



Province of Alberta

## MARKETING OF AGRICULTURAL PRODUCTS ACT

# **ALBERTA CANOLA PRODUCERS MARKETING PLAN REGULATION**

### **Alberta Regulation 108/1998**

With amendments up to and including Alberta Regulation 125/2018

Current as of June 28, 2018

### Office Consolidation

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(Consolidated up to 125/2018)

**ALBERTA REGULATION 108/98**

**Marketing of Agricultural Products Act**

**ALBERTA CANOLA PRODUCERS  
MARKETING PLAN REGULATION**

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**Definitions****1** In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “annual Commission meeting” means an annual general meeting of the directors and the eligible producers;
- (c) “annual region meeting” means an annual general meeting of the eligible producers who carry out production of the regulated product within the region;
- (c.1) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
- (c.2) “auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* authorized to perform an audit engagement;
- (d) “canola” means
  - (i) those oilseeds defined as canola, rapeseed or oilseed rape of the Brassica family as used in the *Seeds Act* (Canada),
  - (ii) canola quality Brassica juncea, and
  - (iii) any additional related oilseeds as may be designated as canola by the Commission with the prior approval of the Council;
- (e) “Commission” means the Alberta Canola Producers Commission;
- (f) “Council” means the Alberta Agricultural Products Marketing Council;
- (g) “crop year” means a 12-month period commencing on August 1 and terminating on the following July 31;
- (h) “dealer” means a person purchasing or acquiring regulated product from a producer and includes, but is not limited to,

- (i) persons who are elevator or grain companies, grain dealers or canola crushers, and
  - (ii) persons who acquire regulated product from the producer for sale on the producer's behalf;
- (i) "directors" means the directors of the Commission;
- (j) "eligible producer" means a producer who qualifies as an eligible producer under section 16;
- (j.1) "investment" means a commitment of assets in order to gain a financial return but does not include an expenditure of assets for the purposes of research and development or current operations;
- (k) "marketing"
- (i) means buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing, and
  - (ii) includes any other function or activity designated as marketing by the Lieutenant Governor in Council;
- (l) "person" means a person as defined in the *Interpretation Act* and includes
- (i) a partnership as defined in the *Partnership Act*,
  - (ii) any unincorporated organization that is not a partnership referred to in subclause (i), and
  - (iii) any group of individuals who are carrying on an activity for a common purpose and are neither a partnership referred to in subclause (i) nor an unincorporated organization referred to in subclause (ii);
- (m) "producer" means a person who
- (i) grows canola for sale on one or more parcels of land in Alberta, or
  - (ii) is entitled to a share of the canola grown on any land pursuant to a crop share arrangement;
- (n) "regulated product" means canola, other than canola used for planting;

- (o) “special Commission meeting” means a special general meeting of the directors and the eligible producers.

AR 108/98 s1;44/2003;28/2011;125/2018

#### **Designation of agricultural product**

- 2** Canola is designated as an agricultural product for the purposes of the Act.

## **Part 1 General Operation of Plan**

### **Division 1 Plan**

#### **Plan continued**

- 3** The Alberta Canola Producers Marketing Plan established under Alberta Regulation 158/89 is hereby amended, revised and continued under this Regulation with the name “Alberta Canola Producers Marketing Plan”.

#### **Termination of Plan**

- 4** This Plan does not terminate at the conclusion of a specific period of time and shall remain in force unless otherwise terminated pursuant to the Act.

#### **Application of Plan**

- 5** This Plan applies
- (a) to producers in Alberta who produce or market the regulated product, and
  - (b) for the purposes of sections 9(a), (b), (c) and (f) and 12, to dealers and any other persons who are not producers and who market or process the regulated product.

