

1967 Bill 83

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Fifth Session, 15th Legislature, 15 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 83**

**An Act to amend The Noxious Weeds Act**

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THE MINISTER OF AGRICULTURE

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First time .....

Second time .....

Third time .....

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# BILL 83

1967

An Act to amend The Noxious Weeds Act

(Assented to \_\_\_\_\_, 1967)

**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 26 is amended

(a) as to subsection (1) by striking out the words "In this section," and by substituting the words "In this section and section 39a,"

(b) by adding the following subsection after subsection (6):

(6a) Notwithstanding anything in this section, the agricultural service board of a municipal district or improvement district or the agricultural committee of a county, as the case may be, through its agricultural fieldman

(a) is the issuing authority with respect to a city, town or village located within the territorial boundaries of the municipal district, improvement district or county for which he is agricultural fieldman, and

(b) may, in any city, town or village described in clause (a), enter and inspect any lands or buildings for any purpose relating to seed cleaners or seed cleaning permits.

(c) by striking out subsection (7) and by substituting the following:

(7) A person who obtains a permit under this section shall post the permit in a conspicuous place in the premises in which the seed cleaner is located and shall maintain the permit in that place at all times during which the seed cleaner is in use.

**3.** The following section is added before section 40:

**39a.** (1) Where the issuing authority acting under section 26 is the Field Crops Commissioner, there is no appeal

## **Explanatory Notes**

- 1.** This Bill amends chapter 223 of the Revised Statutes.
- 2.** (a) A cross reference is added, relating to section 39a.
  - (b) Municipal districts, improvement districts and counties made issuing authorities and given inspection rights with respect to cities, towns and villages within their borders.
  - (c) The duty of posting the permit lies on the person who obtains it.
- 3.** This provision is new and creates an appeal from a decision of an issuing authority in respect of seed cleaner permits.

from its decision suspending, cancelling or refusing to issue a seed cleaner permit.

- (2) Subject to subsection (1), where an issuing authority
  - (a) refuses to issue a seed cleaner permit to, or
  - (b) cancels or suspends the seed cleaner permit of a person,

that person may appeal the decision of the issuing authority to the Field Crops Commissioner.

- (3) Notice of an appeal shall

- (a) be in writing,
  - (b) set out
    - (i) the name and address of the appellant,
    - (ii) a brief summary of the decision appealed from, including a reference to the location of the place where the seed cleaner was located or to be located during the subsistence period of the permit applied for, cancelled or suspended, as the case may be, and
    - (iii) the grounds of appeal,
- and

- (c) be served on the Field Crops Commissioner within 30 days of the making of the decision appealed from.

- (4) As soon as possible after being served with a notice of appeal the Field Crops Commissioner shall

- (a) fix a time and place for the hearing of the appeal, and
- (b) notify the appellant in writing of the time and place fixed pursuant to clause (a).

- (5) At the time and place designated for the appeal hearing the Field Crops Commissioner shall hear and determine the appeal and may by order made in consequence of such determination,

- (a) confirm the decision appealed from,
- (b) vary the decision appealed from by requiring the appellant to fulfil any conditions precedent to the issuing, reissuing or reviving of a permit, or
- (c) direct the issuing authority to issue, reissue or revive a permit, as the case may be, and in any such case the issuing authority shall act accordingly.

- (6) Where the Field Crops Commissioner is for any reason unable to act with respect to an appeal brought under this section, he may appoint in writing under his hand some other member of the Department to act in his place and the person so appointed has all the powers given to the Field Crops Commissioner by this section.

- (7) The decision on appeal of the Field Crops Commissioner or his appointee is final and without further appeal.



**4.** Section 42 is amended

- (a) as to clause (a) by striking out the words “or county”,
- (b) by adding the following clause after clause (a):
  - (a1) in a county, the appeal lies to the agricultural committee thereof appointed under *The Agricultural Service Board Act*,

**5.** Section 57 is amended by adding after the words “any provision of this Act” the words “or any regulation”.

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

**4. This change makes appeals in counties appealable to agricultural committees thereof.**

**5. Amended to create offence and penalty for violation of a regulation made under this Act.**