

1990 BILL 31

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 31

LIVESTOCK INDUSTRY DIVERSIFICATION ACT

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 31

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LIVESTOCK INDUSTRY DIVERSIFICATION ACT

(Assented to , 1990)

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

Interpretation

1(1) In this Act,

- (a) “abattoir” means an abattoir or establishment within the meaning of the *Meat Inspection Act*;
- (b) “authorized present or prospective game-production animal” means, in relation to a game animal production farm, a game-production animal or a prospective game-production animal, as the case may be, of a species whose retention on the farm is specifically authorized by the farm licence or is authorized by section 12(2);
- (c) “Court” means the Court of Queen’s Bench;
- (d) “Director” means the Director of the Animal Industry Division of the Department of Agriculture, and includes a person to whom that Director delegates functions under section 2(1);
- (e) “game animal production farm” or “farm” means a place where live game-production animals are or, if a licence is granted, will be kept, but does not include a veterinary clinic, abattoir, temporary holding facility or any other place where live game-production animals are kept for some temporary purpose only;

(f) “game-production animal” or “present game-production animal” means a wildlife animal of a prescribed species that does not belong to the Crown, that is identified and registered and that is in captivity in Alberta for the purpose or the ultimate purpose of reproduction, sale as breeding stock or as meat or the sale of prescribed parts of it, or for any combination of those purposes;

(g) “identified” means identified pursuant to regulations made with reference to section 11(6);

(h) “inspector” means an individual appointed as an inspector under section 2(2);

(i) “licence” means a licence under this Act authorizing the operation of a game animal production farm;

(j) “meat” means the flesh or any product of the flesh of a dead present or prospective game-production animal;

(k) “Minister” means the Minister of Agriculture;

(l) “operator” means, in relation to a game animal production farm, a person who holds or is required by this Act to hold a licence authorizing the operation of the farm, or a former licensee whose farm is being operated pursuant to section 9;

(m) “person” includes a partnership or other unincorporated group of persons;

(n) “prospective game-production animal” means a species animal that is not a game-production animal, that is in captivity for a purpose referred to in clause (f) and

(i) that is registered or identified or respecting which there exists evidence of a reasonably and lawfully held intention to register or identify it,

(ii) that is a game-production animal except only that it is in captivity elsewhere than in Alberta, or

(iii) that does not belong to the Crown and is progeny of a female present or prospective game-production animal;

(o) “registered” means registered pursuant to regulations made with reference to section 11(6);

(p) “species” includes subspecies;

(q) “species animal”

(i) where the phrase is used in a provision that relates to a game animal production farm, means any wildlife animal of the same species as an authorized present or prospective game-production animal, and

(ii) otherwise means any wildlife animal of the same species as any game-production animal,

whether or not that animal is a present or prospective game-production animal.

(2) Expressions used in this Act that are defined or are the subject of interpretation provisions in the *Wildlife Act* and are not defined in this Act have the meanings assigned to them in the *Wildlife Act*.

Administration

Director and
inspectors

2(1) The Director of the Animal Industry Division of the Department of Agriculture may delegate all or any of his powers and duties under this Act to an employee of the Crown working in that Department.

(2) The Minister may in writing appoint individuals as inspectors for the purpose of assisting the Director in the administration of this Act.

Terms and
conditions of
permissions,
etc.

3(1) A permission, order or other decision of the Minister or the Director pursuant to this Act may be made subject to any terms and conditions that he considers appropriate.

(2) A person shall not contravene any term or condition imposed under subsection (1).

Licensing of Game Animal Production Farms

Requirement for
licence

4(1) A person shall not operate a game animal production farm unless its operation is authorized by a licence.

(2) A person is not eligible to acquire or to hold a licence unless

(a) he holds an estate in land comprising or including the area on which the farm will be or is situated and that estate is registered under the *Land Titles Act*, or

(b) he is in possession of that land under written arrangements made with the person referred to in clause (a) who would

otherwise be in possession of it and a copy of those arrangements has been provided to the Director.

Application for
licence

5(1) A person wishing to apply for a licence must apply to the Director in the form provided by the Director.

