



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA PORK PRODUCERS' COMMISSION REGULATION

Alberta Regulation 69/2015

Extract

© Published by Alberta Queen's Printer

Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this document are reminded that it has no legislative sanction. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(no amdt)

ALBERTA REGULATION 69/2015

Marketing of Agricultural Products Act

ALBERTA PORK PRODUCERS' COMMISSION REGULATION

Table of Contents

1 Definitions

**Part 1
Registration and Licensing**

2 Producer registration
3 Prohibition re production and marketing
4 Dealer licensing

**Part 2
Service Charge**

5 General service charge
6 Deduction of service charge — buyers
7 Collection of service charge — custom kill
8 Payment of service charge — producers
9 Trust account
10 Debt to the Corporation
11 Use of service charge
12 Service charges refundable

**Part 3
Collection of Information**

13 Swine information
14 Producer information
15 Retention of information

**Part 4
Shipping and Transporting**

16 Application of this Part
17 Application of approved swine identifiers
18 Manifests for shipment of swine
19 Contents of manifests
20 Shipper's duties respecting manifests
21 Transporter's duties respecting manifests

- 22 Receiver's duties respecting manifests
- 23 Retention of manifests
- 24 Submission of manifests

Part 5
Access to Information by Corporation

- 25 Requests for information
- 26 Inspection of records
- 27 Form of request for information
- 28 Prohibition
- 29 Confidentiality

Part 6
General

- 30 Repeal
- 31 Expiry

Definitions

1 In this Regulation,

- (a) "Act" means the *Marketing of Agricultural Products Act*;
- (b) "approved swine identifier" means the form of swine identification that
 - (i) meets the requirements of the *Health of Animals Regulations* (Canada),
 - (ii) is assigned by the Corporation to a producer for the producer's premises pursuant to this Regulation, or
 - (iii) is approved by the Minister for the purposes of the *Swine Traceability Regulation* (AR 134/2014);
- (c) "assembler" means a person who assembles swine for the purpose of transportation or marketing;
- (d) "buyer" means a person who buys swine from a producer and includes a processor and a dealer;
- (e) "Corporation" means the Alberta Pork Producers' Development Corporation;
- (f) "custom kill" means the slaughtering by a processor on a fee for services basis of swine that are owned by a person other than the processor;

- (g) “dealer” means a person who deals in swine within the meaning of the *Livestock Identification and Commerce General Regulation* (AR 208/2008) and includes a livestock dealer as defined in the *Livestock Identification and Commerce Act*;
- (h) “feeder” means swine, other than a weaner, that is sold to a producer to be raised to slaughter weight by that producer;
- (i) “manifest” means a record that meets the requirements of the *Animal Health Act* and this Regulation;
- (j) “marketing” means marketing as defined in the Plan;
- (k) “Plan” means the *Alberta Pork Producers’ Plan Regulation* (AR 219/2001);
- (l) “premises” means a premises as defined in the *Premises Identification Regulation* (AR 200/2008);
- (m) “premises identification account” means a unique identifying account assigned under the *Premises Identification Regulation* (AR 200/2008);
- (n) “premises identification number” means the premises identification number assigned under the *Premises Identification Regulation* (AR 200/2008);
- (o) “premises name” means the name assigned to the premises by the Corporation when a producer registers with the Corporation;
- (p) “processor” means a person who slaughters swine;
- (q) “producer” means a producer as defined in the Plan;
- (r) “producer registration number” means the registration number issued by the Corporation to a registered producer;
- (s) “receiver” means a person who receives swine;
- (t) “shipper” means a person who ships swine or moves swine for the purposes of slaughter within a premises in which they have been raised;
- (u) “swine” means swine as defined in the Plan;
- (v) “transporter” means a person who transports swine;
- (w) “weaner” means swine that weigh less than 20 kg.

Part 1

Registration and Licensing

Producer registration

(1) A producer must register with the Corporation by providing information in the form and manner specified by the Corporation that the Corporation considers necessary for the purposes of

- (a) the Plan,
- (b) this Regulation,
- (c) any other regulation made under the Act in respect of the Corporation, and
- (d) any regulation respecting premises identification, and swine identification and traceability under the *Animal Health Act*.

