

ALBERTA REGULATION 286/2009

Marketing of Agricultural Products Act

ALBERTA BEEF PRODUCERS PLAN REGULATION

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Definitions

1(1) In this Regulation,

(a) “Act” means the *Marketing of Agricultural Products Act*;

(a.1) ~~“assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;~~ ABP Bylaws s. 2(a)

(a.2) ~~“auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;~~ ABP Bylaws s. 2(b)

(b) “bylaws” means the bylaws made by the Commission under section 26(2.1) of the Act;

(c) “Canada Act” means the *Farm Products Agencies Act* (Canada);

(d) “Canada Board” means the Canadian Beef Cattle Research, Market Development and Promotion Agency established pursuant to the *Farm Products Agencies Act* (Canada);

(e) “cattle” means an animal of the species *Bos taurus* or *Bos indicus*;

(f) repealed AR 229/2020 s2;

(g) “cattle products” means

(i) beef, or

(ii) offal, hides or other by-products from the slaughter and processing of cattle;

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- (h) “Commission” means Alberta Beef Producers;
- (i) ~~“Commission meeting” means a meeting of the directors;~~ ABP Bylaws s. 2(d)
- (j) “Commission regulation” means the *Alberta Beef Producers Commission Regulation* (AR 204/98);
- (k) “dealer” means a person who is required to be or who is licensed as a livestock dealer or livestock dealer’s agent under the *Livestock Identification and Commerce Act*;
- (l) ~~“delegate” means an individual elected or appointed as a delegate as provided for in the bylaws;~~ ABP Bylaws s. 2(e)
- (m) ~~“delegate meeting” means a meeting of the delegates of the Commission;~~ ABP Bylaws s. 2(f)
- (m.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;~~ ABP Bylaws s. 2(i)
- (n) “Plan” means the Alberta Beef Producers Plan;
- (o) “producer” includes a person who
- (i) raises, feeds or owns cattle,
 - (ii) is entitled to a share of the cattle raised by a producer or any portion of the revenue derived from the sale of the cattle, or
 - (iii) takes possession of cattle from a producer under a security interest as defined in the *Personal Property Security Act* or any other security for a debt;
- (p) ~~“producer meeting” means a meeting of the producers of a specific zone as provided for in the bylaws;~~ ABP Bylaws s. 2(j)
- (q) “regulated product” means cattle and cattle products;
- (r) “zone” means a zone as described in the bylaws.

AR 286/2009 s1;28/2011; 88/2015 s2;229/2020

Part 1 General Operation of Plan

Division 1 - Plan

Plan and Commission continued

2 The Plan and Alberta Beef Producers continued under the *Alberta Beef Producers Plan Regulation* (AR 336/2003) are continued under this Regulation.

Termination of Plan

new The Plan remains in force unless terminated under the Act.

Application

3(1) The agricultural products to which this Plan applies are cattle and cattle products.

(2) This Plan applies to all of Alberta.

AR 286/2009 s3;229/2020

Zones

3.1 For the purposes of this Plan, Alberta is divided into the zones set out in the bylaws.

AR 229/2020 s4

Purpose of Plan

4(1) The purpose of this Plan is to enable the Commission to initiate and carry out projects or programs respecting the production or marketing of the regulated product.

(2) Without limiting subsection (1), the Commission may

- (a) initiate and carry out projects and programs for the following purposes:
 - (i) to assist, educate and inform producers, dealers, processors and other persons with a commercial interest in the cattle industry in developing and improving their production and marketing of the regulated product;
 - (ii) to expand market awareness and demand for cattle and cattle products, including the development and

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- promotion of markets for the regulated product and the education of consumers;
- (iii) to generally develop and promote the cattle industry;
 - (iv) to advise and lobby government on matters concerning the cattle industry;
 - (v) to research and study the production, marketing and processing of the regulated product, including studies and research concerning the improvement of the regulated product and the development and use and consumption of the regulated product;
 - (vi) to support and co-operate with other persons and with governments when, in the opinion of the Commission, such support and co-operation will further the purposes of this Plan and the objects of the Commission;
 - (vii) to communicate with producers, dealers, processors and other persons with a commercial interest in the cattle industry and to communicate with the public;
- (b) become a member of, elect or appoint individuals to sit as directors or members of and contribute funds to any provincial or national task force, committee, group, organization, agency or person when, in the opinion of the Commission, that membership, election, appointment or contribution will further the purposes of this Plan and the objects of the Commission;
 - (c) co-operate with or act as an agent of the Canada Board;
 - (d) enter into an agreement with the Canada Board to support the establishment and operation of a promotion and research agency under the Canada Act;
 - (e) repealed AR 170/2010 s2.
- (3)** The Commission must pay all levies collected from producers on behalf of the Canada Board to the Canada Board.