(2) The Director may, by notice in writing, require the applicant to provide to him any further information about the farm or its proposed operation that he considers necessary to enable the Minister to determine whether the application should be granted or refused and the appropriate terms and conditions, if any, to attach.

Issue or refusal
of licence

6(1) The Minister shall issue a licence to the applicant respecting the farm specified in the application if and only if

(a) the applicant is eligible under section 4(2),

(b) the applicant has complied with section 5(1) and with any notice under section 5(2),

(c) the Minister considers that the farm and its proposed operation, as specified in the application, would conform with this Act,

(d) the Minister considers that the application accurately reflects the actual or proposed circumstances respecting the farm, and

(e) the applicant pays the fee prescribed by the Minister.

(2) A licence must be in the form prescribed by the Minister and must specify the precise location of the farm.

(3) The Minister shall not issue a licence authorizing the operation of a farm or any part of a farm on land belonging to the Crown that is

(a) under the administration of the Minister of Forestry, Lands and Wildlife, or

(b) under the administration of the Minister of Municipal Affairs and within a special area constituted under the *Special Areas Act*.

(4) The Minister may endorse any terms and conditions on the licence, and the rights attached to the licence are subject to any such terms and conditions and to any other terms and conditions of the licence that are prescribed by the Minister.

(5) A licence may not be transferred by its holder to any other person.

(6) A licence expires on March 31 following the date of its commencing to have effect.

(7) The Minister shall forthwith notify the applicant in writing, with reasons, if he refuses a licence.

Cancellation of
licence

7(1) The Minister may, by giving notice in writing to the licensee, cancel a licence if he is satisfied that the licensee has contravened or permitted the contravention of any provision of this Act, the *Wildlife Act*, the *Meat Inspection Act*, the *Meat Inspection Act* (Canada), the *Livestock Identification and Brand Inspection Act*, the *Livestock and Livestock Products Act*, the *Livestock Diseases Act*, the *Animal Protection Act* or any regulations under any such Act.

(2) The Minister may cancel a licence on the written request of the licensee.

Appeal against
refusal or
cancellation

8(1) A person whose application for a licence has been refused or whose licence has been cancelled under section 7(1) may appeal the refusal or cancellation by serving the Minister with a notice of appeal within 30 days after being notified of the refusal or cancellation.

(2) The Minister shall, within 30 days after being served with the notice of appeal, appoint an appeal board consisting of not fewer than 3 and not more than 5 persons to hear the appeal.

(3) The Minister shall designate one of the members of the appeal board to be its chairman.

(4) The Minister may specify in writing the time within which the appeal board is to hear the appeal and give a decision, and he may extend that time.

(5) The appeal board may, by order,

(a) confirm the refusal to issue a licence or the cancellation of a licence,

(b) direct that the application for a licence be approved, or

(c) reinstate a cancelled licence for the duration of the licence year,

and the appeal board shall forthwith notify the Minister and the appellant of its decision.

(6) The Minister or the applicant or former licensee may appeal the decision of the appeal board by filing an originating notice with the Court within 30 days after being notified in writing of the decision, and the Court may make any order that an appeal board can make under subsection (5).

(7) The Minister may pay reasonable fees and expenses to any members of the appeal board who are not employees of the Crown.

(8) An appeal under this section does not operate as a stay of the decision appealed against.

Effect of
cancellation

9(1) Notwithstanding section 4(1), where a licence has been cancelled under section 7(1), the farm may continue to be operated without a licence for 3 months after the effective date of the cancellation, but only to such an extent as is necessary to allow the orderly liquidation of the farm operation.

(2) The Minister may, on the written application of the former licensee, in writing extend the initial 3-month period referred to in subsection (1) for one further period of up to 3 months where he considers that circumstances justify an extension, but no further extensions are permitted.

Terms and
conditions of
licence

10 An operator shall not contravene any of the terms or conditions of

(a) the licence, or

(b) where the farm is being operated pursuant to section 9, the licence in force immediately before its cancellation.

Operation of Game Animal Production Farms

Identification
and registration
of animals

11(1) Where a live authorized prospective game-production animal is brought onto a farm, the operator shall, within 30 days from that time, have it

(a) registered, and

(b) unless it is progeny that is not yet weaned, identified.