(2) When a producer registers with the Corporation the Corporation shall

- (a) assign that producer
 - (i) a producer registration number, and
 - (ii) an approved swine identifier,and
- (b) assign that producer's premises
 - (i) an approved swine identifier, and
 - (ii) a premises name.

(3) No fee is payable to register with the Corporation under this section.

(4) A producer must forthwith notify the Corporation of any changes to the information provided to the Corporation under this section.

(5) The registration of a producer is not transferable.

(6) The Corporation shall maintain a register containing information provided to the Corporation under this section.

Prohibition re production and marketing

3 A producer shall not produce or market swine unless the producer

- (a) has a premises identification account and premises identification number issued under the *Premises Identification Regulation* (AR 200/2008), and
- (b) is registered with the Corporation pursuant to section 2.

Dealer licensing

4 All dealers must be licensed under the *Livestock Identification and Commerce Act* before they become engaged in the buying, selling or slaughtering of swine.

**Part 2
Service Charge**

General service charge

5(1) A producer must pay to the Corporation a service charge of

- (a) \$1.00 plus GST for each swine sold by the producer in Alberta,
- (b) \$1.00 plus GST for each swine the producer slaughters or causes to be slaughtered without selling the swine to another person,
- (c) \$1.00 plus GST for each swine that is 50 kg or more live weight sold by the producer outside of Alberta, and
- (d) \$0.25 plus GST for each swine that is less than 50 kg live weight sold by the producer outside Alberta.

(2) A service charge is not payable on sales of

- (a) feeders or weaners that are used in the production of swine on a producer's farm, or
- (b) sows and boars that are used for breeding swine on a producer's farm

until those swine are slaughtered or sold for slaughter.

Deduction of service charge — buyers

6(1) With respect to the service charge referred to in section 5(1)(a), a buyer shall

- (a) deduct the service charge from the purchase price payable to the producer,
- (b) account for the service charge in the form and manner required by the Corporation,
- (c) comply with the receiver's manifest obligations in Part 4, and
- (d) forward the service charge, the accounting and copies of the manifests to the Corporation in time for that service charge, accounting and manifests to reach the Corporation by the 15th day of the month following the month in which the service charge was deducted.

(2) If a buyer fails to deduct the service charge from the sale proceeds as required under subsection (1), the buyer and the producer are jointly and severally liable to the Corporation for the payment of the service charge.

Collection of service charge — custom kill

7(1) With respect to the service charge referred to in section 5(1)(b), if a processor slaughters or custom kills swine for which a service charge is not deducted as required under this Regulation, the processor shall

- (a) collect the service charge from the producer at the time the swine are slaughtered or custom killed,
- (b) account for the service charge in the form and manner required by the Corporation,
- (c) comply with the receiver's manifest obligations in Part 4, and
- (d) forward the service charge, the accounting and copies of the manifests to the Corporation in time for that service charge, accounting and manifests to reach the Corporation by the 15th day of the month following the month in which the swine were slaughtered or custom killed.

(2) If a processor fails to collect the service charge from the producer as required under subsection (1), the processor and the producer are jointly and severally liable to the Corporation for the payment of the service charge.

Payment of service charge — producers

8(1) With respect to the service charge referred to in section 5(1)(a) and (b), if the service charge is not deducted or collected

and remitted by the buyer or processor in accordance with sections 6 and 7, the producer shall

- (a) account for the service charge in the form and manner required by the Corporation,
- (b) comply with the shipper's manifest obligations in Part 4, and
- (c) forward the service charge, copies of the manifests and the accounting to the Corporation in time for that service charge, manifests and accounting to reach the Corporation by the 15th day of the month following the month in which the swine were sold or slaughtered.

(2) With respect to the service charge referred to in section 5(1)(c) and (d), the producer shall

- (a) account for the service charge in the form and manner required by the Corporation,
- (b) comply with the shipper's manifest obligations in Part 4, and
- (c) forward the service charge, copies of the manifests and the accounting to the Corporation in time for that service charge, manifests and accounting to reach the Corporation by the 15th day of the month following the month in which the swine were sold.

