

Pork Marketing Plan
made under Section 11 of the
Natural Products Act
R.S.N.S. 1989, c. 308
O.I.C. 2009-523 (December 21, 2009), N.S. Reg. 342/2009

Citation

1 These regulations may be cited as the *Pork Marketing Plan*.

Definitions

2 In this Plan,

“Act” means the *Natural Products Act*;

“annual general meeting” means an annual general meeting held by the licensed producers as required by this Plan;

“Commodity Board” means Pork Nova Scotia, a body corporate constituted under this Plan;

“hog” means a member of the species *Sus scrofa L.* (domestic pig), and includes a hog carcass;

“licensed producer” means a producer licensed to produce or market hogs in the regulated area;

“member” means a member of the Commodity Board, unless the context otherwise requires;

“own” means to have ownership of or title in;

“person” includes a board, association, corporation, firm and partnership;

“pork” means the flesh or meat or any part or parts of a hog;

“processing” means altering the nature, size, quality or condition of hogs or pork by mechanical means or otherwise, and includes the slaughtering of hogs;

“processor” means any person engaged in processing;

“producer” means a person who owns hogs that are bred or raised, or both, in the regulated area for commercial purposes, or that are produced or marketed in or from the regulated area, but does not include a processor or contract grower;

“regulated area” means all of the Province.

Purposes of Plan

3 This Plan has the following purposes:

- (a) to control and regulate all aspects of the marketing of hogs in the regulated area;
- (b) to stimulate, increase and improve the marketing and production of pork and pork products in the regulated area;
- (c) to provide forums for disseminating information to producers about pork production and marketing.

Discontinuation of Plan

- 4** (1) If at least 50% of the licensed producers sign a request to vote on discontinuing this Plan and submit the request to the Council, the Council must submit the question of continuing the Plan to a vote of the licensed producers.
- (2) If a majority of licensed producers satisfactory to the Council does not vote in support of the Plan in a vote under subsection (1), the Council may recommend that the Plan be discontinued.

Commodity Board Membership

Commodity Board composition

- 5** (1) The Commodity Board must consist of no more than 5 members, each of whom is an individual who is
- (a) a licensed producer who processes only those hogs that they own or is the appointed representative of a licensed producer that is a sole proprietorship, partnership or body corporate that processes only those hogs that it owns;
 - (b) resident in the regulated area; and
 - (c) elected, acclaimed or appointed as a member in accordance with this Plan.
- (2) A licensed producer that is a sole proprietor, partnership or body corporate may not have more than 1 appointed representative serve as a member.

Member's term of office

- 6** (1) The term of office of a member is 3 years.
- (2) A member takes office on the adjournment of the first annual general meeting following their election, acclamation or appointment.

Commodity Board may remove member

7 The Commodity Board may remove from office any member who

- (a) is convicted of an offence under the Act; or
- (b) fails to attend 3 consecutive meetings of the Commodity Board without reasonable cause.

Filling vacancy on Commodity Board

- 8 (1) If a vacancy occurs on the Commodity Board because a member dies, resigns, is removed or otherwise vacates the office, the remaining members may appoint an eligible licensed producer to fill the vacancy until the Commodity Board calls an election to fill the vacancy.
- (2) An election to fill a vacancy on the Commodity Board must be held no later than the next annual election.
- (3) The term of office of a person elected to fill a vacancy on the Commodity Board is the remaining balance of the term of the member who vacated the office.

Commodity Board Elections

Nominating candidates for election to Commodity Board

- 9 (1) Any nominations of candidates for election to the Commodity Board must be submitted to the Commodity Board on or after September 1 and no later than September 21 in each year.
- (2) The Commodity Board must not accept a nomination unless the nomination is
- (a) made on a form provided by the Commodity Board; and
 - (b) signed by the nominee indicating their acceptance of the nomination.
- (3) The Commodity Board must provide each nominee with the list of nominees.
- (4) A nominee may withdraw their nomination by notice in writing to the Commodity Board as soon as practicable after nominations are closed.

Acclamation or appointment if number of candidates insufficient for election

- 10 (1) If the number of candidates for election to the Commodity Board is equal to or less than the number of vacancies on the Commodity Board, the candidates must be acclaimed as members.
- (2) The Commodity Board may appoint any number of members to bring the total number of members to 5.

