

No. 93

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 93

A Bill to Provide for the Control of Agricultural Pests

HON. MR. HALMRAST

Explanatory Note

General. This Bill will repeal and replace The Agricultural Pests Act, being chapter 5 of the Revised Statutes. Some provisions of the present Act are omitted, others revised and some new ones are added. The section references in the explanatory notes are to the equivalent provisions in the present Act.

2. Definitions.

3. Minister authorized to declare any animal, insect or disease to be a pest.

4. Duties of landholder. The present section 3 (1) revised with a reference to preventative measures added.

BILL

No. 93 of 1960

An Act to Provide for the Control of Agricultural Pests

(Assented to _____, 1960)

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

1. This Act may be cited as "*The Agricultural Pests Act, 1960*".

2. In this Act,

- (a) "Minister" means the Minister of Agriculture;
- (b) "municipality" means any city, town, new town, village, county, municipal district, improvement district or special area;
- (c) "officer" means
 - (i) any officer or constable of the Royal Canadian Mounted Police,
 - (ii) any employee of the Department of Agriculture acting for or under the direction of the Minister, or
 - (iii) any person appointed or designated by a municipality to control or assist in the control of a pest within the municipality;
- (d) "pest" means any animal, insect or disease declared to be a pest under section 3.

3. Where the Minister is of the opinion that any animal, insect or disease is likely to be destructive of, or dangerous to any crop or livestock, he may, by order, declare the animal, insect or disease to be a pest for the purposes of this Act.

PART I

DESTRUCTION OF PESTS

4. Every person who owns, occupies or controls any land

- (a) shall take active measures to destroy all pests upon the land,
- (b) shall take active measures to destroy any crop, vegetation, vegetable and other matter that may contribute to the spread of any pest and that is found upon the land,

5. (1) The present section 3 (2).

(2) Service of notice. This new section is similar to section 39 of The Noxious Weeds Act.

6. Failure to destroy pests. The present section 5.

- (c) shall take active measures to prevent the establishment of all pests upon the land, and
- (d) shall obey any notice relating to the land, given to him in writing by an officer, and directing
 - (i) the destruction of pests,
 - (ii) the use, disposition or destruction of any vegetable, vegetation or other matter, or
 - (iii) the use of any measures to prevent the establishment of pests.

5. (1) A notice given by an officer pursuant to this Act

- (a) shall be addressed to the person or persons owning occupying or controlling the lands affected,
 - (b) shall describe the land so affected with regard to which the notice is given,
 - (c) shall name the pest, crop, vegetation, vegetable or other matter with regard to which it is given,
 - (d) shall describe the methods that may be followed in, and the material, if any, that may be used for the prevention of the establishment or the destruction of any such pests, and
 - (e) shall specify the time within which the measures required by the notice must be taken.
- (2) The notice referred to in subsection (1) shall be deemed to have been duly given and served on the person to whom it is addressed,
- (a) on the notice being personally delivered to the person to whom it is addressed,
 - (b) on leaving it with a person presumed to be over the age of sixteen years at the place of abode of the person to whom the notice is addressed,
 - (c) on sending it by registered mail addressed to the last known postal address of the person to whom the notice is addressed, or
 - (d) on posting the notice in a conspicuous place on any building or erection situated on the land referred to in the notice, if the officer has reason to believe that the notice if delivered in any of the other ways mentioned in this subsection will not be received by the person to whom it is addressed within three days of the date of the notice.

6. (1) If within the time specified in a notice the person to whom the notice is directed fails to take the measures thereby required of him, any officer may secure the appropriate material and take whatever action is necessary to destroy the pests.

(2) If in securing the material and taking the action referred to in subsection (1) the officer incurs any expenses, he shall within thirty days after the expenses have been incurred forward to the municipality within which

7. Municipal responsibility. The present section 4.

8. Failure of municipality to act. The present section 7.

9. Powers of an officer. The present section 9.

10. Extraordinary measures. The present section 10.

the lands are located a certified account of all expenses incurred under this section, together with a description of the land in respect of which the expenses have been incurred.

