

No. 93

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3rd Session, 15th Legislature, Alberta  
14 Elizabeth II

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## **BILL 93**

A Bill to amend The Noxious Weeds Act

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HON. MR. STROM

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## **Explanatory Note**

- 1.** This Bill amends chapter 223 of the Revised Statutes.
- 2.** (a) Hemp is removed from the definition of Class A noxious weeds.  
(b) Section 2 (b) defines Class B noxious weeds.
- 3.** Section 8 deals with the powers of a weed inspector to enter on lands, etc., and presently restricts entry to hours between sunrise and sunset.
- 4.** Corrects an incorrect reference.
- 5.** Section 14, subsection (1) empowers a weed inspector to enter on lands, etc., to inspect threshed crops and presently restricts inspection to hours between sunrise and sunset.
- 6.** Under the present section 15, an inspector cannot destroy weed infested crops of more than 5 acres without the consent of the Field Crops Commissioner, but can use chemical spray without that consent. The acreage figure is increased to 10 acres.
- 7.** Section 25, subsection (3) allows a municipal inspector to enter on land "with such teams, machinery and equipment as are deemed necessary" in order to destroy weeds.

# BILL

No. 93 of 1966

An Act to amend The Noxious Weeds Act

(Assented to \_\_\_\_\_, 1966)

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

1. *The Noxious Weeds Act* is hereby amended.
2. Section 2 is amended
  - (a) as to clause (a) by striking out the words "hemp (*Cannabis sativa*, L.),",
  - (b) as to clause (b)
    - (i) by adding after the words "all the members of the mustard family," the words "except cultivated mustard and rapeseed,"
    - (ii) by adding after the words "downy brome grass (*Bromus tectorum*, L.)," the words "wild buckwheat (*Polygonum convulvulus*), narrow leaved hawksbeard (*Crepis tectorum*), green fox-tail (*Setaria viridis*), kochia (*Kochia scoparia*) except the ornamental type, scentless mayweed (*Matricaria maritima* var. *agrestis*), smartweed (*Polygonum lapathifolium*, *Polygonum persicaria* and *Polygonum scabrum*),",
3. Section 8 is amended by striking out the words "between sunrise and sunset".
4. Section 11, subsection (1), clause (b) is amended by striking out the words "section 10" and by substituting the words "section 9".
5. Section 14, subsection (1) is amended by striking out the words "between sunrise and sunset".
6. Section 15 is amended by striking out the words "five acres" wherever they occur and by substituting the words "ten acres".
7. Section 25, subsection (3) is amended by striking out the word "teams,".

**8. Section 26 presently reads:**

26. (1) In this section "seed cleaner" means a machine used for cleaning grain or forage crop seed by the removal of weed seeds and other foreign matter therefrom.

(2) No person other than a farmer processing seed to be used on his own farm shall operate, control or manage a seed cleaner until he has obtained a permit to do so from the Field Crops Commissioner.

(3) The Field Crops Commissioner shall satisfy himself that

(a) the cleaning machinery to be used is of suitable type and construction, and

(b) the applicant is a fit and proper person to receive the permit.

(4) A permit issued pursuant to this section may be cancelled or suspended without notice by the Field Crops Commissioner if he is of opinion that

(a) grain or seed is not being properly cleaned, or

(b) weed seeds are being dealt with by the permit holder or his employees or agents in such a manner as to be

(i) dangerous to crops, or

(ii) a menace to the productivity of land in the area where the cleaning is being done.

(5) A person who contravenes the provisions of subsection (2) is guilty of an offence and liable on summary conviction to the penalties provided by section 57.

8. Section 26 is struck out and the following is substituted:

26. (1) In this section,

(a) "issuing authority" means

- (i) the Field Crops Commissioner, or
- (ii) the agricultural service board of a municipal district or improvement district appointed under *The Agricultural Service Board Act*, or
- (iii) an agricultural committee of a county appointed under *The Agricultural Service Board Act*,

and

(b) "seed cleaner" means a machine used for cleaning grain or forage crop seed by the removal of weed seeds and other foreign matter therefrom.

(2) No person other than a farmer processing seed to be used on his own farm shall operate, control or manage a seed cleaner unless he has obtained a permit to do so from an issuing authority.

(3) A permit issued under this section by the Field Crops Commissioner

(a) may be issued on his behalf by any person authorized by the Field Crops Commissioner to do so, and

(b) shall be issued in accordance with and subject to the regulations.

(4) A permit shall not be issued under this section by or on behalf of the Field Crops Commissioner with respect to a seed cleaner located in a municipal district or improvement district that has an agricultural service board or a county that has an agricultural committee.

(5) A permit issued under this section by an agricultural service board or an agricultural committee

(a) may be issued on its behalf by its agricultural fieldman,

(b) is authority for operation, control and management of the seed cleaner only within the municipal district, improvement district or county, as the case may be, for which it is appointed, and

(c) shall be issued in accordance with and subject to the regulations.

(6) Before issuing a permit under this section, the issuing authority shall be satisfied that

(a) the seed cleaner and the seed cleaning plant to be used are of suitable type and construction, and

(b) the applicant is a fit and proper person to receive a permit.

