



Province of Alberta

## MARKETING OF AGRICULTURAL PRODUCTS ACT

# TURKEY PRODUCERS PLAN REGULATION

### **Alberta Regulation 29/2022**

With amendments up to and including Alberta Regulation 179/2022

Current as of August 29, 2022

Office Consolidation

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(Consolidated up to 179/2022)

**ALBERTA REGULATION 29/2022**

**Marketing of Agricultural Products Act**

**TURKEY PRODUCERS PLAN REGULATION**

*Table of Contents*

- 1 Interpretation
- 2 Designation of agricultural product

**Part 1  
General Operation of Plan**

**Division 1  
Plan**

- 3 Plan continued
- 4 Termination of Plan
- 5 Application of Plan
- 6 Purpose and intent of Plan

**Division 2  
Administration of Plan by the Board**

- 7 Board continued
- 8 Functions of Board
- 9 Regulations to operate Plan
- 10 Financing of Plan
- 11 Interprovincial matters
- 12 Indemnification funds

**Part 2  
Governance of Plan**

**Division 1  
Composition of and Election to Board**

- 13 Members of the Board
- 14 Elections

**Division 2  
Invalid or Controverted Election, Vacancy**

- 15 Invalid election re attendance at meeting
- 16 Controverted election

17 Vacancy

**Part 3**  
**Review, Transitional and Repeal**

18 Review

19 Transitional

20 Repeal

**Interpretation**

**1(1)** In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “base quota” means the quota for any category of turkey that was originally allocated to a producer on that producer’s first application to the Board for an allocation of quota, as amended from year to year;
- (c) “Board” means the Board known as the Alberta Turkey Producers referred to in section 7;
- (d) “bylaws” means the bylaws made by the Alberta Turkey Producers pursuant to section 26(2.1) of the Act;
- (e) “category” means any category of turkey referred to in section 8(3);
- (f) “consumer” means a person who purchases turkey for consumption and not for resale;
- (g) “Council” means the Alberta Agricultural Products Marketing Council;
- (h) “family” means, in respect of an individual, that individual’s spouse, adult interdependent partner, child, parent, sibling, grandparent, grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, sister-in-law, brother-in-law, niece or nephew;
- (i) “period” means a subset of continuous months based on a quota year as established by the Board;
- (j) “periodic production” means marketing of a specified category of quota or category of turkey in any of the periods established by the Board;
- (k) “person” means person as defined in the *Interpretation Act* and includes

- (i) a partnership as defined in the *Partnership Act*;
  - (ii) any 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 Turkey Producers Plan referred to in section 3;
- (m) “processor” means a person who holds a licence authorizing that person to process turkeys;
- (n) “producer” means a person who
- (i) holds a licence authorizing that person to produce turkeys,
  - (ii) has been allocated a quota or a permit, or both, or alternatively is a lessee pursuant to the provisions of the regulations, during a quota year or a period, and
  - (iii) owns and operates a production facility in Alberta or leases and operates a production facility in Alberta on a basis whereby that person receives the revenue from the production facility;
- (o) “production facility” means the buildings and improvements in which turkeys are produced and the land on which those buildings and improvements are located;
- (p) “quota” means the maximum live weight in kilograms of any category of turkey or allocation type that a producer is authorized to market in a quota year or a period and is
- (i) the product of the base quota of that category of turkey allocated to the producer and the percentage established by the Board for that quota year or period,
  - (ii) plus any further production authorized by the Board for that quota year or period, and
  - (iii) less any reduction in production as ordered by the Board for that quota year or period;
- (q) “quota year” means a 12-month period of time established annually by the Board to correspond to the control period

within the meaning of the *Canadian Turkey Marketing Quota Regulations, 1990* (SOR/90-231);

- (r) “regulated product” means turkeys;
- (s) “turkey” means any turkey, male or female, live or slaughtered, of any size and includes any part of any turkey.

**(2)** Any reference in the Plan

- (a) to a class, variety, size, grade or kind of turkey includes a reference to a category of turkey referred to in section 8, and
- (b) to the amount or number of turkeys includes a reference to the weight of turkeys.

