

1998 BILL 8

Second Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 8

AGRICULTURE STATUTES (PENALTIES)
AMENDMENT ACT, 1998

THE MINISTER OF AGRICULTURE, FOOD
AND RURAL DEVELOPMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 8

1998

AGRICULTURE STATUTES (PENALTIES) AMENDMENT ACT, 1998

(Assented to _____, 1998)

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

Animal Protection Act

Amends SA
1988 cA-42.1

1 The *Animal Protection Act* is amended by repealing section 12(1) and substituting the following:

Offence

12(1) A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$20 000.

Dairy Board Act

Amends RSA
1980 cD-1

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

(2) Section 12 is amended

- (a) in subsections (1), (2) and (3) by striking out “Public Utilities Board” and substituting “Alberta Energy and Utilities Board”;**
- (b) in subsection (4) by striking out “Public Utilities Board while” and substituting “Alberta Energy and Utilities Board while”.**

Explanatory Notes

Animal Protection Act

1 Amends chapter A-42.1 of the Statutes of Alberta, 1988. Section 12(1) presently reads:

12(1) A person who contravenes this Act or the regulations is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$5000, and

(b) for a 2nd and every subsequent offence, to a fine of not more than \$10 000.

Dairy Board Act

2(1) Amends chapter D-1 of the Revised Statutes of Alberta 1980.

(2) Section 12 presently reads:

12(1) Notwithstanding anything in this Act, the Public Utilities Board may prescribe for milk the minimum prices

(a) that are to be paid to producers by processors or distributors,

(b) that are to be charged by distributors, processors and sellers, and

(c) that a distributor carrying on business in a controlled area is to charge when furnishing, delivering, keeping for sale or selling milk outside a controlled area.

(3) Sections 18 and 19 are repealed.

(4) Section 20 is repealed and the following is substituted:

(2) *In prescribing minimum prices for milk, the Public Utilities Board is not bound by any rule of law or public utility practice to see that any rate of return is provided on any plant, equipment or investment.*

(3) *For the purpose of carrying out its functions under this section, the Public Utilities Board may*

(a) *act on its own initiative or at the written request of either the Dairy Board or of one or more persons in the milk business, and*

(b) *exercise all the powers it could have exercised in relation to conducting hearings and doing any other act preliminary to the making of a pricing order before November 1, 1969.*

(4) *Part 1 of the Public Utilities Board Act applies to the Public Utilities Board while it purports to be acting within the jurisdiction conferred on it by this Act.*

(3) Sections 18 and 19 presently read:

18 A person who sells or otherwise disposes of a commodity, in respect of which a minimum price has been prescribed by the regulations, at a price lower than the prescribed minimum price is guilty of an offence and liable,

(a) *for a first offence, to a fine of not less than \$50 nor more than \$250 for every day during which any commodity has been so produced or distributed or kept for sale or sold by him, and in default of payment to imprisonment for a term of not more than 3 months, and*

(b) *for a 2nd or subsequent offence, to a fine of not less than \$100 nor more than \$500 for every day during which any commodity has been so produced or distributed or kept for sale or sold by him, and in default of payment to imprisonment for a term of not more than 6 months.*

19 When a minimum price has been fixed in respect of a commodity and on its sale

(a) *any discount or rebate, either in money or in kind, is allowed, or*

(b) *any plan, system or device is used whereby any advantage of any kind, whether in money, goods, services or otherwise, accrues to the purchaser either directly or indirectly, and whether as a term of the sale or collaterally or incidentally,*

so that the price for the commodity is in effect reduced to less than the minimum price fixed in respect of it, the sale so made is deemed to be a sale at less than the minimum price.

(4) Section 20 presently reads:

Offence and penalty

20 A person who contravenes an order or regulation made by the Dairy Board or the Alberta Energy and Utilities Board pursuant to this Act is guilty of an offence and liable to a fine of not more than \$25 000.

