

2009 Bill 24

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Second Session, 27th Legislature, 58 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 24**

**ANIMAL HEALTH AMENDMENT ACT, 2009**

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MR. GRIFFITHS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 24*  
*Mr. Griffiths*

## **BILL 24**

2009

### **ANIMAL HEALTH AMENDMENT ACT, 2009**

*(Assented to , 2009)*

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

#### **Amends SA 2007 cA-40.2**

#### **1 The *Animal Health Act* is amended by this Act.**

#### **2 Section 1 is amended**

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

(b) “animal” means any animal other than a human being;

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

(c) “animal by-product” includes, without limitation, blood and any of its components, bones, bristles, feathers, flesh, hair, hoofs, horns, offal, hides, furs, skin and wool;

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

(d) “animal product” includes, without limitation, butter, cheese, cream, milk, eggs, meat, ova, semen and antlers;

##### **(d) by repealing clause (e) and substituting the following:**

(e) “authorized person” means

(i) a person listed in the Schedule, or

## Explanatory Notes

**1** Amends chapter A-40.2 of the Statutes of Alberta, 2007.

**2** Section 1 presently reads in part:

*1 In this Act,*

*(b) “animal” includes alpacas, asses, bison, cats, cattle, cervids, dogs, ducks, geese, goats, horses, llamas, mules, poultry, ratites, sheep, swine, wild boars and any other animal prescribed in the regulations;*

*(c) “animal by-product” includes blood and any of its components, antlers, bones, bristles, feathers, flesh, hair, hides, hoofs, horns, offal, skins, wool and any other animal by-product prescribed in the regulations;*

*(d) “animal product” includes butter, cheese, cream, milk, eggs, meat, ova, semen and any other animal product prescribed in the regulations;*

*(e) “authorized person” means a person listed in the Schedule or prescribed in the regulations as an authorized person;*

*(k) “Department” means the Department of Agriculture and Food;*

- (ii) a person who is designated in the regulations as an authorized person or who is within a class of persons that is designated in the regulations for the purposes of this subclause;

**(e) in clause (k) by striking out “Food” and substituting “Rural Development”;**

**(f) by repealing clause (t) and substituting the following:**

- (t) “owner” in respect of an animal, premises or any other thing includes a person who has custody or care and control of the animal, premises or other thing;

### **3 Section 2 is amended**

**(a) in subsection (1)**

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

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

- (b) any syndrome, or

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

- (c) the condition of carrying a disease-causing agent.

**(b) in subsection (2) by adding “or” at the end of clause (a) and by repealing clause (b).**

**4 Section 3(b) is amended by striking out “through direct or indirect contact with the animal carrying the disease-causing agent, or with an animal product or animal by-product from the animal carrying the disease-causing agent,”.**

- (i) “owner” includes a person who has custody or care and control;

**3** Section 2 presently reads:

*2(1) For the purposes of this Act, “disease” means*

- (a) *a pathological abnormality or a distinct group of symptoms or behaviours that are generally recognized by the scientific community as resulting or likely resulting from a single cause, or the interaction of more than one cause, or*
- (b) *any syndrome designated in the regulations as a disease.*

*(2) Notwithstanding subsection (1), an inspector who is a registered veterinarian may consider an animal to be diseased if*

- (a) *in the opinion of the inspector, the animal exhibits a single abnormal symptom or behaviour or a group of abnormal symptoms or behaviours whose cause has not been identified or isolated,*
- (b) *the animal is carrying a disease-causing agent, or*
- (c) *the animal has residues that exceed the maximum residue limits set out under the Food and Drug Act (Canada).*

**4** Section 3(b) presently reads:

*3 For the purposes of this Act, a reportable disease is a disease that*

**5 Section 12(2) is amended**

- (a) in clause (n) by adding** “or are suspected of being contaminated with” **before** “the disease-causing agent”;
- (b) in clause (p) by adding** “of the animal or premises” **after** “owner”.

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

**Service of surveillance zone order**

**23(1)** The chief provincial veterinarian may serve notice of a surveillance zone order on an owner of premises or of an animal, animal product or animal by-product, or on an authorized person, within the surveillance zone.

