



Province of Alberta

## MARKETING OF AGRICULTURAL PRODUCTS ACT

# ALBERTA LAMB PRODUCERS PLAN REGULATION

### **Alberta Regulation 263/2001**

With amendments up to and including Alberta Regulation 126/2018

Current as of June 28, 2018

Office Consolidation

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(Consolidated up to 126/2018)

**ALBERTA REGULATION 263/2001**

**Marketing of Agricultural Products Act**

**ALBERTA LAMB PRODUCERS PLAN REGULATION**

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#### **Definitions**

1 In this Regulation,

- (a) "Act" means the *Marketing of Agricultural Products Act*;
- (b) "annual meeting" means an annual general meeting of the eligible producers;
- (c) repealed AR 126/2018 s2;
- (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* and authorized to perform an audit engagement;
- (d) “Canada Act” means
  - (i) the *Farm Products Agencies Act* (Canada);
  - (ii) the *Agricultural Products Marketing Act* (Canada);
- (e) “Commission” means the Alberta Lamb Producers;
- (f) “Council” means the Alberta Agricultural Products Marketing Council;
- (g) “dealer” means a person who
  - (i) buys wool from a producer,
  - (ii) acquires wool from a producer for sale on the producer’s behalf,
  - (iii) acts as an agent for a buyer of wool from a producer, or
  - (iv) acts as an agent in the buying or selling of wool and in respect of buying makes direct payment to the producer;
- (h) “director” means a director of the Commission;
- (i) “eligible producer” means a producer who qualifies as an eligible producer under section 29;
- (i.01) “fiscal year” means the fiscal year of the Commission provided for in section 16;
- (i.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;
- (j) “marketing”
  - (i) means buying or selling the regulated product, and
  - (ii) includes any other function or activity designated as marketing by the Lieutenant Governor in Council;
- (k) “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);
- (l) “Plan” means the Plan referred to in section 3;
- (m) “processing” means changing the nature or form of the regulated product;
- (n) “processor” means a person who is in the business of
- (i) buying sheep for the purpose of slaughtering or otherwise processing the regulated product, or
  - (ii) buying wool for the purpose of processing;
- (o) “producer” means a person who
- (i) owns sheep, or
  - (ii) sells wool that is sheared from sheep owned by that person;
- (p) “regulated product” means
- (i) live sheep;
  - (ii) the whole or any part of a sheep carcass;
  - (iii) wool;
- (q) “sale” means any contract, bargain, arrangement, consignment or agreement under which the beneficial title to or beneficial ownership of the regulated product transfers from a seller to a buyer, whether with or without the involvement of agents for either the seller or buyer;
- (r) “sheep” means domestic rams, wethers, ewes and lambs of genus *Ovis*;
- (s) “special meeting” means a special general meeting of the eligible producers;
- (t) “wool” means shorn grease wool that comes from sheep;

(u) repealed AR 126/2018 s2.

AR 263/2001 s1;373/2003;94/2007;11/2009;28/2011;  
1/2012;126/2018

#### **Designation of agricultural products**

**2** Sheep and wool are designated as agricultural products for the purposes of the Act.

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

### **Division 1 Plan**

#### **Plan continued**

**3(1)** The Alberta Sheep and Wool Commission Plan continued under the *Alberta Sheep and Wool Commission Plan Regulation* (AR 300/96) is hereby revised and continued under this Regulation with the name “Alberta Sheep and Wool Commission Plan”.

**(2)** On and after February 1, 2009, the name of the Plan continued under subsection (1) is changed to the “Alberta Lamb Producers Plan”.

AR 263/2001 s3;11/2009

#### **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,
- (b) to producers who produce or market the regulated product other than those producers who are exempted under this Plan, and
- (c) to dealers for the purpose of sections 10(a), (a.1), (e) and (f) and 11.

**(2)** Where a person carries out the functions of a producer, dealer and processor or carries out any one or more of those functions, this Plan applies to that person in respect of each of those functions that the person carries out.

**(3)** A person or any class of persons or any class of the regulated product may be exempt from this Plan or any portion of this Plan where permitted by a majority vote of the eligible producers conducted at an annual meeting.

AR 263/2001 s5;94/2007;120/2017;126/2018

#### **Purpose of Plan**

**6(1)** The purposes of this Plan are to do the following:

- (a) to provide for the initiation, support or conduct of programs for stimulating, increasing and improving the economic well-being of the sheep and wool industry in Alberta;
- (b) to provide for the initiation, support or conduct of studies and research and development in connection with
  - (i) production of the regulated product,
  - (ii) processing and marketing of the regulated product, and
  - (iii) consumer needs and demands with respect to the regulated product;
- (c) to provide assistance in the education of producers and dealers of the regulated product in respect of the proper methods of production, marketing and processing of the regulated product;
- (d) to provide for the initiation, support or conduct of promotional activities in respect of the production, marketing and processing of the regulated product;
- (e) to provide funds to any organization for programs that have objectives similar to those of the Commission.

