

1997 BILL 19

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First Session, 24th Legislature, 46 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 19

LIVESTOCK AND LIVESTOCK PRODUCTS  
AMENDMENT ACT, 1997

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THE MINISTER OF AGRICULTURE,  
FOOD AND RURAL DEVELOPMENT

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First Reading .....  
Second Reading .....  
Committee of the Whole .....  
Third Reading .....  
Royal Assent .....

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## BILL 19

1997

### LIVESTOCK AND LIVESTOCK PRODUCTS AMENDMENT ACT, 1997

(Assented to \_\_\_\_\_, 1997)

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

Amends RSA  
1980 cL-24

**1 The *Livestock and Livestock Products Act* is amended by this Act.**

**2 Section 1 is amended**

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

(a) "Administrator" means the Administrator appointed under section 9.1;

**(b) in clause (d) by adding "goats," after "swine,";**

**(c) by repealing clause (f.1);**

**(d) by adding the following after clause (h):**

(h.1) "protected livestock" means the classes or types of livestock and livestock products prescribed by the regulations in respect of which a payment may be made to a patron from the accounts of the Tribunal;

**(e) by adding the following after clause (i):**

(j) "Tribunal" means the Livestock Patrons' Claims Review Tribunal established under section 14.1;

(k) "value" in respect of the sale of livestock or livestock products means the amount of money that represents the full purchase price paid or to be paid for the livestock or livestock products supplied,

## Explanatory Notes

1 Amends chapter L-24 of the Revised Statutes of Alberta 1980.

2 Section 1(a), (d) and (f.1) presently read:

*1 In this Act,*

*(a) "Fund" means the Livestock Patron's Assurance Fund;*

*(d) "livestock" means horses, cattle, sheep, swine, fur-bearing animals raised in captivity, game-production animals within the meaning of the Livestock Industry Diversification Act, live poultry and bees;*

*(f.1) "out of province livestock dealer" means a livestock dealer who holds a licence to deal in livestock or livestock products issued by a province of Canada other than Alberta;*

excluding any miscellaneous expense, sales commission, branding charge, check off fee or handling charge, as evidenced by a cheque, statement, invoice, promissory note or other memorandum issued at the time of sale in respect of the livestock or livestock products.

**3 Section 7 is repealed.**

**4 Section 8 is amended**

**(a) in subsection (2)(a) by striking out “account to and make settlement with” and substituting “pay”;**

**(b) by repealing subsection (6) and substituting the following:**

**(6) Statements submitted under subsection (5) are to be treated as having been supplied in confidence.**

**5 Section 9(1) is amended by striking out “accounted to or made settlement with” and substituting “paid”.**

**6 The following is added after section 9:**

**3** Section 7 presently reads:

*7 In sections 8 to 13 “value” means the amount of money, representing the full purchase price paid or to be paid in respect of the sale of any livestock or livestock products, excluding any miscellaneous expense, sales commission, branding charge, check off fee or handling charge, as evidenced by a cheque, statement, invoice, promissory note or other memorandum issued at the time of sale in respect of the particular livestock or livestock products in question.*

**4** Section 8 presently reads in part:

*(2) When security is required by regulations under subsection (1) to be furnished, the security may, in the discretion of the Minister, take the form of*

*(a) a bond in favour of the Crown, with one or more sureties, of which it is a condition that the licensee shall account to and make settlement with patrons for the value of the livestock or livestock products supplied, or*

*(5) In order to fix the amount of the security the Minister may require the applicant for the licence to submit to him a financial statement showing the extent of the business in livestock or livestock products carried on or intended to be carried on.*

*(6) Statements furnished under subsection (5) are for the exclusive use of the Department of Agriculture, Food and Rural Development, and, except in so far as it may be necessary for the purpose of legal proceedings, no person other than a departmental officer shall be permitted to see them.*

**5** Section 9(1) presently reads:

*9(1) When a licence has been surrendered or cancelled or has expired, the Minister may release the security that was furnished on behalf of the person who was licensed if that person provides the Minister with a statutory declaration stating that the person has accounted to or made settlement with his patrons for the value of livestock or livestock products supplied to the person during the time that the person was licensed.*

**6** Appointment of the Administrator and the duty to notify the Administrator of non-payment by a licensed livestock dealer.

