

1999 BILL 2

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Third Session, 24th Legislature, 48 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 2

## DAIRY INDUSTRY ACT

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MR. KLAPSTEIN

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 2*  
*Mr. Klapstein*

## **BILL 2**

1999

### **DAIRY INDUSTRY ACT**

*(Assented to , 1999)*

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

- Definitions     **1** In this Act,
- (a) “analyst” means a person designated as an analyst under section 3;
  - (b) “approved laboratory” means a laboratory designated as an approved laboratory under section 24;
  - (c) “bulk milk grader” means a person licensed under this Act as a bulk milk grader;

- (d) “contamination” means the introduction to or occurrence in dairy products, equipment and utensils in contact with dairy products or the dairy products environment of any biological or chemical agent, pathogen, pest, foreign material or substance that has the potential to compromise food safety or render the dairy product unfit for human consumption and sale;
- (e) “dairy animals” means cows, goats and sheep and other species, kept for the purpose of milking;
- (f) “dairy barn” means a building that is used to house dairy animals on a dairy farm and includes
  - (i) a stanchion or tie-stall barn where animals may also be fed and milked,
  - (ii) a building with alleyways and individual stalls, commonly called a free-stall barn,
  - (iii) a loose housing barn with a minimum of 3 walls and a roof, and
  - (iv) the feeding and holding areas used in conjunction with a milking parlour;
- (g) “Dairy Board” means the Alberta Dairy Control Board constituted under the *Dairy Board Act*;
- (h) “dairy farm” means premises where one or more dairy animals are kept from which a part or all of the milk is sold, offered for sale or supplied for human consumption, and includes all buildings and land occupied or used in connection with the production of milk;
- (i) “dairy plant” means a building where a processor processes a dairy product, and the land associated with that building;
- (j) “dairy product” means
  - (i) milk;
  - (ii) a product of milk that contains no oil or fat other than that of milk and contains a minimum of 50% milk ingredients by weight;
  - (iii) a product of milk that is prescribed by a standard for dairy products in the regulations under the *Canada Agricultural Products Act* (Canada);

- (k) “Director” means the person designated as Director under section 2;
- (l) “farm-separated cream” means the fatty liquid separated from raw milk on a dairy farm;
- (m) “inspection agency” means a corporation designated as an inspection agency under section 25;
- (n) “inspector” means the Director and a person designated as an inspector under section 3;
- (o) “milk” means a normal lacteal secretion obtained from the mammary gland of a dairy animal;
- (p) “milk component” means milk fat, protein and other solids or other components of milk designated by the Director;
- (q) “milk transport vehicle” means a vehicle used for the transport of milk or farm-separated cream from a dairy farm to a dairy plant or from a dairy plant to another dairy plant;
- (r) “milk transport vehicle depot” means a building or shelter where milk or farm-separated cream is transferred from one milk transport vehicle to another;
- (s) “milking parlour” means a building or structure or part of a building or structure where dairy animals are milked but not housed;
- (t) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (u) “package” means a container or covering used for the packing, wrapping or covering of a dairy product;
- (v) “pasteurization” means the destruction of pathogens in every particle of milk or dairy product by heat or other process;
- (w) “pasteurizer operator” means a person licensed as a pasteurizer operator under this Act;
- (x) “pest” means any vermin that may contaminate dairy products;
- (y) “process” means,

- (i) with respect to milk, to pasteurize, homogenize, package or treat milk so that the milk's form or composition is altered in any manner, and includes the cleaning and sanitizing of any surface, including the surface of equipment that comes into contact with the milk while it is being pasteurized, homogenized, packaged or treated, and
- (ii) with respect to dairy products other than milk, to manufacture, modify, pasteurize, prepare, reconstitute, package or store dairy products, and includes the cleaning and sanitizing of any surface, including the surface of equipment that comes into contact with the dairy product while it is being manufactured, modified, pasteurized, prepared, reconstituted, packaged or stored;
- (z) "processor" means any person who processes, for sale, 50 litres or more of milk or dairy product on any day, but does not include a retail establishment that operates or uses a freezing device to freeze a frozen dairy product mix manufactured by a processor licensed under the *Dairy Board Act*;
- (aa) "producer" means a person who sells, or supplies for sale or processing, milk or farm-separated cream that has been produced by one or more dairy animals owned or controlled by that person;
- (bb) "raw milk" means milk that has not been pasteurized;
- (cc) "sale" includes trading, bartering and giving without expectation of compensation.

