

Alberta Beef Producers Plan Regulation (AR 286/2009) – 2024-11-25

Overview

Proposed amendments to the Alberta Beef Producers Plan Regulation (Plan Regulation) will update the regulation to align with the bylaw-making authority authorized by the *Marketing of Agricultural Products Act*, and will shift requirements for meetings, quorum, auditor, and voting, among other internal governance items from the Plan Regulation to the Alberta Beef Producers (ABP) bylaws.

The Plan Regulation is made by the Minister of Agriculture and Irrigation (AGI). Any changes to the Plan Regulation must be approved by the ABP board of directors, the Alberta Agricultural Products Marketing Council before submitting to the Minister of AGI for approval.

Current	Proposed	Rationale
Title: Interpretation	Change the title to “Definitions”.	Aligns with other marketing boards and commissions Plan Regulations.
1(1) In this Regulation		
1(1)(a) “Act” means the <i>Marketing of Agricultural Products Act</i> ;	No change	
1(1)(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;	Repeal 1(1)(a.1).	References to the <i>Trustee Act</i> and managing assets proposed to shift from Plan Regulation into ABP bylaws. This term does not appear in the body of the regulation. ABP Bylaws s. 2(a)
1(1)(a.2) “auditor” means a professional accounting firm registered under the <i>Chartered Professional Accountants Act</i> and authorized to perform an audit engagement;	Repeal 1(1)(a.2).	Requirements for appointing an auditor proposed to shift from Plan Regulation into ABP bylaws. ABP Bylaws s. 2(b)
1(1)(b) “bylaw” means a bylaw of the Commission;	Change to “bylaws” means the bylaws made by the Commission under section 26(2.1) of the Act;	Updating to align with the authority of the <i>Marketing of Agricultural Products Act</i> (MAPA).
1(1)(c) “Canada Act” means...	No change	
1(1)(d) “Canada Board” means....	No change	
1(1)(e) “cattle” means....	No change	

Current	Proposed	Rationale
1(1)(f) Previously repealed		
1(1)(g) “cattle products” means...	No change	
1(1)(h) “Commission” means...	No change	
1(1)(i) “Commission meeting” means a meeting of the directors;	Repeal 1(1)(i).	Sections dealing with Commission meetings are proposed to shift to the bylaws. This definition is no longer needed, as the term is not in the regulation. ABP Bylaws s. 2(d)
1(1)(j) “Commission regulation” means...	No change	
1(1)(k) “dealer” means ...	No change	
1(1)(l) “delegate” means an individual elected or appointed as a delegate as provided for in the bylaws;	Repeal 1(1)(l).	Sections referring to delegates are proposed to shift to the bylaws. This definition is no longer needed, as the term is not in the regulation. ABP Bylaws s. 2(e)
1(1)(m) “delegate meeting” means a meeting of the delegates of the Commission;	Repeal 1(1)(m).	Same as above. ABP Bylaws s. 2(f)
1(1)(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;	Repeal 1(1)(m.1).	References to the <i>Trustee Act</i> and managing assets proposed to shift from Plan Regulation into ABP bylaws. This definition is no longer needed, as the term is not in the regulation. ABP Bylaws s. 2(i)
1(1)(n) “Plan” means....	No change	
1(1)(o) “producer” means....	No change	
1(1)(p) “producer meeting” means a meeting of the producers of a specific zone as provided for in the bylaws.	Repeal 1(1)(p).	Sections dealing with producer meetings are proposed to shift to the bylaws. This definition is no longer needed, as the term is not in the regulation. ABP Bylaws s. 2(j)

