

Bill No. 68 of 1949.

A BILL TO AMEND THE LIVE STOCK DISEASES ACT.

NOTE.

This Bill amends *The Live Stock Diseases Act*, being chapter 10 of the Statutes of Alberta, 1946.

The purpose of the amendments made in this Bill is to provide more adequate means for the eradication of bovine brucellosis, commonly known as Bang's disease.

Section 2, being the interpretation section, is amended by the addition of definitions defining "brucellosis", "cattle", "reacting cattle", "restricted area", and "vaccinated cattle".

Section 3 of the Act, which is the section enabling the Lieutenant Governor in Council to make regulations, is amended by giving the Lieutenant Governor in Council additional powers relating to regulations for the prevention, control and eradication of brucellosis.

Several new sections are added immediately following section 3 of the Act relating to the control and eradication of brucellosis.

Section 3a provides for the establishment of a brucellosis restricted area for the eradication of brucellosis. Two-thirds of the owners of cattle in any municipal district or improvement district may present a petition to the Minister of Agriculture requesting the establishment of a restricted area in that municipal district or improvement district. The petition must be signed by the reeve and secretary of the municipal district, or in the case of an improvement district, by the Minister or Deputy Minister of Municipal Affairs. The Act sets out what information the petition must contain. The Minister of Agriculture upon the receipt of a petition may recommend to the Lieutenant Governor in Council the establishment of a restricted area. The Order in Council establishing a restricted area is published in *The Alberta Gazette* and in a newspaper circulating in the restricted area.

Section 3b provides that the Agricultural Service Board in any municipal district or improvement district in which a restricted area is established shall administer this Act and the regulations in the restricted area. The council of the municipal district in which the restricted area is established and the Minister of Agriculture may each contribute to the funds required by the Agricultural Service Board in the administration of the restricted area.

Section 3c requires all cattle in a restricted area to be tested for brucellosis.

Section 3d sets out the powers of inspectors under the Act. Any inspector may enter premises in a restricted area where cattle infected with brucellosis are kept for the purpose of making an inspection. The inspector may quarantine premises within a restricted area where infected cattle are kept and may prevent the removal of all hay, straw and other litter. The inspector is required to quarantine infected cattle and to order the permanent marking of such cattle by a brand on the right jaw.

Section 3e deals with the permanent marking of infected cattle by means of brands.

Section 3f enables the Minister, upon the receipt of a report from an inspector or from an Agricultural Service Board administering a restricted area to the effect that brucellosis exists on any premises, to order the owner or occupier of the premises to clean and disinfect them at his own expense. The Agricultural Service Board administering the restricted area may be ordered to take the necessary action and if so, it may recover its costs of cleaning and disinfecting the premises from the owner or occupier of them.

Section 3g provides that quarantined cattle are at the risk of the owner and that an inspector quarantining cattle or other property shall immediately notify the owner in writing.

Section 3h exempts the Minister or any member of an Agricultural Service Board, or any inspector or other person acting under the authority of this Act from liability for any act done or performed in good faith.

Section 3i prohibits any person from selling milk for human consumption from any reacting cattle or quarantined cattle unless the milk is pasteurized.

Section 7a is amended by striking out subsection (1). This subsection defines "brucellosis". As this definition now appears in the interpretation section of the Act, it is no longer necessary in section 7a.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 68 of 1949.

An Act to amend The Live Stock Diseases Act.

(Assented to _____, 1949.)

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

1. *The Live Stock Diseases Act*, being chapter 10 of the Statutes of Alberta, 1946, is hereby amended as to section 2,—

(a) by adding immediately before paragraph (a) the following new paragraphs:

“(a) ‘Brucellosis’ means the infectious disease of cattle caused by the bacteria *brucella abortus*, commonly known as Bang’s disease, irrespective of the occurrence or absence of an abortion;

“(aa) ‘Cattle’ includes any member of the bovine species;”;

(b) by relettering the present paragraph (a) as paragraph (aaa);

(c) by adding immediately after paragraph (e) the following new paragraph:

“(ee) ‘Reacting cattle’ means any cattle showing a positive reaction to the agglutination test, or any other recognized test for brucellosis;”;

(d) by adding immediately after paragraph (f) the following new paragraphs:

“(g) ‘Restricted area’ means a brucellosis restricted area established by the Lieutenant Governor in Council pursuant to this Act for the eradication of brucellosis;

“(h) ‘Vaccinated cattle’ means any cattle vaccinated with *brucella abortus* Strain 19 vaccine, between the ages of four and eight months, and covered by a vaccination certificate or tattoo;”.

2. The said Act is further amended as to section 3 by adding immediately after paragraph (c) of subsection (1) the following new paragraphs:

“(cc) The tests to be taken and the conditions to be complied with before cattle may be moved into or out of any restricted area established pursuant to the provisions of this Act;

- “(ccc) The testing, vaccination, grazing, feeding, isolation and segregation of cattle within any restricted area, and the establishment of isolation or quarantine areas within any restricted area, and the requiring of reports to the Minister relating to tests, vaccinations, quarantines and other measures for the control of brucellosis;
- “(cccc) The slaughter and sale of reacting cattle and the requiring of permits for any such slaughter or sale;”.