(2) Subject to subsection (1), an operator shall have live progeny born to a female authorized present or prospective game-production animal

(a) registered within 30 days after birth, and

(b) identified at or before weaning.

(3) Where there is a live authorized prospective game-production animal on a farm under any circumstances other than those described in subsections (1) and (2), the operator shall have it registered and identified at the earliest practicable time.

(4) Notwithstanding anything in this section, an operator shall not have a prospective game-production animal

(a) registered or identified unless it is then held captive on the farm,

(b) registered or identified if it is then in quarantine or in isolation on the farm under this Act or any other law, or

(c) identified if it then belongs to the Crown.

(5) Where registration or identification or both are delayed by virtue of the application of subsection (4)(b), the operator shall have the animal registered or identified or both within 30 days after the end of the period of quarantine or isolation.

(6) Registration and identification required by this section shall be effected in accordance with the requirements prescribed by the Minister.

(7) Neither registration nor identification affects the ownership of a present or prospective game-production animal.

Restriction on
animal species
on farm

12 An operator shall not permit a present or prospective game-production animal to be kept captive on the game animal production farm unless

(a) the farm licence specifically authorizes animals of the species to which that animal belongs to be kept on the farm, or

(b) where the farm is being operated pursuant to section 9, the farm licence, immediately before its cancellation, specifically authorized animals of the species to which that animal belongs to be kept on the farm.

Separation of
live authorized
animals from
others

13(1) An operator shall make reasonable efforts to ensure that live authorized present and prospective game-production animals on the game animal production farm are kept there and that other live species animals are kept off the farm.

(2) If a live species animal that is not an authorized present or prospective game-production animal is found on a farm, the operator shall forthwith notify a wildlife officer employed in the Department of Forestry, Lands and Wildlife of that fact.

(3) Subsection (1) does not apply to game-production animals lawfully taken off the farm in captivity.

Containment

14 An operator shall ensure that his farm at all times has enclosures, pens and handling facilities that

(a) so far as practicable, are capable of ensuring that live authorized present and prospective game-production animals in them are kept inside them and other live species animals are kept outside them, and

(b) conform to the requirements prescribed by the Minister.

**Entry to and
exit from farm**

15(1) An operator shall not allow a live prospective game-production animal to leave the farm in captivity.

(2) A former licensee whose licence has been cancelled under section 7(1) shall not allow

(a) any present or prospective game-production animals into,
or

(b) any game-production animals out of,

the farm in captivity without the written permission of the Director.

**Animal records
and reports**

16(1) An operator shall keep the records prescribed by the Minister of all present and prospective game-production animals kept on the farm, including records of births and deaths.

(2) An operator shall submit reports about the farm and the present and prospective game-production animals kept there to the Director in the form and at the intervals prescribed by the Minister.

(3) The Director may, by notice in writing, require an operator to submit to him, within the time and in the form or manner stated in the notice,

(a) any information required by the notice that relates or is incidental to the farm operation or to the animals on the farm,

(b) any information pertaining to any records that relate to that operation or those animals and that are sufficiently described in the notice to enable their identification, and

(c) any samples or specimens specified in the notice.

(4) The operator shall comply with the notice, but may comply with a notice under subsection (3)(b) by permitting an inspector to inspect the records to which the notice relates and, on the request

of that inspector, to take them away for further examination or copying.

(5) A record taken away under subsection (4) shall be returned to the operator within 7 days after it was taken or within such longer period as the Court directs for cause or that is agreed to by the operator.

(6) An application to the Court under subsection (5) shall be made on notice to the operator.

Condition of
farm and
humane care of
animals

17 An operator shall

- (a) maintain his farm in a clean and sanitary condition, and
- (b) employ reasonable and generally accepted practices of animal management and husbandry in the treatment of all present and prospective game-production animals.

Diseased
animals

18(1) Where the Director has reason to believe that there is on a farm a species animal described in section 1(1)(q)(ii) that has contracted a contagious or infectious disease or any other condition that may be hazardous to other animals or humans, he may in writing order the whole or a part of the farm into quarantine and may post quarantine notices on the entrances to the farm and to affected parts of the farm and on its enclosures.

(2) A person shall not, during the period of the quarantine, remove any animal from the quarantined farm or part of the farm except with the written permission of the Director.