Current	Proposed	Rationale
1(1)(q) “regulated product” means...	No change	
1(1)(r) “zone” means	No change	
Heading: Part 1 Plan	Change the heading to “Part 1 General Operation of Plan” and add “Division 1 – Plan” .	Aligns with the structure/layout of other marketing boards and commissions Plan Regulations.
Plan and Commission continued 2 The Alberta Beef Producers Plan and Alberta Beef Producers continued under the Alberta Beef Producers Plan Regulation (AR 336/2003) are continued under this Regulation.	Replace section 2 with: 2 The Plan and Alberta Beef Producers continued under the Alberta Beef Producers Plan Regulation (AR 336/2003) are continued under this Regulation.	Plan is a defined term, so the words “Alberta Beef Producers” before “Plan” are unnecessary.
NEW	Add new section with the title: Termination of Plan after section 2: The Plan remains in force unless terminated under the Act.	Necessary to comply with MAPA and align with other marketing board and commission Plan Regulations.
Application 3(1) and (2)	No change	
Zones 3.1	No change	
Purpose of Plan 4(1), (2) and (3)	No change	
NEW	Add a new section with the title: Functions of the Commission The Commission (a) is responsible for the operation, regulation, supervision and enforcement of the Plan, the regulations made by the Commission and the bylaws;	

Current	Proposed	Rationale
	<p>(b) may delegate a power, duty or function of the Commission, excluding the power to make regulations, bylaws, or policies; and</p> <p>(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 <i>Canada Act</i>.</p>	
NEW	Add new heading before section 4.1, “Division 2 – Administration of Plan by Commission” .	Aligns with the structure/layout of other marketing boards and commissions’ Plan Regulations.
Regulations to operate Plan 4.1(1) 4.1(2) Previously repealed	No change	
NEW	<p>Add new section with title: Financing of Plan after section 4.1:</p> <p>In accordance with the Commission regulation, the Plan is to be financed by</p> <ul style="list-style-type: none"> (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. 	Necessary to comply with MAPA and align with other marketing board and commission Plan Regulations.
5. Previously repealed.		
Heading: Part 2 Requirements Respecting the Operation of the Plan	Change the heading to “Part 2 Governance of Plan” .	Aligns with structure/layout of other marketing board and commission Plan Regulations.
Duty to administer	Repeal 6(1) and (2).	Section 6 will be covered by proposed new section “Functions of the Commission”.

Current	Proposed	Rationale
<p>6(1) The Commission is responsible for the administration of</p> <ul style="list-style-type: none"> (a) this Plan, and (b) the Commission regulation, as well as the bylaws and policies made by the Commission. <p>(2) The Commission may delegate a power, duty or function of the Commission, excluding the power to make regulations, bylaws or policies.</p>		
<p>6(3) The Commission</p> <ul style="list-style-type: none"> (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; (b) must establish policies respecting management of its assets as required by the Operation of Boards and Commissions Regulation (AR 26/99); (c) subject to section 5, to finance the purpose of the Plan, may retain earnings and revenues from year to year. 	Repeal 6(3).	<p>References to the <i>Trustee Act</i> and managing assets proposed to shift from Plan Regulation into ABP bylaws.</p> <p>Added as clauses (a) and (b) to ABP Bylaws s 45.</p>
<p>Bylaws</p> <p>7(1) Without restricting section 16 of the <i>Interpretation Act</i>, the Commission may make bylaws for the purpose of administering this Plan.</p> <p>(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</p>	Repeal section 7.	No longer needed as MAPA section 26(2.1) provides sufficient authority for ABP to make bylaws.

Current	Proposed	Rationale
<p>there might be a conflict, the Act, this Plan and the Commission regulation prevail.</p> <p>(3) A bylaw, including an amendment or repeal, is not effective until it is approved</p> <ul style="list-style-type: none"> (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 <ul style="list-style-type: none"> (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. <p>(4) The Commission shall make bylaws with respect to at least the following:</p> <ul style="list-style-type: none"> (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; 		

Current	Proposed	Rationale
<ul style="list-style-type: none"> (d) providing for the election of directors as the chair, vice chair or finance chair of the Commission; (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. 		
<p>Commission meetings</p> <p>8(1) The Commission shall hold a Commission meeting at least 4 times per year as provided for in the bylaws.</p> <p>(2) The Commission shall also hold a Commission meeting on the written request of</p> <ul style="list-style-type: none"> (a) the Commission chair, (b) a majority of directors, or (c) the Council. 	<p>Repeal section 8.</p>	<p>Sections dealing with Commission meetings proposed to shift to ABP bylaws.</p> <p>ABP Bylaws ss. 64 and 65.</p>
<p>Delegate meetings</p> <p>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.</p> <p>(2) The Commission shall hold a special delegate meeting on the written request of</p> <ul style="list-style-type: none"> (a) no less than 25% of the delegates, or 	<p>Repeal section 9.</p>	<p>Sections dealing with delegate meetings proposed to shift to ABP bylaws.</p> <p>ABP Bylaws ss. 38 to 40.</p>