Administrator **9.1** The Minister shall appoint an employee of the Department of Agriculture, Food and Rural Development to be the Administrator.

Notice of non-payment **9.2** A patron who sells livestock or livestock products to a licensed livestock dealer and does not receive payment for the value of the livestock or livestock products supplied shall

- (a) notify the Administrator of the non-payment as soon as is reasonably possible after the patron knows of the non-payment, and
- (b) provide the Administrator with any information specified by the Administrator relating to the sale.

**7 Section 10 is amended by repealing subsection (1) and substituting the following:**

Claims against dealer's security - non-protected livestock **10(0.1)** This section does not apply to livestock or livestock products that are protected livestock.

(1) If the Minister is satisfied that a licensed livestock dealer has failed to pay a patron for the value of livestock or livestock products supplied because the dealer is insolvent, the Minister may

- (a) publish a notice in as many publications as the Minister considers appropriate that circulate in the district in which the dealing in livestock or livestock products is carried on, requiring patrons who by reason of that failure have claims against the dealer to furnish the Minister by a specified date with particulars of their claims verified by statutory declaration or in any other manner specified by the Minister, and
- (b) suspend or cancel the licence of the dealer.

**8 The following is added after section 10:**

Claims against dealer's security - protected livestock **10.1(1)** For the purposes of this section, a default occurs in respect of a sale of protected livestock by a patron to a licensed livestock dealer when

- (a) the dealer fails to pay the patron for the value of the protected livestock supplied, unless the main reason for the failure to pay is a contract dispute between the dealer and the patron respecting the value of the

**7** Section 10(1) presently reads:

*10(1) If the Minister is satisfied that a person to whom a licence has been issued has, because the person is insolvent, failed to account to or make settlement with a patron for the value of livestock or livestock products supplied, the Minister may publish a notice in as many publications as he considers appropriate that circulate in the district in which the dealing in livestock or livestock products is carried on, requiring patrons who by reason of that failure have claims against the licensee to furnish the Minister, by a date to be specified, with particulars of their claims verified by statutory declaration or in any other manner that the Minister may require.*

**8** Enforcement of security supplied by licensed livestock dealers in respect of sales of protected livestock.

protected livestock or the obligation to pay for the protected livestock, or

- (b) the dealer fails to pay the patron for the value of the protected livestock supplied, the patron obtains a judgment against the dealer based on the dealer's failure to pay and the judgment is unsatisfied for 20 or more days after the judgment becomes final.

(2) If the Administrator is satisfied that a default has occurred, the Administrator may

- (a) publish a notice in as many publications as the Administrator considers appropriate that circulate in the district in which the dealing in protected livestock is carried on, requiring patrons who by reason of that default have claims against the dealer to furnish the Administrator by a specified date with particulars of their claims verified by statutory declaration or in any other manner specified by the Administrator, and

- (b) suspend or cancel the licence of the dealer.

(3) A claim furnished to the Administrator must

- (a) contain or refer to a statement of account showing particulars of the amount owing, and
- (b) specify the vouchers, if any, by which the statement of account can be verified.

(4) The Administrator may at any time require a patron who is making a claim to furnish the vouchers or other information respecting the claim.

(5) If the Administrator is satisfied that a default has occurred in respect of a licensed livestock dealer, the Administrator may take proceedings to enforce the security provided by the dealer for the benefit of all the patrons entitled to share in the proceeds under subsection (6).

(6) A patron is entitled to share in the proceeds of a licensed livestock dealer's security if

- (a) the patron sold protected livestock to the dealer and the dealer failed to pay the patron for the value of the protected livestock supplied,
- (b) the patron notified the Administrator of the non-payment





- (i) as soon as was reasonably possible after the patron knew or should have known of the non-payment, and
- (ii) within the time specified by section 11,
- (c) the patron did not extend credit to the dealer in the sale of the protected livestock that is the basis of the claim, and
- (d) the failure to pay was not based on collusion between the dealer and the patron.

(7) If the proceeds under the security are insufficient to pay in full the proven claims of the patrons entitled to share in the proceeds under subsection (6), the claims are to be paid pro rata.