Election required if more candidates than vacancies

- 11** If there are more candidates for election to the Commodity Board than there are vacancies, an election must be held.

Election officials

- 12** (1) The Commodity Board must appoint a returning officer and a deputy returning officer and any other person that it considers necessary for the conduct of an election.
- (2) A member is not eligible to be appointed as a returning officer or deputy returning officer.

Distributing ballots

- 13** (1) For each election, the Commodity Board must mail or cause to be delivered 1 ballot to each licensed producer.
- (2) A ballot must be in
- (a) an envelope identified only by the words “Ballot Envelope”; and
 - (b) a mailing envelope addressed to the returning officer appointed for the election.
- (3) Any ballots being mailed to licensed producers must be postmarked no later than October 10 in the election year.

Casting a vote

- 14** (1) A voter must cast only 1 ballot in an election of members.
- (2) To cast a vote, a voter must
- (a) mark on the ballot in the box opposite the name of each candidate for whom the voter wishes to vote;
 - (b) seal the marked ballot within the ballot envelope;
 - (c) seal the ballot envelope in the mailing envelope;
 - (d) enter the voter’s farm name, if any, and licence number on the mailing envelope in the spaces provided; and
 - (e) mail the mailing envelope or cause it to be delivered to the returning officer so that
 - (i) if mailed, it is postmarked no later than October 21 in the election year, or

- (ii) if delivered other than by mail, it is consigned for delivery no later than October 21 in the election year.
- (3) The returning officer must not accept a mailing envelope unless the requirements of subsection (2) are met.
- (4) On accepting a mailing envelope, the returning officer must
 - (a) remove the ballot envelope from the mailing envelope and deposit it in a sealed ballot box; and
 - (b) immediately destroy the mailing envelope bearing the identity of the voter.

Counting ballots

- 15** (1) The returning officer must count the ballots no later than November 5 of the election year or, if November 5 is a Sunday, then November 6.
- (2) The returning officer must
- (a) count the ballots in the presence of at least 2 persons eligible to vote in the election;
 - (b) permit each candidate to be represented at the counting of the ballots by a scrutineer designated by the candidate;
 - (c) reject and keep separate each ballot or ballot envelope
 - (i) that is not marked, sealed and delivered in accordance with subsection 13(2),
 - (ii) that contains votes for more than the number of vacancies on the Commodity Board,
 - (iii) on which there is any writing or mark by which the voter may be identified, or
 - (iv) that has been submitted by the voter so that the voter can be identified;
 - (d) prepare and deliver to the Commodity Board, on a form provided by the Commodity Board, a record of
 - (i) the number of ballots cast,
 - (ii) the number of votes given and allowed for each candidate, and

- (iii) the number of rejected ballots;
- (e) retain all of the ballots, including any rejected ballots, in safe custody for any period that the Commodity Board directs.

Declaring winners

16 After an election is conducted, the Commodity Board must declare elected the candidates who obtained the largest number of votes and must notify all candidates of the results of the election.

Candidate may request recount

- 17 (1)** Any candidate in an election may request a recount of the ballots by notice in writing to the Commodity Board delivered or mailed so that it is received no later than 7 days after the date the notice of the election results is given under Section 15.
- (2)** On receipt of a request for a recount under [subsection] (1), the Commodity Board must cause the returning officer to conduct a recount of the ballots and each candidate may designate a scrutineer for the purpose of the recount.
- (3)** The election of a candidate on the basis of a recount is final.

Procedure when election outcome undetermined

18 If, because of a tie vote or other cause, the election of a member is not determined on the counting or recounting of the ballots, the Commodity Board must declare the election void and conduct a further election no later than 10 days after the date the election is declared void.

Agent may conduct election

19 The Commodity Board may appoint an agent to conduct all or a part of an election in accordance with this Plan.

Commodity Board Executive

Executive of Commodity Board

- 20 (1)** The Commodity Board must hold a meeting no later than 6 weeks after the date of each annual general meeting and at that meeting must elect from its members an executive consisting of
- (a) a chair;
 - (b) a vice-chair;
 - (c) a representative to the Canadian Pork Council; and
 - (d) any additional representatives and officers as needed.