#### **Purposes of Plan**

- 6(1)** The purposes of this Plan are to do the following:
- (a) to initiate and carry out projects or programs related to research and development and studies with respect to the production, handling, marketing and processing of canola, including research and development and studies concerning the development and use of canola products;

- (b) to assist, educate and inform producers, dealers and processors in developing and improving methods regarding the production, processing and marketing of canola;
  - (c) to initiate and carry out projects or programs related to the market development of canola and canola products;
  - (d) generally to assist in the development and promotion of the canola industry in Alberta, including the development and promotion of markets for canola and canola products;
  - (e) to advise governments on matters concerning the canola industry;
  - (f) to co-operate with the Government of Canada and the Government of Alberta with respect to the maintenance of the quality standards of the regulated product;
  - (g) generally to co-operate with any organizations that carry out activities that are of interest to the canola industry;
  - (h) to participate in programs under the *Agricultural Marketing Programs Act* (Canada);
  - (h.1) to act as an agent on behalf of producers in respect of matters relating to the Canada Revenue Agency's Scientific Research Experimental Development Program as it applies to canola;
  - (i) generally to initiate and carry out projects and programs to stimulate, increase or improve the production or marketing, or both, of the regulated product within Alberta.
- (2) Under this Plan neither the production nor the marketing of the regulated product shall be controlled or regulated.

AR 108/98 s6;173/2005;28/2011

## **Division 2 Operation of Plan by Commission**

### **Commission continued**

**7** The Alberta Canola Producers Commission is hereby continued.

### **Functions of Commission**

**8** The Commission



- (a) shall be responsible for the operation, regulation, supervision and enforcement of this Plan;
- (b) shall
  - (i) open and maintain one or more accounts in a bank, trust company, credit union, Treasury Branch or other depository, and
  - (ii) designate such officers, employees and other persons as are necessary to sign cheques and transact the Commission's business with its bank, trust company, credit union, Treasury Branch or other depository;
- (b.1) when investing its assets must make prudent investments in accordance with the requirements of section 3 of the *Trustee Act* respecting the investment of assets and may delegate to an agent in accordance with section 5(1) to (3) of that Act;
- (b.2) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation* (AR 26/99);
- (c) may
  - (i) enter into an operating line of credit or other loan agreement with its bank, trust company, credit union, Treasury Branch or other lending institution, and
  - (ii) designate such officers, employees and other persons as are necessary to transact the Commission's business;
- (d) shall cause such books and records, including financial records, to be maintained
  - (i) as from time to time may be required under the Act, the regulations or by virtue of any order of the Council, or
  - (ii) as may be determined by the Commission;
- (e) shall maintain an office, the location of which shall at all times be made known to each eligible producer;
- (f) may appoint officers, employees and agents, prescribe their duties and fix and pay their remuneration;
- (g) may issue such general orders governing its internal operation as it may from time to time determine, subject

always to the Act, the regulations and any orders of the Council;

- (h) may become a member of any organization that promotes the interests of producers;
- (i) may contribute funds to any agricultural organization having objectives similar to those of the Commission;
- (j) may, in accordance with section 50 of the Act, be authorized to perform any function or duty and exercise any power imposed or conferred on the Commission by or under the *Agricultural Marketing Programs Act* (Canada);
- (k) subject to section 11, to finance the purposes of the Plan, may retain earnings and revenues from year to year.

AR 108/98 s8;28/2011;125/2018

#### **Operation of Plan re regulations**

**9** For the purposes of enabling the Commission to operate the Plan, the Commission may be authorized by the Council to make regulations

- (a) requiring any person who produces, markets or processes a regulated product to furnish to the Commission any information or record relating to the production, marketing or processing of the regulated product that the Commission considers necessary;
- (b) requiring persons other than producers to be licensed under this Plan before they become engaged in the marketing and processing, or either of those functions, of a regulated product;
- (c) governing the issuance, suspension or cancellation of a licence issued under this Plan;
- (d) providing for
  - (i) the assessment, charging and collection of service charges from producers from time to time for the purposes of the Plan, and
  - (ii) the taking of legal action to enforce payment of the service charges;
- (e) respecting the circumstances, if any, under which a service charge may be refunded to a producer;
- (f) requiring any person who receives a regulated product from a producer

- (i) to deduct from the money payable to the producer any service charges payable by the producer to the Commission, and
- (ii) to forward the amount deducted to the Commission;
- (g) providing for the use of any class of service charges or other money payable to or received by the Commission for the purpose of paying its expenses and administering this Plan and the regulations made by the Commission.

AR 108/98 s9;95/2013

**Financing of Plan****10** In accordance with the regulations,

- (a) this Plan shall be financed by the charging and collection of service charges from producers;
- (b) every producer engaged in production of the regulated product shall pay a service charge on each metric tonne, or part thereof, of regulated product sold by the producer;
- (c) repealed AR 95/2013 s3;
- (d) the Commission may, from time to time, change the amount of the service charge, but the change shall not be effective until it has been approved by the eligible producers at an annual Commission meeting or a special Commission meeting.