Trust account

9 Where a person holds funds that were deducted or collected as a service charge and that are held in trust by that person for the Corporation by virtue of section 31 of the Act, that person must deposit and hold those funds in a separate trust account maintained by that person for the purpose of holding funds deducted or collected as service charges.

Debt to the corporation

10 A service charge that is payable under this Regulation is a debt due to the Corporation and may be recovered by the Corporation by a civil action for debt.

Use of service charge

11 The Corporation may use the service charges that are payable under this Regulation for the purpose of paying the Corporation's expenses and administering the Plan and the regulations made by the Corporation.

Service charges refundable

12(1) A producer may request a refund of service charges by submitting the following information on the form established by the Corporation:

- (a) the producer's name;
- (b) the producer's mailing address and telephone number;
- (c) the producer's producer registration number;
- (d) proof of the quantity of swine sold;
- (e) the name and address of any buyer or processor who deducted or collected the service charge on behalf of the producer;
- (f) the amount of the refund requested.

(2) Requests for refunds of service charges must be received by the Corporation at its head office between May 1 and May 31 in any year in respect of service charges.

(3) The Corporation is not required to consider any request for a refund that is received by the Corporation before May 1 or after May 31 in any year and the producer is not entitled to the refund in respect of which the request was made.

(4) Notwithstanding subsection (3), the Corporation may, if it is satisfied that extenuating circumstances exist to warrant its doing so, consider a request for a refund that is received before May 1 or after May 31 in any year.

(5) On receipt of a request that meets the requirements of this section, the Corporation shall refund the service charges to the producer

- (a) by September 30 in any year, or
- (b) where the request was received before May 1 but has been considered by the Corporation under subsection (4), by September 30 in any year, or
- (c) where the request was received after May 31 in any year but has been considered by the Corporation under subsection (4), within 120 days after the receipt of the request.

Part 3 Collection of Information

Swine information

13(1) A producer, assembler, buyer, transporter and dealer must maintain a complete and accurate record of all sales and purchases of swine, including but not restricted to

- (a) swine sales records showing
 - (i) the number of swine sold and the approved swine identifier of each swine,
 - (ii) the date of the sale,
 - (iii) the name of the purchaser, and
 - (iv) the premises identification number and the premises name for the premises at which the swine were produced,

and

- (b) swine purchase records showing
 - (i) the number of swine purchased and the approved swine identifier of each swine,
 - (ii) the name of the person from whom the swine were purchased,
 - (iii) the name and producer registration number of the producer of the swine,
 - (iv) the date of the purchase, and
 - (v) the premises identification number and the premises name for the premises at which the swine were produced.

(2) A processor must maintain a complete and accurate record with respect to the following:

- (a) the number of swine slaughtered and the approved swine identifier of each swine;
- (b) the date on which swine were slaughtered;
- (c) the name and producer registration number of the producer of each swine slaughtered;

- (d) the premises identification number and the premises name for the premises at which each of the swine were produced that were slaughtered;
- (e) copies of all documents respecting slaughtered swine required to be kept by a processor by regulations respecting traceability under the *Animal Health Act*.

(3) A producer must maintain a complete and accurate record of all matters relating to the slaughtering of swine that are slaughtered without being sold, including but not restricted to

- (a) the number of swine slaughtered and the approved swine identifier of each swine, if applicable,
- (b) the date of slaughter,
- (c) the name of the owner, and
- (d) the premises identification number and the premises name for the premises at which the swine were produced.

Producer information

14(1) A producer who markets swine shall, at the time of marketing, provide to the person assembling, dealing, transporting, buying, slaughtering or receiving the swine

- (a) the producer's full name and telephone number,
- (b) the producer's producer registration number,
- (c) the premises identification number and the premises name of the premises at which the swine were produced, and
- (d) the approved swine identifier for the premises from which the swine were shipped.

