar of Regulations.



