

Bill No. 47 of 1951.

A BILL TO AMEND THE AGRICULTURAL PESTS  
ACT.

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NOTE.

This Bill amends *The Agricultural Pests Act*, being chapter 76 of the Revised Statutes of Alberta, 1942.

The Act presently provides that a pest is any animal, insect or disease which is declared by Ministerial Order to be a pest and to be likely to be destructive or dangerous to any crop or live stock. Rats have been declared to be a pest by a Ministerial Order under this Act. These amendments are intended to facilitate the control of rats and other things that may be declared to be pests.

Section 2 (c) defines the term "municipality". The definition is amended to include a county.

Section 2 (d) defines the term "officer". The definition is amended by the addition of employees of a municipality designated as officers to assist in the control of pests within that municipality.

A new section 3a is added immediately after section 3. This section requires every municipality to take active measures to destroy pests within its boundaries and to appoint a person to assist in the control of pests within that municipality. Section 6 of the Act already implies that the municipality has this responsibility and the new section merely sets out the powers of the municipality in this connection in express terms.

Subsections (2) and (3) of section 4 are struck out and three new subsections are substituted. Subsection (1) enables an officer to take whatever action is necessary to destroy pests when the person to whom he has given a notice requiring him to destroy pests has failed to do so. The substituted subsections provide that in such a case the account of the expenditure incurred by the officer in destroying the pests should be submitted to the municipality within which the land is located. The expenditures are to be paid for by the municipality, either directly or by reimbursing the Province. The municipality may collect from the owner of the land in the manner set out in sections 236 and 237 of *The Municipal District Act*.

Section 9 is struck out and a new section is substituted. The new section includes everything that the present section

does but is broadened slightly to enable the Lieutenant Governor in Council to order any measure to be taken that will contribute to the control or destruction of any pest.

Section 12 is amended by adding after the word "part" the words "or all". This section now enables the Lieutenant Governor in Council to direct that part of the expenditure in controlling any pest be paid out of moneys appropriated by the Legislative Assembly. The amendment will enable all of the cost to be borne by the government in the case of any pest such as rats if it appears to be in the public interest that this should be done.

A new section 12a is added immediately after section 12. This section enables the Minister to spend money for surveys or control measures in order to prevent or delay the establishment of any pest within the Province.

A new Part IV is added at the end of the Act dealing with the setting out of poison. This was formerly dealt with under *The Setting of Poison Act* which is administered by the Department of Lands and Forests. It is now proposed that the setting out of poisons in settled areas will be dealt with by the Department of Agriculture under this Act. The Department of Lands and Forests will continue to deal with the setting out of poison in unsettled areas under *The Setting of Poison Act*.

The new Part consists of four sections. Section 27 authorizes the setting out of poison by a person upon his own premises for the destruction of any pest under this Act.

Section 28 enables the Minister to make orders approving the distribution of poisons and devices for the purpose of exterminating pests. The Minister may designate any area within the Province as an area within which a poison may be distributed and may issue directions as to the use of such poisons. The Minister may also provide for the supervision of the use and distribution of poisons or devices within a designated area.

Section 29 requires poisons to be labelled as such.

Section 30 provides that no action for damages shall be commenced against the Minister or any person authorized by the Minister in respect of the distribution or use of poison in accordance with the provisions of this Act.

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

KENNETH A. MCKENZIE,  
*Legislative Counsel.*

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

# BILL

No. 47 of 1951.

An Act to amend The Agricultural Pests Act.

(Assented to , 1951.)

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

1. *The Agricultural Pests Act*, being chapter 76 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 2 is amended,—

Section 2  
amended

- (a) by adding immediately after the word "village," where it occurs in clause (c), the word "county,";
- (b) by adding immediately at the end of clause (d) the words ", or any person appointed or designated by a municipality as an officer to control or assist in the control of a pest within that municipality".