Current	Proposed	Rationale
<p>(b) the Council.</p> <p>(3) Subsection (2) does not limit the ability of the Commission to hold a special delegate meeting on its own initiative.</p>		
<p>Zone producer meetings</p> <p>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.</p> <p>(2) The Commission shall hold a special producer meeting on the written request of</p> <p style="padding-left: 20px;">(a) 25 producers who are eligible to vote at a meeting in that zone, or</p> <p style="padding-left: 20px;">(b) the Council.</p> <p>(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.</p> <p>(4) Subsection (2) does not limit the ability of the Commission to hold a special producer meeting on its own initiative.</p>	<p>Repeal section 10.</p>	<p>Sections dealing with producer meetings proposed to shift to ABP bylaws.</p> <p>ABP Bylaws ss. 16 to 19.</p>
<p>Notice of meetings</p> <p>11(1) The chair of the Commission shall give notice of a Commission meeting to the directors in accordance with the bylaws.</p> <p>(2) The Commission shall give written notice of</p> <p style="padding-left: 20px;">(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</p>	<p>Repeal section 11.</p>	<p>Sections dealing with meetings proposed to shift to ABP bylaws.</p> <p>ABP Bylaws s. 66 – Notice of Commission meetings</p> <p>ABP Bylaws s. 41 – Notice of Delegate meetings</p> <p>ABP Bylaws s. 20 – Notice of producer meetings</p>

Current	Proposed	Rationale
<p>(b) a producer meeting by publishing the notice in a newspaper circulating in the respective zone.</p> <p>(3) A notice required to be given or published under subsection (2) shall</p> <p>(a) be given or published at least 15 days in advance of the meeting, and</p> <p>(b) set out the time, location, date and purpose of the meeting.</p>		<p>The wording from subsection (3) is included in the above-noted sections.</p>
<p>Quorum</p> <p>12(1) For a Commission meeting, quorum is a majority of its directors.</p> <p>(2) For a delegate meeting, quorum is a majority of the delegates.</p> <p>(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.</p>	<p>Repeal section 12.</p>	<p>Sections dealing with quorums are proposed to shift to ABP bylaws.</p> <p>ABP Bylaws s. 67 – Quorum director meetings</p> <p>ABP Bylaws s. 42 – Quorum delegate meetings</p> <p>ABP Bylaws s. 21 – Quorum producer meetings</p>
<p>Auditor</p> <p>13(1) The Commission shall have an auditor.</p> <p>(2) The auditor shall be appointed by a vote of the delegates at an annual or special delegate meeting.</p>	<p>Repeal section 13.</p>	<p>Sections dealing with auditor proposed to shift to ABP bylaws.</p> <p>ABP Bylaw s. 45(c)</p>
<p>Commission</p> <p>14(1) The Commission shall consist of 12 directors.</p>	<p>Replace section 14 with:</p> <p>The Commission consists of a minimum of 9 and a maximum of 15 directors elected in accordance with the bylaws.</p>	<p>Subsections 14(2), 14(3) and 14(4) proposed to shift to ABP bylaws. The composition of the Commission requirement must remain in the Plan Regulation as required by MAPA.</p> <p>The Alberta Elk Commission Plan Regulation AR 210/2002 s. 24 allows for a minimum and maximum number of directors.</p>

