



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA ELK PLAN REGULATION

Alberta Regulation 210/2002

With amendments up to and including Alberta Regulation 10/2019

Current as of February 1, 2019

Office Consolidation

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(Consolidated up to 10/2019)

ALBERTA REGULATION 210/2002
Marketing of Agricultural Products Act
ALBERTA ELK PLAN REGULATION

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Definitions

1 In this Plan,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “annual chapter meeting” means an annual general meeting of the chapter executive committee and the members of the chapter and any other persons that may be invited by the chapter executive committee to attend that meeting;
- (c) “annual Commission meeting” means an annual general meeting of the Commission and the eligible producers and any other persons that may be invited by the Commission to attend that meeting;
- (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 person registered under the *Regulated Accounting Profession Act* or a firm or partnership of those persons;
- (d) repealed AR 302/2009 s2;
- (e) “chapter executive committee” means the chapter executive committee referred to in section 41;
- (f) “Commission” means the commission that is established under section 7;
- (g) “Council” means the Alberta Agricultural Products Marketing Council;
- (h) “eligible producer” means a producer who meets the criteria to be an eligible producer as set out in section 16;
- (i) “elk” means agricultural elk, including bulls, cows, heifers and calves of both sexes;
- (j) “elk products” includes meat, offal, hides, velvet antler, hard antler, genetic products, embryos, body secretions,

- body fluids, body tissues and other by-products from the production, reproduction, slaughter or processing of elk or from the removal of the antlers from elk;
- (k) “farm licence” means a licence authorizing the operation of a domestic cervid farm issued under the *Livestock Industry Diversification Act*;
- (l) repealed AR 302/2009 s2;
- (m) “formal education” means a certificate, diploma or degree program at the post-secondary or post-graduate level that
- (i) is provided by a university, comprehensive community college, polytechnic institution or private post-secondary institution under the *Post-secondary Learning Act*, and
 - (ii) is recognized by the Commission for the purposes of this Plan;
- (n) “general producers’ meeting” means, as the case may be,
- (i) an annual Commission meeting or a special Commission meeting, and
 - (ii) in the case of a chapter, a annual chapter meeting or a special chapter meeting of that chapter;
- (n.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;
- (o) “marketing” means buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing and includes the slaughter of elk for resale or consumption;
- (p) “mature elk” means those elk that are at least one year old as of December 31 in each year;
- (q) “person” means a person as defined in the *Interpretation Act* and includes
- (i) a partnership as defined in the *Partnership Act*;
 - (ii) an unincorporated organization that is not a partnership referred to in subclause (i);
 - (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);

- (r) “Plan” means the Alberta Elk Plan established under section 3;
- (s) “producer” means a person who
 - (i) keeps, breeds or raises elk,
 - (ii) produces elk products,
 - (iii) boards, owns or has a commercial interest in elk, or
 - (iv) takes possession of elk from a producer under a security interest or any other security for a debt;
- (t) “quality assurance programs” means programs that promote public acceptance of the elk industry and of elk and elk products and includes programs respecting product standards, product safety, animal welfare and environmental sustainability;
- (u) “regulated product” means elk and elk products;
- (v) “security interest” means a security interest as defined in the *Personal Property Security Act*;
- (w) “special chapter meeting” means a general meeting, other than an annual chapter meeting, of the chapter executive committee and the members of the chapter and any other persons that may be invited by chapter executive committee to attend that meeting;
- (x) “special Commission meeting” means a general meeting, other than an annual Commission meeting, of the Commission and the eligible producers and any other persons that may be invited by the Commission to attend that meeting.

AR 210/2002 s1;112/2005;302/2009;28/2011;188/2014;10/2019

Designations

2 Elk and elk products are hereby designated as agricultural products for the purposes of the Act.

Part 1 General Operation of Plan

Division 1 Plan

Establishment of Plan

3 There is hereby established a plan known as the “Alberta Elk Plan”.

Termination of Plan

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

Application of Plan

5(1) This Plan applies

- (a) to all of Alberta, and
- (b) to all producers who produce elk in Alberta.

(2) None of the persons referred to in subsection (1)(b) are to be exempted from the Plan.

(3) No class, variety, size, grade or kind of agricultural product to which this Plan applies is exempt from this Plan.