**(2)** Under this Plan neither the production nor the marketing of the regulated product is controlled or regulated.

AR 263/2001 s6;28/2011

**7** Repealed AR 126/2018 s4.

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

#### **Commission continued**

**8(1)** The Alberta Sheep and Wool Commission is hereby continued.



(2) On and after February 1, 2009 the name of the Commission continued under subsection (1) is changed to the “Alberta Lamb Producers”.

AR 263/2001 s8;11/2009

### Functions of Commission

#### 9(1) The Commission

- (a) is responsible for the operation, regulation, supervision and enforcement of this Plan;
- (b) must
  - (i) open one or more accounts in a bank, trust company, treasury branch, credit union or other depository, and
  - (ii) designate those officers, employees and other persons as are necessary to sign cheques and transact the Commission’s business with its bank, trust company, treasury branch, credit union 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, treasury branch, credit union or other lending institution, and
  - (ii) designate those officers, employees and other persons as are necessary to transact the Commission’s business;
- (d) must cause books and records, including financial records, to be maintained
  - (i) from time to time as may be required under the Act, the regulations or by order of the Council, and
  - (ii) as may be determined by the Commission;

- (e) must maintain an office, the location of which must at all times be made known to each eligible producer;
- (f) may appoint officers, employees and agents, prescribe their duties and fix their remuneration;
- (g) subject to the Act, the regulations and any orders of the Council, may issue administrative orders and directives governing its internal operation as it may from time to time determine;
- (h) may become a member of any agricultural organization or any organization that promotes the interest of Alberta sheep and wool producers;
- (i) may contribute funds to any agricultural organization or any organization that promotes the interest of Alberta sheep and wool producers;
- (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 Canada Act;
- (k) may retain earnings and revenues from year to year to finance this Plan.

(2) A request to inspect the books and records referred to in subsection (1)(d) must be made to the Commission at least 7 days in advance.

AR 263/2001 s9;94/2007;28/2011;1/2012;

### Regulations to operate Plan

**10** 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;
- (a.1) requiring any person who produces, markets or processes the regulated product to furnish to the Commission any information or record relating to the marketing or processing of the regulated product that the Commission considers necessary;
- (b)-(d) repealed AR 1/2012 s4;
- (e) providing for

- (i) the assessment, charging and collection of service charges from producers from time to time as required for the purpose of this Plan, and
  - (ii) the taking of legal action to enforce payment of the service charges and licence fees as the case may be;
- (e.1) respecting the circumstances, if any, under which a service charge may be refunded to a producer;
- (f) requiring any person who receives the 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, licence fees 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;
- (h) providing for the payment to a Canada Board of money that is payable under a Canada Act.

AR 263/2001 s10;373/2003;1/2012;120/2017

### **Financing of the Plan**

**11** In accordance with the regulations,

- (a) this Plan is to be financed by the charging and collection of service charges from producers and any other money payable to or received or accrued by the Commission;
- (b) every producer must pay a service charge
  - (i) on each sheep, and
  - (ii) on each kilogram or pound of wool sold by the producer;
- (c) the Commission may, from time to time, change the amount of the service charge, but the change is not effective until it has been approved
  - (i) by a majority of the eligible producers at
    - (A) an annual meeting, or

(B) a special Commission meeting held under section 26.1,

and

(ii) by the Council.

AR 263/2001 s11;373/2003;94/2007;120/2017;126/2018

#### **Refund of service charge**

**12(1)** The Commission must refund a service charge paid on or after September 1, 2010 on the request of a producer in accordance with the *Alberta Lamb Producers Regulation* (AR 389/2003).

**(2)** In the event that within one fiscal 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 fiscal year,

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

AR 263/2001 s12;86/2011;120/2017

#### **Indemnification fund**

**13** The Commission shall not establish and operate a fund under section 34 or 35 of the Act.

**14** Repealed AR 94/2007 s7.

#### **Auditor**

**15** The auditor for the Commission must be appointed from time to time by the Commission.

#### **Fiscal year**

**16** The fiscal year of the Commission is September 1 to the following August 31.

AR 263/2001 s16;94/2007

## **Part 2 Governance of Plan**

### **Division 1 Commission**

#### **Composition of Commission**

**17** The Commission consists of 7 directors who shall be elected by eligible producers from anywhere in the province to represent the entire membership.