- (b) *in the opinion of the chief provincial veterinarian requires the implementation of control measures or eradication measures to minimize the risk of the disease spreading through direct or indirect contact with the animal carrying the disease-causing agent, or with an animal product or animal by-product from the animal carrying the disease-causing agent, because the disease*
- (i) *may cause products derived from a diseased animal to be unsafe or unfit for use or consumption,*
  - (ii) *may be a threat to animal health, public health or the health of other living organisms,*
  - (iii) *may be a threat to the economic interests of the animal industry, or*
  - (iv) *may be transmitted between animals and humans,*

**5** Section 12(2)(n) and (p) presently read:

*(2) A quarantine order issued under subsection (1) may include any terms and conditions the chief provincial veterinarian considers necessary to minimize the risk of the reportable disease spreading and may*

- (n) *order the destruction of an animal in accordance with section 28 if the animal has or is suspected on reasonable and probable grounds of having the reportable disease or if the animal products or animal by-products from an animal are contaminated with the disease-causing agent for the reportable disease,*
- (p) *require the owner to inform the inspector of any animals that become sick or have died on the premises during the quarantine, and*

**6** Section 23 presently reads:

*23(1) Notice of the surveillance zone order must be served by being delivered personally to each owner of premises or of an animal, animal product or animal by-product, and to each authorized person, within the surveillance zone.*

(2) Subject to subsection (3), notice of the surveillance zone order under subsection (1) must be served by being personally delivered.

(3) If, in the opinion of an inspector, service cannot reasonably be effected in accordance with subsection (2), the inspector may post a copy of the surveillance zone order in a conspicuous place on the premises of each person to be served within the surveillance zone.

**7 Section 25(3) is repealed and the following is substituted:**

(3) If, in the opinion of an inspector, service cannot reasonably be effected in accordance with subsection (2), the inspector may post a copy of the amendment in a conspicuous place on the premises of each person who was notified of the original surveillance zone order.

**8 Section 28 is amended**

**(a) in subsection (1) by striking out “or” at the end of clause (e), adding “or” at the end of clause (f) and adding the following after clause (f):**

(g) if the animal has consumed or is suspected on reasonable and probable grounds of having consumed the carcass or other parts of a dead animal contrary to a provincial or federal enactment.

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

(4) If the owner fails to comply with an order issued pursuant to subsection (1)(g), the Minister may seize, destroy and dispose of the animal.

(5) The amount of expenses incurred in seizing, destroying and disposing of an animal under subsection (4) is a debt due to the Crown.



*(2) If, in the opinion of an inspector, service cannot reasonably be effected in accordance with subsection (1), the inspector may post a copy of the surveillance zone order in a conspicuous place on the premises of each owner and authorized person within the surveillance zone.*

**7** Section 25(3) presently reads:

*(3) If, in the opinion of an inspector, service cannot reasonably be effected in accordance with subsection (2), the inspector may post a copy of the amendment in a conspicuous place on the premises of each owner of premises or of an animal, animal product or animal by-product, and each authorized person, within the surveillance zone.*

**8** Section 28 presently reads:

*28(1) The chief provincial veterinarian may order the owner of an animal to destroy or dispose of an animal within a specified period of time and may, subject to the regulations, choose the method of destruction and the method of disposal of the carcass*

- (a) if the animal has or is suspected on reasonable and probable grounds of having a reportable disease,*
- (b) if the animal has come into contact with an animal that has or is suspected on reasonable and probable grounds of having a reportable disease,*
- (c) if the animal is on quarantined premises,*
- (d) if the animal has a reportable disease and the chief provincial veterinarian believes on reasonable and probable grounds that allowing the continued survival of the animal would be cruel or inhumane,*
- (e) if the animal is carrying or is suspected on reasonable and probable grounds of carrying a disease-causing agent for a reportable disease, or*

**9 Section 37 is amended**

- (a) in subsection (1) by adding “**, for the purpose of administering or ensuring compliance with this Act or the regulations, and carrying out any work or doing any other thing that the inspector is authorized under this Act to carry out or do,” **after “may”;**
- (b) in subsection (2) by adding the following after clause (e):**

  - (e.1) permit the inspector to use any computer hardware or software, including that of the vehicle, railway car, aircraft or watercraft, to obtain readings or other information about animals, animal products or animal by-products,

