

1992 BILL 13

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

AGRICULTURE STATUTES AMENDMENT ACT, 1992

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

1992

AGRICULTURE STATUTES AMENDMENT ACT, 1992

(Assented to _____, 1992)

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

Brand Act

1(1) *The Brand Act is amended by this Act.*

(2) *Section 1 is amended*

(a) *by adding the following after clause (c):*

(c.1) "electronic identification" means any device implanted beneath or on the skin or within the body of an animal that contains a combination of characters used to denote ownership of the animal;

(c.2) "honorary brand" means a character or combination of characters allotted to a person for the purpose of promoting the livestock industry or for recognizing outstanding service to the livestock industry but not for the purpose of denoting ownership of stock or of the honorary brand;

(b) *clause (g) is repealed;*

(c) *clause (k) is repealed and the following is substituted:*

(k) "stock" means any horse, cattle, sheep or buffalo or any game-production animal as

Explanatory Notes

Brand Act

1(1) This section will amend chapter B-11 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads in part:

1 In this Act,

- (a) "brand" means a character or combination of characters used for the purpose of denoting ownership of the stock bearing the brand;*
- (g) "poultry" means a turkey, goose, duck, cock, hen or capon;*
- (k) "stock" means any horse, cattle, sheep or poultry or any fur-bearing animal within the meaning of the Wildlife Act;*
- (l) "vent" means any mark placed on an animal by the owner or a poundkeeper denoting that the property in the stock bearing it has passed from the owner to some other person.*

defined in the *Livestock Industry Diversification Act*;

(d) *clause (1) is amended by striking out “or a poundkeeper”.*

(3) *Section 3 is repealed and the following is substituted:*

Generation of
brand

3(1) A brand may be generated by

- (a) a hot iron brand,
- (b) a freeze brand,
- (c) an electronic identification,
- (d) in the case of sheep, a fleece paint brand,
and
- (e) any other method established in the regulations.

(2) A brand must be placed or implanted in accordance with the regulations on the locations prescribed by the regulations.

(4) *Sections 4 and 5 are repealed.*

(5) *Section 7 is repealed.*

(3) Section 3 presently reads:

3 A brand for sheep shall consist of a fleece paint brand.

(4) Sections 4 and 5 presently read:

4 A brand for poultry shall consist of a tattoo on the web of either wing.

5 A brand for fur-bearing animals shall consist of a tattoo on either ear.

(5) Section 7 presently reads:

7(1) The character consisting of a standing or vertical arrow (in this section called the "standing arrow brand") shall not be recorded under this Act.

(2) The standing arrow brand is reserved for use on all cattle purchased by the owner of a recorded brand with

(a) a loan guaranteed by the Government pursuant to regulations under section 8 of the Department of Agriculture Act, or

(b) a loan made or guaranteed by the Alberta Agricultural Development Corporation under the Agricultural Development Act.

(6) *Section 8 is amended by adding “, including honorary brands,” after “record of all brands”.*

(7) *The following is added after section 8:*

Honorary
brands

8.1(1) An application for the allotment of an honorary brand shall be made to the Minister or a person designated by the Minister.

(2) The application shall be accompanied by the prescribed fee.

(3) If an application is granted, the Minister or a person designated by the Minister shall deliver a certificate of the allotment to the person receiving the honorary brand.

(8) *Section 9(1) is amended by adding “, other than an honorary brand,” after “a brand”.*

(9) *Section 11(1) is amended by adding “, other than an honorary brand,” after “owner of a brand”.*

(10) *Section 12 is amended by adding “other than honorary brands” after “of brands”.*

(3) *The standing arrow brand*

- (a) *shall be placed in a vertical position either to the immediate left or right of, and in the same position as, the recorded brand of the purchaser of the cattle, and*
- (b) *may be placed on the cattle only by or on the directions of*
 - (i) *a Director of a division of the Department of Agriculture designated by the Minister,*
 - (ii) *an officer of that division designated by that Director, or*
 - (iii) *an officer of the Alberta Agricultural Development Corporation.*

(6) Section 8 presently reads:

8 The Recorder shall keep a record of all brands allotted under this Act, and of their duration, renewal, cancellation and transfer, together with the dates thereof and the names of the owners or transferees of those brands.

(7) Honorary brands.

(8) Section 9(1) presently reads:

9(1) An application for the allotment or renewal of the exclusive right to use a brand shall be made to the Recorder and shall be accompanied by the prescribed fee.

