

1969 Bill 27

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

**An Act respecting the Control of Communicable
Diseases in Livestock**

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Third Reading

BILL 27

1969

An Act respecting the Control of Communicable
Diseases in Livestock

(Assented to _____, 1969)

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 Livestock Diseases Act, 1969* .

2. In this Act,

- (a) "affected livestock" means livestock having a communicable disease;
- (b) "communicable disease" means a disease of livestock that is communicable in any manner;
- (c) "control order" means an order of the Lieutenant Governor in Council concerning matters referred to in section 4;
- (d) "inspector" means a person appointed or authorized by the Minister to perform any duty under this Act;
- (e) "livestock" includes wild animals and birds whether captive or not and domestic animals and birds, but not fish;
- (f) "medicine" means drugs, vaccines and biologic supplies for the prevention, treatment, control or eradication of diseases of livestock;
- (g) "Minister" means the Minister of Agriculture;
- (h) "municipality" means a municipal district, county or improvement district;
- (i) "premises" means a place where livestock is ordinarily kept either permanently or temporarily for any purpose and includes farms, stables, stockyards, livestock depots, exhibition and show barns, markets and aviaries, but not a private dwelling house.

1. Short title.

2. Definitions.

3. (1) A petition may be presented to the Minister requesting the establishment of a control order and the petition shall be signed

- (a) by the reeve or chairman of a municipal district or county, or
- (b) in an improvement district, by the Minister of Municipal Affairs,

in which the control order is requested to be established.

(2) The petition shall contain

- (a) the name of the communicable disease (if known),
- (b) the area over which the control order is to take effect,
- (c) the measures requested to be taken for the control and eradication of the communicable disease,
- (d) the estimated number of livestock within the area of the proposed control order susceptible to the communicable disease,
- (e) the name of each owner whose livestock are susceptible to the communicable disease within the area of the proposed control order,
- (f) names of persons who are willing to act as inspectors within the area of the proposed control order, and
- (g) a declaration that two-thirds of the owners named in the petition are in favour of the control measures.

(3) An irregularity in the manner of presenting a petition to the Minister does not invalidate a subsequent order of the Lieutenant Governor in Council.

4. (1) The Minister,

- (a) upon being satisfied that a communicable disease exists, or
- (b) upon receipt of a petition under section 3,

may in his discretion recommend to the Lieutenant Governor in Council that he make a control order.

(2) The Lieutenant Governor in Council may make a control order concerning all or any of the following:

- (a) naming the communicable disease;
- (b) the establishment of an area of land over which the control order shall have effect;
- (c) the tests to be used in the identification of a communicable disease;
- (d) isolation and segregation of livestock or affected livestock;

3. Petition for control order.

4. Establishment of control order.

- (e) the destruction of any affected livestock and the method of disposal of the carcass;
 - (f) the cleansing and disinfecting of premises;
 - (g) immunization of livestock or affected livestock by medicine.
- (3) The Minister may designate an inspector to administer the control order and the inspector may
- (a) appoint veterinary surgeons as his aides to carry out all or any of his duties,
 - (b) with the consent of the Minister,
 - (i) establish a quarantine area within the area of the control order,
 - (ii) impose total or partial restrictions with or without conditions on the movement of
 - (A) livestock, or
 - (B) motor or other vehicles, including aircraft, or
 - (C) persons, or
 - (D) any material or articles likely to spread the communicable disease
 either on entering or leaving the quarantine area, and
 - (iii) as soon as possible after establishment of the quarantine area and imposition of restrictions notify
 - (A) the owners of livestock or affected livestock, and
 - (B) all other persons who may be affected,
 and
 - (c) with the prior consent of the Minister, remove the quarantine area and all or any restrictions or conditions imposed thereon.

5. (1) Notwithstanding *The Regulations Act*,

- (a) a notice of the control order specifying its main provisions shall be published by the inspector in two issues of a newspaper circulating within the area of the control order, and
 - (b) a control order shall become effective the day following the day that notice of the control order is published for the second time,
- but
- (c) if the control order is not
 - (i) filed with the Registrar of Regulations within 10 days of its date, and

5. Publication of control order.

(ii) published in accordance with *The Regulations Act*,
it becomes void.

(2) In respect of a quarantine area established by an inspector and restrictions imposed in consequence, notwithstanding *The Regulations Act*,

(a) a notice of the quarantine area together with the main restrictions shall be published by the inspector in two issues of a newspaper circulating in the area of the quarantine area,

(b) details of the notice shall be broadcast by radio and television,

(c) the quarantine area established and the restrictions imposed become effective as soon as the Minister consents to the inspector's proposals, and

(d) if the order of the inspector establishing a quarantine area is not

(i) filed with the Registrar within 10 days of its date, and

(ii) published in accordance with *The Regulations Act*,
it becomes void.