(4) Notwithstanding subsections (2) and (3), with the approval of the Commission,

- (a) persons who are engaged in undertakings the objects of which are primarily research or are related to formal education with respect to the production or marketing of the regulated product, or
- (b) any regulated product that is used in connection with research or formal education with respect to the production or marketing of the regulated product,

may in whole or in part be exempted by the Commission from this Plan or any provision of this Plan.

Purpose and intent of Plan

6(1) The purpose of this Plan is to enable the Commission to initiate, carry out and fund projects or programs respecting the production or marketing, or both, of the regulated product and to

commence, stimulate, increase and improve the production or marketing, or both, of the regulated product.

(2) Without restricting the generality of subsection (1), the Commission may initiate and carry out projects or programs

- (a) to assist, educate and inform producers, dealers and processors in developing and improving
 - (i) the production and marketing of the regulated product and
 - (ii) quality assurance programs in respect of the regulated product;
- (b) to expand market awareness and demand for the regulated product, including the development and promotion of markets for the regulated product and the education of distributors and consumers;
- (c) to generally develop and promote the elk industry;
- (d) to advise governments and to negotiate with governments on matters concerning the elk industry;
- (e) to research, develop and study the production, marketing and processing of the regulated product, including studies and research concerning quality assurance programs, the improvement of the regulated product and the development, use and consumption of the regulated product;
- (f) to promote the collaborative and mutually supportive interaction between members of the elk industry, elk industry associations, governments, funding agencies and research and development agencies when, in the opinion of the Commission, that support and cooperation will further the purposes of this Plan and the activities of the Commission;
- (g) to communicate with producers, dealers, processors and the public on matters respecting
 - (i) the state and needs of the elk industry, and
 - (ii) the purposes of this Plan and the activities of the Commission;
- (h) to establish programs that recognize producers for achieving

- (i) quality and safety standards for the regulated product,
 - (ii) animal care and welfare standards, and
 - (iii) environmental sustainability standards;
- (i) to obtain funding through grants, donations and other sources for programs initiated or supported by the Commission;
 - (j) to promote and encourage the establishment of not-for-profit corporate entities the purposes of which are to support and advance the purposes of this Plan and the activities of the Commission;
 - (k) to enter into collaborative agreements, alliances and other joint ventures with other entities that benefit producers and further the purposes of this Plan and the activities of the Commission;
 - (l) to establish quality assurance programs in respect of the regulated product.
- (3) Under this Plan neither the production nor the marketing of the regulated product is to be controlled or regulated.

AR 210/2002 s6;28/2011

Division 2 Operation of Plan by Commission

Establishment of Commission

7 There is hereby established a commission with the name "Alberta Elk".

Functions of Commission, etc.

8(1) The Commission is responsible for the administration, operation, regulation, supervision and enforcement of this Plan and the conduct of the business and affairs of the Commission in carrying out its responsibilities, and without limiting the generality of the foregoing, the Commission

- (a) is to maintain such books and records, including financial records,
 - (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;
- (a.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;
- (a.2) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation* (AR 26/99);
- (b) is to maintain an official office, the location of which is to be made known to each eligible producer;
- (c) may appoint officers, employees and agents, prescribe their duties and fix and pay their remuneration;
- (d) may
 - (i) become a member of any agricultural or other organization, and
 - (ii) contribute funds to any agricultural or other organizationthat furthers the purposes of this Plan and the activities of the Commission;
- (e) 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 a Canada Act;
- (f) subject to a regulation made under section 9(d), to finance the purposes of the Plan, may retain earnings and revenues from year to year.

(2) The Minister responsible for the *Livestock Industry Diversification Act* is authorized to disclose to the Commission for use by the Commission in carrying out its powers and duties, any information, including personal information, or any record as defined in the *Freedom of Information and Protection of Privacy Act* that relates to the administration of this Plan, the Act and the regulations, orders and directives of the Commission that has been collected or used in respect of the animal inventory operated under the *Livestock Industry Diversification Act*.

AR 210/2002 s8;28/2011

Operation of Plan re regulations

9 For the purposes of enabling the Commission to operate this Plan, the Commission may be empowered by the Council, pursuant to section 26 of the Act, to make regulations

- (a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the Commission;
- (b) requiring any person who produces, markets or processes the regulated product to furnish to the Commission any information or record relating to the production of the regulated product that the Commission considers necessary;
- (c) providing for
 - (i) the assessment, charging and collection of service charges from producers from time to time for the purposes of this Plan, and
 - (ii) the taking of legal action to enforce payment of the service charges;
- (d) providing for the refund of service charges;
- (e) 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.