(3) The quarantine ends when

- (a) the Director gives written notice to the operator that the quarantine order under subsection (1) is revoked, or
- (b) the quarantine order expires.

(4) The Minister may order the impoundment, slaughter or destruction of, or any other action he considers appropriate to be taken respecting, a species animal he considers to be infected with a contagious or infectious disease or any other condition that may be hazardous to other animals or humans.

Importation of
animals

19(1) This section applies to a present or prospective game-production animal just imported or a prospective game-production animal about to be imported into Alberta.

(2) The Minister may, by notice in writing sent to the person responsible for the importation, impose restrictions or conditions on the importation over and above those provided for by law.

(3) The Director may in writing order that before the animal is transported onto the farm following importation, a certificate of health relating to the animal, given by a veterinarian registered under the *Veterinary Profession Act* or by a veterinarian in another jurisdiction who is approved by the Director, be provided to the Director.

(4) If, after examining the certificate of health, the Minister considers that the animal is or may be carrying a contagious or infectious disease or any other condition that may be hazardous to other animals or humans, he may in writing order that

(a) the animal not be allowed to enter onto the farm, or

(b) the animal be kept in an isolation pen on the farm at the distance from other animals on the farm that is specified in the order and for the period of time so specified.

Matters Related to Game Animal Production Farming

Liability for
trespassing
animals

20(1) If a present or prospective game-production animal escapes from captivity and

(a) damage is done to property by the animal or by any person in attempting to capture the animal, or

(b) expense is reasonably incurred in attempting to capture or in maintaining or transporting the animal,

the operator and, if the operator did not own the animal immediately before the escape, the owner of the animal at that time, are jointly and severally liable for that damage or expense or for both, unless it is due wholly to the fault of the person suffering the damage or expense.

(2) In determining whether liability for any damage or expense is excluded by subsection (1), the damage or expense shall not be treated as due to the fault of the person suffering it by reason only that he could have prevented it by fencing his land.

(3) If a person

(a) opens and does not close or properly close a gate, or

(b) tampers with, damages or destroys a gate or fence,

as a result of which a present or prospective game-production animal escapes from captivity, he is liable for any damage or expense referred to in subsection (1).

(4) Nothing in subsection (3) restricts any liability under subsections (1) and (2).

(5) Nothing in this section affects section 14 of the *Wildlife Act*.

(6) The Crown has a right of action under this section for damage or expense suffered by it.

Sale of live
prospective
game-
production
animals

21(1) A person shall not sell a live prospective game-production animal.

(2) Subsection (1) does not apply to progeny that is registered but has not yet been weaned.

Slaughter of
game-
production
animals

22(1) A person shall not slaughter a game-production animal except at a lawfully operating abattoir prescribed by the Minister.

(2) Where a game-production animal was slaughtered and passed inspection under the *Meat Inspection Act* or the *Meat Inspection Act* (Canada), the person who slaughtered the animal shall have its carcass or parts of its carcass ribbon-branded or otherwise marked in accordance with the requirements prescribed by the Minister.

(3) Subsection (1) does not apply to a slaughter conducted pursuant to an order or direction under section 18(4) directing or authorizing the slaughter elsewhere than at an abattoir, or conducted pursuant to any other law.

Sale of non-
meat parts or
products

23 A person shall not sell any non-meat parts or products of any present or prospective game-production animal unless parts or products of the type to be sold are prescribed in relation to animals of the species to which that animal belongs and unless

(a) he is the operator of the farm on which that animal is or was kept, or

(b) he is authorized to do so by or under the *Wildlife Act*.

Sale of meat of
non-prescribed
animal

24 A person shall not sell meat

(a) unless it is the meat of a game-production animal of the species prescribed, or

(b) if section 22 has been contravened in respect of that animal.