(3) The expenditures made under this section shall be paid by the municipality, or if the Minister pays for the expenditures, the amount so paid is a debt due from the municipality to the Crown.

(4) The council of the municipality

- (a) may notify the owner of the land of the amount of the expenditures chargeable against the land, and
- (b) may collect the amount of the expenditures from the owner in the manner set out in sections 277 and 278 of *The Municipal District Act*.

7. Every municipality

- (a) shall take active measures to destroy all pests within its boundaries, and
- (b) shall appoint or designate an officer to assist in the control of pests within the municipality.

8. (1) Where, in the opinion of the Minister, the council of a municipality fails to take effective measures to destroy pests, an officer may enter upon any lands within the municipality

- (a) for the purpose of destroying pests thereon, or
- (b) for the purpose of preventing infestation on that or other land,

and the Minister may expend for that purpose such amount, not in excess of the sums allowed by this Act, as are necessary.

(2) Any amount expended under subsection (1) is a debt due from the municipality to the Crown.

(3) Where, in the opinion of the Minister, any unoccupied Crown lands within a municipality are infested with pests, he may order the destruction of the pests and the cost thereby incurred shall be borne by the Minister.

9. An officer may enter a place or premises in which he has reason to believe any pests exist and may take specimens of pests and also of any matter infested or suspected of being infested with pests.

10. 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, the Lieutenant Governor in Council

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

11. General tax in special cases. The present section 12.

12. payment of expenditure by the Crown. The present section 13.

13. Powers of Minister. The present section 14.

14. The present section 15 revised.

15. The Minister may maintain supplies of poison. The present section 17 revised.

- (b) may prohibit the use, or may order the disposition or destruction of any pest, crop, vegetation, vegetable or other matter or of any animal that may contribute to the spread of a pest, and
- (c) may order any measures to be taken that may contribute to the control or destruction of a pest.

11. Where, in the opinion of the Lieutenant Governor in Council, any pest with regard to which the provisions of this Part are enforced, is of such a nature that the cost of combating it should be charged as a general tax upon all lands in a municipality rather than charged against the owner or occupier of the lands specially affected by the pest, an order in council may be issued providing for the general tax.

12. The Lieutenant Governor in Council may direct at any time that a part or all of the expenditure incurred under this Act is to be defrayed out of moneys appropriated by the Legislature for that purpose, and in that event this Act shall be read subject to that direction.

13. In order to control, prevent or delay the establishment of a pest within the Province, the Minister may expend such moneys as he deems necessary or advisable in conducting surveys, setting up control programs and obtaining the material, equipment and labour required in that connection.

PART II

GRASSHOPPER CONTROL

14. (1) For the purpose of destroying grasshoppers upon his land a person may make application to obtain insecticides at the office of the municipality in which his land is situated.

(2) A person applying under subsection (1) shall, upon receipt of the insecticide, pay on account of its cost such sum, if any, as may be fixed from time to time by the Minister.

15. (1) The Minister

- (a) may purchase sufficient quantities of insecticide, poison or other ingredients necessary for the preparation of bait, spray or dust,
- (b) may maintain reserves of such supplies at such points in the Province as he may determine, and
- (c) may make such supplies available to municipalities for use in accordance with this Part.

(2) The costs incidental to the maintenance and storage of the supplies shall be borne by the Minister so long as the Province is custodian thereof.

16. Cost to municipality. The present section 18 revised.

17. Recovery of money. The present section 19 revised.

18. Prevalence of Part II. The present section 3.

19. Bacterial ringrot. The present section 24.

16. (1) Where insecticide is supplied to a municipality, the Minister shall charge to the municipality an amount equal to the total cost of the insecticide to the Minister, or such price as may be fixed from time to time by the Minister.