Financing of Plan

10 This Plan is to be financed by the service charges and any other money payable to or received by the Commission.

11, 12 Repealed AR 302/2009 s3.

Indemnification and stabilization funds, etc.

13 The Commission is not to establish any funds under section 34 or 35 of the Act.

Auditor

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

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(1) For the purposes of this Plan,

- (a) a producer is an eligible producer if
 - (i) the producer
 - (A) is the holder of a farm licence and is identified in an animal inventory maintained under the *Livestock Industry Diversification Act*,
 - (B) in the case of a farm licence that is issued to more than one producer, is the producer who is listed first on the farm licence as a licensee and is identified in an animal inventory maintained under the *Livestock Industry Diversification Act*, or
 - (C) in the case of more than one person representing the interests of a single farm licence, is appointed by those persons to represent those interests,
 - and
 - (ii) the producer paid the service charges that were due and payable in the previous calendar year;
- (b) the Commission is to maintain a list of eligible producers;
- (c) all producers who can be identified by the Commission as having met the criteria set out in clause (a) are to be included on the list of eligible producers for that calendar year;
- (d) any producer who is not listed as an eligible producer on the Commission's list of eligible producers is to be added

to the list where the producer can provide proof that is satisfactory to the Commission that the producer meets the criteria set out in clause (a);

(e), (f) repealed AR 302/2009 s4.

(2) With respect to a person who is a licensee under more than one farm licence,

- (a) where a person claims to be an eligible producer representing the interests of a person who is a licensee under more than one farm licence and is uncontested in that capacity prior to the official starting time of a general producers' meeting, that person is to be declared an eligible producer by the returning officer subject to that person meeting all the other criteria for being an eligible producer;
- (b) where more than one person claims to be the eligible producer representing the interests of a person who is a licensee under more than one farm licence and the contesting persons are unwilling or unable to agree on who is the eligible producer, the returning officer may declare that none of the contesting persons are eligible producers;
- (c) a decision of the returning officer made under clause (b) is final and all motions, resolutions, elections or other matters coming before the general producers' meeting are not to be considered invalid by reason only of that decision of the returning officer;
- (d) persons referred to in clause (b) are to be allowed to attend general producers' meetings and discuss Commission business with permission of the Chair.

(3) Notwithstanding anything in this section, an eligible producer is entitled to one vote only on any motion or resolution or in any election of a person under this Plan.

AR 210/2002 s16;302/2009

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 Commission meetings and special Commission meetings;
- (b) to make representations on any matter pertaining to this Plan or the Commission;

- (c) to vote on any matter under this Plan;
- (d) to vote in any election for a Commission member;
- (e) to hold office as a Commission member;
- (f) to vote in any plebiscites of producers held under the Act;
- (g) in the case of an eligible producer who is a member of a chapter, to exercise the rights referred to in section 40.

AR 210/2002 s17;302/2009

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 sections 17 and 40.

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 sections 17 and 40.

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

(3) A representative appointed by an eligible producer under this section is, subject to this Plan, to exercise on behalf of the eligible producer the rights referred to in sections 17 and 40.

(4) If an eligible producer is

- (a) a corporation, it must appoint an individual who is a director, shareholder, member, officer or employee of the corporation as its representative,
- (b) a partnership, it must 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 must 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 is to be

- (a) in writing, and
- (b) in the case where a vote is to be taken at a general producers' 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) must 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 filed in accordance with subsection (5).

Division 2 General Commission Meetings of Eligible Producers

Annual Commission meeting

20 An annual Commission meeting must 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

21 The Commission must 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 eligible producers.

Calling and conduct of meetings

22(1) The Commission is to set the time, place and date of any annual Commission meeting or special Commission meeting.

(2) The Commission must,

- (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 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) A notice of a meeting must 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.

(5) With respect to annual Commission meetings and special Commission meetings, the Commission is to determine, subject to this Plan, the Act and any regulations and to any directions made by the Council, the requirements and procedures for

- (a) the presentation of motions;
- (b) the conduct of elections;
- (c) the carrying out of voting;
- (d) the conduct of business.

Quorum

23 The quorum necessary for the conduct of business at an annual Commission meeting or special Commission meeting is 20 eligible producers.