Director

**2(1)** The Minister may designate an employee of the Government of Alberta or of an agency of the Government of Alberta as Director.

**(2)** The Director is an inspector for the purposes of this Act.

**(3)** The Director may in writing delegate any power or duty conferred or imposed on the Director by this Act or the regulations to employees of the Government of Alberta, to inspectors or to the Dairy Board, except the power to issue variances or carry out the powers and duties of the Director under section 30.

**(4)** The Director may impose conditions on a delegation under subsection (3) and may set the term of a delegation made under subsection (3).

- Personnel
- 3(1)** The Director may designate employees of the Government of Alberta or of an agency of the Government of Alberta, employees of the Government of Canada or of an agency of the Government of Canada or any other individuals as analysts or inspectors for the purposes of this Act.
- (2)** The Director may impose conditions on a designation under subsection (1) and may set the term of a designation made under subsection (1).

### Licences

- Licences required
- 4(1)** No person shall be a producer or processor of dairy products unless that person holds a producer or processor licence issued under the *Dairy Board Act*.
- (2)** No person other than a person who holds a processor licence issued under the *Dairy Board Act* shall operate a dairy plant.
- (3)** No person other than an inspector or a person who holds a bulk milk grader licence shall take samples of a producer's raw milk for the purposes of
- (a) determining its weight, volume, contents and grade, and
  - (b) accepting or rejecting the raw milk at a dairy farm.
- (4)** No person other than a person who holds a licence under this Act that authorizes the person to operate a pasteurizer shall operate a pasteurizer at a dairy plant.
- Licences issued
- 5(1)** The Director may issue licences in accordance with the regulations and may impose conditions on the licences in addition to the conditions imposed by the regulations.
- (2)** A person whose application for a licence is refused or who objects to a condition imposed by the Director on the licence may request a review in accordance with section 23.
- Suspension or cancellation of licence
- 6(1)** If, in the opinion of the Director, the holder of a licence issued under this Act has failed to comply with this Act, the regulations or the conditions imposed on the licence, has provided false or misleading information on the application for a licence or owes fees under this Act, the Director may, by giving written notice to the licensee, suspend or cancel the licence.

(2) A written notice under subsection (1) must include the reason for the suspension or cancellation.

(3) A person whose licence is suspended or cancelled may request a review of the decision in accordance with section 23.

Dairy farm,  
plant licence  
recommendations

**7(1)** If the Director, on reasonable and probable grounds, is satisfied that a dairy farm or dairy plant will be operated so that it meets the requirements of this Act and the regulations, the Director may recommend to the Dairy Board that it issue a licence or lift the suspension of a licence in accordance with the regulations under the *Dairy Board Act*.

(2) If the Director, on reasonable and probable grounds, is of the opinion that a dairy farm or dairy plant does not meet the requirements of this Act or the regulations, the Director may recommend to the Dairy Board that it suspend or cancel the licence in accordance with the regulations under the *Dairy Board Act*.

### Inspection

Access to  
premises

**8(1)** For the purpose of determining whether this Act and the regulations are being complied with, the Director and an inspector may at any reasonable hour enter and inspect any building, land, milk transport vehicle or milk transport vehicle depot, other than a private dwelling-place that is used as a dwelling, that the Director or inspector believes on reasonable and probable grounds is, or is used in connection with, a dairy farm, dairy plant, milk transport vehicle, milk transport vehicle depot or laboratory where dairy products are tested for the purposes of this Act.