- (2) If no member is willing and able to serve as the Commodity Board's representative to the Canadian Pork Council, the Commodity Board may appoint a licensed producer who is not a member to be the representative.
- (3) A non-member licensed producer appointed as representative to the Canadian Pork Council may attend but is not entitled to vote at meetings of the Commodity Board.

Executive manager of Commodity Board

- 21** (1) The Commodity Board is responsible for hiring an executive manager.
- (2) The executive manager may be appointed or elected by the members of the Commodity Board to serve as secretary, treasurer or secretary treasurer of the Commodity Board.
 - (3) If appointed as an officer of the Commodity Board, the executive manager may attend but is not entitled to vote at meetings of the Commodity Board.

Duties of Commodity Board chair

- 22** (1) The chair of the Commodity Board must preside over all meetings of the Commodity Board, annual general meetings, special meetings of licensed producers and meetings of the Commodity Board executive.
- (2) The chair is an *ex officio* member of all standing and special committees.
 - (3) The chair must perform all duties that usually pertain to the office of chair.
 - (4) The chair must represent the Commodity Board in all of its regular transactions, except those for which another person has been elected.

Duties of Commodity Board vice-chair

- 23** (1) In the absence of the chair, the vice-chair of the Commodity Board must preside at all meetings of the Commodity Board, annual general meetings, special meetings of licensed producers and meetings of the Commodity Board executive.
- (2) The vice-chair must perform all duties that usually pertain to the office of vice-chair or that are assigned by the chair or the executive.

Commodity Board Operating Procedures

Calling Commodity Board meetings

- 24** (1) The Commodity Board must meet at least quarterly and otherwise as the business of the Commodity Board requires or as required by this Plan.
- (2) A meeting of the Commodity Board

- (a) may be called by the secretary, the executive manager, the chair or any 3 members of the Commodity Board; or
- (b) may be held without notice at the close of an annual general meeting.

Notice of Commodity Board meetings

25 (1) Notice to members of a Commodity Board meeting called

- (a) by the chair, secretary or executive manager must be given at least 3 days before the date of the meeting;
 - (b) by 3 members of the Commodity Board must be given at least 7 days before the date of the meeting.
- (2)** Notice of a Commodity Board Meeting must be given in writing and must specify the time and place of the meeting, and by whom it is called.

If Chair absent from Commodity Board meeting

26 If the chair is absent from a meeting of the Commodity Board, the vice-chair must act as chair of the meeting, and if neither the chair nor the vice-chair is present at a meeting, the members present must elect a chair for the meeting.

Voting at Commodity Board meetings

- 27 (1)** Each member, including the chair, is entitled to 1 vote at meetings of the Commodity Board.
- (2)** If there is a tied vote, the chair does not have a second vote and the motion is considered to have been defeated.

Quorum at Commodity Board meeting

28 Four members of the Commodity Board constitute a quorum at a meeting of the Commodity Board.

Body corporate activity

29 The Commodity Board may do any acts and things that are incidental to, conducive to, or consequential to the operations of the Commodity Board as a body corporate.

Irregularity does not invalidate Commodity Board action

30 Despite an irregularity in the appointment, election or qualification of a member, every act of the Commodity Board is as valid as if the member were duly appointed, elected or qualified.

Commodity Board fiscal year, audit and reports

31 (1) Unless otherwise decided by the Commodity Board, the fiscal year of the Commodity Board is from January 1 to December 31 in each year, inclusive of both dates.

- (2) The Commodity Board must keep proper books of account, which must be audited at the end of each fiscal year by an auditor nominated by the licensed producers at the annual general meeting and approved by the Council.
- (3) No later than 3 months after the end of each fiscal year, the Commodity Board must send all of the following to the Council:
 - (a) the financial report from the Commodity Board executive;
 - (b) a copy of the audited financial statements, consisting of the balance sheet and statement of income and expenditures for the fiscal year;
 - (c) the auditor's report;
 - (d) the annual report of the Commodity Board detailing its operations for that fiscal year.
- (4) The Commodity Board must present all of the items listed in subsection (3) at the annual general meeting following the end of each fiscal year.

Copies of orders, directions and determinations

- 32** (1) A copy of every order, direction and determination of the Commodity Board and a copy of the minutes of every meeting of the Commodity Board must be sent to the Council.
- (2) On request, the Commodity Board must make a copy of any order, direction or determination available to a licensed producer who is in good standing on the records of the Commodity Board.