(9) Section 11(1) presently reads:

11(1) The owner of a brand has the exclusive right to the use of the brand until the cancellation thereof, and during that period the mark of that brand on stock not bearing the mark of a subsequent vent shall be admitted in evidence as prima facie proof of the ownership by the owner of the brand of the animal bearing the brand.

(10) Section 12 presently reads:

12 On payment of the prescribed fees any person may search the

(11) Section 13 is amended by adding “, other than honorary brands,” after “list of the brands”.

(12) Section 14 is amended by adding “, other than an honorary brand,” after “any brand”.

(13) Section 15(1) is amended by adding “, other than an honorary brand,” after “Every brand”.

(14) Section 18 is repealed.

(15) Section 19 is amended

(a) in subsection (1) by striking out “\$200” and substituting “\$2000”;

record of brands or have the record searched and obtain certified extracts from the record during the regular business hours of the Recorder.

(11) Section 13 presently reads:

13 The Minister may, at the times and in a manner that to him seems advisable, publish a complete list of the brands recorded under this Act and may make a reasonable charge for any volume containing the list.

(12) Section 14 presently reads:

14 The Recorder, with the approval of the Minister, may make changes, not inconsistent with this Act, in any brand or in the form or position thereof, on the application of any owner, accompanied by the prescribed fee.

(13) Section 15(1) presently reads:

15(1) Every brand and vent, the exclusive right to the use of which is allotted under this or under any other Act or Ordinance, remains the property of the registered owner so long as the owner pays to the Recorder the prescribed fee for the renewal of the brand.

(14) Section 18 presently reads:

18(1) A person who

(a) dresses poultry for market, or

(b) deals in or handles dressed poultry for market,

shall leave intact the web of both wings of every bird so dressed or dealt in or handled.

(2) Every person who in contravention of this section

(a) removes, mutilates or destroys the web of a wing of any poultry, or

(b) defaces, makes illegible, alters or destroys any brand thereon,

is guilty of an offence and, in addition to any other penalty to which he may be subject by law, is liable to a fine not exceeding \$200.

(15) Section 19(1) and (3) presently read:

19(1) A person who

(a) brands, or directs, aids or assists in branding, any

(b) *in subsection (3) by striking out “or a poundkeeper”;*

(c) *by adding the following after subsection (3):*

(3.1) A person who knowingly brands, or directs, aids or assists in branding, any stock with an honorary brand is guilty of an offence.

(16) *Section 21 is amended*

(a) *in clause (b) by striking out “to the Recorder.” and substituting “for materials and services provided under this Act;”;*

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

(c) *respecting the location of brands and the placement of brands including the implanting of electronic identification;*

(d) *respecting the establishment of methods of branding stock.*

Dairy Industry Act

2(1) *The Dairy Industry Act is amended by this Act.*

(2) *Section 4 is amended*

(a) *in subsection (1)(c) by adding “imitation dairy products or foods containing imitation dairy products,” after “dairy products,”;*

(b) *in subsection (2) by striking out “seize, detain” and substituting “seize and detain, place a notice of seizure or detention on,”;*

stock with a brand that has not been recorded or reserved under this Act or that has been cancelled thereunder,

- (b) brands or causes, directs or permits to be branded with his own or with any brand or vent, any stock of which he is not the owner, or*
- (c) blotches, defaces or otherwise renders illegible, or alters any brand or vent on stock, or directs, causes or permits any such brand or vent to be blotched, defaced or otherwise rendered illegible or to be altered,*

is guilty of an offence and, in addition to any other penalty to which he may be subject by law, liable to a fine not exceeding \$200.

(3) Notwithstanding subsection (1)(b), no person is guilty of an offence who, being the vendor of an animal or a poundkeeper, places any mark on the animal denoting that the property in the stock bearing it has passed from the vendor to some other person.

(16) Section 21 presently reads:

21 The Minister may make regulations

- (a) prescribing forms for use under this Act;*
- (b) prescribing a tariff of fees to be paid to the Recorder.*

Dairy Industry Act

2(1) This section will amend chapter D-1.1 of the Statutes of Alberta, 1981.

(2) Section 4 presently reads:

4(1) An inspector may enter at any reasonable hour

- (a) a dairy manufacturing plant,*
- (b) a building or premises, other than a private dwelling-house, used by a producer in connection with the operation of his dairy farm, and*

(c) *by adding the following after subsection (3):*

(4) No person shall without the written permission of an inspector

- (a) remove a notice of detention or of seizure placed by an inspector, or
- (b) remove a dairy product, an imitation dairy product or a food containing an imitation dairy product placed under detention or seizure by an inspector.