(2) In carrying out an inspection under this section, the Director or inspector may

(a) inspect, review, examine, evaluate and take samples from any dairy product, dairy animal, thing, process or activity to which this Act applies and photograph or otherwise record anything with respect to them that the Director or inspector considers would be of assistance,

(b) require any person in a building or on the land that is, or is used in connection with, a dairy farm, dairy plant, milk transport vehicle depot or laboratory where dairy products are tested for the purposes of this Act, or in a milk transport vehicle, to be interviewed and to make full disclosure either orally or in writing about any matter concerning any dairy product, dairy animal, thing, process or activity to which this Act applies,



- (c) on providing notice when practical, temporarily close or disconnect, or require temporary closure or disconnection of, any thing, process or activity to which this Act applies,
- (d) review, perform or require to be performed any tests that the Director or inspector considers necessary on any dairy product, dairy animal, thing, process or activity in or on a dairy farm, dairy plant, milk transport vehicle or milk transport vehicle depot, and take samples and remove any thing, if necessary, for the purpose of having tests performed, and
- (e) demand the production, within a reasonable time, of any licence, record or other document pertaining in any manner to compliance with this Act or the regulations and may on giving a receipt for it remove it for not more than 48 hours for the purpose of making copies of it.

Identification for inspector, etc.

**9** The Director and an inspector, when acting under the authority of section 8, must carry identification in the form provided for in the regulations, and on the request of an owner, operator or other person in charge of a building, land, milk transport vehicle or milk transport vehicle depot referred to in section 8 must show the identification and explain the Director's or inspector's powers and duties under section 8.

Order to comply

**10** If the owner, operator or other person in charge of a building, land, milk transport vehicle or milk transport vehicle depot refuses to allow the Director or an inspector to exercise the powers conferred under section 8 or hinders or interferes with the exercise of those powers, the Director or inspector may apply by originating notice to a judge of the Court of Queen's Bench for an order

- (a) directing the owner, operator or other person to do or refrain from doing anything the judge considers necessary in order to enable the Director or inspector to exercise the powers under section 8, and
- (b) for the purpose of providing protection, authorizing a peace officer to accompany the Director or inspector on an inspection under section 8.

Seized,  
detained dairy  
product

**11(1)** If an inspector is of the opinion, on reasonable grounds, that a person has contravened this Act or the regulations, the inspector may seize or detain or place a notice of seizure or detention on and take away any dairy product or other thing by means of or in relation to which the inspector reasonably believes the contravention was committed.

(2) An inspector may order that any dairy product or thing seized, detained or taken away pursuant to subsection (1) be held until, in the opinion of the inspector, this Act and the regulations have been complied with.

(3) No person shall without the written permission of an inspector or the Director

(a) remove a notice of seizure or detention placed by an inspector, or

(b) remove a dairy product or thing seized or detained by an inspector.

### **Grade, Dairy Product Standards**

Official  
grading

**12(1)** The grade of milk and the weight, volume and content of milk and of any component of milk as determined by an analyst or inspector

(a) constitute the grade, weight, volume and content of the milk and of any component of the milk for the purposes of this Act and the *Dairy Board Act*, and

(b) is the basis on which settlement for the sale of the milk by a producer to a processor must be made for the purposes of this Act and the *Dairy Board Act*.

(2) A producer may, in accordance with section 23, request a review of the determination of a grade, content, weight or volume of milk or of any component of the milk produced by the producer.

Producing  
standards

**13(1)** The buildings, land, equipment and utensils of a dairy farm that are used in connection with dairy purposes must meet the requirements of the regulations.

(2) Producers must meet the requirements of the regulations when taking care of their dairy animals, when drawing milk from the dairy animals and when handling and storing milk, farm-separated cream and dairy utensils.

Milk supply  
stop order

**14(1)** If an inspector is satisfied that a producer has contravened section 13, the inspector may, by written notice given to the producer, order the producer to cease supplying milk to a processor until the contravention is remedied to the satisfaction of the inspector.

