

Bill 34
Rev. Abbott

BILL 34

2003

LIVESTOCK INDUSTRY DIVERSIFICATION AMENDMENT ACT, 2003

(Assented to , 2003)

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

Amends RSA 2000 cL-17

**1 The *Livestock Industry Diversification Act* is amended by
this Act.**

2 Section 1(1) is amended

**(a) in clause (d) by striking out “Animal Industry” and
substituting “Livestock Development”;**

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

(d.1) “domestic cervid” or “present domestic cervid” means a
wildlife animal of a prescribed species that does not
belong to the Crown, that is identified and registered and
that is in a domesticated condition in Alberta, but does
not include any of its exuviated parts;

(c) by repealing clause (f);

(d) in clause (n)

**(i) by striking out “captivity for a purpose referred to in
clause (f)” and substituting “a domesticated condition”;**

(ii) in subclause (ii) by striking out “captivity” and substituting “a domesticated condition”.

3 Section 1 is amended by adding the following after subsection (2):

(3) For the purposes of this statute, a species animal is in a domesticated condition if it is in circumstances prescribed by the Minister and

(a) in the case of an animal in Alberta, it is

- (i) held on a domestic cervid production farm,
- (ii) being lawfully transported within Alberta,
- (iii) held at a veterinary clinic, or at an abattoir pending slaughter, or
- (iv) held at a temporary holding facility for some temporary purpose only,

in a captive state 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 any other purpose prescribed by the Minister, or for any combination of those purposes and, if it was ever outside Alberta, it was on each occasion lawfully imported into Alberta and lawfully exported from the outside jurisdiction, or

(b) in the case of an animal outside Alberta, it is

- (i) on premises, other than a zoo, that the Minister considers to be the equivalent in the jurisdiction in question to a domestic cervid production farm,
- (ii) being lawfully transported in a captive state for any such purpose,
- (iii) held at a veterinary clinic, or
- (iv) held at a temporary holding facility for some temporary purpose only,

and if the animal has been held in one or more of the conditions referred to in clause (a) or (b) or a combination of those conditions for the whole of its life.

(4) Notwithstanding subsection (3), a species animal to which subsection (3)(a) applies does not cease to be in a domesticated condition if it escapes and is recaptured within the period referred to in section 60(2)(b) of the *Wildlife Act*.

4 Section 6(1) is amended by adding the following after clause (c):

- (c.1) the applicant satisfies the Minister that the farm contains no live species animals that are not authorized present or prospective domestic cervids,

5 Section 11 is amended

- (a) in subsection (2) by repealing clauses (a) and (b) and by adding “registered and identified before the dates prescribed by the Minister” after “animal”;
- (b) in subsection (4)(a) by striking out “captive” and substituting “in a domesticated condition”.

6 Section 12 is amended by striking out “kept captive” and substituting “held”.

7 Section 13(3) is amended by striking out “in captivity”.

8 The following is added after section 13:

Release into the wild

13.1 A person shall not wilfully or negligently release a live domestic cervid from its domesticated condition.

9 Section 15 is amended

- (a) **in subsection (1) by striking out “An” and substituting “Except as prescribed by the Minister, an”;**
- (b) **by striking out “in captivity” wherever it occurs.**

10 The following is added after section 18:

Transportation

18.1 A person shall not transport a present or prospective domestic cervid except in accordance, so far as applicable, with the *Livestock Identification and Brand Inspection Act* and the *Health of Animals Act* (Canada) and the regulations under those Acts.

11 Section 20(1) and (3) are amended by striking out “captivity” and substituting “its domesticated condition”.

12 Section 21 is repealed and the following is substituted:

Sale of live prospective domestic cervids

21 A person may sell a live prospective domestic cervid.

13 Section 22 is amended

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

Slaughter of domestic cervids

22(1) A person shall not kill a domestic cervid

- (a) except at a lawfully operating abattoir in accordance with the *Meat Inspection Act* or the *Meat Inspection Act* (Canada) and the regulations under it,
- (b) unless that person is the currently licensed operator and the killing is conducted on that operator’s own farm under conditions where the killing is exempt

from the *Meat Inspection Act* and the regulations under it,

- (c) except under circumstances prescribed by the Minister, or
 - (d) unless the domestic cervid is in distress and the killing is done for humane reasons in accordance with generally accepted animal husbandry practices.
- (b) in subsection (2) by striking out “ribbon-branded” and substituting “marked in accordance with that Act”;**
- (c) in subsection (3) by striking out “directing or authorizing the slaughter elsewhere than at an abattoir.”.**

14 Section 23 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) the circumstances prescribed by the Minister exist.

15 Section 30 is amended by striking out “and” at the end of clause (a) and repealing clause (b) and substituting the following:

- (b) in the case of an offence against section 12, 13, 14, 16(1) or 17, to a fine of not more than \$5000 or to imprisonment for a term of not more than one month, or both,
- (c) in the case of an offence against section 15(1), 15(2) or 22, to a fine of not more than \$10 000 or to imprisonment for a term of not more than 6 months, or both,
- (d) in the case of an offence against section 13.1, 23 or 24, to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year, or both,
- (e) in the case of an offence against section 11 or 16(2), to a fine of not more than \$1000, and

- (f) in any other case, to a fine of not more than \$2500 or to imprisonment for a term of not more than one month, or to both.

