

1971 Bill 64

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 64

An Act to amend The Public Health Act

THE MINISTER OF HEALTH

First Reading

Second Reading

Third Reading

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1971

AN ACT TO AMEND THE PUBLIC HEALTH ACT

(Assented to _____, 1971)

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

1. *The Public Health Act is hereby amended.*

2. *Section 7, subsection (1) is amended*

(a) *as to the portion thereof preceding clause 1, by adding the words "the protection and improvement of health and" before the words "the prevention, mitigation and suppression of disease",*

(b) *as to clause 10 by striking out subclause (i) and by substituting the following:*

(i) *any premises where cattle, horses, sheep, pigs, goats or other livestock are kept, any premises where fur-bearing animals (as defined in The Wildlife Act) are kept, and any slaughter houses or other places in which animals are killed and their flesh prepared for sale or for use as food,*

(c) *by striking out clause 44.*

3. *The following section is added after section 46:*

46.1 (1) Where this or an order, rule or regulation under this Act, the Provincial Board, an officer of the Department of Health, a local board or officer thereof, a medical officer of health or a municipality or officer thereof (in this section called a "health authority") is required or permitted to serve a notice to any person (in this section called the "respondent") the notice may be served

(a) *personally, or*

(b) *if the respondent's actual address or postal address is known to the health authority, by mail, or*

(c) *subject to subsections (2) and (3), by newspaper advertisement.*

Explanatory Notes

1. This Bill amends chapter 294 of the Revised Statutes of Alberta 1970.

2. Section 7 (1), clauses 10 and 44 presently read:

7. (1) The Provincial Board may, subject to the approval of the Lieutenant Governor in Council, make and issue orders, rules and regulations for the prevention, mitigation and suppression of disease, and may alter or repeal them, and in particular, but without limiting the generality of the foregoing, it may make and issue orders, rules and regulations in respect of the following matters:

10. the location, method of construction, furnishing, equipment, maintaining, cleansing, disinfecting, licensing and inspection of
 - (i) all fox ranches, fur farms, piggeries, slaughter houses and other places in which animals are killed and their flesh prepared for sale or for use as food,
 - (ii) all canneries, fish-houses, smoke-houses and warehouses in which fish are cured, packed or prepared for sale or for use as food, and
 - (iii) all starch factories, dye works and other factories in which blood, offal, skins, paraffin, tallow, soap, fertilizers or gas are worked up;

44. the issue, with regard to sanitary engineering works approved by the Provincial Board, of certificates for the purpose of affording protection in case of legal action in respect of the situation, construction, maintenance or operation of such works or against their continued use;

- (a) The general powers to make regulations is expanded so that the power will not be construed as being related only to disease, inasmuch as many of the specific clauses in section 7 (1) deal more with the public health in its broadest sense, and are not strictly related to disease as such.
- (b) clause 10 (i) is rewritten to be broader and at the same time more specific as to the places to which the regulations can extend.
- (c) clause 44 is removed as there are presently no regulations made under it, nor are any contemplated.

3. Methods of serving notice under the Act or regulations. In some proceedings, particularly those where the unsanitary condition of premises are concerned, no remedial action can be taken because the owner cannot be located in order to serve him with a notice in the proceedings.

(2) Where the health authority, after having taken reasonable steps for the purpose, is unable to locate the respondent or to determine his actual address, the health authority may serve the notice by means of newspaper advertisements in accordance with subsection (3).

(3) Where the health authority serves the notice on the respondent by means of newspaper advertisements, the notice shall be published in at least two issues, a week apart, in a newspaper of general circulation

- (a) in the place where the respondent had his last known address according to the records or other information available to the health authority, and
- (b) if the notice relates to the respondent's property or is given in proceedings that relate to the respondent's property, in the place where the property is located.

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