(2) If an inspector makes an order under subsection (1), the inspector must give notice of the order to the Dairy Board and the processors to whom the producer usually supplies milk.

(3) A producer against whom an order is made under subsection (1) must comply with the order but may request a review in accordance with section 23.

(4) A processor shall not accept milk from a producer if the processor knows or ought reasonably to know that the milk is the subject of an order under subsection (1).

(5) If an inspector who made an order under subsection (1) is satisfied that the producer is meeting and will meet the requirements of section 13, the inspector must, by written notice given to the producer, cancel that order.

(6) If an inspector cancels an order under subsection (5), the inspector must give notice of the cancellation to the Dairy Board and the processors to whom the producer usually supplies milk.

Processing  
standards

**15(1)** The buildings, land, equipment, utensils, materials and ingredients used in processing dairy products in a dairy plant must meet the requirements of the regulations.

(2) The processing of a dairy product and the transportation of a dairy product from a dairy farm to a dairy plant or from a dairy plant to another dairy plant must meet the requirements of the regulations.

Dairy product  
stop order

**16(1)** If an inspector is satisfied that a processor has contravened section 15, the inspector may, by written notice given to the processor, order the processor to cease selling dairy products until the contravention is remedied to the satisfaction of the inspector.

(2) If an inspector makes an order under subsection (1), the inspector must give notice of the order to the Dairy Board.

(3) A processor against whom an order is made under subsection (1) must comply with the order but may request a review in accordance with section 23.

(4) If an inspector who made an order under subsection (1) is satisfied that the processor is meeting and will meet the requirements of section 15, the inspector may cancel that order.

(5) If an inspector cancels an order under subsection (4), the inspector must give written notice of the cancellation to the processor and the Dairy Board.

Rejection of  
abnormal milk

**17(1)** A bulk milk grader may reject raw milk in a producer's bulk milk tank, if, in the opinion of the bulk milk grader, it is contaminated, is abnormal in colour or odour, does not meet the temperature requirements set out in the regulations or cannot be sampled in accordance with the regulations.

(2) On rejecting raw milk under subsection (1), the bulk milk grader must give the producer, the processor who would have received the raw milk and the Director written notice of the rejection and the reasons for the rejection.

(3) If a producer is aggrieved by a bulk milk grader's decision to reject raw milk under subsection (1), the producer may demand that a sample of the raw milk be provided to a processor for a review of the decision.

(4) The processor who receives a sample of raw milk under subsection (3) must test the sample and confirm or reverse the decision of the bulk milk grader to reject the milk.

(5) A processor may accept raw milk rejected under this section for use in the manufacture of a dairy product only if

- (a) the processor is satisfied that the raw milk is acceptable for that use, and
- (b) the processor has the equipment and facilities required for the manufacture of that product.

(6) No person shall mix raw milk rejected under this section with any other milk to be used for human consumption.

(7) If a producer is aggrieved by a decision of the processor to reject raw milk under subsection (4), the producer may demand a review of the decision by an inspector whose decision is final, and the inspector may confirm or reverse the decision of the processor to reject the raw milk.

(8) If an inspector reverses a decision of a processor to reject raw milk under subsection (4), the processor must pay for the raw milk.

Inspector's prohibition

**18(1)** An inspector may order a producer not to sell or supply a shipment of milk to a processor if, in the opinion of the inspector, the milk does not meet the requirements of this Act and the regulations.

(2) No person shall mix milk ordered not to be sold or supplied under subsection (1) with any other milk to be used for human consumption.

Rejection of milk containing a drug residue

**19(1)** A processor must ensure that each shipment of milk delivered to the processor is, on its arrival, tested for drug residues in accordance with the regulations.

(2) If a shipment of milk delivered to a processor does not meet the requirements of the regulations with respect to drug residues, the processor must reject the milk and none of the milk may be used for processing, but the processor must ensure that samples are taken and supplied in accordance with the regulations.