Decision of  
Administrator

**10.2(1)** When the Administrator approves a patron's claim under section 10.1 and pays an amount from the proceeds of the licensed livestock dealer's security in an amount that is less than 80% of the patron's proven claim, the Administrator shall notify the Tribunal of the following:

- (a) the name of the patron;
- (b) the circumstances that gave rise to the claim;
- (c) the amount of the patron's claim that was proved;
- (d) the amount of the payment;
- (e) whether section 10.4(1) applies to the payment.

(2) When the Administrator refuses a patron's claim under section 10.1, the Administrator shall serve the patron with a notice of the decision that sets out the grounds on which the refusal is based.

Appeal of  
Administrator's  
decision

**10.3(1)** A patron whose claim under section 10.1 is refused may appeal to the Tribunal within 30 days of the Administrator's refusal.

(2) A patron may not appeal the Administrator's decision respecting whether a default as described in section 10.1(1) has occurred.

(3) An appeal to the Tribunal under this section is made by giving the Administrator a notice of appeal.



(4) If the notice of appeal is given to the Administrator within the time period specified in subsection (1), the Administrator shall notify the Tribunal and provide the Tribunal with any material in the Administrator's possession that is relevant to the appeal.

Effect of appeal on payment of security proceeds

**10.4(1)** If the Administrator refuses a patron's claim against a licensed livestock dealer's security and the patron appeals to the Tribunal within the time specified in section 10.3(1), the maximum amount that the Administrator may pay, pending the determination of the appeal, to a patron whose claim against the dealer's security has been approved is an amount that is calculated as though the patron who appealed is entitled to share in the proceeds of the dealer's security.

(2) If the patron's appeal referred to in subsection (1) is dismissed and no further appeals are taken or any further appeal by the patron is dismissed, the Administrator may pay the remaining proceeds of the security on a pro rata basis to the patrons whose claims against the licensed livestock dealer's security were approved.

Payment to patrons who appeal

**10.5** If on appeal it is held that a patron is entitled to share in the proceeds of the licensed livestock dealer's security, the Administrator shall pay to the patron the patron's share of the proceeds.

## **9 Section 11 is amended**

**(a) by repealing subsection (1) and substituting the following:**

Limitation period for making claims

**11(1)** Notwithstanding anything in this Act, no patron is eligible to make a claim or entitled to receive compensation under section 10 or 10.1 in respect of the failure of a licensed livestock dealer to pay the patron for the value of livestock or livestock products supplied unless the patron gives notice to the Administrator in accordance with subsections (2) and (3).

**(b) in subsection (2) by striking out "by registered mail";**

**(c) by repealing subsections (3) and (4) and substituting the following:**

(3) The notice must be in writing and be

(a) delivered personally to an individual in the office of the Administrator, or

9 Section 11 presently reads:

*11(1) Notwithstanding anything in this Act, no patron is eligible to make a claim or receive compensation pursuant to section 10, 13 or 13.1 in respect of the failure of a person licensed to deal in livestock or livestock products to account to or make settlement with the patron for the value of livestock or livestock products supplied, unless the patron gives notice to the Minister in accordance with subsection (2).*

*(2) Notice under subsection (1) shall be given by registered mail within 60 days after the date that livestock or livestock products other than hatching eggs were supplied to the person licensed and 90 days after the date that hatching eggs were supplied to the person licensed.*

*(3) Notwithstanding anything in this Act, no patron is eligible to receive compensation pursuant to section 13 or 13.1 in respect of the failure of an out of province livestock dealer to account to or make settlement with the patron for the value of livestock or livestock products supplied, unless the patron gives notice to the Minister in accordance with subsection (4).*

(b) sent by registered mail or by telecopier to the Administrator.

(4) A notice sent by telecopier is not deemed to have been given unless the Administrator acknowledges in writing that the notice has been received.

**10 The following is added after section 11:**

Payments to  
patrons from  
Tribunal

**11.1** A patron is entitled to receive a payment from the accounts of the Tribunal only if

- (a) the patron sells protected livestock to a licensed livestock dealer and the dealer fails to pay the patron for the value of the protected livestock supplied,
- (b) the patron makes a claim to the Administrator under section 10.1 against the licensed livestock dealer and
  - (i) the patron receives a payment from the proceeds of the dealer's security under section 10.1, or
  - (ii) it is held on appeal that a patron is entitled to receive a payment from the proceeds of the dealer's security under section 10.1,
- (c) the amount of the patron's share of the proceeds of the licensed livestock dealer's security is less than 80% of the patron's proven claim,
- (d) the patron meets the requirements of the regulations with respect to the payment of levies, and
- (e) the conditions and requirements established under the regulations have been met.