AR 108/98 s10;95/2013

**Service charges refundable****11(1)** In accordance with the regulations,

- (a) the service charge shall be refundable to a producer on request of the producer;
- (b) the request for a refund of the service charge shall
  - (i) be made in writing on a form established by the Commission, and
  - (ii) contain the following information:
    - (A) the producer's name;
    - (B) the producer's mailing address and telephone number;

- (C) the producer's identification number, if available;
  - (D) the quantity of regulated product sold;
  - (E) the name and address of any dealer who collected the service charge on behalf of the producer;
  - (F) any specifics of the refund request;
- (c) requests for refunds must be received by the Commission at its head office
- (i) prior to the end of August, for service charges collected during the period commencing on the previous February 1 and ending on July 31, and
  - (ii) prior to the end of February, for service charges collected during the period commencing on the previous August 1 and ending on January 31;
- (d) any request for a refund that is not received by the Commission within the time periods specified under clause (c) shall not be considered by the Commission and the producer will not be entitled to a refund in respect of which the request was made;
- (e) notwithstanding clause (d), the Commission may, if it is satisfied that extenuating circumstances exist that warrant its doing so, consider an application for a refund that is received after the applicable time period referred to in clause (c);
- (f) the Commission shall refund the service charge to the producer
- (i) within 90 days after the end of the period to which the request for the refund relates, in a case where the request is received in accordance with clause (c), and
  - (ii) within 90 days after receipt of the request for the refund, in a case where the request is received and considered under clause (e).
- (2)** In the event that within one crop year
- (a) the eligible producers requesting a refund of the service charges comprise more than 35% of the existing eligible producers, and

- (b) those eligible producers requesting a refund account for at least 35% of the service charges collected during the current crop year,

the continued operation of this Plan shall be subject to approval by a majority of producers at a plebiscite to be held under the direction of the Council pursuant to the Act.

- (3) The Commission shall, within 90 days following the end of a crop year, report to the Council the refunds made under this section for that crop year.

#### **Collection of service charge**

**12** In accordance with the regulations,

- (a) all dealers who
  - (i) purchase regulated product from a producer, or
  - (ii) acquire regulated product from a producer for sale on the producer's behalfshall deduct from any proceeds payable to or on behalf of the producer the amount of the service charge;
- (b) any person who receives proceeds on behalf of the producer in respect of the sale by the producer of the regulated product shall deduct from the proceeds payable to or on behalf of the producer the amount of the service charge;
- (c) any person who collects a service charge shall pay the amount of the service charge to the Commission;
- (d) all persons required under this Plan to collect and pay to the Commission the service charge payable by a producer shall
  - (i) pay the service charge to the Commission, and
  - (ii) provide to the Commission, for each producer, a summary detailing
    - (A) the amount of regulated product obtained from the producer,
    - (B) the amount of service charge being paid on behalf of the producer, and
    - (C) the name and address of the producer.

**Indemnification fund, etc.**

**13(1)** The Commission may under section 34 of the Act establish, maintain and operate one or more funds that may be used to indemnify or protect producers against financial loss suffered by them or on their behalf in the production or marketing, or both, of the regulated product.

**(2)** The Commission may finance a fund referred to in subsection (1) in accordance with section 34 of the Act.

**(3)** The Commission shall not operate a fund under section 35 of the Act.

**Auditor**

**14** The auditor for the Commission shall be appointed from time to time at an annual Commission meeting or a special Commission meeting.

**Authorization**

**14.1** In accordance with section 50 of the Act, the Commission may be authorized, with respect to the production or marketing, or both, of the regulated product, to perform any function or duty and exercise any power imposed or conferred on the Commission by or under the *Agricultural Products Marketing Act* (Canada).

AR 173/2005 s3

**Honorary memberships, etc.**

**15** The Commission may establish non-voting associate, industry, affiliate or honorary memberships under this Plan to provide interested individuals or organizations with the opportunity to contribute to the efforts of the Commission.