AR 263/2001 s17;126/2018

#### **Chair**

**18(1)** Following the annual meeting in each year, the Commission shall elect from among the directors

- (a) a chair of the Commission, and
- (b) a vice-chair of the Commission.

**(2)** During their term of office, the chair and vice-chair of the Commission serve at the pleasure of the directors.

**(3)** The remuneration to be paid to the chair, vice-chair and directors of the Commission may be fixed from time to time by the directors.

**(4)** Notwithstanding subsection (3), if, in any year pursuant to a vote conducted at the annual meeting held for that year, a majority of the total number of all of the registered producers attending that meeting vote to establish the amount of the remuneration to be paid to the chair, vice-chair and other directors of the commission, that amount is the remuneration payable to those people for not less than one year from the time that the vote was concluded.

AR 263/2001 s18;126/2018

#### **Term of office**

**19(1)** The directors hold office for 3 years.

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

- (a) commences on the conclusion of the annual meeting during which the director was elected, and
- (b) expires on the conclusion of the annual meeting that takes place in the year that the director's term of office is to expire.

AR 263/2001 s19;126/2018

**Removal from office**

**20(1)** Where a director ceases to be an eligible producer or a representative of an eligible producer during that person's term of office, that person, unless that person sooner resigns as a director, ceases to be a director from the day the person ceases to be an eligible producer.

**(2)** Where a director is absent from 2 consecutive meetings of the Commission without reasons that the Commission considers adequate, that person's position on the Commission as a director is deemed to be vacant at the conclusion of the 2nd consecutive meeting from which that person is absent.

**(2.1)** The Commission may, on a motion passed by 2/3 of the directors currently in office at a Commission meeting, remove a director from office if the director fails to abide by any of the Commission's policies.

**(3)** Where a vacancy occurs on the Commission under this section or because of the operation of section 33.1, the Commission may appoint, with the approval of Council, an individual to fill the position from among the eligible producers who are eligible to be elected to that position.

**(4)** Where a person is appointed as a director under subsection (3), that person serves until the next annual meeting.

AR 263/2001 s20;94/2007;189/2014;126/2018

**Meetings of directors**

**21** The Commission may, at the call of the chair or of not fewer than 3 directors, conduct meetings of the directors.

**Quorum re meetings of directors**

**22** The quorum necessary for the conduct of business at a meeting of the directors is a majority of the directors.

**Directors' role**

**23(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 the assets owned, held or acquired by the Commission, are vested in the directors to act on behalf of the Commission.

**(2)** The directors have the power to do all things that are necessary to carry out the purpose of this Plan and to manage the business and affairs of the Commission.

- (3) The Commission may authorize any person, entity or committee to exercise any of the powers of the Commission as set forth in this Plan or otherwise.
- (4) Where a person, entity or committee is authorized under subsection (3) to exercise any power on behalf of the directors,
- (a) that person, entity or committee is to report back to the directors with respect to the exercise of that power, and
  - (b) the directors retain a supervisory function to oversee the actions of that person, entity or committee in the exercise of that power.

## **Division 2 General Meetings of Producers**

### **Annual meeting**

- 24(1)** An annual meeting must be held in each year.
- (2) The purpose of an annual meeting is
- (a) to receive a report from the directors representing the membership concerning the Commission's operations and activities,
  - (b) to receive a copy of the auditor's report concerning the Commission's activities for the preceding year and a copy of the budget for the current year,
  - (c) to consider such other matters as the Commission or the eligible producers attending the annual meeting may consider advisable, and
  - (d) when required, to elect directors.
- (3) An annual meeting must be commenced within 90 days from the day of the conclusion of the Commission's fiscal year end.

AR 263/2001 s24;94/2007;126/2018

**25** Repealed AR 126/2018 s11.

### **Special meetings**

- 26** The Commission may direct that a special meeting be held
- (a) when requested in writing to do so by the Council,
  - (b) when requested in writing to do so by not fewer than 10% of the eligible producers,

- (c) when the Commission determines that a special meeting should be held, or
- (d) when the Commission determines that a special Commission meeting should be held.

AR 263/2001 s26;94/2007;126/2018

#### **Special Commission meeting**

**26.1(1)** If the Commission determines that a special Commission meeting should be held, the Commission may direct that a special zone meeting be held in respect of each zone.

**(2)** Section 25 applies, with the necessary modifications, to a special Commission meeting.

AR 94/2007 s12

#### **Calling of meetings**

**27(1)** The Commission must set the time, place and date of any annual meeting and special meeting.

**(2)** The Commission may publish a notice of a meeting in any manner that the Commission determines will provide notice to all persons entitled to the notice.