(2) Where the Minister supplies insecticide to a municipality for resale to farmers at a price less than the actual cost of the insecticide to the Minister, the municipality shall, at the discretion of the Minister, share equally with the Minister the difference between the actual cost of the insecticide and the sale price to the farmer.

17. (1) All sums charged under this Act to a municipality other than an improvement district, are a debt due from the municipality to the Crown and may be charged and collected by the municipality as a tax upon all assessable land within the municipality.

(2) All sums charged under this Act to an improvement district, are a tax upon all assessable land within the improvement district, payment of which shall be enforced in the same way as that of a tax levied for improvement district purposes.

(3) The sums charged against any municipality shall not exceed in any one year in the aggregate twenty-five cents per acre of the assessable land therein.

18. In case of conflict between the provisions of Part I and Part II of this Act, the provisions of Part II prevail.

PART III

CONTROL OF BACTERIAL RINGROT

19. To control and eradicate as far as possible any bacterial ringrot that menaces the potato industry, the Minister

- (a) may acquire stocks of suitable seed potatoes
 - (i) by purchase,
 - (ii) by multiplication under supervision, and
 - (iii) by other means that he considers proper,
- (b) may store the seed potatoes so acquired at suitable places in the Province,
- (c) may distribute the seed potatoes so acquired, for planting in areas where bacterial ringrot prevails and sell them to growers at such price as the Minister may from time to time fix, and
- (d) may purchase essential pesticides and properly disinfect storage facilities, supplies and equipment and fix a reasonable charge for this service.

20. Setting of poison. The present section 25 revised.

21. Order to exterminate pests. The present section 26.

22. Authority is given to the Minister to provide assistance to authorities in charge of certain areas such as Indian reserves and military camps.

23. The present section 27.

24. Right of action. The present section 28.

PART IV

SETTING OUT OF POISON

20. (1) A person may, upon land that he farms or has under his control, set out poison for the destruction of any pest.

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

21. Notwithstanding any provision of *The Setting of Poison Act*, *The Alberta Pharmaceutical Association Act* or *The Public Health Act* or the regulations thereunder, the Minister, by order

- (a) may, for the purpose of exterminating or controlling any pest, 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,
- (b) may designate the area or areas in the Province within which a poison is to be distributed for use,
- (c) may issue specific directions relating to the use of a poison and the manner in which it is to be handled, set out or applied within a designated area, and
- (d) may 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.

22. Upon the request of the authority in charge of an area within the Province that is not under provincial control, the Minister may provide assistance to the area for the control or destruction of pests to the same extent and in the same manner as if the area was a municipality.

23. All poison names, approved or distributed under this Act shall be distributed in containers or packages conspicuously labelled "poison".

PART V

GENERAL

24. No action for damages lies against the Minister, or against any person authorized or approved by him, in respect of

- (a) the setting out, distribution or use of poison in accordance with this Act, or
- (b) any thing required or authorized by this Act and done by him in accordance with its provisions.

25. Penalty section.

26. Power to make regulations.

27. Repealing section.

28. Coming into force.

25. A person

- (a) who fails to comply with this Act or with any notice or regulation hereunder,
- (b) who in any manner obstructs any officer in the discharge of his duties,
- (c) who wilfully fails to use or wilfully misuses any poison or insecticide supplied to him under this Act or the regulations hereunder, or
- (d) who, for propagation purposes acquires, distributes or uses seeds, roots, tubers or other vegetable materials infested with any pest,

is guilty of an offence and liable on summary conviction to a fine of not less than fifteen dollars, nor more than one hundred dollars, or in default of payment to a term of imprisonment of not more than thirty days.

26. The Lieutenant Governor in Council may, by regulations, provide for such matters and things as may be deemed necessary to carry out the intent of this Act.

27. *The Agricultural Pests Act*, being chapter 5 of the Revised Statutes, is hereby repealed.

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

No. 93

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to Provide for the Control
of Agricultural Pests

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