**Designation of agricultural product**

**2** Turkeys are hereby designated as an agricultural product for the purposes of the Act.

**Part 1  
General Operation of Plan**

**Division 1  
Plan**

**Plan continued**

**3** The Turkey Producers Plan continued under the *Turkey Producers Plan Regulation* (AR 259/97) is hereby amended and continued under this Regulation.

**Termination of Plan**

**4** The 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)** The Plan applies

- (a) to all of Alberta, and
- (b) to all persons who produce, sell, process or market turkeys and to all kinds and grades of turkeys.

- (2) Notwithstanding subsection (1), the Plan does not apply to a person who produces turkeys if
- (a) the person is ordinarily resident on the land on which the production facility in which the turkeys are produced is situated,
  - (b) the person produces fewer than 300 turkeys in a quota year on the land on which that person is ordinarily resident, and
  - (c) the turkeys are
    - (i) consumed or intended to be consumed by the person or that person's family, or
    - (ii) sold or intended to be sold to consumers by the person
      - (A) from the land referred to in clause (a),
      - (B) from land that is adjacent to the land referred to in clause (a), or
      - (C) from a stall at a public market.

#### **Purpose and intent of Plan**

**6** The purpose and intent of the Plan is to provide for the effective promotion, control and regulation, in any and all respects and to the extent of the powers vested in the Board, of the production, marketing and processing of turkeys in Alberta including the prohibition in whole or in part of processing or marketing of turkeys in Alberta and, without limiting the generality of the foregoing,

- (a) to maintain a fair and stabilized price for turkeys,
- (b) to develop and maintain the orderly marketing of turkeys,
- (c) to provide a uniform, high quality of turkeys for the market,
- (d) to maintain adequate advertising and promotion of turkeys,
- (e) to fund, initiate, conduct or carry on research and development and studies with respect to the production, handling, marketing and processing of the regulated product, including research and studies concerning the development and use of the regulated product,

- (f) to ensure a continuous year-round supply of turkeys for the trade and consumer market,
- (g) to work with marketing boards having similar objectives that may be established in other provinces, and
- (h) to initiate and carry out projects and programs to commence, stimulate, increase or improve the production or marketing, or both, of the regulated product.

## **Division 2 Administration of Plan by the Board**

### **Board continued**

**7** The board known as the “Alberta Turkey Producers” is hereby continued.

### **Functions of Board**

**8(1)** The Board is, subject to the Act, responsible for the operation, regulation, supervision and enforcement of the Plan, the regulations made by the Board and the bylaws.

**(2)** In carrying out the operation of the Plan, the Board may

- (a) issue or renew a licence;
- (b) refuse to issue or renew a licence;
- (c) suspend or cancel a licence;
- (d) issue a permit;
- (e) allocate, transfer, reduce or cancel a quota or a base quota;
- (f) determine the quota that may be marketed by producers in a quota year or a period and provide for periodic production;
- (g) set minimum prices to be paid to producers for any category of turkey;
- (h) assess, charge and collect service charges, licence fees and levies;
- (i) ensure a supply of turkeys in Alberta.

**(3)** The Board may classify turkeys into categories and in so doing may establish the following categories:

- (a) light breed turkeys being turkeys of a weight or within a range of weight as determined by the Board;
- (b) heavy breed turkeys being turkeys of a weight or within a range of weight as determined by the Board;
- (c) mature turkeys being
  - (i) any female turkey that has laid eggs, or
  - (ii) any male turkey that has produced semen,and that is not less than 28 weeks of age at the time of slaughter.

**(4)** Notwithstanding subsection (3), the Board may subtract from or add to the number or type of categories of turkeys based on any criteria that the Board considers appropriate.