Determination of raw milk components

**20(1)** A person who takes samples of and tests raw milk delivered to a processor to determine its components and to determine whether the raw milk meets the requirements of the regulations must do so in accordance with this Act and the regulations.

(2) A bulk milk grader who takes a sample of raw milk to determine the grade and components of the milk for the purposes of this Act and the *Dairy Board Act* must, when required pursuant to the regulations, deliver the sample to a processor, and the processor must, in accordance with the regulations, deliver it to an approved laboratory.

(3) An inspector who takes a sample of raw milk to determine the grade and components of the milk for the purposes of this Act must deliver it to an approved laboratory.

Test results

**21(1)** An approved laboratory must

(a) give the results of tests it carries out under this Act to the Director and the processor who supplied the sample that was tested, and

(b) on request give the results of the tests

(i) to the producer of the milk, and

(ii) if the Dairy Board directed that the milk be transferred from a processor to another processor, to that other processor.

(2) The Director must give a copy of the results of the tests that the Director receives under subsection (1) to the Dairy Board.

Records of tests

**22(1)** A processor must keep at the dairy plant the records of any test of milk, farm-separated cream and dairy product made at the dairy plant for one year, or for a longer time if so required by the regulations.

(2) The Director, an inspector and an analyst may, and a producer may with respect to milk that the producer has delivered to the dairy plant, examine the records referred to in subsection (1) at the dairy plant during regular business hours.

### Reviews

Review process

**23(1)** The following may apply to the Minister in writing, with reasons, for a review:

- (a) a person whose application for a licence under this Act is refused;
- (b) a licensee under this Act who objects to a condition imposed on the licensee's licence by the Director;
- (c) a person whose licence under this Act is suspended or cancelled;
- (d) a producer against whom an order is made under section 14 or 18;
- (e) a producer of milk whose milk is graded or the content of the components or the weight or volume of whose milk is determined by a bulk milk grader, analyst or inspector;
- (f) a processor against whom an order is made under section 16.

(2) On receiving a written request under subsection (1), the Minister may

- (a) direct the Director to consider a matter described in subsection (1)(e) or (f) or reconsider a matter referred to in subsection (1)(a) to (d), or
- (b) appoint one or more persons to hold a hearing within 30 days with respect to any matter referred to in subsection (1).

(3) A person appointed under subsection (2)(b) may

- (a) determine if representations will be oral or by written submission, and
  - (b) consider any new evidence that is raised or presented in a hearing.
- (4) The Director, on reconsidering a matter referred to in subsection (1)(a) to (d) or on considering a matter described in subsection (1)(e) or (f), and the person appointed under subsection (2)(b) who holds a hearing under subsection (3) may
- (a) in the case of the Director, issue a licence subject to any conditions imposed by the Director,
  - (b) in the case of the person appointed under subsection (2)(b), direct that a licence be issued by the Director subject to any conditions included in the direction,
  - (c) confirm, vary or cancel a condition imposed on a licence,
  - (d) confirm a suspension or cancellation,
  - (e) vary the term of suspension,
  - (f) substitute a suspension for a cancellation,
  - (g) reinstate the suspended or cancelled licence, subject to any conditions the Director or the person who holds a hearing considers appropriate, or
  - (h) confirm or vary a determination of a grade of milk, the content of milk components or the weight or the volume of milk.

### **Other Matters**

Approved  
laboratory

- 24(1)** The Minister may designate a laboratory as an approved laboratory for the purpose of performing tests referred to in the regulations.
- (2) The Minister may impose conditions on a designation under subsection (1).
- (3) Tests to be performed at an approved laboratory to determine the grade and components of milk for the purposes of this Act and the *Dairy Board Act* may be undertaken only by an analyst.
- (4) The Minister may set the fees that may be charged by the owner of an approved laboratory for the tests referred to in subsection (1).