6. (1) Subject to section 248 of *The Municipal Government Act*, the council of a municipal district or county, or the Minister of Municipal Affairs in the case of an improvement district, may pay out of the funds of the municipality such moneys as the council or the Minister of Municipal Affairs considers necessary in connection with the expense of the administration of a control order.

(2) The Minister from time to time may, out of moneys appropriated by the Legislature for the purpose, make grants to municipalities to assist in the eradication of communicable disease.

7. (1) If a control order has been made and an owner of livestock or affected livestock defaults in paying a veterinary surgeon's bill, then the municipality in which the owner resides shall pay it.

(2) If a municipality pays the veterinary surgeon's bill, then the municipality may recover the sum it has paid from the owner of livestock or affected livestock in the same way that the veterinary surgeon but for this subsection might have done.

8. (1) Whether a control order has been made or not, where an inspector or any person acting in aid of an inspector has reasonable grounds for believing that a com-

6. Administration expenses.

7. Veterinary surgeon's costs.

8. This section provides a right of entry for inspectors and their aides and specifies penalties for obstruction.

municable disease exists in premises, he may enter the premises to take tests or specimens as he in his absolute discretion considers necessary to determine whether a communicable disease exists in livestock.

(2) A person who refuses to allow an inspector or any person acting in aid of an inspector to enter any premises that he is authorized to enter, is guilty of an offence.

(3) A person resisting or wilfully obstructing an inspector or any person acting in aid of an inspector in the execution of his duty is guilty of an offence.

(4) A person who is guilty of an offence under this section is liable on summary conviction to a fine of not more than \$50 or to imprisonment for a term of not more than 30 days, or to both fine and imprisonment.

9. (1) Where it appears to a justice, on information laid before him on oath, that there are reasonable and probable grounds for believing that there is affected livestock in any private dwelling house within his jurisdiction, the justice may issue a warrant authorizing a peace officer with or without an inspector (who must be named in the warrant) to enter the private dwelling house by force if necessary and search for the affected livestock.

(2) If any affected livestock is found in the private dwelling house, then this Act applies to the private dwelling house as if it had been included in the definition of premises in section 2, clause (i).

(3) Before entering a private dwelling house pursuant to this section, a peace officer shall take reasonable steps to find the owner or person in charge of the private dwelling house and endeavour to obtain his co-operation.

(4) Where a peace officer uses force in entering or searching any private dwelling house, he shall use no more force than is reasonably required under the circumstances.

10. The Lieutenant Governor in Council may make regulations concerning the conditions under which (notwithstanding *The Alberta Pharmaceutical Association Act*) persons other than pharmaceutical chemists or veterinary surgeons may sell medicine, and

- (a) provide for the licensing of a person to sell medicine,
- (b) specify which medicine may be sold, and
- (c) prescribe any other condition concerning the sale and handling of medicine.

11. The Lieutenant Governor in Council may make regulations concerning

- (a) the inspection of premises by inspectors,

9. Right of peace officer and inspector to enter a private dwelling house under certain circumstances.

10. This section allows the Lieutenant Governor in Council to make provision for persons other than pharmaceutical chemists to sell medicine and the restrictions under which medicine may be sold to be contained in the regulations.

11. Regulations.

- (b) the construction and standard of sanitation of premises,
- (c) the manner and condition under which livestock is kept, transported and otherwise handled,
- (d) the control of communicable disease in grazing reserves and community pastures and the inspection and supervision of health of livestock thereon,
- (e) the establishment and administration of livestock health programs,
- (f) fees to be charged to the owner of livestock for an official inspection of premises and livestock made by an inspector and for any other veterinary service provided under this Act, and
- (g) the methods and devices for the humane slaughter of any livestock for food and the method of disposal of the carcass.

12. (1) The Minister by regulation shall make a list of certain communicable diseases.

(2) A person knowing of or suspecting an outbreak of a listed communicable disease shall report the fact in writing to the Minister within seven days of his knowledge or suspicion.

13. (1) No person shall sell any meat, offal or product from affected livestock unless it has been rendered safe by sterilization.

(2) The Minister shall make regulations specifying what constitutes sterilization.

14. (1) Subject to section 8, a person who contravenes this Act or a notice, order or regulation made hereunder is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

(2) A prosecution under this section may be commenced within two years of an alleged offence.

15. This Act repeals and replaces *The Livestock Diseases Act*, being chapter 182 of the Revised Statutes of Alberta, 1955.

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

12. Reporting communicable diseases.

13. Prohibition of sale of affected livestock unless sterilized.

14. Penalties.

15. Repeal.