#### **Regulations to operate Plan**

**9(1)** The Board is authorized under section 26(1) of the Act to make, with the approval of the Council, regulations

- (a) requiring producers engaged in the production or marketing, or both, of turkeys to register their names and addresses with the Board;
- (b) requiring any person who produces, markets or processes turkeys to furnish to the Board any information or record relating to the production, marketing or processing of turkeys that the Board considers necessary;
- (c) requiring persons to be licensed under the Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of turkeys;
- (d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of turkeys except under the authority of a licence issued under the Plan;
- (e) governing the issuance, suspension or cancellation of a licence issued under the Plan;
- (f) providing for
  - (i) the assessment, charging and collection of service charges and licence fees, as the case may be, from producers from time to time for the purposes of the Plan, and

- (ii) the taking of legal action to enforce payment of the service charges or licence fees, as the case may be;
  - (g) requiring any person who receives turkeys from a producer
    - (i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the Board, and
    - (ii) to forward the amount deducted to the Board;
  - (h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by the Board for the purpose of paying its expenses and administering the Plan and the regulations made by the Board;
  - (i) providing for the payment to a Canada Board of money that is payable under a Canada Act.
- (2)** The Board is authorized under section 27(1) of the Act to make, with the approval of the Council, regulations
- (a) requiring that the production or marketing, or both, of turkeys be conducted pursuant to a quota;
  - (b) governing
    - (i) the fixing and allotting of quotas,
    - (ii) the increase or reduction of quotas,
    - (iii) the cancelling of quotas, and
    - (iv) the refusal to fix and allot quotasto producers for the production or marketing, or both, of turkeys on any basis the Board considers appropriate;
  - (c) governing the transferability or non-transferability of quotas and prescribing the conditions and procedures applicable to the transfer of quotas, if any, that the Board considers appropriate;
  - (d) establishing
    - (i) a formula for determining the amount or number of turkeys deemed to have been produced or marketed by a producer, and

- (ii) the period of time in respect of which the formula is to be applied,  
  
for the purposes of determining the amount of turkeys produced or marketed by a producer during a period of time;
- (e) providing for
  - (i) the assessment, charging and collection of a levy from any producer whose production or marketing, or both, of turkeys is in excess of the quota that has been fixed and allotted to that producer, and
  - (ii) the taking of legal action to enforce payment of the levy;
- (f) requiring any person who provides turkeys to a producer under the Plan to furnish to the Board any information requested by the Board;
- (g) determining the quantity of each class, variety, size, grade and kind of turkeys that shall be produced or marketed, or both, by each producer;
- (h) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of turkeys or any class, variety, size, grade or kind of turkey in such manner as the Board considers appropriate;
- (i) regulating and controlling the production or marketing, or both, of turkeys, including the times and places at which turkeys may be produced or marketed;
- (j) determining from time to time the minimum price or prices that shall be paid to producers for turkeys or any class, variety, grade, size or kind of turkey and determining different prices for different parts of Alberta;
- (k) governing
  - (i) the furnishing of security or proof of financial responsibility by any person engaged in the production, marketing or processing of turkeys, and
  - (ii) the administration and disposition of any money or securities so furnished;
- (l) prohibiting a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of turkeys from producing or marketing, or both, as the case may be, any turkeys;

- (m) prohibiting a producer to whom a quota has been fixed and allotted for the production or marketing, or both, of turkeys from producing or marketing, or both, as the case may be, any turkeys in excess of that quota;
- (n) prohibiting any person from purchasing or otherwise acquiring any turkeys from a producer that are in excess of the quota that has been fixed and allotted to the producer for the production or marketing, or both, of turkeys;
- (o) prohibiting any person from purchasing or otherwise acquiring any turkeys from a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of turkeys.

(3) For the purposes of enabling the Board to operate the Plan, the Board may be empowered by the Council, pursuant to section 27(2) of the Act, to make regulations

- (a) governing any agricultural product that is not the regulated product in the same manner as if that agricultural product was the regulated product under the Plan;
- (b) governing, with respect to any agricultural product that is not the regulated product, the producers of the regulated product under the Plan in the same manner as if that agricultural product was the regulated product under the Plan;
- (c) establishing and governing a formula for determining the amount or number of the regulated product produced or deemed to have been produced from any agricultural product that is not the regulated product.