Farm Implement Act

Amends SA
1982 cF-4.1

3 The *Farm Implement Act* is amended by repealing section 31(1) and substituting the following:

Offence and penalty

31(1) A person who contravenes this Act or the regulations is guilty of an offence and liable

(a) in the case of an individual, to a fine of not more than \$10 000, or

(b) in the case of a corporation, to a fine of not more than \$25 000.

Fur Farms Act

Amends RSA
1980 cF-23

4 The *Fur Farms Act* is amended in section 15

(a) in subsection (1) by striking out “less than \$20 and not more than \$300, and in default of payment to imprisonment for a term not exceeding 3 months” and substituting “more than \$5000”;

(b) in subsection (2) by striking out “\$50 and in default of payment to imprisonment for a term not exceeding 30 days” and substituting “\$2000”.

Livestock Diseases Act

Amends RSA
1980 cL-22

5 The *Livestock Diseases Act* is amended in section 15

(a) in subsection (1) by striking out “\$500 or to imprisonment for a term of not more than 6 months,” and substituting “\$10 000 or to imprisonment for a term of not more than one year,”;

20 *A person who contravenes any provision of any order or regulation made by the Dairy Board or the Public Utilities Board pursuant to this Act is guilty of an offence and liable*

(a) for a first offence to a fine of not less than \$50 nor more than \$250 and in default of payment to imprisonment for a term of not more than 3 months, and

(b) for a 2nd or subsequent offence to a fine of not less than \$100 nor more than \$500 or in default of payment to imprisonment for a term of not more than 6 months,

and in any case, either in lieu of or in addition to a fine, to imprisonment for a term of not more than 6 months.

Farm Implement Act

3 Amends chapter F-4.1 of the Statutes of Alberta, 1982. Section 31(1) presently reads:

31(1) A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$2000.

Fur Farms Act

4 Amends chapter F-23 of the Revised Statutes of Alberta 1980. Section 15 presently reads:

15(1) A person who contravenes this Act is guilty of an offence and liable to a fine of not less than \$20 and not more than \$300, and in default of payment to imprisonment for a term not exceeding 3 months.

(2) A person who contravenes the regulations is guilty of an offence and liable to a fine of not more than \$50 and in default of payment to imprisonment for a term not exceeding 30 days.

Livestock Diseases Act

5 Amends chapter L-22 of the Revised Statutes of Alberta 1980. Section 15 presently reads:

15(1) Subject to subsection (3), a person who contravenes this Act or a notice, order, direction or regulation made hereunder is guilty of an offence and liable 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.

(b) in subsection (3) by striking out “\$50 or to imprisonment for not more than 30 days, or to both fine and imprisonment” and substituting “\$5000”.

Livestock and Livestock Products Act

Amends RSA
1980 cL-24

6(1) The *Livestock and Livestock Products Act* is amended by this section.

(2) Section 17(2) is amended by striking out “and liable to a fine of not more than \$1000 and in default of payment to imprisonment for a term of not more than 6 months”.

(3) Section 21(1) is repealed and the following is substituted:

Penalty for
violation of Act
or regulations

21(1) A person who contravenes this Act or a regulation under this Act, other than a regulation made under section 2(1), is guilty of an offence and liable to a fine of not more than \$5000.

(1.1) A person who contravenes a regulation made under section 2(1) is guilty of an offence and liable to a fine of not more than \$10 000.

(4) Section 22 is amended by striking out “\$500 or to imprisonment for a term not exceeding 3 months, or to both fine and imprisonment” and substituting “\$5000”.

Meat Inspection Act

Amends RSA
1980 cM-10

7 The *Meat Inspection Act* is amended by repealing section 10 and substituting the following:

(2) *A prosecution under subsection (1) may be commenced within 2 years of the commission of the alleged offence but not thereafter.*

(3) *A person resisting or wilfully obstructing an inspector or any person acting in aid of an inspector in the execution of his duty is guilty of an offence and liable to a fine of not more than \$50 or to imprisonment for not more than 30 days, or to both fine and imprisonment.*

Livestock and Livestock Products Act

6(1) Amends chapter L-24 of the Revised Statutes of Alberta 1980.