3. The following new section 3a is added immediately after section 3:

New  
section 3a

"3a. (1) Every municipality shall,—

Municipality  
shall,—  
destroy all  
pests

- "(a) take active measures to destroy all pests within its boundaries;
- "(b) appoint or designate a person as an officer to assist in the control of pests within that municipality."

appoint  
assistants

4. Section 4 is amended by striking out subsections (2) and (3) and by substituting the following:

Section 4  
amended

"(2) The officer shall forward to the municipality within which the lands are located a certified account of all expenditures under this section within thirty days after the expenditure has been made or incurred, together with a description of the land in respect of which the expenditure has been incurred.

Certified  
account for  
expenditure

"(3) The expenditures under this section shall be paid by the municipality, or if the Province pays for the expenditures, they shall be a debt due from the municipality to the Province.

Expenditures  
under  
section 4  
responsibility  
of  
municipality

"(4) The council of the municipality may notify the owner of the land of the amount chargeable against the land and may collect the same from the owner in the manner set out in sections 236 and 237 of *The Municipal District Act*."

Notice to  
owner of  
amount  
chargeable  
against  
land

Section 9  
amended

5. Section 9 is struck out and the following is substituted:

Prohibition  
of removal  
of crop,  
vegetation,  
etc., from  
infested  
area

"9. The Lieutenant Governor in Council, upon the report of an officer setting forth a reasonable belief of the existence of a pest or of the existence of a crop, vegetation, vegetable or any other matter that may contribute to the spread of a pest in any area defined in the report,—

"(a) may prohibit the removal from the area or movement therein of any crop, vegetation, vegetable or other matter or of any animal; and

"(b) may prohibit the use or order the disposition or destruction of any pest, crop, vegetation, vegetable or other matter or of any animal which may contribute to the spread of a pest;

"(c) may order any measure to be taken that will contribute to the control or destruction of a pest."

Section 12  
amended

6. Section 12 is amended by adding immediately after the word "part" the words "or all".

New  
section 12a

7. The following new section 12a is added immediately after section 12:

Expenditures

"12a. For the purpose of preventing or delaying the establishment of a pest within the Province, the Minister may expend such moneys as he deems necessary or advisable for conducting surveys or for obtaining the material, equipment and labour required in connection therewith."

New Part IV

8. The following new Part is added immediately after section 26:

#### "PART IV.

##### "Setting out Poison.

Setting out  
poison on  
own  
premises

"27. (1) A person may set out poison upon land which he farms or has under his control for the destruction of,—

"(a) any animal; or

"(b) any insect; or

"(c) any bacterial or virus infection of any crop; that is declared a pest under the provisions of this Act.

"(2) No person shall set out any poison upon his own premises pursuant to subsection (1) unless he has fully complied with the provisions of this Act and the regulations relating to the setting out of that poison.

Ministerial  
order to  
exterminate  
pest

"28. Notwithstanding any provision of *The Setting of Poison Act*, *The Alberta Pharmaceutical Association Act*, 1945 or *The Public Health Act* or regulations thereunder, the Minister, by order published in *The Alberta Gazette*, may,—

"(a) name, approve and distribute, or arrange for or approve the distribution of, any poison and of any device or equipment incidental to the use of the poison, for the purpose of exterminating any pest;

- “(b) designate the area or areas within the Province within which a poison is to be distributed for use;
- “(c) issue specific directions as to the use of a poison and the manner in which it is to be handled, set out or applied within a designated area;
- “(d) appoint or require persons to be appointed by any municipality to supervise the setting out and the distribution of any poison, device or equipment within a designated area.

“**29.** All poison named, approved or distributed under this Act shall be distributed in containers or packages labelled ‘poison’.”

Packages  
to be  
labelled  
“poison”

“**30.** No action for damages shall be commenced against the Minister or against any person authorized or approved by the Minister in respect of the setting out, distribution or use of poison in accordance with the provisions of this Act, or in respect of anything done by him in accordance with the provisions of this Act that is required or authorized by this Act.”.

Right of  
action

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

Coming  
into force

No. 47.

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FOURTH SESSION  
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

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**BILL**

An Act to amend The Agricultural  
Pests Act.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. URE.

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