Miscellaneous

Compensation	25 No right of compensation exists against the Crown, the Minister, the Director or any inspector for any act done, or any failure to act, pursuant to this Act.
Entry and inspection	26(1) The Director or an inspector may, without obtaining a warrant, enter at any reasonable hour (a) any premises, other than the living quarters of a private dwelling, used in connection with the operation of a farm, or (b) any vehicle that he has reasonable and probable grounds to believe is being or has been used to transport present or prospective game-production animals, to inspect the premises or vehicle or any animal found in or on them or it or any records required to be kept by this Act. (2) If the Director or an inspector on reasonable and probable grounds believes that there is in the living quarters of a private dwelling evidence of a contravention of this Act, he may obtain a warrant to enter the private dwelling for the purpose of inspecting those quarters or any animal found in them or any records required to be kept by this Act. (3) Before entering the living quarters under subsection (2), the Director or inspector shall take reasonable steps to find the occupant and shall endeavour to obtain the occupant's consent. (4) An operator shall, for the purpose of an inspection under this section, give all reasonable assistance to the Director or the inspector carrying out the inspection and provide access to all relevant areas of the farm and provide all information, records and documents required to be kept by this Act. (5) The Director or an inspector acting under the authority of this section shall, on request, produce a certificate of his appointment to the owner or occupant of the premises or vehicle.
Hindrance or obstruction	27 A person shall not hinder or obstruct any person in the exercise of his powers or the performance of his duties under this Act.
Signs and notices	28 A person shall not alter, destroy or remove any sign or notice erected for the purposes of or to facilitate the administration of this Act.

False or misleading information	29 A person shall not wilfully give false or misleading information to any person acting in the performance of his duties under this Act.
Offences and penalties	<p>30 A person who contravenes any provision of this Act is guilty of an offence against this statute and liable</p> <p>(a) in the case of an offence against section 4, to a fine of not more than \$50 000 or to imprisonment for a term of not more than 12 months, or to both, and</p> <p>(b) in any other case, to a fine of not more than \$10 000 or to imprisonment for a term of not more than 6 months, or to both.</p>
Limitation of time for prosecution	31 A prosecution in respect of an offence against this statute may not be commenced later than 2 years after the alleged commission of the offence.
Vicarious liability	<p>32(1) In a prosecution of an offence against this statute on the part of an operator, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused while acting in the course of his employment or agency functions, whether or not the employee or agent has been prosecuted for the offence.</p> <p>(2) Subsection (1) does not apply if the accused establishes that the act or omission alleged to constitute the offence was done in direct disobedience of an order given by the accused.</p> <p>(3) Where a corporation is guilty of an offence against this statute, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is also a party to and guilty of the offence and is liable to the penalty provided for the offence.</p>
Lieutenant Governor in Council regulations	<p>33(1) The Lieutenant Governor in Council may make regulations</p> <p>(a) respecting the genetic composition of present and prospective game-production animals allowed or prohibited on farms;</p> <p>(b) prescribing anything that by this Act may or is to be prescribed by the Lieutenant Governor in Council.</p> <p>(2) The regulations made under subsection (1) prescribing species of wildlife for the purpose of section 1(1)(f)</p> <p>(a) may be made only on the recommendations of both the Minister and the Minister of Forestry, Lands and Wildlife, and</p>

(b) may not prescribe fur-bearing animals within the meaning of the *Fur Farms Act*.

Ministerial
regulations

34 The Minister may make regulations

- (a) generally providing for the systems of licensing, registration and identification;
- (b) providing for the control of inventories of present and prospective game-production animals on farms;
- (c) providing for measures to be taken by operators for the purpose of maintaining their farms in a sanitary condition and for the control of animal diseases;
- (d) providing for the procedures to be used for the removal of specified parts and products from specified present and prospective game-production animals and for marking parts and products so removed;
- (e) providing rules for the humane care of present and prospective game-production animals;
- (f) establishing restrictions, in addition to those required by any other law, on the importation of prospective game-production animals into Alberta;
- (g) prescribing anything that by this Act may or is to be prescribed by the Minister.

Consequential
amendments to
Livestock
Identification
and Brand
Inspection Act

35(1) *The Livestock Identification and Brand Inspection Act is amended by this section.*

(2) *Section 1 is amended*

(a) by adding the following after clause (g):

*(g.1) “game-production animal” means a game-production animal within the meaning of the *Livestock Industry Diversification Act*;*

(b) in clause (k) by adding “game-production animals,” after “cattle,”.