(3) *The following is added after section 54:*

Offence and
penalty

54.1 A person who

- (a) removes a notice of detention or of seizure placed by an inspector, or
- (b) removes a dairy product, an imitation dairy product or a food containing an imitation dairy product placed under detention or seizure by an inspector

without the written permission of an inspector is guilty of an offence and liable to a fine of not more than \$1000.

(4) *Section 58 is amended by adding the following after subsection (1):*

(1.1) The Minister may make regulations prescribing forms for the purposes of this Act.

Irrigation Act

3(1) *The Irrigation Act is amended by this Act.*

(2) *Section 1(q) is repealed and the following is substituted:*

(c) *a building, premises or vehicle owned or operated by a manufacturer, vendor, carrier or person engaged in the storage of dairy products, or the agent of any of them,*

for the purposes of inspecting, grading, testing, analyzing, weighing or taking samples of a product that he believes on reasonable grounds to be a dairy product, an imitation dairy product or a food containing an imitation dairy product.

(2) *When an inspector believes, on reasonable grounds, that an offence against this Act or the regulations has been committed, he may seize, detain and take away all dairy products, imitation dairy products, foods containing imitation dairy products and other things by means of or in relation to which he reasonably believes the offence was committed.*

(3) *An inspector may order that all dairy products, imitation dairy products or foods containing imitation dairy products seized, detained or taken away pursuant to subsection (2) be held until, in the opinion of the inspector, the provisions of the Act and the regulations with respect to the dairy products, imitation dairy products or foods containing imitation dairy products, as the case may be, have been complied with.*

(3) Offence and penalty.

(4) Regulations.

Irrigation Act

3(1) This section will amend chapter I-11 of the Revised Statutes of Alberta 1980.

(2) Section 1(q) presently reads:

1 In this Act,

(q) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

(3) *Section 61 is amended by adding the following after subsection (1):*

(1.1) The term of office of an elected director begins at the beginning of the first regular monthly meeting of the new board held after the election, and the term of office of the director elected at the previous election ceases at the beginning of that meeting.

(4) *Section 148(5) is amended by striking out "for drainage purposes and" and substituting "for road widening purposes or for drainage purposes if".*

Marketing of Agricultural Products Act

4(1) The Marketing of Agricultural Products Act is amended by this section.

(q) "Minister" means the Minister of Agriculture;

(3) Section 61 presently reads:

61(1) No person shall, at any election of directors, be elected for a term of more than 3 years.

(2) In each year in which a general election of directors is required to be held, the election shall take place on a date fixed by a by-law of the board that is prior to June 1 in that year.

(3) In this Act, "general election" means an election of directors necessitated by the expiration of their terms of office.

(4) Subject to subsections (5) and (6) and sections 62 and 63, if the board of an existing district consists wholly or partly of elected members, the system of annual elections applicable in that district before May 2, 1968 continues to apply in that district.

(5) When the board of an existing district consists wholly or partly of elected members, the board may, with the approval of the Council, change the system of the election

(a) to any other system of annual elections, or

(b) to a system of elections whereby a full slate of directors is elected every 3 years,

and in either event, the Council may give any directions necessary to implement the change.

(6) The Council may, before giving its approval under subsection (5), require that a vote be taken under Division 2 of this Part on the question of whether or not the water users are in favour of the proposed change in the system of elections.

(4) Section 148(5) presently reads:

(5) Notwithstanding anything in this section the manager may, without the payment of any amount commuted under this section, amend the assessment roll to remove from it any parcel or part of it that is acquired by a local authority for drainage purposes and the drainage is of general benefit to the board and one or more water users.

Marketing of Agricultural Products Act

4(1) This section will amend chapter M-5.1 of the Statutes of Alberta, 1987.

(2) *Section 15(2) is amended by adding “at least” after “shall set out”.*

(3) *The following is added after section 54:*

Revision of
plans, etc.