AR 210/2002 s23;45/2008

Division 3 Commission Members

Commission

24(1) The Commission shall consist of the following:

- (a) 3 Commission members at large;
 - (b) 6 chapter Commission members, one who is elected by each chapter.
- (2) Notwithstanding subsection (1),
- (a) if the number of chapters is increased or decreased, the number of chapter Commission members is to be correspondingly increased or decreased so that there is one chapter Commission member per chapter;
 - (b) with the approval of the eligible producers given at an annual Commission meeting or special Commission meeting, the number of Commission members at large may be decreased.
- (3) Without restricting the authority of any Commission member to carry out the general responsibilities of a Commission member,
- (a) a Commission member at large is to represent the interests of the eligible producers as a whole, and
 - (b) a chapter Commission member shall represent the interests of the eligible producers of the applicable chapter and the interests of the eligible producers as a whole.
- (4) With the approval of the Commission and the applicable chapter executive committee, a Commission member at large may at any time resign to become the chapter Commission member to serve for the unexpired portion of the term of office of the chapter Commission member.
- (5) A chapter Commission member may not resign to become a Commission member at large unless elected to fill that office.

AR 210/2002 s24;302/2009

Responsibilities of the Commission

- 25(1)** The Commission has the power to do all things that are necessary to carry out the purposes of this Plan and its duties and functions.
- (2) The Commission may authorize any person, entity or committee to exercise any of the powers of the Commission and, if so,
- (a) that person, entity or committee is to report back to the Commission with respect to the exercise of that power, and

- (b) the Commission retains a supervisory function to oversee the actions of that person, entity or committee in the exercise of that power.

AR 210/2002 s25;302/2009

Eligibility re Commission members

26(1) To be eligible to be a Commission member at large, a person must be an eligible producer.

(2) To be eligible to be a chapter Commission member for a chapter, a person must be a member of that chapter.

(3) An eligible producer is not eligible to serve as a Commission member for more than 3 consecutive terms of office.

(4) Notwithstanding subsection (3), an eligible producer who was a Commission member is once again eligible to be a Commission member if one year has elapsed from the conclusion of that eligible producer's last term of office as a Commission member.

AR 210/2002 s26;302/2009;20/2011

Chair and officers

27 Following the annual Commission meeting in each year, the Commission members shall elect from among themselves the officers of the Commission, including a chair, vice-chair and finance chair.

AR 210/2002 s27;302/2009

Executive committee

28(1) The Commission may appoint an executive committee consisting of the chair, vice-chair and finance chair of the Commission.

(2) The executive committee, subject to any directions of the Commission, may act on behalf of the Commission.

AR 210/2002 s28;302/2009

Honorary Commission members

29(1) Notwithstanding anything in this Division, the Commission may appoint any eligible producer, including any Commission member whose term is expiring and who is not standing for re-election, as an honorary Commission member

- (a) for the purpose of allowing that person to represent the Commission in respect of an organization with which the Commission is involved, or

- (b) to provide to the Commission specific skills, knowledge or expertise.
- (2) An honorary Commission member is not eligible to vote on any matter put to the question at a meeting of the Commission.
- (3) Where an honorary Commission member is appointed, the Commission may
 - (a) prescribe the duties of the honorary Commission member, and
 - (b) at any time terminate the appointment of the honorary Commission member.
- (4) The term of office for an honorary Commission member is, subject to subsection (5), one year.
- (5) The term of office of an honorary Commission member
 - (a) commences at the time that the honorary Commission member is appointed, and
 - (b) expires on the conclusion of the annual Commission meeting that takes place in the year that the honorary Commission member's term of office is to expire.

AR 210/2002 s29;302/2009

Remuneration, etc.

- 30(1)** The Commission may set the remuneration payable to the Commission members and officers of the Commission subject to the approval of the eligible producers.
- (2) The reimbursement for expenses that are incurred by the Commission members and officers of the Commission and the conditions under which those expenses may be reimbursed may be fixed from time to time by the Commission members.

AR 210/2002 s30;302/2009

Term of office re members

- 31(1)** Subject to this section, the term of office of a Commission member is 3 years.
- (2) The term of office of a Commission member commences
 - (a) on the conclusion of the annual Commission meeting at which the election for the Commission member was conducted, or

(b) in the case of an election conducted to fill the unexpired portion of a term as a result of a vacancy, on the announcement of the results of the election.

(3) The term of office of a Commission member expires on the conclusion of the annual Commission meeting that takes place in the year that the Commission member's term of office is to expire.