- Inspection agency **25(1)** The Minister may designate as an inspection agency a corporation that employs inspectors.
- (2) The Minister may impose conditions on a designation under subsection (1).
- (3) Inspectors employed by an inspection agency may carry out inspections under this Act and the regulations as authorized by the Minister's designation.
- (4) The Minister may set the fees that may be charged by an inspection agency for inspections carried out pursuant to this section.
- Collecting fees **26(1)** The owner of an approved laboratory may, or the Dairy Board on the request of and on behalf of the owner of an approved laboratory may, collect the fees referred to in section 24(4).
- (2) An inspection agency may, or the Dairy Board on the request of and on behalf of an inspection agency may, collect the fees referred to in section 25(4).
- (3) If the Dairy Board undertakes to collect a fee referred to in subsection (1) or (2), the approved laboratory or inspection agency may not undertake collection of that fee.
- (4) The Dairy Board may
- (a) collect fees from a producer or processor, and
  - (b) if the Dairy Board holds money for a producer or processor and that producer or processor owes a fee referred to in subsection (1) or (2), deduct the amount of the fee from the money it holds for the producer or processor and remit the amount of the fee to the approved laboratory or inspection agency.
- Assessments **27(1)** The Minister may assess every producer and processor for a reasonable proportion of the total cost of inspections and of performing tests on raw milk under this Act.
- (2) The Minister may fix and determine the time when the assessments are payable and the method by which they are to be paid.



Collection of assessments, lab fees	<b>28</b> All assessments under section 27 are debts due to the Crown and may be collected by the Crown or by the Dairy Board on behalf of the Crown.
Certificate of analyst as evidence	<b>29</b> A certificate or report of an analyst relating to the analysis of milk, a dairy product or material submitted by an inspector or bulk milk grader to the analyst is admissible in evidence as prima facie proof of the facts stated in it without proof of the signature or the official character of the analyst who signs it.
Variances	<p><b>30(1)</b> The Director may issue a written variance with respect to any dairy product, dairy animal, thing, process or activity to which the regulations apply if the Director is of the opinion that the variance provides approximately equivalent or greater food safety than that provided for by the regulations.</p> <p><b>(2)</b> The Director may impose conditions on the variance.</p> <p><b>(3)</b> The <i>Regulations Act</i> does not apply to variances issued under this section.</p>
Giving notice	<b>31</b> If a written notice is required to be given to a person under this Act, the notice is sufficiently given if it is given by personal service to that person or sent to that person by registered mail at that person's place of work or residential address last known to the Director or if it is given in accordance with the regulations.

### Offences

Offence re contamination	<p><b>32(1)</b> A producer who sells or supplies to a dairy plant, or to any place where raw milk or farm-separated cream is collected for sale or shipment to a dairy plant,</p> <p style="margin-left: 40px;">(a) raw milk from which any milk component has been taken, or</p> <p style="margin-left: 40px;">(b) milk or farm-separated cream from a dairy animal that the producer knows or ought reasonably to know is diseased</p> <p>is guilty of an offence and liable to a fine of not more than \$25 000.</p> <p><b>(2)</b> A person who knowingly contaminates a dairy product that is for sale for human consumption is guilty of an offence and liable to a fine of not more than \$25 000.</p>
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Offence re tests	<p><b>33(1)</b> A person who contaminates or tampers with a sample of milk, farm-separated cream or dairy product taken for a test so that results of the test could be affected is guilty of an offence and liable to a fine of not more than \$25 000.</p> <p><b>(2)</b> A person who knowingly misreads or misinterprets the results of any test made for the purposes of this Act or the regulations is guilty of an offence and liable to a fine of not more than \$25 000.</p>
Offence re Act	<p><b>34</b> A person who contravenes section 4, 14(4), 17(6), 18(2) or 20(2) is guilty of an offence and liable to a fine of not more than \$25 000.</p>
Offences re inspection	<p><b>35(1)</b> A person who obstructs, hinders or otherwise impedes the Director or an inspector in the carrying out of duties or powers under section 8 is guilty of an offence and liable to a fine of not more than \$25 000.</p> <p><b>(2)</b> A person who</p> <ul style="list-style-type: none"> <li>(a) removes a notice of seizure or detention placed by an inspector, or</li> <li>(b) removes a dairy product placed under seizure or detention by an inspector</li> </ul> <p>without the written permission of an inspector or the Director is guilty of an offence and liable to a fine of not more than \$25 000.</p>
Regulations	<p><b>36</b> A person who contravenes a provision of the regulations is guilty of an offence and liable to a fine of not more than \$25 000.</p>
Forfeiture of dairy products	<p><b>37</b> If a person is convicted of an offence under this Act or the regulations, in addition to any penalty imposed, the dairy products by means of or in relation to which the offence was committed are forfeited to the Crown and may be disposed of in the manner that the court directs.</p>
Presumption and proof of offence	<p><b>38</b> In a prosecution of an offence under this Act,</p> <ul style="list-style-type: none"> <li>(a) the possession by a person of dairy products is prima facie proof of the intent to sell or use them in contravention of this Act, the regulations or a licence, and</li> <li>(b) a package containing a dairy product that bears</li> </ul>

