

1971 Bill 3

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 3

The Livestock Diseases Act, 1971

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Third Reading

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BILL 3

1971

THE LIVESTOCK DISEASES ACT, 1971

(Assented to _____, 1971)

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

1. 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 area" means an area of land which is subject to the provisions of a control order;
- (d) "control order" means an order of the Lieutenant Governor in Council concerning matters referred to in section 4;
- (e) "Director" means the Director of Veterinary Services of the Department of Agriculture;
- (f) "inspector" means a veterinary inspector or other inspector appointed pursuant to section 2;
- (g) "livestock" means wild animals and birds whether captive or not and domestic animals and birds, but does not include fish;
- (h) "medicine" means drugs, vaccines and biological supplies for prevention, treatment, control or eradication of diseases of livestock;
- (i) "Minister" means the Minister of Agriculture;
- (j) "municipality" means a municipal district, county, improvement district or special area;
- (k) "premises" means a place where livestock is ordinarily kept either permanently or temporarily for any purpose and includes farms, stables, stock-yards, livestock depots, exhibition and show barns, markets and aviaries, but not a private dwelling house.

Explanatory Notes

I. Definitions.

2. (1) The Minister may appoint as veterinary inspectors to administer this Act persons who are members of the Alberta Veterinary Medical Association.

(2) The Minister may appoint any other inspectors who may be required for the administration of this Act.

(3) All inspectors who are not employed pursuant to The Public Service Act shall receive such remuneration and expenses as the Minister may from time to time determine.

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 or special area, by the Minister of Municipal Affairs,

in which the control order is requested to be established and by a veterinarian who is a member of the Alberta Veterinary Medical Association.

(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 any class or type of livestock within the proposed control area which might be susceptible to the communicable disease,
- (e) the name of each owner whose livestock might be susceptible to the communicable disease within the proposed control area,
- (f) the names of persons who are willing to act as inspectors within the proposed control area, and
- (g) a declaration that two-thirds of the owners named in the petition are in favour of the control order being made.

(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 in an area, or

2. Appoinment of inspectors.

3. Petition for control order.

4. Establishment of control area.

(b) upon receipt of a petition under section 3, may in his discretion recommend that the Lieutenant Governor in Council 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 to which the order applies;
- (b) describing the control area;
- (c) the tests to be used in the identification of the communicable disease;
- (d) isolation and segregation of livestock;
- (e) the destruction of any affected livestock that are or were in the control area and the method of disposal of the carcass;
- (f) the cleansing and disinfecting of premises;
- (g) treatment or immunization of livestock.

(3) The Director shall administer the control order.

(4) The Director shall cause a notice of the control order specifying its main provisions to be published in two issues of a newspaper circulating within the control area and, notwithstanding The Regulations Act, the control order is effective the day following the day that notice of the control order is published in the second issue.

(5) The Director shall ensure that the control order is filed under The Regulations Act within 10 days of its date and if it is not filed in that time the control order terminates.

5. (1) With the prior consent of the Minister, the Director may

- (a) establish a quarantine area within the control area, and
- (b) impose total or partial restrictions with or without conditions on the movement of
 - (i) livestock, or
 - (ii) motor or other vehicles, including aircraft, or
 - (iii) persons, or
 - (iv) any material or articles likely to spread the communicable diseaseeither on entering or leaving the quarantine area.

(2) Where a quarantine area is established by the Director and restrictions imposed in consequence, the Director shall cause a notice of the quarantine area together with the

5. Establishment of quarantine areas.

main restrictions, or in the case of a material variation in the area or restrictions then notice of the variation, to be published

- (a) in two issues of a newspaper circulating within the area affected, and
- (b) by any other means which the Director considers most likely to bring such matters to the attention of livestock owners affected or likely to be affected thereby,

and, notwithstanding The Regulations Act, the quarantine area established and the restrictions imposed and any variations become effective the day following the day that the notice is published in the second issue of the newspaper.

(3) The Director shall file the order establishing the quarantine area or imposing the restrictions or setting out the variations under The Regulations Act within 10 days of its date and in default the order terminates.

(4) With the prior consent of the Minister, the Director may discontinue the quarantine area or any restrictions or conditions imposed thereon.

6. (1) Subject to section 251 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 or special area, 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 control or eradication of communicable disease.