(4) Repealed AR 20/2011 s3.

AR 210/2002 s31;302/2009;20/2011

Removal from office

32(1) A Commission member ceases to hold office when the Commission member

- (a) resigns,
- (b) ceases to be an eligible producer,
- (c) is removed from office under subsection (2), or
- (d) in the case of the individual who is the representative of an eligible producer under section 19, ceases to be the representative of that eligible producer under section 19.

(2) The Commission may, by resolution, remove a Commission member from office if

- (a) the Commission member is absent from 3 consecutive Commission meetings, and
- (b) the Commission does not consider the reason for the absences to be adequate.

(3) Where under this section a vacancy occurs with respect to a Commission member at large, the Commission may, with the approval of the Council, appoint an individual to fill that position.

(4) Where, under this section, a vacancy occurs with respect to a chapter Commission member, the Commission

- (a) must request the chapter
 - (i) to conduct an election to elect a chapter Commission member, or
 - (ii) to appoint a chapter Commission member

and

- (b) may, if the chapter does not elect or appoint a chapter Member as requested, appoint a chapter Commission member subject to the approval of the Council.
- (5) A person appointed under subsection (3) or (4)
- (a) must be an individual,
 - (b) must meet the requirements to be elected to that position, and
 - (c) may serve the unexpired portion of the term of office to which the person is appointed.
- (6) For the purposes of section 26(3), if the unexpired term of office to be served is
- (a) 18 months or less, the unexpired term is not to be considered as a term of office, or
 - (b) greater than 18 months, the remaining portion of the unexpired term of office is to be considered as a term of office.

AR 210/2002 s32;302/2009

Election of members

- 33(1)** Commission members at large are to be elected at the annual Commission meeting.
- (2) The chapter Commission member for a chapter is to be elected at the annual chapter meeting of the chapter.
- (3) The Commission must solicit nominations for the position of Commission member at large by giving a notice soliciting those nominations.
- (4) The chapter executive committee of a chapter must solicit nominations for the position of chapter Commission member by giving a notice soliciting those nominations and, if the chapter executive committee fails to solicit those nominations, the Commission is to solicit those nominations by giving a notice soliciting those nominations.
- (5) A notice soliciting nominations for Commission members may be given by any means as the Commission may determine.
- (6) Nominations for the position of Commission member must be signed by at least
- (a) 5 eligible producers for a Commission member at large, or

- (b) 3 members of the chapter for a chapter Commission member,

and be accompanied by the written consent of the person nominated.

- (7) A person must be present at the annual Commission meeting or annual chapter meeting to be elected to office as referred to in subsection (1) or (2).

AR 210/2002 s33;302/2009

34 Repealed AR 302/2009 s12.

Quorum

- 35** The quorum necessary for the conduct of business at a meeting of the Commission is a majority of the members holding office at the time.

AR 210/2002 s35;302/2009

Determining quorum

- 36** In determining a quorum under section 35, vacant positions on the Commission and the position of honorary Commission members are not to be taken into consideration.

AR 210/2002 s36;302/2009

Division 4 Chapters and Zones

Zones and chapters

- 37(1)** For the purposes of this Plan, Alberta is divided into 6 zones.
- (2) The area included in each zone is as set out in the Schedule to this Plan.
- (3) For each zone there is established a chapter consisting of the members of the chapter.
- (4) A zone is to be administered by the chapter for that zone.
- (5) The Commission may apply to the Council under section 22(c) of the Act to have this Plan amended, without the necessity of a plebiscite being conducted under the Act, to increase or decrease the number of zones or to alter the area to be included in a zone.
- (6) The Commission is not to make a request to the Council under subsection (5) unless the approval of the eligible producers to do so

has been obtained by means of a vote conducted at a annual Commission meeting or a special Commission meeting.

(7) If, in the opinion of the Commission, it is unclear or there is a disagreement between the Commission and an eligible producer as to which zone

- (a) a residence or a production facility is actually located in, or
- (b) elk are actually located in,

the Commission may, for the purposes of this Plan, make a determination as to which zone a residence or a production facility is located in or elk are located in.

AR 210/2002 s37;302/2009

Chapter membership

38(1) Where an eligible producer

- (a) resides within a zone,
- (b) operates within a zone a production facility on which that producer raises or otherwise keeps elk and for which producer holds a farm licence, or
- (c) at a location within a zone raises or otherwise keeps the largest number of elk owned by that producer but for which that producer does not, in respect of that location, hold a farm licence,

that eligible producer is a member of the chapter for that zone.