Claims to  
Tribunal

**11.2** After the Tribunal is notified by the Administrator that a payment to a patron has been made under section 10.1 in respect of protected livestock and the patron has provided any additional material required by the Tribunal, the Tribunal shall

- (a) determine whether the patron is entitled to a payment from the accounts of the Tribunal based on the requirements of section 11.1 and the regulations,
- (b) if the patron is entitled, pay the patron an amount that is determined in accordance with the regulations, and

*(4) Notice under subsection (3) shall be given by registered mail within 60 days after the date that livestock or livestock products were supplied to the out of province livestock dealer.*

**10** Payments to patrons by Tribunal and rights of appeal.

- (c) serve the patron with its written decision and reasons.

Claims to Tribunal involving an appeal

**11.3(1)** After the Tribunal is notified by the Administrator that a patron has appealed the decision of the Administrator under section 10.3 and has considered the material supplied by the Administrator and any material submitted by the patron, the Tribunal shall determine whether the patron is entitled to share in the proceeds of the licensed livestock dealer's security under section 10.1(6).

(2) If the Tribunal decides that the patron is entitled to share in the proceeds of the licensed livestock dealer's security under section 10.1(6), the Tribunal shall

- (a) determine whether the patron is entitled to a payment from the accounts of the Tribunal based on the requirements of section 11.1 and the regulations, and
- (b) if the patron is entitled, pay the patron an amount that is determined in accordance with the regulations.

(3) The Tribunal shall serve the patron and the Administrator with its written decision under subsections (1) and (2) and reasons.

Payments from Tribunal

**11.4(1)** The Tribunal, when making a payment from its accounts under section 11.2 or 11.3, may impose any terms and conditions it considers appropriate.

(2) If an appeal of an Administrator's decision respecting a patron's entitlement to share in the proceeds of a licensed livestock dealer's security affects the amount that any patron receives from the Tribunal, the Tribunal may

- (a) delay determining the amount that the patron is to receive from the accounts of the Tribunal until the appeal is settled, and
- (b) make any interim payments from its accounts to the patron on any condition the Tribunal considers appropriate.

Appeal to Court of Appeal

**11.5(1)** A patron may appeal a decision of the Tribunal under section 11.2 or 11.3 by filing a notice of appeal with the Court of Appeal within 90 days of the Tribunal's decision.





(2) An appeal under this section must be based on a question of law or jurisdiction.

(3) The provisions of the *Alberta Rules of Court* (AR 390/68) relating to appeals to the Court of Appeal apply, with the necessary modifications, to an appeal under this section.

(4) A notice of appeal filed under this section must be served on the Administrator.

(5) The Court of Appeal may make any decision that the Tribunal may make or may refer the matter back to the Tribunal.

**11 Sections 12 to 13.4 are repealed.**

**11** Sections 12 to 13.4 presently read:

*12(1) There shall be established a special account to be called the Livestock Patron's Assurance Fund into which shall be deposited funds as prescribed by the regulations.*

*(2) The Fund shall be held and administered by the Provincial Treasurer and the money deposited in the Fund shall be paid over to the Provincial Treasurer at the times and in the manner he directs.*

*(3) The Fund or any amount of the Fund may, at the direction of the Provincial Treasurer,*

*(a) be invested in bonds or debentures issued or guaranteed by the Government of Canada or the Government of Alberta, or*

*(b) be a participant in the Consolidated Cash Investment Trust Fund.*

*(3.1) The income of the Fund accrues to and forms part of the Fund.*

*(4) The amount of the Fund shall not exceed an amount established by the regulations.*

*13(1) Repealed 1991 c19 s8.*

*(1.1) The Minister may, in accordance with the regulations, make a payment from the Fund to a patron who has a claim against a licensed livestock dealer or an out of province livestock dealer, if*