(2) Section 17(2) presently reads:

(2) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$1000 and in default of payment to imprisonment for a term of not more than 6 months.

(3) Section 21(1) presently reads:

21(1) A person who contravenes this Act or a regulation is guilty of an offence and liable

(a) if the person is a corporation, to a fine of not more than \$1000, or

(b) if the person is an individual, to a fine of not more than \$1000 and in default of payment to imprisonment for a term not exceeding 6 months.

(4) Section 22 presently reads:

22 A person who

(a) assaults, obstructs or interferes with an inspector in the performance of his duty under this Act, or

(b) refuses to allow an inspector to enter a building or other premises that the inspector finds it necessary to enter in the performance of his duties under this Act,

is guilty of an offence and liable to a fine of not more than \$500 or to imprisonment for a term not exceeding 3 months, or to both fine and imprisonment.

Meat Inspection Act

7 Amends chapter M-10 of the Revised Statutes of Alberta 1980. 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 less than \$500 and not more than \$2000, or to imprisonment for a term of not more than 6 months, or to both fine and imprisonment, and for a

Offence and
penalty

10 A person who contravenes this Act or the regulations under this Act is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

Soil Conservation Act

Amends SA
1988 cS-19.1

8 The *Soil Conservation Act* is amended in section 22

(a) by renumbering it as section 22(1);

(b) in subsection (1) by repealing clause (a);

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

(2) A person who fails to comply with section 3 is guilty of an offence and liable to a fine of not more than \$500 for each day or part of a day that the offence continues, to a maximum fine of not more than \$10 000.

Stray Animals Act

Amends RSA
1980 cS-23

9(1) The *Stray Animals Act* is amended by this section.

(2) Section 26 is amended by striking out “\$500” and substituting “\$5000”.

(3) Section 27 is amended by striking out “\$500” and substituting “\$2000”.

Vegetable Sales (Alberta) Act

Amends RSA
1980 cV-1

10 The *Vegetable Sales (Alberta) Act* is amended in section 7 by striking out “\$100 and in default of payment of the fine to

subsequent offence to a fine of not less than \$1000 and not more than \$5000, or to imprisonment for a term of not more than one year, or to both fine and imprisonment.

Soil Conservation Act

8 Amends chapter S-19.1 of the Statutes of Alberta, 1988. Section 22 presently reads:

22 A person who

- (a) fails to comply with section 3,*
- (b) fails to comply with a notice,*
- (c) contravenes this Act or the regulations,*
- (d) contravenes a by-law or order made under section 21, or*
- (e) fails to comply with the terms or conditions under which a permit is issued,*

is guilty of an offence and liable to a fine of not more than \$5000.

Stray Animals Act

9(1) Amends chapter S-23 of the Revised Statutes of Alberta 1980.

(2) Section 26 presently reads:

26 A person who

- (a) opens and fails to close a gate, or*
- (b) tampers with, damages or destroys a gate or fence,*

as a result of which livestock escape, is guilty of an offence and liable to a fine of not more than \$500.

(3) Section 27 presently reads:

27 A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$500.

Vegetable Sales (Alberta) Act

10 Amends chapter V-1 of the Revised Statutes of Alberta 1980. Section 7 presently reads:

7 A person

imprisonment for a term of not more than 30 days” and
substituting “\$2000”.

- (a) who transports, packs, advertises, sells, offers or has in his possession for sale, any vegetable that in any respect does not comply with the provisions of this Act or the regulations, except as may by regulation be permitted for manufacturing or processing purposes,*
- (b) who represents any vegetables to be of a certain grade, variety or class, unless those vegetables have been so graded or classed in accordance with the regulations,*
- (c) who misrepresents the grade, variety or class of any vegetable,*
- (d) who sells, offers for sale or has in his possession for sale any vegetable in any package or container of which the faced or shown surface falsely represents the contents, or any package or container that is not properly filled, or*
- (e) who contravenes any provision of this Act or the regulations,*

is guilty of an offence and liable to a fine of not more than \$100 and in default of payment of the fine to imprisonment for a term of not more than 30 days.