AR 286/2009 s4;170/2010

Functions of the Commission

new(1) The Commission

- (a) is responsible for the operation, regulation, supervision and enforcement of the Plan, the regulations made by the Commission and the bylaws;

- (b) may delegate a power, duty or function of the Commission, excluding the power to make regulations, bylaws or policies; and
- (c) may be authorized, in accordance with section 50 of the Act, to perform any function or duty and exercise any power imposed or conferred on the Commission by or under any Canada Act,

Division 2 – Administration of Plan by Commission

Regulations to operate Plan

4.1(1) The Commission is authorized under section 26(1) of the Act to make, with the approval of the Council, regulations

- (a) requiring producers engaged in the marketing of a regulated product to register their names and addresses with the Commission,
- (b) 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,
- (c) providing for
 - (i) the assessment, charging and collection of service charges from producers from time to time for the purposes of this Plan,
 - (ii) the assessment, charging and collection of levies from producers from time to time for the purposes of this Plan, and
 - (iii) the taking of legal action to enforce payment of the service charges and levies, as the case may be,
- (d) requiring any person who receives a regulated product from a producer
 - (i) to deduct from the money payable to the producer any service charges or levies, as the case may be, payable by the producer to the Commission, and
 - (ii) to forward the amount deducted to the Commission,

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(d.1) respecting the circumstances, if any, under which a service charge may be refunded to a producer;

(e) providing for the use of any class of service charges, levies 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, and

(f) providing for payment to the Canada Board of money that is payable under the Canada Act.

(2) Repealed AR 23/2013 s2.

AR 170/2010 s3;23/2013;88/2015;179/2022

5 Repealed AR 88/2015 s4.

Financing of Plan

new In accordance with the Commission regulation the Plan is to be financed by

- (a) the charging and collection of service charges from producers;
- (b) the charging and collection of levies from producers; and
- (c) any other money payable to or received or accrued by the Commission.

**Part 2
Governance of Plan**

~~Duty to administer~~ (in new section "Functions of Commission")

~~6(1) The Commission is responsible for the administration of~~

~~(a) this Plan, and~~

~~(b) the Commission regulation, as well as the bylaws and policies made by the Commission.~~

~~(2) The Commission may delegate a power, duty or function of the Commission, excluding the power to make regulations, bylaws or policies.~~

~~(3) The Commission~~

~~(a) when investing its assets, must make prudent investments in accordance with the requirements of section 33 of the *Trustee Act* and may delegate to an agent in accordance with sections 51(1) and (2) and 53 of that Act; ABP Bylaws s. 45(a)~~

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- ~~(b) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation (AR 26/99)*; ABP Bylaws s. 45(b)~~
- ~~(c) subject to section 5, to finance the purposes of the Plan, may retain earnings and revenues from year to year. ABP Bylaws s. 45(b)~~

AR 286/2009 s6;28/2011;190/2022

Bylaws Authority for bylaws is now in ss. 26(2.1) to (2.5) of the Act
~~7(1) Without restricting section 16 of the *Interpretation Act*, the Commission may make bylaws for the purpose of administering this Plan.~~

~~(2) The bylaws form a part of this Plan to the extent they do not conflict with the Act, this Plan and the Commission regulation. To the extent there might be a conflict, the Act, this Plan and the Commission regulation prevail.~~

~~(3) A bylaw, including an amendment or repeal, is not effective until it is approved~~