Commodity Board regulations must be presented to licensed producers

- 33** Any regulations or changes to regulations made by the Commodity Board under authority delegated to it by the Council under subsection 6(2) or clause 11(d) of the Act must be presented for information and discussion purposes at a special meeting of licensed producers or at the annual general meeting, either before or after the regulations or changes to regulations are made by the Commodity Board, but before they are approved by the Council.

Licensed Producers' Meetings

Calling meetings of licensed producers

- 34** (1) No later than 4 months after the end of the Commodity Board's fiscal year, the licensed producers must hold an annual general meeting at the time and place prescribed by the Commodity Board.

- (2) The Commodity Board must call a special meeting of licensed producers if it receives a written request for a special meeting from at least 50% of the licensed producers stating the purpose of the request.
- (3) A special meeting of licensed producers must be held at a place in the regulated area that the Commodity Board considers appropriate and on a date that is no later than 60 days after the date on which the request for the special meeting was received.
- (4) The Commodity Board may call any other meetings or special meetings of licensed producers as the Commodity Board considers appropriate.

Quorum at meetings of licensed producers

35 Twenty percent plus 4 of the licensed producers in good standing in any given year constitutes a quorum at any annual general meeting or special meeting of the licensed producers.

Notice of meetings of licensed producers

36 Notice of an annual general meeting or a special meeting of the licensed producers must be given to licensed producers at least 10 days before the date of the meeting.

Voting at meetings of licensed producers

37 A licensed producer has 1 vote at any meeting of licensed producers, and the vote may be assigned in writing to a proxy.

Mandatory business at annual general meeting

38 In addition to any other business, all of the following must be presented and dealt with by licensed producers at an annual general meeting:

- (a) the annual report of the Commodity Board;
- (b) the financial report from the Commodity Board executive, including the audited financial statements of the Commodity Board and the auditor's report;
- (c) nominating auditors.

Transitional Provisions

Members of previous Commodity Board hold office until 2009 election

- 39** (1) In this Section, "previous Commodity Board" means the Commodity Board constituted under the *Pork Marketing Plan*, N.S. Reg. 151/2005, made by the Governor in Council by Order in Council 2005-317 dated July 21, 2005.
- (2) The members of the previous Commodity Board are hereby named as members of the Commodity Board, to hold office until the new members assume office in the fall of 2009 after being elected, acclaimed or appointed in accordance with this Section.

Staggered terms for members taking office in 2009

40 Despite Section 6, the terms of office for members assuming office in 2009 are staggered as follows:

- (a) the terms of 2 of the members expire in 2012;
- (b) the terms of 2 of the members expire in 2011; and
- (c) the term of 1 of the members expires in 2010.

Procedure for 2009 election

41 (1) The 2009 election must be held in accordance with this Plan, but with all of the following modifications and any additional modifications that the Commodity Board considers necessary:

- (a) if the number of candidates is 5 or less, the ballots used in the election must list
 - (i) any candidates who are elected by acclamation under subsection 10(1), and
 - (ii) any candidates who are appointed by the Commodity Board under subsection 10(2);
- (b) each voter must vote by writing
 - (i) “3” beside the name of each of the 2 candidates whom the voter wishes to serve for a term of 3 years,
 - (ii) “2” beside the name of each of the 2 candidates whom the voter wishes to serve for a term of 2 years, and
 - (iii) “1” beside the name of each candidate whom the voter ~~wishes~~ [wishes] to serve for a term of 1 year;
- (c) a ballot that is not completed in accordance with clause (b) must be rejected and kept separate with other ballots rejected under [clause] 15(2)(c);
- (d) a score for each candidate must be calculated by totaling the numbers beside the name of the candidate on all of the ballots;
- (e) each candidate must be designated in accordance with the score calculated under clause (d) so that the candidate receiving the highest score is designated as Member 1, the candidate receiving the 2nd-highest score is designated as Member 2, the candidate with the 3rd-highest score is designated as Member 3, and so on until all positions have been designated.

(2) The terms of office for Members 1 through 5 as designated under clause (1)(e) are as set out in the following table:

Member Designation	Year Term Expires
1	2012
2	2012
3	2011
4	2011
5	2010

(3) In the event of a tie score, the longest term of office must be determined by random draw.