(3) *Section 3 is amended*

*(a) in subsection (1) by adding “or, where a game-production animal has just been imported into, or is about to be exported from, Alberta, a permit under section 58 or 59, as the case may be, of the *Wildlife Act*” after “and the regulations”;*

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

(7) Subsections (3) and (4) do not apply to game-production animals.

(4) Section 5 is amended by adding the following after subsection (2):

(3) Subsection (2) does not apply to game-production animals.

(5) Section 6 is amended by adding the following after subsection (5):

(6) Subsection (4) and the exception in subsection (1) relating to delivery to Lloydminster or Dawson Creek do not apply with respect to game-production animals.

(6) Section 15 is amended by adding the following after subsection (6):

(7) Subsection (3) does not apply to game-production animals.

(7) Section 16 is amended by adding the following after subsection (4):

(5) This section does not apply to game-production animals.

(8) Section 39 is amended by adding the following after subsection (2):

(3) The exception in subsection (1) relating to delivery to Lloydminster or Dawson Creek does not apply with respect to game-production animals.

(9) Section 41 is amended

(a) by renumbering it as section 41(1);

(b) in subsection (1) by striking out “or horse permit” wherever it occurs and substituting “, horse permit or, in the case of a game-production animal, a permit under section 59 of the Wildlife Act”;

(c) by adding the following after subsection (1):

(2) The exception in subsection (1) relating to transportation to Dawson Creek or Lloydminster does not apply with respect to game-production animals.

(10) *Section 42 is amended by adding “or, where a game-production animal has just been imported into, or is about to be exported from, Alberta, without a permit under section 58 or 59, as the case may be, of the Wildlife Act,” after “may be,”.*

Consequential
amendment to
Livestock and
Livestock
Products Act

36 *The Livestock and Livestock Products Act is amended in section 1(d) by adding “game-production animals within the meaning of the Livestock Industry Diversification Act,” after “captivity,”.*

Consequential
amendments to
Wildlife Act

37(1) *The Wildlife Act is amended by this section.*

(2) *Section 1 is amended*

(a) *in subsection (1) by repealing clause (f.1) and substituting the following:*

(f.1) “game-production animal”, “game animal production farm”, “authorized present or prospective game-production animal” and “prospective game-production animal” have the meanings respectively ascribed to those expressions by the *Livestock Industry Diversification Act*, and “game animal production farm licence” means a licence issued under that Act;

(b) *in subsection (2)*

(i) *in clause (a) by striking out “or” at the end;*

(ii) *in clause (b)*

(A) *by repealing subclause (ii) and substituting the following:*

(ii) the operation of a game animal production farm,
or

(B) *by striking out “game ranch or permit premises” and substituting “game animal production farm or permit premises by the owner, operator or permittee of that farm or those premises”;*

(C) *by adding “, or” at the end;*

(iii) *by adding the following after clause (b):*

(c) where an authorized present or prospective game-production animal had escaped from a game animal production farm, if that person was the operator of that farm or an individual employed by that operator who,

within a reasonable time following its escape, was engaged in attempting to recapture or in chasing it and who acted reasonably, using reasonable and generally accepted methods of humane capture, and in a manner that did not cause danger to other persons, wildlife or livestock or damage to property.

(3) *Section 9(5) is amended by adding “or a game animal production farm” after “fur farm”.*

(4) *Section 31 is amended by adding “or to present or prospective game-production animals” after “livestock”.*

(5) *Section 42(3) is amended by striking out “or” at the end of clause (a), adding “, or” at the end of clause (b) and adding the following after clause (b):*

(c) a present or prospective game-production animal.

(6) *The following is added after section 46:*

46.1(1) A person shall not hunt any big game or exotic animal on a game animal production farm.

(2) Subsection (1) does not apply to hunting

(a) for the purpose of the control or prevention of depredation by black bears, or

(b) that is specifically authorized by or under

(i) a licence authorizing the control of wildlife depredation, or

(ii) the *Agricultural Pests Act*.

(7) *Section 54(2) is amended*

(a) *by repealing clause (b) and substituting the following:*

(b) if that possession is reasonably incidental to the operation of a fur farm or a game animal production farm,

(b) *in clause (c),*

(i) *by striking out “or” at the end of subclause (i);*

(ii) in subclause (ii),

(A) by striking out “lawfully hunted” and substituting “hunted in accordance with this Act”;

(B) by adding “, or” at the end;

(iii) by adding the following after subclause (ii):

(iii) the wildlife is a present or prospective game-production animal in respect of which all applicable provisions of the *Livestock Industry Diversification Act* and the *Meat Inspection Act* or the *Meat Inspection Act* (Canada) and of regulations under those Acts have been or are being met.