- (f) if an animal product or animal by-product from the animal is contaminated with or is suspected of being contaminated with a disease-causing agent for a reportable disease.*
- (2) If the chief provincial veterinarian orders the destruction and disposal of an animal, the chief provincial veterinarian must provide a copy of the order to the owner.*
- (3) The owner must comply with an order issued under subsection (1).*

**9** Section 37(1) and (2) presently read:

*37(1) An inspector and persons assisting an inspector may inspect any vehicle, railway car, aircraft or watercraft in or on which animals, animal products, animal by-products or contaminated material is transported.*

*(2) A person operating a vehicle, railway car, aircraft or watercraft described in subsection (1) must, when required by an inspector to do so,*

- (a) bring the vehicle, railway car, aircraft or watercraft to a stop and keep it stopped until the end of any period of time that is reasonably necessary to enable the inspector to carry out the powers and duties of an inspector under this Act,*
- (b) permit the inspector to examine the vehicle, railway car, aircraft or watercraft and animals, animal products, animal by-products or contaminated material in or on the vehicle, railway car, aircraft or watercraft,*
- (c) permit the inspector to take samples and specimens from the animals, animal products, animal by-products or contaminated material in or on the vehicle, railway car, aircraft or watercraft,*
- (d) answer all questions related to the administration of this Act put to the person by the inspector concerning the animals, animal products, animal by-products or contaminated material,*
- (e) produce to the inspector records and other documents, including electronic records or documents, that relate to the animals, animal products, animal by-products or*

**10 Section 38 is amended**

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

**Inspection of premises**

**38(1)** An inspector and persons assisting an inspector may, at any reasonable time, pass over land and enter any premises, other than a private dwelling or a part of premises used as a private dwelling, for the purpose of administering or ensuring compliance with this Act or the regulations and carrying out any work or doing any other thing that the inspector is authorized under this Act to carry out or do, including, without limitation, any of the following:

- (a) inspecting any premises or land in or on which any animals, animal products or animal by-products are, or are proposed to be, bought, sold or stored under this Act;
- (b) inspecting any activities that require a licence under this Act;
- (c) inspecting animals, animal products, animal by-products or contaminated material present on the land or premises being inspected.

- (b) in subsection (2) by adding the following after clause (a):**

*contaminated material in or on the vehicle, railway car, aircraft or watercraft,*

*(f) transport the animals to the nearest point where reasonable unloading facilities are available and*

*(i) unload the animals for inspection, and*

*(ii) clean and disinfect the vehicle, railway car, aircraft or watercraft,*

*and*

*(g) assist the inspector who is carrying out powers and duties under this section.*

**10** Section 38(1) and (2) presently read:

*38(1) An inspector and persons assisting an inspector may, at any reasonable time, pass over land and enter any premises other than a private dwelling or a part of premises used as a private dwelling*

*(a) to inspect any premises or land in or on which any animals, animal products or animal by-products are, or are proposed to be, bought, sold or stored under a licence issued under this Act,*

*(a.1) to inspect any activities being carried out under a licence issued under this Act, or*

*(b) to inspect animals, animal products, animal by-products or contaminated material that are present, have been present or are expected to be present on the land or premises to be inspected.*

*(2) In carrying out an inspection, an inspector may*

*(a) require the production for examination of any records or other documents, including electronic records or documents, related to the administration of this Act and make copies of them or temporarily remove them for the purpose of making copies,*

*(b) require any person on the land or in the premises to answer all questions related to the administration of this Act put to the person by the inspector concerning the animals, animal*

- (a.1) use any computer hardware or software to obtain readings or other information related to the administration of this Act,

**11 Part 9 is repealed and the following is substituted:**

**Part 9  
Licences and  
Qualification  
Certificates**

**Definitions**

**43** In this Part,

- (a) “authorized medicine” means authorized medicine as defined in the regulations;
- (b) “licence” means a licence referred to in section 43.4(1);
- (c) “livestock market licence” means a licence to operate a livestock market;
- (d) “outlet” means a place where authorized medicine for production animals is sold to the public;
- (e) “outlet licence” means a licence to operate an outlet;
- (f) “production animal” means production animal as defined in the regulations;
- (g) “qualification certificate” means a certificate authorizing an individual to provide advice on the use of an

*products, animal by-products and contaminated material that are present, have been present or are expected to be present on the land or in the premises,*