(2) Notwithstanding that an eligible producer qualifies under subsection (1) to be a member of more than one chapter, that producer can be a member of only one chapter at any one time.

(3) At the time that a person becomes an eligible producer under this Plan, that person may, if that person qualifies under subsection (1) to be a member of more than one chapter, by written notice to the Commission, determine which one of those chapters the person is to be a member of.

(4) If a producer fails to make a determination under subsection (3), the Commission may make the determination on behalf of the producer.

Membership in another chapter

39(1) An eligible producer who is a member of a chapter but under section 38 meets the qualifications to be a member of another chapter may apply in writing to the Commission to become a member of that other chapter.

(2) If an eligible producer, instead of being a member of the chapter for the zone within which the member resides, wishes to be a member of the chapter of another zone that is adjacent to the zone within which the eligible producer resides, that eligible producer may, notwithstanding that the person is not otherwise eligible under section 38 to be a member of that other zone, apply in writing to the Commission to be a member of the chapter for that other zone.

(3) Notwithstanding that an eligible producer, pursuant to subsection (1) or (2), became a member of another chapter, that eligible producer may at anytime apply in writing to the Commission to become a member of any other chapter for which the eligible producer is qualified to be member of.

(4) Where the Commission approves in writing an application made under this section, the eligible producer, effective on the day the application is approved or on a subsequent date specified in the approval, ceases to be a member of the chapter that the eligible producer was a member of at the time that the application was made and becomes a member of the other chapter that the eligible producer applied to become a member of.

(5) Notwithstanding that an application of an eligible producer to become a member of another chapter has been approved under this section, that eligible producer is not eligible to vote in an election for a chapter Commission member or for a member of the chapter executive committee or on a matter concerning chapter business of that other chapter until at least 10 days have elapsed from the day that the eligible producer made the application to become a member of that other chapter.

AR 210/2002 s39;302/2009

General rights of chapter member

40 In accordance with this Plan, a member of a chapter, in respect of that chapter, is entitled, as a matter of right,

- (a) to attend annual chapter meetings and special chapter meetings;
- (b) to make representations on any matter pertaining to the chapter and the chapter executive committee;
- (c) to vote on any matter;

- (d) to vote in any election for a chapter Commission member and for members of the chapter executive committee;
- (e) to hold office as a chapter Commission member or as a member of the chapter executive committee.

AR 210/2002 s40;302/2009

Chapter executive committee

41(1) Subject to subsection (2), each chapter is to have chapter executive committee made up of the following members:

- (a) the chapter president;
- (b) the chapter vice president;
- (c) the chapter secretary-treasurer.

(2) With the approval of the members of the chapter given at an annual chapter meeting or a special chapter meeting the membership of the chapter executive committee may be altered as follows so long as the membership of the chapter executive committee does not exceed 5 members:

- (a) the position of chapter secretary-treasurer may be divided into 2 positions, one position being chapter secretary and one position being chapter treasurer;
- (b) the membership of the chapter executive committee may be increased by not more than 2 additional members.

(3) A person is not eligible to be a member of the chapter executive committee unless the person is a member of the chapter.

(4) The members of the chapter executive committee are to be elected at the annual chapter meeting.

(5) Subject to this section, the term of office for a member of the chapter executive committee is one year.

(6) The term of office of a member of the chapter executive committee

- (a) commences on the conclusion of the annual chapter meeting at which the election for the member was conducted, and
- (b) expires on the conclusion of the annual chapter meeting that takes place in the year that the member's term of office is to expire.

(7) A person who is a member of the chapter executive committee ceases to be a member of that committee if that person

- (a) resigns from the position;
- (b) ceases to be an eligible producer;
- (c) in the case of the individual who is the representative of an eligible producer under section 19, ceases to be the representative of that eligible producer under section 19.

(8) Where a person who is a member of the chapter executive committee is absent from 3 consecutive meetings of the chapter executive committee, that person ceases to be a member of that committee when the chapter executive committee determines by resolution that the person was absent without reasons that the chapter executive committee considers adequate.