Current	Proposed	Rationale
<p>(2) The directors shall be elected by the delegates at the annual delegate meeting.</p> <p>(3) The election for directors shall be conducted in accordance with the process set out in the bylaws.</p> <p>(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.</p>		<p>ABP By-laws ss. 49 to 53. The bylaws state that 12 directors are elected by the delegates.</p>
<p>15. Previously repealed</p>		
<p>Removal</p> <p>16 A director or delegate may be removed from office as provided for in the bylaws.</p>	<p>Repeal section 16.</p>	<p>Sections dealing with director/delegate removals proposed to shift to ABP bylaws.</p> <p>ABP By-laws ss. 87 to 113</p>
<p>Vacancy</p> <p>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 a delegate to fill the position until the conclusion of the next annual delegate meeting.</p>	<p>Replace with the following</p> <p>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.</p>	<p>The words “a delegate to fill the position until the conclusion of the next annual delegate meeting” have been replaced with “an eligible person to fill the position for the unexpired portion of that term of office” for the following reasons:</p> <ul style="list-style-type: none"> • all references to “delegates” have been removed from the Plan to the bylaws, so it would be inappropriate to leave the term in this section; and • It is better for the new director to serve for the balance of the term rather than have a mid-term election for a portion of the vacated position. <p>ABP Bylaws ss. 62 and 63</p>
<p>NEW</p>	<p>Add new section</p> <p>Insufficient number of voters</p> <p>(1) If an election for a director is held under this Plan and there is an insufficient number of</p>	<p>Aligns with similar sections added to other marketing boards and commissions Plan Regulations.</p>

Current	Proposed	Rationale
	<p>eligible voters at the meeting at which the election was held,</p> <ul style="list-style-type: none"> (a) the election is void, and (b) the position for which the election was held is vacant. <p>(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.</p> <p>(3) If a position is vacant under subsection (1), the position may be filled by electing or appointing an individual under section 22.</p>	
<p>Appointment of returning officer</p> <p>18(1) The Commission shall appoint a returning officer with respect to an election held under this Plan or the bylaws.</p> <p>(2) The returning officer may appoint deputy returning officers.</p> <p>(3) The returning officer, in respect of an election under this Plan or the bylaws,</p> <ul style="list-style-type: none"> (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 	<p>Repeal section 18.</p>	<p>Sections dealing with elections/voting proposed to shift to ABP bylaws.</p> <p>ABP Bylaws ss. 160 to 162</p>

Current	Proposed	Rationale
<p>(d) shall permit scrutiny by a candidate's scrutineer of all the actions of the returning officer and the deputy returning officers.</p>		
<p>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.</p>	<p>Repeal section 19.</p>	<p>Sections dealing with voting proposed to shift to ABP bylaws. ABP Bylaws s. 164 and s. 165</p>
<p>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.</p>	<p>Repeal section 20.</p>	<p>Sections dealing with voting proposed to shift to ABP bylaws. ABP Bylaws ss. 163</p>
<p>Election irregularities 21(1) A producer may apply to the Council in writing to have an election of a delegate or a director declared invalid within 30 days of the election on the following grounds:</p> <ul style="list-style-type: none"> (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. <p>(2) If an application is received in accordance with subsection (1), the Council shall order a new election if the Council considers that</p> <ul style="list-style-type: none"> (a) the candidate was not eligible, or (b) the matter complained of materially affected the result of the election. 	<p>Amend section 21(1) as follow:</p> <p>21(1) A producer may apply to the Council in writing to have an election under the bylaws declared invalid within 30 days of the election on the following grounds</p> <ul style="list-style-type: none"> (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. <p>No change to 21(2) or (3)</p>	<p>Requirements for director and delegate elections proposed for ABP bylaws. This change clarifies that the contest relates to an election under the bylaws.</p> <p>The words “of a delegate or director” have been removed and replaced with the words “under the bylaws” as all election provisions have been moved to the bylaws and there is no mention of delegates in the Plan Regulation.</p>

Current	Proposed	Rationale
(3) If an application is not received in accordance with subsection (1), then the election is deemed to have been valid.		
<p>Vacancy</p> <p>22 To address a vacancy that arises as a result of the operation of sections 21, the Council may</p> <ul style="list-style-type: none"> (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. 	<p>Vacancy</p> <p>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</p> <ul style="list-style-type: none"> (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. 	No change except to include the new section – Insufficient number of voters. See above.
23 Previously deleted		
24 Previously deleted		
<p>Review</p> <p>25 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before June 30, 2025.</p>	Change the expiry date to June 30, 2032.	Ensures ABP’s Plan and regulations will be reviewed on a regular schedule, which aligns with Marketing Council’s seven-year review requirement for all MAPA regulations.