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

**(4)** Notwithstanding anything in this section, a meeting shall not be commenced unless notice of the meeting has been given under subsection (2) at least 14 days prior to the day on which the meeting is to be held.

AR 263/2001 s27;1/2012;126/2018

#### **Quorum**

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

- (a) in the case of an annual meeting, 20 eligible producers, and
- (b) in the case of a special meeting, 20 eligible producers.

AR 263/2001 s28;126/2018

### **Division 3 Eligibility, Voting and Elections**

#### **Eligible producers**

**29** For the purpose of this Plan,



- (a) an eligible producer is any producer who has paid a service charge under this Plan in the current or the 2 immediately preceding fiscal years, whether or not the producer requested a service charge refund;
- (b) the Commission must 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 must be included on the list of eligible producers for that current year;
- (d) any producer who is not listed on the Commission's list of eligible producers must 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 current year for which the application is made;
- (e) once a producer is listed with the Commission as an eligible producer, the producer continues to be recognized as an eligible producer from year to year, unless the eligible producer ceases to pay a service charge under this Plan for 12 months, in which case the producer ceases to be an eligible producer;
- (f) if a producer ceases to be an eligible producer under clause (e), the producer is entitled to again become an eligible producer for any year in which the producer pays a service charge under this Plan.

AR 263/2001 s29;94/2007;86/2011;1/2012

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

**30(1)** In accordance with and subject to this Plan, an eligible producer is entitled, as a matter of right

- (a) to attend annual meetings and special meetings, held under this Plan,
- (b) to make representations on any matter pertaining to this Plan and the Commission,
- (c) to vote on any matter under this Plan,
- (d) to vote at an election for directors,
- (e) to be a candidate in an election for director, and
- (f) to vote in any plebiscites of producers held under the Act.

**(2)** Subject to subsection (3), an individual who is a producer shall not cast a vote or be a candidate in an election for director under

this Plan unless that person's name appears on the current list of eligible producers.

**(3)** If an individual is not on the list of eligible producers on August 31 of the year in which an election for directors is to be held, that individual shall not cast a vote in an election unless the individual

- (a) has signed a statutory declaration stating that the individual
    - (i) is or qualifies as an eligible producer under this Plan,
    - (ii) repealed AR 126/2018 s15,
- and
- (b) files the declaration signed under clause (a) with the returning or deputy returning officer at the meeting at which the election is to be held but prior to the casting of the ballots.

AR 263/2001 s30;94/2007;126/2018

#### **Producers who are not individuals**

**31(1)** This section only applies in respect of an eligible producer that is not an individual.

**(2)** If an eligible producer is not an individual and

- (a) makes representations on any matter pertaining to this Plan,
- (b) attends meetings held under this Plan,
- (c) votes on any matter under this Plan,
- (d) votes at an election under this Plan, or
- (e) holds office under this Plan,

it must do so in accordance with this section.

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

**(4)** A representative appointed by an eligible producer under this section must

- (a) represent that producer in any matter pertaining to this Plan,

- (b) attend meetings on behalf of the producer, and
  - (c) vote and hold office, as the case may be, on behalf of the producer.
- (5)** 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.
- (6)** An appointment of a representative under this section must 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.
- (7)** A representative of an eligible producer shall not cast a vote or be a candidate in an election for director under this Plan unless
- (a) the individual who is the representative presents a document signed by the producer indicating the name of the individual who may vote for the producer, or
  - (b) the individual who is the representative makes a statutory declaration stating that
    - (i) the individual is a representative of the 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.
- (8)** A statutory declaration made under subsection (7)(b) must be made in writing before the returning officer prior to the votes being cast.
- (9)** An individual cannot be a representative under this section for more than one producer.

**(10)** A representative shall not vote or hold office before that representative's appointment is filed in accordance with subsection (6).

### **Voting**

**32(1)** A person is eligible to vote on any question put to a vote at an annual meeting or special meeting if the person

- (a) is an eligible producer, and
- (b) is present at the meeting at which the vote is held.

**(2)** A person is eligible to vote in an election for a director if the person

- (a) is an eligible producer, and
- (b) repealed AR 126/2018 s16,
- (c) is present at the meeting at which the vote is held.

**(3)** Repealed AR 126/2018 s16.

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

**(5)** If requested by 3 producers in attendance at a meeting, a vote carried out under this Plan at that meeting must be carried out by means of a secret ballot.

AR 263/2001 s32;108/2004;126/2018

### **Eligibility to be a director**

**33(1)** To be eligible for election as a director, a person must be an eligible producer, or the representative of an eligible producer appointed in accordance with section 31.