AR 29/2022 s9;179/2022

#### **Financing of Plan**

**10** In accordance with the regulations, the Plan must be financed by the charging and collecting of service charges, licence fees and levies from producers and by any other money payable to or received or accrued by the Board.

#### **Interprovincial matters**

**11** In accordance with section 50 of the Act, the Board may,

- (a) with respect to the production or marketing, or both, of the regulated product, be authorized to perform any

function or duty and exercise any power imposed or conferred on the Board by or under a Canada Act, and

- (b) with respect to any function or duty that the Council has authorized the Board to carry out under the Act or the regulations, be authorized to delegate that function or duty to a Canada Board.

#### **Indemnification funds**

**12(1)** The Board may establish one or more funds under section 34 or 35 of the Act.

**(2)** In order to finance the funds, the Board may raise amounts in accordance with sections 34 and 35 of the Act.

## **Part 2 Governance of Plan**

### **Division 1 Composition of and Election to Board**

#### **Members of the Board**

**13** The Board consists of 5 members elected or appointed in accordance with the Plan and the bylaws.

#### **Elections**

**14(1)** Elections to the Board must be conducted

- (a) at the annual general meeting of producers, or
- (b) at a special general meeting of producers, where the Council directs under section 16 that an election be held

by means of a vote of the producers in accordance with the procedures set out in the bylaws.

**(2)** A producer who is eligible to vote under the bylaws may vote for any number of candidates not exceeding the number of members to be elected to the Board at that meeting notwithstanding that the producer may manage, operate, own, lease or hold equity in 2 or more operations that are registered separately with the Board.

## **Division 2 Invalid or Controverted Election, Vacancy**

### **Invalid election re attendance at meeting**

**15(1)** If there is in attendance at the meeting at which an election is held an insufficient number of producers who are eligible to vote at the election in accordance with the bylaws,

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

**(2)** Notwithstanding that a position is vacant under subsection (1), the bylaws may provide that 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 this section, the Board may, with the approval of the Council, appoint an individual in accordance with section 17.

### **Controverted election**

**16(1)** If a producer questions

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

that producer may, not later than 30 days after the day of the election, apply in writing to the Council to have the election declared invalid and the position declared vacant.

**(2)** If the Council has not received an application under subsection (1) within the 30-day period referred to in subsection (1), an individual elected at that election is deemed to be duly elected.

**(3)** The Council shall not consider an application under subsection (1) that is not received by the Council within 30 days after the day of the election.

**(4)** On receipt of an application under subsection (1), the Council shall 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 the application did not materially affect the result of the election, and
  - (ii) the election was conducted substantially in accordance with the Plan, the bylaws 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.

**(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 general meeting of producers be held and an election conducted to fill the vacant position for the unexpired portion of the term, or
- (b) have the Board appoint, from among the individuals who are eligible to be elected to the position, an individual to fill the vacant position in accordance with section 17.

**(6)** Notwithstanding that an election is declared void and a position is declared vacant under subsection (4)(c), the bylaws may provide that the term of office of the position is deemed to have commenced on the day that the election that was declared void was held.

### **Vacancy**

**17(1)** If a vacancy occurs on the Board, the Board may, with the approval of the Council, appoint from among the individuals who are eligible to be elected to the Board an individual to act as a member until the date of the next annual general meeting of producers.

**(2)** At the next annual general meeting of producers following the appointment of an individual under subsection (1), the position must be filled by holding an election in accordance with the Plan and the bylaws for the unexpired portion of the term.

### **Part 3**

## **Review, Transitional and Repeal**

#### **Review**

**18** In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before September 30, 2026.

#### **Transitional**

**19** Where an individual is a member of the Board immediately before the coming into force of this Regulation, that individual continues to be a member of the Board until the expiry of that individual's term of office in accordance with the Plan and the bylaws unless

- (a) the individual is removed or resigns from office, or
- (b) the bylaws reduce the term of office for that position.

#### **Repeal**

**20** The *Turkey Producers Plan Regulation* (AR 259/97) is repealed.









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