- (c) examine, take samples and specimens from, and require tests to be performed on or samples to be taken from, animals, animal products, animal by-products or contaminated material on the land or premises,*
- (d) photograph or otherwise record anything on the land or premises that the inspector considers would be of assistance, and*
- (e) require any person to provide assistance to an inspector who is carrying out powers and duties under this section.*

**11** Part 9 presently reads:

*Part 9  
Licences*

*43(1) On application for a licence by a person in accordance with this Act, the Minister may issue or refuse to issue any of the following licences:*

- (a) a production animal medicine outlet licence;*
- (b) a qualification certificate licence;*
- (c) a livestock market licence;*
- (d) a wholesale medicine licence;*
- (e) any other licence prescribed in the regulations.*

*(2) Notwithstanding the Pharmacy and Drug Act and Schedule 7.1 to the Government Organization Act, a qualification certificate licence may be issued to a person other than*

- (a) a pharmacist,*
- (b) a regulated member or other person authorized to sell medicine pursuant to regulations under the Health Professions Act, or*

authorized medicine in accordance with labelled instructions;

- (h) “wholesale licence” means a licence to sell authorized medicine to outlets.

**Requirement for licence**

**43.1** Subject to the regulations, no person shall

- (a) operate a livestock market without a livestock market licence,
- (b) sell authorized medicine to the public except under the authority of an outlet licence,
- (c) sell authorized medicine to an outlet except under the authority of a wholesale licence, or
- (d) carry on an activity that requires a licence prescribed in the regulations except under the authority of that licence.

**Requirement for qualification certificate**

**43.2** No holder of an outlet licence shall sell authorized medicine unless the holder has on duty or has available for consultation throughout regular business hours at least one person who holds a qualification certificate.

**Restrictions**

**43.3(1)** No holder of an outlet licence shall purchase, store or sell medicine to the public that is not authorized medicine.

**(2)** No holder of a wholesale licence shall sell authorized medicine for resale in an outlet unless an outlet licence has been issued in respect of that outlet.

**Application for licence**

**43.4(1)** On application for a licence by a person in accordance with this Part and the regulations, the Minister may issue or refuse to issue any of the following licences:

- (a) a livestock market licence;
- (b) an outlet licence;



*(c) a registered veterinarian or permit holder under the Veterinary Profession Act.*

*(3) An application for a licence must be made to the Minister in a form approved by the Minister and must be accompanied with a licence fee in the amount prescribed in the regulations.*

*(4) The Minister may issue a licence under this section for any purpose specified in the regulations and subject to any terms and conditions the Minister considers appropriate.*

*(5) A licence issued under this section is not transferable.*

*(6) The Minister may, in the Minister's discretion,*

*(a) refuse to issue or to renew a licence, or*

*(b) cancel, suspend or vary the terms and conditions of a licence if the Minister is satisfied that the licence holder has contravened this Act or the regulations or the terms and conditions of the licence,*

*and must provide a copy of the decision to the applicant or licence holder, as the case may be.*

*44(1) If a licence for premises has been suspended or cancelled under section 43, the premises must be closed.*

*(2) If a qualification certificate licence issued to an individual has been suspended or cancelled under section 43 and no other individual with a qualification certificate licence is able to carry out the day to day activities for which the suspended or cancelled qualification certificate licence was issued, the area of the premises where the individual was carrying out activities authorized by the qualification certificate licence must be closed.*

*(3) A licence holder is not entitled to compensation in respect of anything done by an inspector under this section.*

*45(1) If a production animal medicine outlet licence, a wholesale medicine licence or a qualification certificate licence is suspended or cancelled, an inspector may seize and detain any medicine on the premises prior to closing the area of the premises where the medicine is sold.*

*(2) If a licence referred to in subsection (1) remains suspended or cancelled after all appeals have been exhausted, the inspector may*

(c) a wholesale licence;

(d) any other licence prescribed in the regulations.

(2) An application for a licence must be made to the Minister in a form prescribed in the regulations and must be accompanied with a licence fee in the amount prescribed in the regulations.

(3) The Minister may issue a licence under this section subject to any terms and conditions the Minister considers appropriate.

(4) A licence issued under this section is not transferable.

(5) The Minister may, in the Minister's discretion,

(a) refuse to issue or to renew a licence, or

(b) cancel or suspend a licence or vary the terms and conditions of a licence if the Minister is satisfied that the licence holder has contravened this Act or the regulations or the terms and conditions of the licence,

and must provide a copy of the decision to the applicant or licence holder, as the case may be.