*(a) the Minister is satisfied that the licensed livestock dealer or out of province livestock dealer has, because the dealer is insolvent, failed to account to or make settlement with a patron for the value of livestock or livestock products supplied,*



- (b) *the livestock or livestock products supplied are of a class or type prescribed by the regulations,*
- (c) *with respect to a claim against a licensed livestock dealer, section 10 has been complied with and the claim of the patron against the licensed livestock dealer is not satisfied, and*
- (d) *the patron has met the requirements of the regulations with respect to the payment of levies into the Fund.*

(2) *Notwithstanding subsection (1.1), if*

- (a) *a licensed livestock dealer or out of province livestock dealer has given a patron a cheque in payment of all or part of the money due from the livestock dealer to the patron, and*
- (b) *on presentation for payment the cheque is dishonoured,*

*then, unless the patron presented the cheque for payment within 20 days of the date of the cheque, he is not entitled to payment from the Fund in respect thereof and an amount equal to the amount of the cheque shall be deducted from the amount otherwise payable to the patron under subsection (1.1).*

(3) *The Minister shall refer all claims for payment from the Fund to the review committee established under the regulations.*

(4) *The review committee shall make recommendations to the Minister with respect to claims referred to it by the Minister.*

*13.1(1) If the Minister refuses a claim of a patron for a payment from the Fund, the patron may, within 21 days of receiving notice of the refusal, refer the claim to an arbitrator in accordance with the Arbitration Act.*

(2) *The arbitrator shall determine if the patron is eligible under this Act and the regulations to receive a payment from the Fund.*

(3) *If the award of the arbitrator is that the patron is eligible to receive a payment from the Fund, the Minister shall make the payment from the Fund in accordance with the regulations.*

*13.2(1) If the Fund is insufficient to cover payments to be made by the Minister in respect of all claims against a licensed livestock dealer or an out of province livestock dealer, the Provincial Treasurer shall advance an amount from the General Revenue Fund to the Fund to enable the payment to be made from the Fund.*

(2) *The maximum amount that the Provincial Treasurer is required to advance to the Fund in respect of all claims against a licensed livestock dealer or an out of province livestock dealer is an amount equal to the maximum amount of the Fund established by the regulations less the actual amount in the Fund.*

**12 Section 14 is repealed and the following is substituted:**

Subrogation

**14** If the Tribunal pays an amount to a patron under section 11.2, 11.3 or 11.4, the Tribunal is subrogated to the rights of the patron against the licensed livestock dealer in respect of the amount, and the Tribunal may maintain an action, in the name of the patron or in the name of the Tribunal, against the dealer for the recovery of the amount.

**13 The following is added after section 14:**

Tribunal

**14.1(1)** The Livestock Patrons' Claims Review Tribunal is established.

(2) The Tribunal is a corporation consisting of members determined in accordance with the regulations.

(3) The members may not be determined in a manner that would make the Tribunal a Provincial corporation or Crown-controlled organization as those terms are defined in the *Financial Administration Act*.

(4) The Tribunal has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.

(5) The Tribunal may not borrow money or guarantee a loan.

(6) The Administrator is the secretary to the Tribunal.

Protection  
from liability

**14.2** The members of the Tribunal and the Administrator are not personally liable for anything done or not done in good faith under the authority or purported authority of this Act or the regulations.

*13.3(1) If the Provincial Treasurer has advanced money into the Fund from the General Revenue Fund, the money shall be repaid to the General Revenue Fund from the Fund.*

*(2) The Minister and the Provincial Treasurer may enter into an agreement respecting the repayment of money to the General Revenue Fund from the Fund, and the repayment shall be made in accordance with the agreement.*

*13.4 At least every 5th calendar year, if during that period sections 13.2 and 13.3 have not been repealed and a Government Bill has not been introduced into the Legislative Assembly that, if passed, would have the effect of repealing those enactments, the Minister shall ensure that a member of the Executive Council introduces into the Legislative Assembly a motion that would have the effect of facilitating a debate in the Assembly on the question of whether or not the enactments should be repealed.*

**12** Section 14 presently reads:

*14(1) If an amount is paid out of the Fund pursuant to section 13 or 13.1, the Government is subrogated to the rights of the patron against the licensed livestock dealer or the out of province livestock dealer in respect of the amount, and the Minister may maintain an action, in the name of the patron or in the name of the Crown, against the livestock dealer for the recovery of the amount.*

*(2) Any money recovered from a livestock dealer pursuant to subsection (1) forms a part of and shall be paid into the Fund.*

**13** Establishment of the Livestock Patrons' Claims Review Tribunal and general provisions concerning the Tribunal and the Administrator.