(9) If under this section a vacancy occurs on the chapter executive committee, and

- (a) 6 or more months remain in the term of office in respect of the vacant position, the chapter executive committee is to conduct an election to elect a member of the chapter to the vacant position to serve for the balance of the term of office, or
- (b) less than 6 months remain in the term of office in respect of the vacant position, the chapter executive committee may conduct an election to elect a member of the chapter or appoint a member of the chapter to the vacant position to serve for the balance of the term of office.

AR 210/2002 s41;302/2009

Chapter director

42(1) The Commission member is entitled to attend meetings of the chapter executive committee and may vote on any matter put to a vote at a meeting of the chapter executive committee.

(2) The Commission member, in addition to representing and serving the interests of the Commission, is to

- (a) communicate information, decisions and other business of the Commission to the chapter executive committee and the members of the chapter, and
- (b) bring to the Commission the motions, information and other business from the chapter for consideration by the Commission.

AR 210/2002 s42;302/2009;37/2010

Administration of the chapter

43(1) The chapter executive committee,

- (a) subject to the directions of the Commission and the Council, is responsible for the administration of the chapter, and
- (b) subject to the approval of the Commission, may establish policies, practices and procedures respecting the conduct of the business and affairs of the chapter.

(2) The Commission may, subject to any terms or conditions that the Commission considers appropriate, provide to the chapter funds to be used

- (a) to operate the chapter, and
- (b) to carry out any projects approved or otherwise sanctioned by the Commission.

(3) Each year, on or before a date specified by the Commission, the chapter executive committee is to submit to the Commission and to the members of the chapter an annual financial statement in a form satisfactory to the Commission.

Annual chapter meeting

44 An annual chapter meeting must

- (a) be held once in every year, and
- (b) commence at least 30 days before the day on which the next annual Commission meeting commences.

Special chapter meeting

45 A chapter executive committee

- (a) may on its own initiative hold a special chapter meeting, and
- (b) must hold a special chapter meeting.
 - (i) on the written request of 30% of the members of the chapter, or
 - (ii) at the request of the Council or the Commission.

Calling and conduct of meetings

- 46(1)** The chapter executive committee is to set the time, place and date of any annual chapter meeting or special chapter meeting.
- (2)** The chapter executive committee must,
- (a) in the case of an annual chapter meeting, notify the members of the chapter of the annual chapter meeting at least 21 days before that meeting is to be held;
 - (b) in the case of a special chapter meeting, notify the members of the chapter of the special chapter meeting at least 21 days before that meeting is to be held.
- (3)** A notice of a meeting must set forth the time, place, date and purpose of the meeting.
- (4)** Where the chapter executive committee provides a notice under this section, the chapter executive committee may do so in any form or manner that the chapter executive committee considers appropriate in the circumstances.
- (5)** With respect to annual chapter meetings and special chapter meetings, the chapter executive committee is to determine, subject to this Plan, the Act and any regulations and to any directions of the Council or the Commission, the requirements and procedure for
- (a) the presentation of motions;
 - (b) the conduct of elections for members of the chapter executive committee;
 - (c) the carrying out of voting;
 - (d) the conduct of business.

Quorum

- 47(1)** The quorum necessary for the conduct of business
- (a) at an annual chapter meeting or special chapter meeting is 5 members of the chapter, and
 - (b) at a meeting of the chapter executive committee is a majority of the members of that committee holding office at the time.
- (2)** In determining a quorum under subsection (1)(b), vacant positions on the chapter executive committee are not to be taken into consideration.

AR 210/2002 s47;45/2008

Part 3 Voting and Elections

Voting

- 48(1)** An eligible producer is eligible to vote 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 in an election for a Commission member that takes place at an annual Commission meeting if the eligible producer is present at the meeting.
- (3)** An eligible producer who is a member of a chapter is, in respect of that chapter, eligible to vote on any question put to a vote at an annual chapter meeting or a special chapter meeting if the member is present at the meeting at which the vote is held.
- (4)** An eligible producer who is a member of a chapter is, in respect of that chapter, eligible to vote in an election for the chapter Commission member or for members of the chapter executive committee that takes place at an annual chapter meeting if the eligible producer is present at the meeting.
- (5)** An eligible producer may vote only once on each matter, notwithstanding that the eligible producer may manage or operate or own, lease or hold equity in more than one operation.
- (6)** Voting in elections is to be by means of a secret ballot.

AR 210/2002 s48;302/2009

Must be on voters list

- 49** An eligible producer may cast a vote only if that producer's name appears on the current list of eligible producers.