**(2)** Subject to subsection (3), an eligible producer is eligible to be re-elected as a director.

**(3)** Where a director serves for 2 consecutive terms, that person is not eligible for re-election as a director unless at least 2 years have elapsed from the expiration of that director's 2nd consecutive term.

**(4)** The term of a director appointed under section 20(3) to serve a term of 18 months or less under section 20(4) or 34(9), is not considered a term of office under this section.

AR 263/2001 s33;94/2007;189/2014;126/2018

**Ineligibility to serve as director**

**33.1** A person is not eligible to be elected as a director or to continue to hold the office of director if that person

- (a) as of the date of the election is under 18 years of age,
- (b) is a dependent adult as defined in the *Dependent Adults Act* or is the subject of a certificate of incapacity under that Act,
- (c) is a formal patient as defined in the *Mental Health Act*,
- (d) has been found to be a person of unsound mind by a court elsewhere than in Alberta, or
- (e) has the status of a bankrupt,
- (f) repealed AR 126/2018 s18.

AR 94/2007 s16;126/2018

**Election of directors**

**34(1)** The election of directors is to be conducted, subject to section 36(5), in accordance with this section.

**(2)** Nominations for candidates to be elected as a director must be filed at the Commission's head office no later than August 31 of each year that an election is held.

**(3)** A nomination for a candidate to be elected as a director

- (a) must be made by an eligible producer,
- (b) must be in writing or on a form that is provided by or is satisfactory to the Commission, and
- (c) must be accompanied by or have endorsed on the written nomination the consent of the person being nominated.

**(4)** The election of a director shall be carried out at an annual meeting and through advance voting by means of a mail ballot and be conducted in such a manner so as to ensure a secret vote.

**(4.1)** A mail ballot must be

- (a) designed for a secret vote, and
- (b) made available to each eligible producer by being mailed to each eligible producer at least 30 days prior to the mail ballot closing date.

**(4.2)** The mail ballot closing date

- (a) is to be fixed by the Commission, and
- (b) must be a date that is at least 10 days immediately preceding the annual meeting.

**(5)** Subject to subsection (5.1), the candidate receiving the largest number of votes in the election is the person who is elected to the position for which the election is held.

**(5.1)** Where after the ballots are counted it is determined

- (a) that there is a tie for the largest number of votes among 3 or more candidates, the returning officer must conduct further votes in respect of those candidates until such time as
  - (i) one of those candidates receives the largest number of votes and is therefore elected to the position of director, or
  - (ii) there is a tie for the largest number of votes between 2 of those candidates, in which case clause (b) applies to determine the person elected to the position of director,

or

- (b) that there is a tie for the largest number of votes between 2 candidates, the returning officer must draw from the names of those 2 candidates the name of one of them, and the person whose name is drawn is elected to the position of director.

**(6)** If only one person is nominated for the position that is to be filled, that person is deemed to have been elected to the position.

**(7)** If

- (a) an election is held under this Plan, and
- (b) there is not in attendance at the meeting at which the election is held a quorum of persons who are eligible to vote at the election,

the election is void and the position for which the election was held is vacant.

**(8)** Notwithstanding that a position is vacant by virtue of subsection (1), the term of office of the vacant position is nevertheless deemed to have commenced as if an individual had been elected to the position.

(9) If a position is vacant under this section, the Commission must in accordance with section 20 fill the position by appointing, from producers eligible to be elected to that position, an individual to fill that position.

AR 263/2001 s34;94/2007;189/2014;126/2018

#### **Returning officer**

**35(1)** The Commission must 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 persons 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 that person's actions and those of that person's 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 has elapsed from the day on which the vote was taken.

#### **Controverted election**

**36(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 irregularity with respect to the conduct of an election,

and

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

that person must, 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 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 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 term of office would have commenced if the election had not been declared void.

**(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 meeting be held and an election be conducted to fill the vacant position, or
- (b) appoint, from among the persons who are eligible to be elected to the position, a person 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.

AR 263/2001 s36;126/2018

### **Part 3**

## **Transitional Provisions, Repeals, Review and Coming into Force**

**37** Repealed AR 1/2012 s7.

#### **Repeal**

**38** The *Alberta Sheep and Wool Commission Plan Regulation* (AR 300/96) is repealed.

#### **Review**

**39** In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before April 30, 2022.

AR 263/2001 s39;94/2007;1/2012;120/2017

#### **Coming into force**

**40** This Regulation comes into force on January 1, 2002.

**Schedule** Repealed AR 126/2018 s21.







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