(8) Section 55(2) is repealed and the following is substituted:

(2) Subsection (1) does not apply to wildlife that was subjected to a poisonous substance or an immobilizing drug administered

(a) under a licence authorizing the control of wildlife depredation,

(b) under the *Agricultural Pests Act*, or

(c) in the course of the operation of a game animal production farm or a recapture described in section 1(2)(c).

(9) Section 56 is repealed.

(10) Section 57 is amended by renumbering it as section 57(1) and adding the following after subsection (1):

(2) Subsection (1) does not apply to the transportation of a game-production animal in accordance with the *Livestock Identification and Brand Inspection Act*.

(11) Section 59 is amended by renumbering it as section 59(1) and adding the following after subsection (1):

(2) A person shall not issue a permit authorizing the exportation of a game-production animal unless he is satisfied that the animal is being shipped by the owner of the animal or that owner’s agent.

(12) Section 61(2)(b) is amended by adding “or a game animal production farm or is in accordance with the *Meat Inspection Act* or the *Meat Inspection Act* (Canada)” after “farm”.

(13) Section 63 is amended by renumbering it as section 63(1) and adding the following after subsection (1):

(2) Subsection (1) does not apply to a game-production animal.

(14) Section 71 is amended

(a) in subsections (1) and (2) by striking out “or a fur farm”;

(b) in subsection (4)

(i) by striking out “, holder of a fur farm licence”;

(ii) by striking out “or fur farm” wherever it occurs.

(15) Section 77(4)(a) is amended by adding “and” at the end.

(16) The following is added after section 81(5):

(6) Subsection (1) does not apply in respect of a game-production animal.

(17) Section 82(1) is amended

(a) by adding “or game animal production farm” after “of a fur farm”;

(b) by adding “or a game animal production farm” after “or a fur farm”;

(c) in clause (a)(i) by adding “or game animal production” after “or fur”.

(18) Section 96(1)(n) is amended by striking out “56” and substituting “46.1”.

(19) Section 98 is amended by renumbering it as section 98(1) and by adding the following after subsection (1):

*(2) The Lieutenant Governor in Council and the Minister shall not make regulations under this statute specifically affecting game-production animals by name, and if any inconsistency arises between any provision of regulations made under this statute and any provision of the *Livestock Industry Diversification Act* or regulations made under that Act as the provisions apply to game-production animals, the provisions of that Act or of the regulations made under it prevail.*

Consequential
amendments to
other Acts

38(1) *The Agricultural Development Act is amended in section 13(f) by adding “, including game-production animals within the meaning of the Livestock Industry Diversification Act” after “livestock”.*

(2) The Agricultural Operation Practices Act is amended in section 1(b)(ii) by adding “game-production animals within the meaning of the Livestock Industry Diversification Act and” after “including”.

(3) The Agricultural Pests Act is amended

(a) in section 1(1)(f) by adding “game-production animals within the meaning of the Livestock Industry Diversification Act,” after “sheep,”;

(b) in section 2(2) by striking out “Subsection (1) does not apply to an animal or bird that is” and substituting “In subsection (1), “animal” and “bird” do not include”.

(4) The Employment Standards Code is amended in section 2(3)(a) by adding “game-production animals within the meaning of the Livestock Industry Diversification Act,” after “livestock,”.

(5) The Labour Relations Code is amended in section 4(2)(e)(i) by adding “game-production animals within the meaning of the Livestock Industry Diversification Act,” after “livestock,”.

(6) The Law of Property Act is amended in section 43.4(3)(b)(ii) by adding “game-production animals within the meaning of the Livestock Industry Diversification Act,” after “livestock,”.

(7) The Municipal Taxation Act is amended in section 1 by adding the following after clause (o):

(o.1) “livestock” includes game-production animals within the meaning of the Livestock Industry Diversification Act;

Coming into
force

39 *This Act comes into force on Proclamation.*