- (i) a name and address purporting to be the name and address of the person by whom it was packed, or
- (ii) a registered number purporting to be the registered number of the dairy plant where it was processed

is prima facie proof that the dairy product was packed and that the package was marked by the person whose name and address appears on the package or by the person operating the dairy plant whose registered number appears on the package.

### **Regulations**

- Regulations **39(1)** The Lieutenant Governor in Council may make regulations
- (a) establishing grades for raw milk and respecting the grading of raw milk;
  - (b) respecting deductions due to raw milk grades;
  - (c) respecting
    - (i) components of dairy products, and
    - (ii) the taking and handling of samples of dairy products and the performing of tests on dairy products;
  - (d) respecting the storage of dairy products by processors and producers, the handling and storage of dairy products at milk transport vehicle depots and the transportation of dairy products by milk transport vehicles;
  - (e) respecting
    - (i) the location, construction, layout, operation, maintenance and alteration of dairy plants,
    - (ii) the equipment and utensils in a dairy plant,
    - (iii) the location, construction, layout, operation, maintenance, cleaning, sanitizing and alteration of buildings and structures used or intended to be used for milking and storage of milk on a dairy farm, and
    - (iv) the fabrication, capacity, installation, maintenance, cleaning and sanitizing of equipment and utensils used or intended to be used in connection with milk or dairy animals on a dairy farm;

- (f) respecting the processing of dairy products;
  - (g) governing the state of health required of any person employed in a dairy plant or on a producer's premises or in any other capacity that involves the handling of dairy products or equipment or utensils used in connection with dairy products;
  - (h) respecting the milking, housing and standards of health required of dairy animals from which milk is drawn for human consumption, and the handling and storage of that milk;
  - (i) respecting
    - (i) the issuance, classification and conditions of licences, and
    - (ii) applications for and qualifications required for a licence;
  - (j) respecting the identification of persons designated under sections 2 and 3;
  - (k) respecting records in respect of test results, dairy animals and dairy products;
  - (l) respecting the giving of written notices.
- (2) The Minister may make regulations respecting forms for the purposes of this Act.

### **Consequential Amendments, Repeals and Coming into Force**

Amends RSA  
1980 cD-1

#### **40 The *Dairy Board Act* is amended**

- (a) in section 4 by renumbering it as section 4(1) and adding the following after subsection (1):**
  - (2) The Dairy Board is empowered to carry out any power or duty conferred or imposed on it by the *Dairy Industry Act* and the regulations under that Act.
  - (3) The Dairy Board is empowered to accept and act on recommendations of the Director and on the determinations referred to in section 12(1) of the *Dairy Industry Act*.
- (b) in section 22(3) by striking out "appointed" and substituting "designated".**

Repeal           **41**   The *Dairy Industry Act*, SA 1981 cD-1.1, is repealed.

Coming into  
force           **42**   This Act comes into force on August 1, 1999.