Returning officer

- 50(1)** The Commission is to appoint a returning officer for the purpose 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 must
- (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.

Controverted election

51(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 may, 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 must consider the matter and may

- (a) declare the election to be proper and the position to be 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 or a special chapter meeting, as the case may be, 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 is to serve for the unexpired portion of the term.

(7) Section 32(5) applies to a position filled under subsection (5).

Part 4

Transitional Provisions and Review

52, 53 Repealed AR 302/2009 s20.

Review

54 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before September 30, 2019.

AR 210/2002 s54;16/2008;302/2009;6/2014

Schedule

Zones

1 Zone 1, to be known as “Peace River Zone”, is made up of all that area of Alberta that is north of a boundary that commences at the Alberta-Saskatchewan border and goes along a straight line drawn straight west to Fort McMurray, then south along Highway 63 to Highway 55, then west along Highway 55 to Highway 2, then north-west along Highway 2 to Highway 33, then south along Highway 33 to Swan Hills and then along a straight line drawn straight west from Swan Hills to the Alberta-British Columbia border.

2 Zone 2, to be known as “West Central Zone”, is made of that area of Alberta that is included within a boundary that commences at the Alberta-British Columbia border and goes east along Highway 1 to Lake Louise, then along a straight line drawn from Lake Louise north-east to the headwaters of the Red Deer River, then following eastwards along the Red Deer River to Sundre, then east along Highway 27 to Highway 21, then south along Highway 21 to Highway 27, then east along Highway 27 to Highway 56, then north along Highway 56 to Highway 13, then north-west and then west along Highway 13 to Highway 21, then north along Highway 21 to Highway 623, then west along Highway 623 to Leduc, then west along Highway 39 to Highway 620, then south-west along Highway 620 to the Brazeau Dam, then west along a straight line drawn from the Brazeau Dam to Jasper, then west along Highway 16 to the Alberta-British Columbia border and then south-east along the Alberta-British Columbia border to a point on that border that is intersected by Highway 1.

3 Zone 3, to be known as “Sherwood Park Zone”, is made up of that area of Alberta that is included within a boundary that commences at Leduc and goes north along Highway 2 to Highway 55, then east along Highway 55 to Highway 36, then south along Highway 36 to Highway 28, then east along Highway 28 to Highway 36, then south along Highway 36 to Highway 9, then west along Highway 9 to Highway 56, then north along Highway 56 to Highway 13, then north-west and west along Highway 13 to Highway 21, then north along Highway 21 to Highway 623 and then west along Highway 623 to Leduc.

4 Zone 4 is made up of that area of Alberta that is included within a boundary that commences at the Alberta-Saskatchewan border and goes along a straight line drawn straight west to Fort McMurray, then south along Highway 63 to Highway 55, then east along Highway 55 to Highway 36, then south along Highway 36 to

Highway 28, then east along Highway 28 to Highway 36, then south along Highway 36 to Highway 9, then east along Highway 9 to the Alberta-Saskatchewan border and then north along the Alberta-Saskatchewan border to a point on that border that is intersected by a straight line that is drawn straight east from Fort McMurray to the Alberta-Saskatchewan border.

5 Zone 5, to be known as “Yellowhead Zone” is made up of that area of Alberta that is included within a boundary that commences at the Alberta-British Columbia border and goes east along Highway 16 to Jasper, then east along a straight line drawn from Jasper to the Brazeau Dam, then north-east along Highway 620 to Highway 39 and then east along Highway 39 to Highway 2, then north along Highway 2 to Highway 33, then south along Highway 33 to Swan Hills, then along a straight line drawn straight west to the Alberta-British Columbia border and then south and south-east along the Alberta-British Columbia border to a point on that border that is intersected by Highway 16.

6 Zone 6, to be known as “Chinook Zone”, is made up of all that area of Alberta that is south of a boundary that commences at the Alberta-British Columbia border and goes east along Highway 1 to Lake Louise, then along a straight line drawn from Lake Louise north-east to the headwaters of the Red Deer River, then following eastwards along the Red Deer River to Sundre, then east along Highway 27 to Highway 21, then south along Highway 21 to Highway 27, then east along Highway 27 to Highway 56 and Highway 9 and then east along Highway 9 to the Alberta-Saskatchewan border.

7 Repealed AR 302/2009 s22.

AR 210/2002 Sched;302/2009



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