(7) A permit issued under this section shall be posted in a conspicuous place in the premises in which the seed cleaner is located.

**9. Section 30 reads:**

30. Every person who operates a threshing machine or combine harvester shall clean all grain threshed by him in such a way that on the completion of the threshing the grain so threshed shall contain not more than one hundred seeds of noxious weeds other than wild oats to each one thousand grains so threshed.

**10. Section 31, subsection (1) presently reads:**

31. (1) The owner of a crop that has been threshed, and each person having the control, management or disposition thereof, forthwith after threshing shall take delivery from the thresherman of screenings containing seeds of noxious weeds, and either destroy the same or place them in a building, bin or other container constructed in such a manner that the screenings are securely confined therein.

**11. Section 32 reads:**

32. (1) Every person who owns or operates or has the management or control of a threshing machine or combine harvester shall display at all times in a prominent place on his machine or harvester a copy of this section and of sections 28, 29, 30 and 31.

(2) Copies of these sections shall be printed by the Department and issued free on application therefor.

**12. Authority for by-laws requiring tarpaulins on grain carrying trucks.**

**13. Section 35 reads:**

35. A person who moves or causes to be moved or is in charge of the removal of settlers' effects from one point in the Province to another point in the Province shall before such removal

- (a) remove from such effects noxious weed seeds therein or thereon, and
- (b) forward to the Minister a statutory declaration to the effect that the requirements of this section have been complied with.

(8) A permit issued under this section may be cancelled or suspended by the issuing authority that issued it, where that issuing authority is satisfied that

- (a) the grain or seed is not being properly cleaned, on the evidence of samples taken or by other means, or
- (b) weed seeds are being dealt with by the permit holder or his employees or agents in such a manner as to be
  - (i) dangerous to crops, or
  - (ii) a menace to the productivity of land in the area where the cleaning is being done.

(9) A person who contravenes subsection (2) or (7) is guilty of an offence.

**9.** Section 30 is repealed.

**10.** Section 31, subsection (1) is amended by striking out the words "take delivery from the thresherman of screenings containing seeds of noxious weeds, and".

**11.** Section 32 is repealed.

**12.** Section 33 is amended by adding the following subsection:

(3) A council of a municipal district or county may by by-law, and the Minister of Municipal Affairs with respect to an improvement district or special area may by order, prohibit the operation by any person of a vehicle carrying weed seeds or screenings, whether mixed with other things or not, unless the part of the vehicle carrying the weed seeds, screenings or mixture is covered with a tarpaulin or similar cover in such manner as to prevent the weed seeds, screenings or mixture from leaving the vehicle.

**13.** Section 35 is repealed.

**14. Section 36 presently reads:**

**36.** No person within the Province shall take delivery of hay or green sheaves brought from a point outside the Province unless such person has the consent in writing of the Field Crops Commissioner.

**15. Section 38 presently reads:**

**38.** (1) A notice given by an inspector pursuant to any of the provisions of this Act shall be in writing and in triplicate.

(2) One of the notices shall be served on the person to whom it is addressed, another shall be delivered

(a) where given by a municipal inspector, to the secretary of the municipality by which the municipal inspector is employed, and

(b) where given by an inspector appointed by the Minister, to the Department,

and the third shall be retained by the inspector.

**16.** The deposit made on appeal from a notice given under the Act is increased from \$3 to \$5.

**17.** The minimum fine on a conviction for obstructing, etc., a weed inspector is increased from \$15 to \$25. The maximum fine is increased from \$100 to \$200.

**18.** The minimum fine on a conviction for non-compliance with an inspector's notice is increased from \$5 to \$15. The maximum fine is increased from \$50 to \$100.

**19.** Section 57 is the general penalty section. The minimum fine is raised from \$5 to \$15 and the maximum fine is raised from \$50 to \$100.

**20.** Commencement of Act.



**14.** Section 36 is amended by adding at the end thereof the words "or a person authorized by him to give that consent".

**15.** Section 38 is struck out and the following is substituted:

**38.** Where a written notice is given under this Act by an inspector, a copy of the notice shall be delivered to

- (a) the secretary of the municipality, if the notice is given by a municipal inspector, or
- (b) to the Department, if the notice is given by an inspector appointed by the Minister,

and a copy of the notice shall be retained by the inspector.

**16.** Section 46, subsection (3) is amended by striking out the words "three dollars" and by substituting the words "five dollars".

**17.** Section 54 is amended by striking out the words "not less than fifteen nor more than one hundred dollars" and by substituting the words "not less than twenty-five and not more than two hundred dollars".

**18.** Section 55 is amended by striking out the words "not less than five nor more than fifty dollars" and by substituting the words "not less than fifteen and not more than one hundred dollars".

**19.** Section 57 is amended by striking out the words "not less than five nor more than fifty dollars" and by substituting the words "not less than fifteen and not more than one hundred dollars".

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

No. 93

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THIRD SESSION  
FIFTEENTH LEGISLATURE  
14 ELIZABETH II  
1966

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**BILL**

An Act to amend The Noxious  
Weeds Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. STROM

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