16(1) The following provisions are amended

- (a) **by striking out** “game-production animal” **wherever it occurs and substituting** “domestic cervid”;
- (b) **by striking out** “game-production animals” **wherever it occurs and substituting** “domestic cervids”;
- (c) **by striking out** “game animal” **wherever it occurs and substituting** “domestic cervid”:

section 1(1)(b), (e), (i), (j), (l), (n) and (q);
section 4(1);
section 11;
section 12;
section 13;
section 14;
section 15;
section 16;

section 17;
section 19;
section 20;
section 22(2);
section 23;
section 24;
section 26;
section 33;
section 34.

- (2) The headings preceding sections 4, 11 and 20 are amended by striking out “Game Animal” and substituting “Domestic Cervid”.**

Consequential amendments to RSA 2000 cW-10

- 17(1) The *Wildlife Act* is amended by this section.**

(2) Section 1(2) is amended by adding the following after clause (a):

- (a.1) to the extent that the activity in question was lawfully performed under the *Meat Inspection Act* or the *Meat Inspection Act (Canada)* and the regulations under that Act,

(3) Section 54 is amended by adding “, the *Meat Inspection Act* or the *Meat Inspection Act (Canada)*” after “Act”.

(4) Section 57 is amended by repealing subsection (2) and substituting the following:

- (2) Subsection (1) does not apply with respect to a domestic cervid.

(5) Section 61 is amended by renumbering it as section 61(1) and by adding the following after subsection (1):

- (2) The Minister shall not give an authorization under subsection (1) in respect of a domestic cervid.

(6) The following provisions are amended

- (a) by striking out “game-production animal” wherever it occurs and substituting “domestic cervid”;**
- (b) by striking out “game-production animals” wherever it occurs and substituting “domestic cervids”;**
- (c) by striking out “game animal” wherever it occurs and substituting “domestic cervid”:**

section 1(1)(m) and (2)(b) and (c);
section 29;
section 41(3)(b);
section 46(1);
section 55(2)(b) and (c);
section 56(2)(c);
section 59(2);
section 60(2);
section 64(2);

section 81(6);
section 82(1);
section 105(2).

Consequential amendments to RSA 2000 cL-16

18(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 (f):

(f.1) “domestic cervid” means a domestic cervid within the meaning of the *Livestock Industry Diversification Act*;

(b) by repealing clause (h).

(3) The following provisions are amended

(a) by striking out “game-production animal” wherever it occurs and substituting “domestic cervid”;

(b) by striking out “game-production animals” wherever it occurs and substituting “domestic cervids”:

section 1(l);
section 3(1) and (7);
section 5(3);
section 6(6);
section 15(7);
section 16(5);
section 47(3);
section 49;
section 50.

Consequential amendments to other Acts

19(1) The following provisions are amended by striking out “game-production animals” and substituting “domestic cervids”:

(a) the *Agricultural Operation Practices Act*, section 1(b)(ii) and (c.1);

- (b) the *Agricultural Pests Act*, section 1(1)(f);
- (c) the *Agriculture Financial Services Act*, section 25(f);
- (d) the *Employment Standards Code*, section 2(4)(a);
- (e) the *Labour Relations Code*, section 4(2)(e)(i);
- (f) the *Law of Property Act*, section 47(4)(b)(ii);
- (g) the *Livestock and Livestock Products Act*, section 1(e).

(2) The *Brand Act* is amended in section 1(m) by striking out “game-production animal” and substituting “domestic cervid”.

20 This Act comes into force on Proclamation.

Explanatory Notes

1 Amends chapter L-17 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1(1) In this Act,

- (a) “*abattoir*” means an abattoir or establishment within the meaning of the *Meat Inspection Act*;
- (d) “*Director*” means the Director of the Animal Industry Division of the Department administered by the Minister, and includes a person to whom that Director delegates functions under section 2(1);
- (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;

- (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;*

3 Interpretation – domesticated condition of animals.

4 Section 6(1) presently reads:

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.*

5 Section 11 presently reads in part:

(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.*

(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.*

6 Section 12 presently reads:

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.

7 Section 13(3) presently reads:

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

8 Release into the wild.

9 Section 15 presently reads:

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.

10 Transportation of present and prospective domestic cervids.

11 Section 20 presently reads in part:

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.

(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, the person is liable for any damage or expense referred to in subsection (1).

12 Section 21 presently reads:

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.

13 Section 22 presently reads:

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.

14 Section 23 presently reads:

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) the person is the operator of the farm on which that animal is or was kept, or*
- (b) the person is authorized to do so by or under the Wildlife Act.*

15 Section 30 presently reads:

30 A person who contravenes any provision of this Act is guilty of an offence against this statute and liable

- (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*

(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.

16 Amendments consequential to change in nomenclature.

17 Amendments to the Wildlife Act.

18 Consequential amendments to the Livestock Identification and Brand Inspection Act.

19 Consequential amendments to other Acts.

20 Coming into force.