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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

SASKATCHEWAN REGULATIONS 73/2012

The Agri-Food Act, 2004

Sections 7, 8 and 43

Order in Council 540/2012, dated October 4, 2012

(Filed October 5, 2012)

Title

1 These regulations may be cited as *The Winter Cereals Development Plan Amendment Regulations, 2012*.

R.R.S. c.A-15.21 Reg 7 amended

2 *The Winter Cereals Development Plan Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 **Section 2 is amended:**

(a) **by repealing clause (a) and substituting the following:**

“(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) **in clause (b) by striking out** “and includes the interim commission”;

(c) **by repealing clause (c) and substituting the following:**

“(c) ‘director’ means a director of the commission elected or appointed in accordance with these regulations”;

(d) **by repealing clause (d);**

(e) **by repealing clause (e) and substituting the following:**

“(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 two years for which he or she has not received a refund pursuant to section 24”; **and**

(f) **by repealing clause (f).**

Section 5 amended

4 **Clause 5(2)(h) is amended by striking out** “check-offs” **and substituting** “levies”.

Section 6 repealed

5 **Section 6 is repealed.**

Section 8 amended

6 Clause 8(1)(t) is amended by striking out “registered” wherever it appears.

Section 9 amended

7 Subsection 9(4) is repealed and the following substituted:

“(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”.

Section 20 amended

8(1) Subsection 20(3) is amended:

(a) in clause (a) by striking out “and location” and substituting “, location and agenda”; and

(b) in clause (b) by striking out “15 days” and substituting “15 business days”.

(2) The following subsections are added after subsection 20(3):

“(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”.

New Part V

9 Part V is repealed and the following substituted:

**“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.

“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.

“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”.

Section 28 repealed

10 Section 28 is repealed.

Section 31 amended

11(1) Clause 31(2)(b) is repealed and the following substituted:

“(b) at least 15 business days before the date fixed pursuant to clause (a), send by ordinary or registered mail to every registered winter cereals 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”.

(2) Subsection 31(4) is repealed and the following substituted:

“(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”.

(3) Clause 31(5)(a) is repealed and the following substituted:

“(a) the certificate of eligibility is not returned with the ballot;

“(a.1) the registered winter cereals producer votes for more than the specified number of candidates”.

New section 32

12 Section 32 is repealed and the following substituted:

“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”.

Section 33 amended

13 Section 33 is amended by striking out “announce” and substituting “declare”.

New section 34

14 Section 34 is repealed and the following substituted:

“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, for a term of two 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) If a director has completed three consecutive terms, he or she is not eligible for re-election or reappointment until two 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 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”.

Section 35 amended**15 Subsections 35(3) and (4) are repealed and the following substituted:**

“(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”.

Section 36 amended**16 Clause 36(b) is amended by striking out “announced” and substituting “declared”.****Section 37 amended****17(1) Subsection 37(1) is amended by striking out “announced” and substituting “declared”.**

(2) Clause 37(2)(b) is amended by striking out “announced” and substituting “declared”.

Section 38 repealed**18 Section 38 is repealed.****Coming into force**

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