(2) An assembler, dealer, buyer or processor receiving swine produced in Alberta shall

- (a) obtain and record the following information from each producer:
 - (i) the producer's full name and telephone number;
 - (ii) the producer's producer registration number;
 - (iii) the premises identification number and the premises name for the premises at which the swine were produced;

- (iv) the approved swine identifier for the premises from which the swine were shipped,

and

- (b) within 48 hours of receiving the swine provide the Corporation with the name and telephone number for any producer that does not have one or more of the following:
 - (i) a producer registration number;
 - (ii) an approved swine identifier;
 - (iii) a premises identification number.

Retention of information

15 A person who is required to maintain information, records and documents, as the case may be, under this Part must

- (a) maintain that information and those records and documents for not less than 5 years from the day that the information was received, the record was made or the document was created, and
- (b) make the information and those records and documents available to the Corporation when requested to do so by the Corporation pursuant to Part 5.

Part 4 Shipping and Transporting

Application of this Part

16 This Part applies

- (a) when swine are shipped from one premises to another or from a premises in Alberta to a destination outside Alberta, and
- (b) when swine are moved, for the purpose of slaughter, within a premises in which they have been raised.

Application of approved swine identifiers

17 A shipper must apply an approved swine identifier or ensure that an approved swine identifier has been applied to each swine in accordance with the *Swine Traceability Regulation* (AR 134/2014) before shipping swine or loading swine for transport.

Manifests for shipment of swine

18(1) Shippers, transporters and receivers must complete a manifest for

- (a) each shipment in a vehicle that transports swine where swine are loaded and unloaded,
- (b) each shipment of swine from one premises to another or from a premises in Alberta to a destination outside Alberta,
- (c) each movement of swine, for the purpose of slaughter within a premises in which they have been raised, and
- (d) when swine are received at a premises in Alberta from a point of origin outside Alberta.

(2) If a transporter stops at more than one premises to load swine onto a vehicle, a separate manifest must be completed for the group or lot of swine loaded onto the vehicle for each premises.

Contents of manifests

19 A manifest required by this Regulation must be in a form acceptable to the Corporation and must include the following information:

- (a) for shippers,
 - (i) the shipper's name;
 - (ii) a 24-hour telephone number to contact the shipper;
 - (iii) the shipper's producer registration number, if any;
 - (iv) the premises identification number and the premises name of the premises from which the swine are being shipped;
 - (v) the swine type;
 - (vi) the approved swine identifier for the swine where the shipper is applying the approved swine identifier to the swine;
 - (vii) the number of swine leaving the premises;
 - (viii) the name of the receiver to whom the swine will be delivered;
 - (ix) the premises identification number of the receiver to whom the swine will be delivered, if known;

- (x) if the premises identification number of the receiver is not known, sufficient information to enable the Corporation to locate the premises where the swine will be received;
 - (xi) the name of the individual who completes the manifest on behalf of the shipper;
 - (xii) the signature of the individual who completes the manifest referred to in subclause (xi);
- (b) for transporters,
- (i) the transporter's name;
 - (ii) the driver's name;
 - (iii) a 24-hour telephone number to contact the transporter;
 - (iv) the tractor or vehicle licence number;
 - (v) the trailer licence number if a trailer is attached to a vehicle or tractor;
 - (vi) the number of swine loaded onto the vehicle;
 - (vii) the time of day, day, month and year the swine leave the shipper's premises;
 - (viii) the name of the individual who completes the manifest on behalf of the transporter;
 - (ix) the signature of the individual who completes the manifest referred to in subclause (viii);
- (c) for receivers,
- (i) the receiver's name;
 - (ii) a 24-hour telephone number to contact the receiver;
 - (iii) the receiver's producer registration number, if any;
 - (iv) the premises identification number and the premises name of the premises at which the receiver is receiving swine;
 - (v) the time of day, day, month and year the swine are received by the receiver;

- (vi) the approved swine identifier where the receiver is applying the approved swine identifier to the swine;
- (vii) the number of swine that are received by the receiver;
- (viii) the name of the individual completing the manifest on behalf of the receiver;
- (ix) the signature of the individual who completes the manifest referred to in subclause (viii).

Shipper's duties respecting manifests

20 A shipper that is shipping swine must

- (a) before the swine are loaded onto the vehicle, complete on a manifest the information described in section 19(a),
- (b) provide the manifest to the transporter,
- (c) retain a copy of the manifest, and
- (d) on the request of a transporter or receiver named on the manifest, provide a copy of the manifest to that transporter or receiver.