7. (1) If a control order has been made and an owner of livestock defaults in paying a veterinarian's bill incurred as a result of the existence of the control order, then the municipality in which the owner resides shall pay it.

(2) When a municipality pays the veterinarian's bill pursuant to subsection (1), the municipality is subrogated to all rights of recovery of that amount which the veterinarian would otherwise have had.

8. (1) Whether a control order has been made or not, an inspector and any person acting in aid of an inspector may, with or without a warrant and by force if necessary, enter at any reasonable hour in or upon any premises and take

6. Administration expenses.

7. Municipal payment of veterinarian's bill.

8. Right of entry. Inspector may enter premises to search and test but may be required to obtain a warrant to enter a private dwelling.

all tests and specimens which he in his absolute discretion considers necessary to determine whether a communicable disease exists in livestock.

(2) 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 any affected livestock in a private dwelling house, the justice may issue a warrant authorizing a named inspector, by force if necessary, to

- (a) enter the private dwelling house,
- (b) search for the affected livestock, and
- (c) take all tests and specimen's which he in his absolute discretion considers necessary to determine whether any livestock is affected livestock.

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

(4) Where an inspector uses force in entering or searching any premises or private dwelling house or in taking tests or specimens, he shall use no more force than is reasonably necessary under the circumstances.

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

- (a) providing for the licensing of a person to sell medicine,
- (b) specifying which medicine may be sold, and
- (c) prescribing any other conditions concerning the sale and handling of medicine.

10. The Lieutenant Governor in Council may make regulations concerning:

- (a) the inspection of livestock by inspectors;
- (b) the inspection of premises by inspectors;
- (c) the construction and standard of sanitation of premises;
- (d) the manner and condition under which livestock is kept, transported and otherwise handled;
- (e) the control of communicable disease in grazing reserves and community pastures and the inspection and supervision of health of livestock thereon;

9. Control of sale of medicine.

10. Regulations.

- (f) the establishment and administration of livestock health programs;
- (g) the procedure to be followed in controlling or eradicating any disease not being controlled under any other Act and in distributing drugs and biological supplies used therefor;
- (h) the fees to be charged to the owner of livestock for an official inspection of premises and livestock made by an inspector and for any veterinary service provided under this Act;
- (i) the methods and devices for the humane slaughter of any livestock for food and the method of disposal of the carcass;
- (j) the means of identification of livestock;
- (k) the disposition of affected livestock;
- (l) the records to be kept and the returns to be made by owners, transporters or handlers of livestock;
- (m) the closing of premises;
- (n) the control and eradication of communicable diseases of livestock generally.

11. (1) The Minister by regulation shall make a list designating certain communicable diseases for the purposes of this section.

(2) A person knowing of or suspecting an outbreak of a listed communicable disease shall report the fact in writing to the Director within 30 days of his knowledge or suspicion.

(3) No person shall sell or offer for sale any livestock which he knows or ought reasonably to know is infected with a listed communicable disease without first advising the proposed purchaser or his agent of the fact that the animal is so infected.

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

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

13. No person, other than an inspector, shall remove, move, render illegible or otherwise mar any quarantine sign, seal, earmark or other identification mark or symbol used or applied by an inspector or under the supervision and direction of an inspector.

11. Listed diseases.

12. Sale of affected livestock.

13. Offence to interfere with tags.

14. (1) Where an inspector has by identification of livestock in any manner or by written order directed that any livestock be, within a specified time, detained on any premises or marketed for slaughter and the livestock is not so detained or marketed for slaughter within that specified time, an inspector may seize the livestock and cause it to be detained or marketed for slaughter at the expense of the owner of the livestock.

(2) The inspector shall pay the proceeds from the sale of livestock seized and slaughtered in accordance with subsection (1) to the person who owned the livestock at the time of the seizure, after deducting all costs incurred in the seizure, slaughter and sale.

15. (1) Subject to subsection (3), a person who contravenes this Act or a notice, order, direction 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 subsection (1) may be commenced within two years of an alleged offence but not thereafter.

(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 and liable on summary conviction to a fine of not more than \$50 or to imprisonment for not more than 30 days, or to both fine and imprisonment.

16. This Act repeals and replaces The Livestock Diseases Act.

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

14. Seizure on non-compliance.

15. Penalties.

16. Repeal of ch. 216 of the Revised Statutes of Alberta 1970.