## **Part 2 Governance of Plan**

### **Division 1 Eligible Producers**

**Eligible producers**

**16** For the purposes of this Plan,

- (a) any producer who has paid a service charge under this Plan in a crop year is an eligible producer for that crop year;
- (b) the Commission shall maintain a list of eligible producers;

- (c) all producers who can be identified by the Commission as having paid a service charge under this Plan during a crop year shall be included on the list of eligible producers for that crop year;
- (d) any producer who is not listed on the Commission's list of eligible producers shall be added to the list where the producer can provide proof to the Commission that the producer has paid a service charge under this Plan in the crop year for which the application is made;
- (e) once a producer is listed with the Commission as an eligible producer, the producer shall continue to be recognized as an eligible producer from crop year to crop year, unless the eligible producer ceases to pay a service charge under this Plan in 2 subsequent crop years, in which case the producer shall cease to be an eligible producer;
- (f) where a producer ceases to be an eligible producer under clause (e), the producer is entitled to again become an eligible producer for any crop year in which the producer pays a service charge under this Plan;
- (g) producers may make voluntary payments and the service charge will be based on production for those producers who do not sell the regulated product produced by the producer if there is evidence of production of the regulated product.

AR 108/98 s16;125/2018

**General rights of eligible producers**

**17** In accordance with this Plan, an eligible producer is entitled, as a matter of right,

- (a) to attend annual region meetings, annual Commission meetings and special Commission meetings;
- (b) to make representations on any matter pertaining to this Plan, the Commission and the Board of Directors;
- (c) to vote on any matter under this Plan;
- (d) to vote in any election for directors;
- (e) to hold office as a director;
- (f) to vote in any plebiscites of producers held under the Act.

**Eligible producers who are individuals**

**18** Where an eligible producer is an individual, that individual may, subject to this Plan, exercise the rights of an eligible producer referred to in section 17.

**Eligible producers that are not individuals**

**19(1)** Where an eligible producer is not an individual, that eligible producer may, only in accordance with this section, exercise the rights of an eligible producer referred to in section 17.

**(2)** An eligible producer to which this section applies shall appoint an individual to be the representative of the eligible producer.

**(3)** A representative appointed by an eligible producer under this section shall, subject to this Plan, exercise on behalf of the eligible producer the rights referred to in section 17.

**(4)** If an eligible producer is

- (a)** a corporation, it shall appoint an individual who is a director, shareholder, member, officer or employee of the corporation as its representative,
- (b)** a partnership, it shall appoint an individual who is a partner or employee of the partnership as its representative, or
- (c)** an organization, other than a corporation or a partnership, it shall appoint an individual who is a member, officer or employee of the organization as its representative.

**(5)** An appointment of a representative under this section shall be

- (a)** in writing, and
- (b)** in the case where a vote is to be taken at a meeting, filed with the returning officer prior to the calling to order of the meeting at which a vote is to take place.

**(6)** An individual who is the representative of an eligible producer shall not cast a vote under this Plan unless

- (a)** the individual presents a document signed by the eligible producer indicating the name of the person who may vote for the eligible producer, or
- (b)** the individual makes a statutory declaration in writing stating that



- (i) the individual is a representative of the eligible producer, and
- (ii) the individual has not previously voted in the election or on the matter in respect of which the individual wishes to cast a vote.

(7) A statutory declaration made under subsection (6)(b)(ii) shall be made in writing before the returning officer or the deputy returning officer prior to the vote being cast.

(8) An individual cannot at any one time be a representative under this section for more than one eligible producer.

(9) A representative shall not vote or hold office before the representative's appointment is filled in accordance with subsection (5).

## **Division 2 Regions**

### **Regions**

**20** For the purposes of this Plan, Alberta is divided into 12 regions.

### **Regions set out in Schedule**

**21** The area included in each region is as set out in the Schedule to this Plan.

## **Division 3 General Meetings of Eligible Producers**

### **Annual region meeting**

**22(1)** An annual region meeting shall be held for the purposes of providing to the eligible producers in a region

- (a) information with respect to the Commission, and
- (b) an opportunity to provide to the Board of Directors suggestions and recommendations.

(2) The annual region meeting shall

- (a) be organized by the Commission,
- (b) be financed by the Commission, and

- (c) be held not more than 120 days or less than 10 days prior to the commencement of the annual Commission meeting.

AR 108/98 s22;44/2003

#### **Annual Commission meeting**

**23** An annual Commission meeting shall be held

- (a) once in each year, and
- (b) within 13 months following the date of the commencement of the last annual Commission meeting.