Procedural  
fairness

**14.3** The Tribunal and the Administrator are bound by the rules of procedural fairness in carrying out their functions under this Act and the regulations.

Levies

**14.4(1)** The Tribunal must establish the amount of levies that are to be paid to the Tribunal in respect of the sale of protected livestock.

(2) The Tribunal shall conduct an annual review to determine if the levies charged are appropriate given past and anticipated future claims by patrons.

(3) The Minister may enter into an agreement with the Tribunal respecting the collection of levies by the Minister on behalf of the Tribunal.

Use of levies  
by Tribunal

**14.5(1)** The Tribunal may use the levies it receives under this Act and any interest earned on the levies only

(a) to make payments in accordance with this Act and the regulations to patrons who make successful claims to the Tribunal;

(b) to pay refunds of levies to patrons if authorized by the regulations;

(c) to pay the expenses of the members of the Tribunal;

(d) to pay the expenses of the Tribunal, including the remuneration of the Administrator and any other professional or expert hired to assist the Tribunal.

(2) The Tribunal may invest the levies it receives and any interest earned on the levies only in

(a) investments in which trustees are permitted to invest trust money under the *Trustee Act*, or

(b) the Consolidated Cash Investment Trust Fund if the Tribunal is designated as a depositor of the CCITF.

Financial  
statements

**14.6(1)** In this section, “industry association” means an association or entity that is responsible for selecting one or more members of the Tribunal.

(2) The Tribunal shall, after the end of its fiscal year, prepare and submit to each industry association the Tribunal’s audited financial statements for the fiscal year.





(3) The Tribunal shall allow a person authorized by an industry association to inspect the books and records of the Tribunal at any reasonable time.

(4) The Tribunal shall provide a copy of its audited financial statements for a fiscal year to a patron who requests the copy and pays a reasonable fee established by the Tribunal.

Service

**14.7(1)** A document that the Administrator or the Tribunal is required to serve under this Act may be served personally, or by registered mail or telecopier.

(2) A notice sent by telecopier is not deemed to have been served unless the person to whom the document was sent acknowledges in writing that the notice has been received.

**14 Section 15 is amended**

**(a) in clause (a) by striking out “Fund” and substituting “Tribunal’s funds”;**

**(b) in clause (b) by striking out “into the Fund” and substituting “to the Tribunal”;**

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

(c) respecting the payment of levies to and the collection of levies on behalf of the Tribunal and the refund of levies;

**(d) in clause (d) by striking out “from the Fund” and substituting “from the accounts of the Tribunal”;**

**(e) by repealing clauses (e) to (g.1) and substituting the following:**

(e) respecting conditions and requirements that must be met before a patron is entitled to a payment from the accounts of the Tribunal;

(f) respecting the amount of payments that may be made from the accounts of the Tribunal;

**(f) by repealing clause (g.2) and substituting the following:**

(g.2) respecting the membership and organization of the Tribunal and any matter relating to the powers, duties, functions and operation of the Tribunal;

**14** Section 15 presently reads:

*15 The Lieutenant Governor in Council may make regulations*

- (a) respecting the management of the Fund;*
- (b) respecting the persons who are required to pay a levy into the Fund and the assessment of those persons;*
- (c) respecting the payment into and collection of levies for the Fund and the refund of levies from the Fund;*
- (c.1) repealed 1991 c19 s11;*
- (d) prescribing the classes or types of livestock and livestock products in respect of which a payment from the Fund may be made;*
- (e) prescribing the proof that a patron must provide to establish his claim for payment out of the Fund and the amount of that payment;*
- (f) prescribing what efforts a patron may be required to take to recover the amount of his claim from the livestock dealer before he is entitled to payment out of the Fund;*
- (g) respecting the terms and conditions of a payment from the Fund;*
- (g.1) establishing the maximum amount of the Fund for the purposes of section 12(4);*
- (g.2) respecting the establishment of a review committee and prescribing its powers and duties;*

