

1970 Bill 115

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 115**

**An Act to amend The Milk Control Act**

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THE MINISTER OF AGRICULTURE

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 115

1970

An Act to amend The Milk Control Act

(Assented to \_\_\_\_\_, 1970)

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

1. *The Milk Control Act* is hereby amended.
2. Section 2 is amended by striking out clause (a) and by substituting the following:
  - (a) “controlled area” means any part or parts of Alberta prescribed by the regulations as a controlled area;
  - (a1) “excess milk” means excess milk as defined by the regulations;
  - (a2) “milk” means milk as defined by the regulations;
3. Section 2a, subsection (2) is amended by striking out clause (c) and by substituting the following clause:
  - (c) shall prescribe the remuneration to be paid to the members of the Milk Board, and
4. Section 2d is amended by adding after the word “secretary,” the word “inspectors”.
5. Section 3 is amended
  - (a) as to subsection (1) by adding after the words “The Milk Board may” the words “, with the approval of the Lieutenant Governor in Council,”
  - (b) as to subsection (2) by striking out clauses (a) and (b) and by substituting the following:
    - (a) define “milk” and “excess milk” for the purposes of this Act and the regulations;
    - (b) prescribe any part or parts of Alberta as a controlled area;

## Explanatory Notes

1. This Bill amends chapter 55 of the Statutes of Alberta, 1966.

2. Section 2 enumerates definitions and terms used in the Act. As to these new definitions, see the note to clause 5 of this Bill.

3. Section 2a, subsection (2), clause (c) presently reads:

(2) The Lieutenant Governor in Council

.....

(c) shall fix the salaries of the members of the Milk Board, and

The amendment is made to reflect the fact that at the present only the Chairman of the Milk Control Board is receiving salary.

4. Section 2d presently reads:

2d. Pursuant to The Public Service Act, 1968 there may be appointed a secretary and such other employees as may be required by the Milk Board.

The reference to inspectors is added because they are specifically referred to elsewhere in the Act and it is desired to ensure that their appointment is provided for.

5. Section 3, subsection (1) and subsection (2), clause (a) and (b) presently read:

3. (1) The Milk Board may make such regulations and orders as it deems necessary in the public interest governing and controlling the production, processing, supplying, transporting, distribution or sale within the Province of milk.

(2) Without limiting the generality of subsection (1) the regulations of the Board may

(a) define milk and milk product,

(b) prescribe the areas, hereinafter referred to as "controlled areas", in which the regulations or any provisions thereof are to apply,

The regulations of the Alberta Milk Control Board will be subject to approval by the Lieutenant Governor in Council.

The present regulations of the Alberta Milk Control Board (Alberta Regulation 29/70) did not define "milk product". It is proposed that the regulation will define "excess milk" as milk that is in excess of the supply sold at the prices established by the Public Utilities Board as the No. 1 price and the No. 2 price. At present the pricing orders of the Public Utilities Board do not extend to all classes of milk sold by licensed producers.

The new clauses (o1) and (o2) will permit the Milk Board's regulations to deal with the disposition of excess milk and the settlement of the price to be paid for it.

(c) as to subsection (2) by adding after clause (o) the following clauses:

(o1) notwithstanding section 3a, govern the disposition of excess milk and provide for the manner of determining the price to be paid to licensed producers for excess milk,

(o2) authorize the Milk Board to act as an arbitrator in any matter pertaining to the regulations under clause (o1),

**6.** Section 7 is amended by striking out clause (c) and by substituting the following:

(c) require the production of any invoices, books, records or accounts kept by a licensee or that are in the possession of any other person and pertain to the business and affairs of a licensee in relation to the production, processing, supplying, transportation, distribution or sale of milk,

(c1) inspect, make copies of or take extracts from any invoices, books, records or accounts referred to in clause (c) and remove such documents from the person in possession of them for the sole purpose of making copies thereof or taking extracts therefrom,

**7.** This Act comes into force on June 1, 1970.

**6. Section 7, clause (c) presently reads:**

**7. An inspector of the Milk Board may, for the purposes of this Act or the regulations,**

.....

(c) require the production of any books, records or accounts that are required by the regulations to be kept by a licensee.