#### **Special Commission meeting**

**24** The Commission shall hold a special Commission meeting

- (a) when requested to do so by the Council, or
- (b) on the written request of not less than 10% of the registered producers.

#### **Calling of meetings**

**25(1)** The Commission shall set the time, place and date of any annual region meeting, annual Commission meeting or special Commission meeting.

**(2)** The Commission shall,

- (a) in the case of an annual Commission meeting, notify the eligible producers of the annual Commission meeting at least 21 days before that meeting is to be held;
- (b) in the case of an annual region meeting, notify the eligible producers in the region of the annual regional meeting at least 21 days before that meeting is to be held;
- (c) in the case of a special Commission meeting, notify the eligible producers of the special Commission meeting at least 21 days before that meeting is to be held.

**(3)** Any notice of a meeting shall set forth the time, place, date and purpose of the meeting.

**(4)** Where the Commission provides a notice under this section, the Commission may do so in any form or manner that the Commission considers appropriate in the circumstances.

**Quorum**

**26** The quorum necessary for the conduct of business is,

- (a) in the case of an annual Commission meeting or special Commission meeting, 30 eligible producers;
- (b) in the case of an annual region meeting, 10 eligible producers from the region.

AR 108/98 s26;44/2003

## **Division 4 Directors**

**Board of Directors**

**27** The Commission shall have a Board of Directors consisting of 12 eligible producer directors, with one director being elected from each of the regions to represent the region from which the director is elected.

**Responsibilities of the Board of Directors**

**28(1)** The responsibilities of the Commission, the authority delegated to the Commission by the Council and the direction, administration and management of the Commission's work, business and affairs, including the control and management of all the assets owned, held or acquired by the Commission, are vested in the Board of Directors.

**(2)** The Board of Directors has the power to do all things necessary to carry out the purposes of this Plan and the responsibilities and authority of the Commission.

**(3)** The Board of Directors may authorize any person, entity or committee to exercise any of the powers of the Board of Directors as set forth in this Plan or otherwise.

**(4)** Where a person, entity or committee is authorized under subsection (3) to exercise any power of the Board of Directors,

- (a) that person, entity or committee shall report back to the Board of Directors with respect to the exercise of that power, and
- (b) the Board of Directors shall retain a supervisory function to oversee the actions of that person, entity or committee in the exercise of that power.

**Chair, etc.**

**29(1)** Following the annual Commission meeting in each year, the directors shall elect from among the directors the officers of the Board of Directors, including a chair and a vice-chair of the Board of Directors.

**(1.1)** The term of office of the officers of the Board of Directors, including the chair and vice-chair, expires on the conclusion of the annual Commission meeting following the year the officers, chair and vice-chair were elected.

**(2)** The remuneration to be paid to the directors and officers of the Board of Directors may be fixed from time to time by the Board of Directors.

AR 108/98 s29;87/2008

**Term of office**

**30(1)** The directors shall hold office for 3 years.

**(2)** The term of office of a director shall

- (a) commence on the conclusion of the annual Commission meeting that takes place following the director's election, and
- (b) expire on the conclusion of the annual Commission meeting that takes place in the year that the director's term of office is to expire.

**(3)** A director may, with the approval of the Council, be elected to serve one additional consecutive term as director to enable the Board of Directors to fulfil its commitments to a national group, an industry group or to an association of which the Commission is a member.

AR 108/98 s30;87/2008

**Ceases to be director**

**31(1)** An individual ceases to be a director if that individual

- (a) resigns from the position of director,
- (b) ceases to be an eligible producer,
- (c) in the case of the individual being the representative of an eligible producer under section 19, ceases to be the representative of the eligible producer, or

- (d) is absent from 3 consecutive meetings of the Board of Directors without reasons that the Board of Directors considers adequate.

(2) Where an individual ceases to be a director under this section, a vacancy is created and may be filled in accordance with section 31.1.

AR 108/98 s31;87/2008;125/2018

### **Filling vacancies by appointment**

**31.1(1)** If a vacancy occurs on the board, the remaining directors may, with the approval of the Council, appoint an individual to fill the position from among the eligible producers who are eligible to be elected as a director.