Transporter's duties respecting manifests

21 A transporter who is carrying swine must

- (a) before the swine leave the shipper's premises, complete on the manifest provided by the shipper the information described in section 19(b),
- (b) leave a copy of the manifest with the shipper,
- (c) carry the manifest with the swine to the receiver identified on the manifest,
- (d) provide the manifest to the receiver on delivery of the swine,
- (e) retain a copy of the manifest, and
- (f) on the request of a shipper or receiver named on the manifest, provide a copy of the manifest to that shipper or receiver.

Receiver's duties respecting manifests

22(1) A receiver receiving swine must, if a manifest is delivered with the swine,

- (a) complete on the manifest the information described in section 19(c),
- (b) provide a copy of the manifest to the transporter,
- (c) submit the manifest to the Corporation in accordance with Part 2,
- (d) retain a copy of the manifest, and
- (e) on the request of a shipper or transporter named on the manifest, provide a copy of the manifest to that shipper or transporter.

(2) A receiver that receives swine must, if no manifest is delivered with the swine,

- (a) record on a manifest
 - (i) the shipper's name,
 - (ii) a telephone number to contact the shipper,
 - (iii) the premises identification number and the premises name of the premises from which the swine were shipped, if known,
 - (iv) if the premises identification number and the premises name of the premises from which the swine were shipped is not known, sufficient information to enable the Corporation to locate the premises from which the swine were shipped,
 - (v) the other information described in section 19(a) as applicable, if known,
 - (vi) the transporter's name and telephone number, and
 - (vii) the information described in section 19(c),
- (b) provide a copy of the manifest to the transporter,
- (c) submit the manifest to the Corporation in accordance with Part 2,
- (d) retain a copy of the manifest, and

- (e) on the request of a shipper or transporter named on the manifest, provide a copy of the manifest to that shipper or transporter.

Retention of manifests

- 23(1)** Shippers and receivers must keep manifests for a period of 5 years.
- (2)** Transporters must keep manifests for a period of one year.
- (3)** Shippers and receivers must provide manifests or records of manifests to the Corporation in accordance with Parts 2 and 5.

Submission of manifests

- 24** A shipper or receiver who is required to submit a manifest must send it to the Corporation by a means acceptable to the Corporation.

Part 5 Access to Information by Corporation

Request for information

25(1) The Corporation may request any producer, assembler, dealer, buyer, processor, transporter, shipper or receiver to furnish the Corporation with any information or record relating to the production, assembling, marketing, transporting, buying or slaughtering of swine that the Corporation considers necessary for the purposes of administering

- (a) the Plan,
- (b) this Regulation, and
- (c) any other regulation made under the Act in respect of the Corporation.

(2) Where the Corporation requests a person to furnish information under subsection (1), that person must furnish that information to the Corporation by the 15th day of the month following the month in which the request was made for the information.

Inspection of records

26 If the Corporation is of the opinion that circumstances warrant it, the Corporation may in writing require a person who produces, assembles, markets, transports, buys or slaughters swine to produce

for the Corporation's inspection any information or record in the possession or under the control of that person that relates to the manifest requirements of this Regulation or to the deduction, remittance and payment of service charges by that person.

Form of request for information

27 A request by the Corporation for information or records under sections 25 and 26

- (a) must be in writing, and
- (b) may be sent
 - (i) by personal delivery,
 - (ii) by postmarked mail or courier to the person's last address shown on the records of the Corporation, or
 - (iii) by fax or e-mail to the person's last fax number or e-mail address shown on the records of the Corporation.

Prohibition

28 No person shall create false records or provide false information for the purposes of this Regulation.

Confidentiality

29 The information obtained by the Corporation under this Regulation shall be held in confidence and used only for the purposes of ensuring compliance with this Regulation and other regulations made under the Act in respect of the Plan.

Part 6 General

Repeal

30 *The Alberta Pork Producers' Commission Regulation (AR 285/96) is repealed.*

Expiry

31 For the purposes of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2020.



Printed on Recycled Paper 