**Application for qualification certificate**

**43.5(1)** On application for a qualification certificate by a person in accordance with this Part and the regulations, the Minister may issue or refuse to issue a qualification certificate.

(2) Notwithstanding the *Pharmacy and Drug Act* and Schedule 7.1 to the *Government Organization Act*, a qualification certificate may be issued to a person other than

(a) a pharmacist,

(b) a regulated member or other person authorized to sell medicine pursuant to regulations under the *Health Professions Act*, or

(c) a registered veterinarian or permit holder under the *Veterinary Profession Act*.

*dispose of any medicine seized under subsection (1) in a manner approved by the chief provincial veterinarian.*

*(3) A licence holder is not entitled to compensation in respect of anything done by an inspector under this section.*

(3) An application for a qualification certificate must be made to the Minister in a form prescribed in the regulations and must be accompanied with a qualification certificate fee in the amount prescribed in the regulations.

(4) The Minister may issue a qualification certificate under this section subject to any terms and conditions the Minister considers appropriate.

(5) A qualification certificate issued under this section is not transferable.

(6) The Minister may, in the Minister's discretion,

- (a) refuse to issue or to renew a qualification certificate, or
- (b) cancel or suspend a qualification certificate or vary the terms and conditions of a qualification certificate if the Minister is satisfied that the qualification certificate holder has contravened this Act or the regulations or the terms and conditions of the qualification certificate,

and must provide a copy of the decision to the applicant or qualification certificate holder, as the case may be.

#### **Closing of premises**

**44(1)** If an outlet licence has been suspended or cancelled under section 43.4, the area of the premises where authorized medicine is sold must be closed.

(2) If a qualification certificate has been suspended or cancelled under section 43.5 and no other individual with a qualification certificate is able to carry out the day-to-day activities for which the suspended or cancelled qualification certificate was issued, the area of the premises where authorized medicine is sold must be closed.

(3) A licence holder is not entitled to compensation in respect of anything done under this section.

#### **Medicine**

**45(1)** If an outlet licence is suspended or cancelled, an inspector may seize and detain any medicine on the premises



prior to closing the area of the premises where the medicine is sold.

**(2)** If an outlet licence referred to in subsection (1) remains suspended or cancelled after all appeals have been exhausted, the inspector may dispose of any medicine seized under subsection (1) in a manner approved by the chief provincial veterinarian.

**(3)** A licence holder is not entitled to compensation in respect of anything done by an inspector under this section.

## **12 Section 46 is amended**

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

- (c) a refusal by the Minister to issue or renew a licence or qualification certificate under Part 9;
- (d) the terms and conditions imposed on a licence or qualification certificate by the Minister under Part 9;
- (e) the cancellation, suspension or variance of the terms and conditions of a licence or qualification certificate under Part 9.

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

- (a) confirm the refusal, cancellation, suspension or variance of the terms and conditions of a licence or qualification certificate under Part 9,
- (b) direct that a licence or qualification certificate be issued or renewed under Part 9,
- (c) reinstate a licence or qualification certificate cancelled under Part 9,
- (d) remove or vary a suspension of a licence or qualification certificate under Part 9,

**12** Section 46(1) and (6) presently read:

*46(1) A person who is directly affected by any of the following decisions may appeal the decision in accordance with this section:*

- (a) a determination of the expenses incurred in carrying out the terms and conditions of*
    - (i) a quarantine order under section 17,*
    - (ii) a surveillance zone order under section 24, or*
    - (iii) a control zone order under section 32;*
  - (b) the amount of compensation authorized or a refusal or reduction of compensation by the Minister under section 30;*
  - (c) a refusal by the Minister to issue or renew a licence under section 43;*
  - (d) the terms and conditions imposed on a licence by the Minister under section 43;*
  - (e) the cancellation or suspension of a licence by the Minister under section 43.*
- (6) An appeal board that hears an appeal under this section may*
- (a) confirm the refusal, cancellation or suspension of a licence under section 43,*
  - (b) direct that a licence be issued or renewed under section 43,*
  - (c) reinstate a licence cancelled under section 43,*

- (d.1) remove or vary a variation of a term or condition of a licence or qualification certificate under Part 9,