54.1(1) *In this section,*

- (a) *“continuing plan” means a plan that is continued under section 54(4);*
- (b) *“continuing producer organization” means a board or a commission that is continued under section 54(4).*

(2) *Where a continuing plan is administered by a continuing producer organization, that continuing producer organization may submit to the Council a proposed revision of or proposed amendments to that plan so that if the revised plan or the amendments were enacted the plan would provide for those terms referred to in section 15(2).*

(3) *On receiving a submission made under subsection (2), the Council, if it is of the opinion that the proposed revised plan or the proposed amendments to the plan do not substantially change the intent or basic concepts from those of the continuing plan as they existed at the time that the plan was continued under section 54(4), may apply to the Lieutenant Governor in Council to enact the revised plan or the amendments to the continuing plan, as the case may be.*

(4) *Notwithstanding section 24, the Lieutenant Governor in Council, on receiving an application from the Council to do so, may make regulations doing one or more of the following:*

- (a) *establishing the revised plan to replace the continuing plan;*
- (b) *continuing the plan under the revised plan;*
- (c) *amending the continuing plan;*

(2) Section 15(2)(a) presently reads:

(2) A proposed plan shall set out the following terms under which the proposed plan is intended to operate:

(a) the agricultural product that is to be the subject of the plan;

(3) Provides for the revision of or amendments to existing plans.

- (d) *re-establishing the board or commission under the revised or amended plan;*
- (e) *continuing the board or commission under the revised or amended plan.*

(5) Once a continuing plan is replaced by a revised plan or amended under subsection (4), it is conclusively deemed that the revised plan or the amended plan, as the case may be, does not substantially change the intent or basic concepts from those of the continuing plan as they existed at the time that the plan was continued under section 54(4).

Meat Inspection Act

5(1) The Meat Inspection Act is amended by this Act.

(2) Section 1 is amended

(a) by repealing clause (c) and substituting the following:

(c) “Director” means an employee of the Government who is under the administration of the Minister and designated by the Minister as a Director for the purposes of this Act;

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

(g.1) “mobile butcher” means a person who slaughters a producer’s animals or who assists a producer in slaughtering the producer’s animals, the meat from which is not inspected and is intended for consumption by that producer and the members of his immediate household;

(3) Section 4 is amended by renumbering it as section 4(1) and by adding the following after subsection (1):

(2) Subsection (1) does not apply to a mobile butcher who slaughters or assists in the slaughter of animals the meat from which is to be consumed by the producer of the animal or by the members of the producer’s immediate household.

Meat Inspection Act

5(1) This section will amend chapter M-10 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads in part:

1 In this Act,

(c) "Director" means the Director of Veterinary Services;

(3) Section 4 presently reads:

4 Except as provided in the regulations, no person shall slaughter an animal unless the animal has been inspected by an inspector immediately before the time of slaughter.

(4) Section 9 is amended by striking out “Minister” wherever it occurs and substituting “Director”.

(5) Section 10 is amended

(a) by striking out “not more than \$500” and substituting “not less than \$500 and not more than \$2000,”;

(b) by striking out “not more than \$2000” and substituting “not less than \$1000 and not more than \$5000,”.

(6) Section 11 is amended

(a) in clause (a) by adding “to mobile butchers and” after “licences”;

(b) by adding the following after clause (e):

(e.1) respecting the facilities and equipment to be provided and maintained by mobile butchers and respecting the cleanliness, sanitation and operation of the facilities and equipment;

(c) in clause (h)

(i) by adding “, submitted” after “made”;

(ii) by adding “and by mobile butchers” after “abattoirs”.

(7) Section 12 is amended by adding “or as a mobile butcher” after “abattoir”.

(4) Section 9 presently reads:

9 The production by an inspector of a certificate of his appointment purporting to be signed by the Minister shall be admitted in evidence as prima facie proof of his appointment without further proof of the signature or authority of the Minister.

(5) Section 10 presently reads:

10 A person who contravenes this Act or the regulations is guilty of an offence and is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than 6 months, or to both fine and imprisonment, and for a subsequent offence to a fine of not more than \$2000 or to imprisonment for a term of not more than one year, or to both fine and imprisonment.

(6) Section 11 presently reads in part:

11 The Lieutenant Governor in Council may make regulations

- (a) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences to operate abattoirs;*
- (b) prescribing conditions for licensing;*
- (c) prescribing the powers and duties of the Director and of inspectors or any class thereof;*
- (d) respecting the facilities and equipment to be provided and maintained at abattoirs and the operation of abattoirs;*
- (e) respecting cleanliness and sanitation at abattoirs;*
- (f) requiring and governing the detention and disposal of any animal or meat thereof and prescribing the procedures therefor;*
- (g) prescribing humane methods of rendering animals unconscious prior to slaughter;*
- (h) prescribing the records to be made and kept by operators of abattoirs;*

(7) Section 12 presently reads:

12 The Minister may make regulations prescribing the fee payable for a licence to operate an abattoir and for any renewal of the licence and the fees payable for inspections of animals or carcasses under this Act.