(2) Where an individual is appointed as a director to fill a vacancy, that director is to serve for the unexpired portion of the term.

(3) Where

- (a) in accordance with this section an individual is appointed to fill a vacancy, and
- (b) the term of office served by that individual pursuant to that appointment is not greater than 18 months,

the time served by that person as a director pursuant to that appointment is not to be considered the appointed director's first full term.

AR 126/2018 s6

### **Election of directors**

**32(1)** Subject to this Plan, in each year directors from 4 of the 12 regions shall be elected to the Board of Directors.

(2) The Commission shall solicit nominations for the position of director for each region from which a director is required to be elected as follows:

- (a) by publishing a notice in at least one newspaper having a general circulation in the region in which an election of a director is required;
- (b) by issuing such other means of notice as the Commission may determine.

(3) Nominations for the position of director must be made by an eligible producer prior to or at the annual Commission meeting and must be

- (a) filed at the Commission's head office in writing by a date fixed by the Commission,
  - (b) signed by at least 10 eligible producers from the region in which the election is to be held, and
  - (c) accompanied by the written consent of the eligible producer nominated as a director.
- (4) The election of a director to represent a region shall be carried out by mail ballots that shall be made available to each eligible producer in the region.
- (5) The mail ballot, designed for a secret vote, must be mailed to each of the eligible producers in the region at least 30 days prior to the ballot closing date fixed by the Commission.
- (6) The ballot closing date shall
- (a) be fixed by the Commission, and
  - (b) be a date that is within 42 days immediately preceding the annual meeting.

AR 108/98 s32;242/2009

**Failure to elect by mail ballot**

- 33(1)** If the eligible producers in a region fail to elect a director by a mail ballot, the election of a director from that region may be carried out at the next annual Commission meeting that is held after the time at which election by a mail ballot was to have been held.
- (2) If a director is not elected at the next annual Commission meeting referred to in subsection (1), an individual may be appointed to fill the vacancy in accordance with section 31.1.

AR 108/98 s33;125/2018

**Eligibility re director**

- 34(1)** To be eligible for election as a director to represent a region, an eligible producer must carry on production in that region.
- (2) An eligible producer shall not serve as a director for more than 2 consecutive 3-year terms.
- (3) Notwithstanding subsection (2), an eligible producer who was a director is once again eligible to be elected as a director if 3 years have elapsed since that eligible producer's term concluded.

**Adjunct director**

**35(1)** Notwithstanding anything in this Division, the Board of Directors may appoint a director whose term is expiring and who is not standing for re-election as a director to serve as an adjunct director on the Board of Directors for the purpose of allowing that director to represent the Commission in respect of an organization with which the Commission is involved.

**(2)** An adjunct director is not eligible to vote on any matter put to the question at a meeting of the Board of Directors.

**(3)** At any one time there shall not be more than one adjunct director on the Board of Directors.

**(4)** Where an adjunct director is appointed, the Board of Directors may

- (a) prescribe the duties of and the term of office for the adjunct director, and
- (b) at any time terminate the appointment of an adjunct director.

**(5)** Notwithstanding section 27, where an adjunct director is appointed, that director's position on the Board of Directors is in addition to the positions of the directors who are elected or appointed to sit on the Board of Directors under this Division.

**Quorum**

**36(1)** The quorum necessary for the conduct of business at a meeting of the Board of Directors is a majority of the directors holding office at the time.

**(2)** In determining a quorum under subsection (1), vacant positions and adjunct director positions on the Board of Directors shall not be considered.

AR 108/98 s36:87/2008

## **Part 3 Voting and Elections**

**Eligibility to vote**

**37(1)** An eligible producer is eligible to vote in an election and on any question put to a vote at an annual Commission meeting or a special Commission meeting if the eligible producer is present at the meeting at which the vote is held.

**(2)** An eligible producer is eligible to vote on any question put to a vote at an annual region meeting if the eligible producer

- (a) carries on production in the region, and
- (b) is present at the meeting at which the vote is held.

**(3)** Repealed AR 242/2009 s3.

**(4)** An eligible producer may vote once on each matter, notwithstanding that the eligible producer may manage or operate or own, lease or hold equity in 2 or more operations.

AR 108/98 s37;242/2009

#### **Producers who are individuals**

**38** An individual who is an eligible producer may only cast a vote under this Plan if that individual's name appears on the current list of eligible producers.