- ~~(a) by a two thirds majority vote of the delegates at an annual delegate or special delegate meeting, and~~
- ~~(b) by the Council if the bylaw is in respect of
 - ~~(i) an election or appointment under the Plan with respect to a director or delegate, including those bylaws addressing vacancies and removal;~~
 - ~~(ii) the maximum number of consecutive terms that may be served as a director, and~~
 - ~~(iii) a matter specified in writing by the Council.~~~~

~~(4) The Commission shall make bylaws with respect to at least the following:~~

- ~~(a) the notice to be given to a director of a Commission meeting under section 11(1);~~
- ~~(b) providing for the election and appointment of producers as delegates in respect of a zone, including eligibility requirements, filling vacancies and removal from office;~~
- ~~(c) setting out eligibility requirements with respect to voting and running for office as a director or a delegate;~~
- ~~(d) providing for the election of directors as the chair, vice chair or finance chair of the Commission;~~

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~~(e) the term of office of a director;~~

~~(e.1) the maximum number of consecutive years that may be served by a director;~~

~~(f) the removal of directors and delegates from office;~~

~~(g) any other matter required by this Plan, the Commission regulation or by a written request of the Council to be addressed by bylaw.~~

AR 286/2009 s7;88/2015;229/2020

Commission meetings

~~8(1) The Commission shall hold a Commission meeting at least 4 times per year as provided for in the bylaws.— ABP Bylaws s. 64~~

~~(2) The Commission shall also hold a Commission meeting on the written request of— ABP Bylaws s. 65~~

~~(a) the Commission chair,~~

~~(b) a majority of directors, or~~

~~(c) the Council.~~

AR 286/2009 s8;88/2015;229/2020

Delegate meetings

~~9(1) The Commission shall hold an annual delegate meeting at least once each calendar year and no later than 15 months after the previous annual delegate meeting.— ABP Bylaws s. 38~~

~~(2) The Commission shall hold a special delegate meeting on the written request of— ABP Bylaws s. 39~~

~~(a) no less than 25% of the delegates, or~~

~~(b) the Council.~~

~~(3) Subsection (2) does not limit the ability of the Commission to hold a special delegate meeting on its own initiative.—ABP Bylaws s. 40~~

AR 286/2009 s9;229/2020

Zone producer meetings

~~10(1) The Commission shall hold an annual producer meeting for each zone before it holds the annual delegate meeting referred to in section 9. ABP Bylaws s. 16~~

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~~(2) The Commission shall hold a special producer meeting on the written request of~~ ABP Bylaws s. 17

~~(a) 25 producers who are eligible to vote at a meeting in that zone,
or~~

~~(b) the Council.~~

~~(3) An annual or special producer meeting may be held over a series of individual meetings, the total of which shall constitute the annual or special producer meeting, as the case may be.~~ ABP Bylaws s. 18

~~(4) Subsection (2) does not limit the ability of the Commission to hold a special producer meeting on its own initiative.~~ ABP Bylaws s. 19

Notice of meetings

~~11(1) The chair of the Commission shall give notice of a Commission meeting to the directors in accordance with the bylaws.~~ ABP Bylaws s. 66

~~(2) The Commission shall give written notice of~~

~~(a) a delegate meeting by sending the notice to the last known physical or electronic address of each delegate in the records of the Commission, or~~ ABP Bylaws s. 41

~~(b) a producer meeting by publishing the notice in a newspaper circulating in the respective zone.~~ ABP Bylaws s. 20

~~(3) A notice required to be given or published under subsection (2) shall~~

~~(a) be given or published at least 15 days in advance of the meeting,
and~~

~~(b) set out the time, location, date and purpose of the meeting,
included in s. 66, 41 and 20~~

AR 286/2009 s11;88/2015;229/2020

Quorum

~~12(1) For a Commission meeting, quorum is a majority of its directors.~~ ABP Bylaws s. 67

~~(2) For a delegate meeting, quorum is a majority of the delegates.~~ ABP Bylaws s. 42

~~(3) For a producer meeting for a zone, quorum is 15 producers and, if the meeting is held over a series of meetings, not less than 5 producers per meeting.~~ ABP Bylaws s. 21

AR 286/2009 s12;88/2015

Auditor

~~13(1) The Commission shall have an auditor.~~

~~(2) The auditor shall be appointed by a vote of the delegates at an annual or special delegate meeting. ABP Bylaws s. 45(c)~~