**(g) in clause (h) by striking out “sections 12 to 14” and substituting “sections 11.1 to 14”.**

**15 The following is added after section 15:**

Regulations to  
expand  
protection

**15.1(1)** In this section, “non-licensed buyer” means a patron who is not a licensed livestock dealer.

(2) The Lieutenant Governor in Council may make regulations providing that a licensed livestock dealer who has sold protected livestock to a non-licensed buyer and has not been paid by the non-licensed buyer for the value of the protected livestock supplied may receive a payment from the accounts of the Tribunal.

(3) The regulations under this section

(a) may deal with any matter the Lieutenant Governor in Council considers appropriate in respect of claims for payments from the accounts of the Tribunal referred to in subsection (2), including any of the matters referred to in section 15;

(b) may provide that provisions of this Act, other than this section, do not apply or are modified in respect of claims for payments from the accounts of the Tribunal referred to in subsection (2).

(4) The Tribunal may not use the following to make a payment referred to in subsection (2):

(a) money received by the Tribunal from the Provincial Treasurer under section 23 and any interest earned on that money;

(b) levies collected in respect of a sale of protected livestock by a patron to a licensed livestock dealer and any interest earned on those levies.

**16 Section 23 is repealed and the following is substituted:**

Matters  
relating to the  
Fund

**23(1)** In this section,

(a) “claim” means a claim of a patron against the Fund made in respect of livestock or livestock products that are supplied to a licensed livestock dealer before the proclamation date;

*(h) respecting any other matter necessary to give effect to sections 12 to 14 in accordance with their intent or to supply any deficiency therein.*

**15** Regulations to expand protection to licensed livestock dealers who sell protected livestock to non-licensed buyers.

**16** Section 23 presently reads:

*23 If applicable, the first motion required by section 13.4 following its commencement must, notwithstanding that enactment, be introduced in or before the first sitting of the Legislative Assembly held in 1999.*

- (b) “Fund” means the Livestock Patron’s Assurance Fund as it existed immediately before the proclamation date;
- (c) “old Act” means the *Livestock and Livestock Products Act* and its regulations as they existed immediately before the proclamation date;
- (d) “proclamation date” means the date that the *Livestock and Livestock Products Amendment Act, 1997* is proclaimed in force.

(2) Notwithstanding the *Livestock and Livestock Products Amendment Act, 1997*, the old Act continues to apply to claims submitted to the Government before the proclamation date.

(3) The Provincial Treasurer shall provide the Administrator with a cheque payable to the Tribunal for the amount of the Fund less any amount that the Provincial Treasurer considers appropriate to cover unsettled claims submitted to the Government before the proclamation date, and the Administrator shall deposit the cheque into the accounts of the Tribunal.

(4) If the amount held back by the Provincial Treasurer to cover unsettled claims submitted to the Government before the proclamation date is not sufficient to pay those claims, the Tribunal shall pay the deficiency from its accounts.

(5) If the amount held back by the Provincial Treasurer to cover unsettled claims submitted to the Government before the proclamation date exceeds the amount needed to pay those claims, the Provincial Treasurer shall provide the Administrator with a cheque payable to the Tribunal for the surplus, and the Administrator shall deposit the cheque into the accounts of the Tribunal.

(6) Notwithstanding the *Livestock and Livestock Products Amendment Act, 1997*, the old Act continues to apply to claims notice of which is given to the Government after the proclamation date and within 60 days after the date that the livestock or livestock products were supplied, but payment of those claims is to be made from the accounts of the Tribunal.

(7) Any advance made under section 13.2 of the old Act after the proclamation date shall be paid to the Administrator for deposit into the accounts of the Tribunal.



(8) If the Provincial Treasurer advances money to the Tribunal under section 13.2 of the old Act, the money shall be repaid to the General Revenue Fund by the Tribunal in accordance with any terms specified by the Provincial Treasurer.

(9) The Minister may make regulations to deal with any difficulty that arises in dealing with claims governed, as a result of this section, by the old Act.

**17 This Act comes into force on Proclamation.**



**17** Coming into force.