3. The said Act is further amended by adding immediately after section 3 the following new sections:

“**3a.**—(1) A petition signed by two-thirds of the owners of cattle in any municipal district or improvement district may be presented to the Minister requesting the establishment of that municipal district or improvement district as a restricted area for the eradication of brucellosis.

“(2) The petition shall be signed by the reeve and the secretary of the municipal district, or in the case of an improvement district, by the Minister or Deputy Minister of Municipal Affairs.

“(3) Any such petition shall contain the following:

“(a) the name and number of the municipal district or improvement district which will constitute the proposed restricted area;

“(b) the approximate number of cattle within it;

“(c) the name of each owner of cattle within the proposed restricted area;

“(d) a declaration that two-thirds of the owners of cattle within the proposed restricted area are in favour of having their cattle tested for the purpose of eradicating brucellosis from their herds;

“(e) the name of the veterinary inspector or inspectors who will act within the proposed restricted area.

“(4) The Minister, upon receipt of a petition may, in his discretion, recommend to the Lieutenant Governor in Council that a restricted area be established, and the Lieutenant Governor in Council may establish a restricted area in such location and with such boundaries as may be deemed proper and expedient.

“(5) The provisions of this section and of any regulations relating to matters preliminary to the establishment of a restricted area shall be deemed directory only and no Order in Council establishing a restricted area shall be held void or voidable on account of any irregularity in respect of any matter preliminary to its passing.

“(6) Each Order in Council establishing a restricted area shall be published in *The Alberta Gazette*, and in at least two issues of a newspaper circulating in the restricted area, and the provisions of this Act and the regulations shall apply to such area as a restricted area from the date of the publication of the Order in *The Alberta Gazette*.

“3b.—(1) The Agricultural Service Board constituted pursuant to *The Agricultural Service Board Act* in any municipal district or improvement district in which a restricted area is established, shall administer this Act and the regulations in the restricted area.

“(2) The council of each municipal district, or the Minister of Municipal Affairs in the case of an improvement district, is hereby empowered to pay out of the funds of the municipal district or improvement district to the Agricultural Service Board administering any restricted area within the municipal district or the improvement district, as the case may be, such moneys as the council of the municipal district or the Minister of Municipal Affairs deems necessary in connection with the expense of administration of the restricted area, subject to the provisions of section 200a of *The Municipal District Act* in the case of a municipal district.

“(3) The Minister of Agriculture from time to time may make grants out of moneys appropriated by the Legislative Assembly for the purpose to any Agricultural Service Board administering any restricted area for the purpose of assisting in the eradication of brucellosis.

“3c. All cattle within a restricted area shall be tested for brucellosis.

“3d.—(1) Any inspector may enter any premises within the restricted area where cattle are kept, or have been kept, or where the inspector suspects that infected cattle, or cattle suspected by the inspector of being infected with brucellosis are or have been kept, for the purpose of inspecting such premises and may take such specimens as he may deem necessary for the purpose of ascertaining the existence of brucellosis.

“(2) Any inspector may by order quarantine any premises within the restricted area where cattle are kept and may prevent the removal of all hay, straw, litter, or other articles likely to propagate infection until such time as an investigation has been made for the purpose of ascertaining the existence of brucellosis.

“(3) Any inspector, when satisfied of the existence of brucellosis, shall order the quarantine of all reacting cattle on the premises and the permanent marking of such cattle for future identification.

“3e.—(1) All reacting cattle which have not been vaccinated shall be permanently marked by a ‘B’ branded on the right jaw.

“(2) Vaccinated cattle in a negative herd shall not be permanently marked unless they show a positive reaction to the agglutination test after thirty-six months of age.

“(3) Vaccinated cattle in an infected herd shall be permanently marked if they show a positive reaction to the agglutination test after thirty months of age.

“3f.—(1) Upon receipt of a report from an inspector or from an Agricultural Service Board administering a res-

stricted area that brucellosis exists on any premises within the restricted area, the Minister in his discretion may order the owner or occupier of the premises or the Agricultural Service Board administering the restricted area to take any action necessary for the purpose of cleansing and disinfecting such premises, and may order that the cost of the action ordered to be taken shall be borne by the owner or occupier of the premises.

“(2) The Agricultural Service Board administering the restricted area may recover the cost of any action taken upon the order of the Minister from the owner or occupier designated in the order of the Minister by action as if the same were a debt owing to the Agricultural Service Board.

“**3g.**—(1) Any cattle or other property subject to an order of quarantine under the provisions of this Act shall at all times be at the risk and expense of the owner or person under whose control such cattle or other property were at the time of quarantine or detention.

“(2) The inspector quarantining or detaining such cattle or other property shall immediately after the quarantine or detention notify in writing the owner or person under whose control they were at the time of quarantine or detention by telegram, registered letter, or otherwise, of the quarantine or detention.

“**3h.** No action shall lie against the Minister or against any member of an Agricultural Service Board administering a restricted area or against an inspector or other person for any act done or performed in good faith and purporting to have been done or performed under the provisions of this Act or the regulations.

“**3i.** No person shall sell milk for human consumption from any reacting cattle or quarantined cattle unless the milk is properly pasteurized.”.

4. The said Act is further amended as to section 7a by striking out subsection (1).

5. This Act shall come into force on the day upon which it is assented to.

No. 68

FIRST SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL
An Act to amend The Live Stock
Diseases Act.

Received and read the

First time

Second time

Third time

HON. MR. URE.