Part 3
Directors

Composition of Commission

~~14(1) The Commission consists of a minimum of 9 and a maximum of 15 directors elected under the bylaws.~~

~~(2) The directors shall be elected by the delegates at the annual delegate meeting. ABP Bylaws s. 49 to 53~~

~~(3) The election for directors shall be conducted in accordance with the process set out in the bylaws.~~

~~(4) The term of office of a director, including the maximum number of consecutive years that may be served by a director, shall be set out in the bylaws.~~

AR 286/2009 s14;88/2015;229/2020

15 Repealed AR 229/2020 s11.

Removal

~~16 A director or delegate may be removed from office as provided for in the bylaws. ABP Bylaws ss. 87 to 113~~

AR 286/2009 s16;88/2015;229/2020

Vacancy (also in ABP Bylaws ss. 62 and 63)

17 If a director ceases to hold office before the expiry of that director's term, the Commission may, subject to the approval of the Council, appoint an eligible person to fill the position for the unexpired portion of that term of office.

AR 286/2009 s17;88/2015;229/2020

Insufficient number of voters

new(1) If an election for a director is held under this Plan and there was an insufficient number of eligible voters at the meeting at which the election was held,

- (a) the election is void, and
- (b) the position for which the election was held is vacant.

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(2) Notwithstanding that a director position is vacant under subsection (1), the term of office of the position is deemed to have commenced as if an individual had been elected to the position.

(3) If a position is vacant under subsection (1), the position may be filled by electing or appointing an individual under section 22.

Appointment of returning officer

~~18(1) The Commission shall appoint a returning officer with respect to an election held under this Plan or the bylaws. ABP Bylaws s. 160~~

~~(2) The returning officer may appoint deputy returning officers. ABP Bylaws s. 161~~

~~(3) The returning officer, in respect of an election under this Plan or the bylaws, ABP Bylaws s. 162~~

~~(a) shall compile and maintain a voters list of delegates who are entitled to vote under this Plan and the bylaws,~~

~~(b) may compile and maintain a voters list of producers or persons who are entitled to elect a delegate under this Plan and the bylaws,~~

~~(c) shall ensure that a person does not cast a vote in an election for a director or delegate except in accordance with this Plan and the bylaws, and~~

~~(d) shall permit scrutiny by a candidate's scrutineer of all the actions of the returning officer and the deputy returning officers.~~

AR 286/2009 s18;88/2015;229/2020

Part 4

Election of Commission

Voting

~~19 A person is not entitled to vote in an election for a delegate or a director unless that person is eligible to vote in accordance with the bylaws. ABP Bylaws s. 164 and 165~~

AR 286/2009 s19;88/2015;229/2020

Destruction of ballots, etc.

~~20 Unless otherwise directed by the Council, no person shall destroy any records or ballots in respect of an election until 45 days have elapsed from the date of the election. ABP Bylaws s. 163~~

Election irregularities

21(1) A producer may apply to the Council in writing to have an election under the bylaws ~~of a delegate or a director~~ declared invalid within 30 days of the election on the following grounds:

- (a) the eligibility of a candidate;
- (b) the eligibility of a voter;
- (c) a matter relating to a ballot or the tabulation of ballots;
- (d) an irregularity with respect to the conduct of an election.

(2) If an application is received in accordance with subsection (1), the Council shall order a new election if the Council considers that

- (a) the candidate was not eligible, or
- (b) the matter complained of materially affected the result of the election.

(3) If an application is not received in accordance with subsection (1), then the election is deemed to have been valid.

AR 286/2009 s21;88/2015;229/2020

Vacancy

22 To address a vacancy that arises as a result of the operation of sections *(new – insufficient number of voters)* and 21, the Council may

- (a) require a new election be held,
- (b) appoint an individual who is eligible to be elected, or
- (c) leave the vacancy to be addressed as may be provided for under this Plan or the bylaws.

23 Repealed by AR 88/2015 s18.

24 Repealed by AR 88/2015 s17.

Review

25 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before June 30, 2032.

AR 286/2009 s25;88/2015

Schedule Repealed AR 229/2020 s18.