#### **Producers that are not individuals**

**39** An eligible producer that is not an individual may only cast a vote under this Plan if that producer's name appears on the current list of eligible producers.

AR 108/98 s39;87/2008

#### **Returning officer**

**40(1)** The Commission shall appoint a returning officer for the purposes of and in connection with any election or vote taken under this Plan.

**(2)** The returning officer may appoint individuals as deputy returning officers to assist in the conduct of elections and votes under this Plan.

**(3)** The returning officer shall

- (a) compile and maintain a voters list of eligible producers who are entitled to vote under this Plan,
- (b) ensure that a person does not cast a vote, except in accordance with this Plan, and
- (c) permit scrutiny of the actions of the returning officer and the deputy returning officers by a scrutineer in respect of the conduct of a vote taken under this Plan.

**(4)** Unless otherwise directed by the Council, no person shall destroy any records or ballots in respect of a vote or election held under this Plan until 90 days have elapsed from the day on which the vote was taken.



**Tie votes**

**40.1(1)** If there are more than 2 nominations for a position and a tie vote occurs between 2 or more of the candidates that received the largest number of votes, the candidates with the smaller number of votes shall be eliminated and a 2nd election for the position shall be immediately held among the tied candidates and if a tie vote occurs again, the returning officer shall immediately select, by draw, the candidate for the position and that person is deemed to have been elected to the position.

**(2)** If there are only 2 nominations for a position and a tie vote occurs, a 2nd election for the position shall be held immediately among the tied candidates and, if a tie vote occurs again, the returning officer shall immediately select, by draw, the candidate for the position and that person is deemed to have been elected to the position.

AR 125/2018 s8

**Controverted election**

**41(1)** If an eligible producer

- (a) questions
  - (i) the eligibility of a candidate,
  - (ii) the eligibility of a voter,
  - (iii) any matter relating to a ballot or the tabulation of ballots, or
  - (iv) any other irregularity with respect to the conduct of an election,

and

- (b) seeks to have the election declared invalid and the position declared vacant,

the eligible producer shall, not later than 15 days after the day on which the election was held, apply in writing to the Council to have the election declared invalid and the position declared vacant.

**(2)** If, within the 15-day period referred to in subsection (1), the Council has not received an application under subsection (1), a person elected at that election is deemed to be duly elected.

**(3)** On receipt of an application under subsection (1), the Council shall consider the matter and may

- (a) declare the election to be proper and the position filled, if, in the opinion of the Council, there is no basis for the application,
- (b) declare the election to be proper and the position filled, notwithstanding that there is a basis for the application, if, in the opinion of the Council,
  - (i) the basis for the application did not materially affect the result of the election, and
  - (ii) the election was conducted substantially in accordance with this Plan and the Act,

or

- (c) declare the election to be void and the position vacant, if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to, or did, affect the result of the election.

**(4)** Notwithstanding that an election is declared void and a position is declared vacant under subsection (3)(c), the term of office of the position declared vacant is nevertheless deemed to have commenced on the day that the voided election was held.

**(5)** If the Council declares an election to be void and the position vacant, the Council may

- (a) order that, within the time that the Council considers proper, a special Commission meeting be held and an election be conducted to fill the vacant position, or
- (b) appoint from among the eligible producers who are eligible to be elected to the position, an individual to fill the vacant position.

**(6)** Where a person fills a position under subsection (5), that person shall serve for the unexpired portion of the term.

## **Part 4 Transitional Provision, Review and Repeal**

### **Transitional re directors, etc.**

**42** The directors of the Commission who held office immediately before the coming into force of this Regulation shall continue to hold office until their terms of office expire, or their successors to the positions are sooner elected or they are replaced under this Regulation.

**Review**

**43** In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before May 31, 2023.

AR 108/98 s43;44/2003;87/2008;95/2013;125/2018

**Repeal**

**44** The *Alberta Canola Producers Marketing Plan Regulation* (AR 158/89) is repealed.

**Schedule****Regions**

**1** Region 1 is made up of the area that is included in the following:

- (a) Clear Hills County;
- (b) County of Northern Lights;
- (c) Mackenzie County;
- (d) Municipal District of Peace No. 135;
- (e) Municipal District of Fairview No. 136;
- (f) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (e).

