

No. 69

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 69

A. Bill to amend The Dairymen's Act

HON. MR. STROM

Explanatory Note

1. The Dairymen's Act, R.S.A. 1955, c. 74 amended.

2. Section 2, clauses (a), (j) and (k) presently read:

- (a) "analyst" means an analyst appointed under the Food and Drugs Act (Canada) or a Provincial analyst;
- (j) "ice cream plant" means a place at which ice cream or ice cream mix is manufactured for the purpose of sale to retail distributors;
- (k) "imitation dairy product" means any food substance other than a dairy product, of whatever origin, source or composition that is manufactured for human consumption and for the same use as or in semblance of a dairy product and that is manufactured wholly or in part from any fat or oil, other than that of milk, but does not include margarine as defined in The Margarine Act;

The definition of "ice cream plant" will include other frozen dairy products normally made in the same premises as ice cream, e.g., milk shake mix and sherbet.

3. Section 3 authorizes the appointment of the Dairy Commissioner and other officers under the Act. It will now authorize the appointment of analysts and as a result the definition of "analyst" is recast: see clause 2.

4. Section 15, clause (e) presently reads:

15. No person shall sell, supply or send to a dairy manufacturing plant, or any premises where milk or cream is collected for sale or shipment to a manufacturing or processing plant,

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- (e) milk or cream to which foreign fat, colouring matter, preservative or other chemical substance of any kind has been added,

5. Section 28 reads in part as follows:

28. The owner, operator, manager or other person in charge of a dairy manufacturing plant shall make and deliver with every payment to each patron from whom milk has been purchased, and in any event at intervals of not more than thirty-one days, a statement showing among other details,

The maximum interval between milk payments is increased from 31 to 35 days to permit dairies to set up their accounting records and make payments on the basis of periods containing four or five full weeks, rather than on a monthly basis. This change necessitates complementary changes in section 28a: see clause 6 of this Bill.

BILL

No. 69 of 1965

An Act to amend The Dairymen's Act

(Assented to , 1965)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Dairymen's Act* is hereby amended.
2. Section 2 is amended
 - (a) by striking out clause (a) and by substituting the following:
 - (a) "analyst" means an analyst appointed under the *Food and Drugs Act* (Canada) or under this Act;
 - (b) by striking out clause (j) and by substituting the following:
 - (j) "ice cream plant" means a place where ice cream, ice cream mix, milk shake mix, sherbet or any frozen dessert made wholly or mainly from milk is prepared, processed or manufactured for the purpose of sale to retail distributors;
 - (c) as to clause (k) by adding at the end thereof the words "or any product intended for use as a dessert topping or as a coffee whitener".
3. Section 3 is amended by adding after the word "supervisors," the word "analysts,".
4. Section 15 is amended by striking out clause (e) and by substituting the following:
 - (e) milk or cream containing foreign fat, colouring matter, preservative, medication or a chemical substance of any kind,
5. Section 28 is amended by striking out the word "thirty-one" and by substituting the word "thirty-five".

6. Section 28a, subsections (1), (2) and (5) presently read:

28a. (1) This section applies only in respect of milk supplied by a patron for the fluid trade.

(2) Where the owner, operator, manager or other person in charge of a dairy manufacturing plant makes and delivers statements to a patron at intervals of more than ~~sixteen~~ days, he shall make an advance payment to the patron at least ~~fifteen~~ days prior to the date of the next regular payment.

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(5) In addition to the information required by section 28, the statement made and delivered to a patron to whom this section refers shall include

(a) the butterfat test on a composite sample collected during the first fifteen days of the month,

(b) the butterfat test on a composite sample collected from the sixteenth day to the last day of the month, and

(c) the arithmetical mean of the two tests which shall form the basis for monthly payment.

7. Section 41, subsections (1) and (2) presently read:

41. (1) No person shall operate a milk or cream testing apparatus to determine the percentage of butterfat in milk or cream, for the purpose of purchasing the milk or cream either for himself or for another, unless he holds a licence from the Minister authorizing him to operate such testing apparatus.

(2) The testing of each sample of milk or cream by an unlicensed person constitutes a separate offence.

The amendment will allow the issue of 60-day permits in addition to ordinary licences.

8. Section 42, subsection (1) presently reads:

42. (1) A person desiring to secure a licence to operate a milk or cream testing apparatus shall make application therefor on a form prepared and provided by the Minister.

See note to clause 4 of this Bill.

9. Commencement of Act.

6. Section 28a is amended

- (a) as to subsection (2),
 - (i) by striking out the words "sixteen days" and by substituting the words "eighteen days",
 - (ii) by striking out the words "fifteen days" and by substituting the words "seventeen days",
- (b) by striking out subsection (5) and by substituting the following:
 - (5) In addition to the information required by section 28, a statement made and delivered to a patron to whom this section applies shall include
 - (a) the butterfat test on a composite sample collected during the first half of the period covered by the statement,
 - (b) the butterfat test on a composite sample collected during the remainder of that period, and
 - (c) the arithmetical mean of the two tests which shall form the basis for the payment for that period,and where the period consists of an odd number of days, the first half of the period shall be calculated by adding one to that number and dividing the sum by two.

7. Section 41 is amended

- (a) as to subsection (1) by adding after the word "licence" the words "or permit",
- (b) by adding the following subsection after subsection (1):
 - (1a) A permit issued pursuant to subsection (1) shall be for a term of not more than sixty days.
- (c) as to subsection (2) by striking out the words "an unlicensed person" and by substituting the words "a person who is not the holder of a licence or permit".

8. Section 42, subsection (1) is amended by adding after the word "licence" the words "or permit".

9. This Act comes into force on the day upon which it is assented to.

No. 69

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act to amend The Dairymen's
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. STROM