**2** Region 2 is made up of the area that is included in the following:

- (a) County of Grande Prairie No. 1;
- (b) The Municipal District of Greenview No. 16;
- (c) Birch Hills County;
- (d) Saddle Hills County;
- (e) Municipal District of Spirit River No. 133;
- (f) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (e).

**3** Region 3 is made up of the area that is included in the following:

- (a) Municipal District of Opportunity No. 17;
- (b) Municipal District of Lesser Slave River No. 124;
- (c) M.D. of Smoky River No. 130;
- (d) Northern Sunrise County;
- (e) Municipal District of Big Lakes;
- (f) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (e).

**4** Region 4 is made up of the area that is included in the following:

- (a) Beaver County;
- (b) Strathcona County;
- (c) County of Two Hills No. 21;
- (d) County of Minburn No. 27;
- (e) Lamont County;
- (f) Improvement District No. 13 (Elk Island);
- (g) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (f).

**5** Region 5 is made up of the area that is included in the following:

- (a) County of Thorhild No. 7;
- (b) County of Barrhead No. 11;
- (c) County of Athabasca;
- (d) Smoky Lake County;
- (e) Woodlands County;
- (f) Sturgeon County;
- (g) Westlock County;
- (h) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (g).

**6** Region 6 is made up of the area that is included in the following:

- (a) Leduc County;
- (b) Parkland County;
- (c) Lac Ste. Anne County;
- (d) Brazeau County;
- (e) Yellowhead County;
- (f) City of Edmonton;
- (g) Improvement District No. 12 (Jasper National Park);
- (g.1) Municipality of Jasper;
- (h) Improvement District No. 25 (Willmore Wilderness);
- (i) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (h).

**7** Region 7 is made up of the area that is included in the following:

- (a) Ponoka County;
- (b) County of Wetaskiwin No. 10;
- (c) Lacombe County;
- (d) Red Deer County;
- (e) Clearwater County;
- (f) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (e).

**8** Region 8 is made up of the area that is included in the following:

- (a) Wheatland County;
- (b) Mountain View County;
- (c) repealed AR 173/2005 s4;
- (d) Municipal District of Bighorn No. 8;

- (e) Municipal District of Foothills No. 31;
- (f) Rocky View County;
- (g) Kneehill County;
- (h) Improvement District No. 9 (Banff);
- (i) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (h).

**9** Region 9 is made up of the area that is included in the following:

- (a) Vulcan County;
- (b) County of Warner No. 5;
- (c) County of Lethbridge;
- (d) Cardston County;
- (e) Municipal District of Pincher Creek No. 9;
- (f) Municipal District of Taber;
- (g) The Municipal District of Willow Creek No. 26;
- (h) The Municipal District of Ranchland No. 66;
- (i) Kananaskis Improvement District;
- (j) Improvement District No. 4 (Waterton);
- (k) Municipality of Crowsnest Pass;
- (l) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (k).

**10** Region 10 is made up of the area that is included in the following:

- (a) County of St. Paul No. 19;
- (b) County of Vermilion River;
- (c), (d) repealed AR 95/2013 s5;
- (e) Municipal District of Wainwright No. 61;
- (f) Municipal District of Bonnyville No. 87;

- (g) Regional Municipality of Wood Buffalo;
- (h) Lac La Biche County;
- (i) Improvement District No. 24 (Wood Buffalo);
- (i.1) Improvement District No. 349;
- (j) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (i).

**11** Region 11 is made up of the area that is included in the following:

- (a) County of Stettler No. 6;
- (b) County of Paintearth No. 18;
- (c) Camrose County;
- (d) Flagstaff County;
- (e) Municipal District of Provost No. 52;
- (f) Special Area No. 4;
- (g) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (f).

**12** Region 12 is made up of the area that is included in the following:

- (a) County of Newell;
- (b) County of Forty Mile No. 8;
- (c) Cypress County;
- (d) repealed AR 173/2005 s4;
- (e) Municipal District of Acadia No. 34;
- (f) Starland County;
- (g) Special Area No. 2;
- (h) Special Area No. 3;
- (h.1) Town of Drumheller;

- (i) any city, town, village or summer village that is encompassed by the area described in clauses (a) to (h.1).  
AR 108/98 Sched.;44/2003;173/2005;87/2008;95/2013











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