**13 Section 50 is amended**

- (a) in subsection (1)**
  - (i) by striking out “43(6)” and substituting “43.4 or 43.5”;**
  - (ii) by adding “or qualification certificate” after “licence” wherever it occurs;**
- (b) in subsection (4) by adding “or qualification certificate” after “licence”.**

**14 Section 52 is amended**

- (a) in subsection (1) by striking out “and an authorized person” and substituting “or authorized person required to do so by the regulations”;**
- (b) in subsection (2)(o) by adding “or qualification certificate” after “licence”.**



- (d) remove or vary a suspension of a licence under section 43,*
- (e) confirm or vary a determination of expenses incurred under section 17, 24 or 32, or*
- (f) confirm or vary the amount of compensation authorized under section 30, direct compensation be authorized under section 30 or confirm a refusal under section 30 to authorize compensation,*

*and the appeal board must notify the Minister and the appellant of its decision.*

**13** Section 50(1) and (4) presently read:

*50(1) A person*

- (a) whose licence has been cancelled or suspended under section 43(6), and*
- (b) who has in respect of that cancellation or suspension commenced an appeal under section 46,*

*may, by filing an originating notice with the Court of Queen's Bench, apply for reinstatement of the licence or removal of the suspension pending the determination of the appeal within 30 days after the person is notified of the cancellation or suspension.*

*(4) On hearing an application made under this section, the Court of Queen's Bench may, subject to conditions that it considers appropriate, if any, reinstate the cancelled licence or remove the suspension, as the case may be, pending the determination of the appeal under section 46.*

**14** Section 52 presently reads in part:

*52(1) An owner and an authorized person must keep records in accordance with the regulations.*

*(2) Records that must be kept by an owner and an authorized person include any one or more of the following records as prescribed in the regulations:*

**15 Section 56(d) is amended by striking out “*Livestock Identification and Brand Inspection Act*” and substituting “*Livestock Identification and Commerce Act*”.**

**16 Section 64 is amended by adding “and qualification certificates” after “licences”.**

**17 Section 67 is amended**

**(a) by adding the following after “section 37(2),”:**

section 43.1(a), (b), (c), (d);  
section 43.2;  
section 43.3(1), (2);

**(b) by repealing subsection (2).**

**18 The following is added after section 68:**

**Order for compliance**

**68.1** Where a court convicts a person of an offence under this Act, then, without limiting any other liability that that person may have under this Act or any other law, the court may order that person to comply with the provision of this Act for the contravention of which the person has been convicted.

**19 Section 69 is amended**

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

*(o) any records required to be kept under a licence issued under this Act;*

**15** Section 56(d) presently reads:

*56 The Minister may require the production of, and collect, the following information:*

*(d) horse permits, livestock permits and livestock manifests under the Livestock Identification and Brand Inspection Act;*

**16** Section 64 presently reads:

*64 The Minister may charge the fees provided for in the regulations for the issuing of licences and for any other program or service provided for in the regulations.*

**17** Section 67(2) presently reads:

*(2) A person who contravenes the regulations is guilty of an offence.*

**18** Order for compliance.

**19** Section 69(1) presently reads:

*69(1) The Lieutenant Governor in Council may make regulations*

**Lieutenant Governor in Council regulations**

**69(1)** The Lieutenant Governor in Council may make regulations

- (a) designating a person as an authorized person, or designating a class of persons as a class the members of which are authorized persons, for the purposes of section 1(e)(ii);
- (b) prescribing, for the purposes of section 30, circumstances under which compensation may be paid, reduced or refused, the amount of compensation that may be paid and the manner of determining the amount of compensation that may be paid;
- (c) respecting the inspection of premises or land by inspectors;
- (d) respecting the inspection by inspectors of any activities requiring a licence under this Act;
- (e) prescribing identification that must be carried by inspectors;
- (f) respecting the inspection by inspectors of animals, animal products or animal by-products or contaminated material;
- (g) respecting applications for licences, the issuing of licences, the term of licences and the terms and conditions of licences;
- (h) prescribing licences for the purposes of sections 43.1(d) and 43.4(1)(d) and the purposes for which those licences may be issued;
- (i) respecting applications for qualification certificates, the issuing of qualification certificates, the term of qualification certificates and the terms and conditions of qualification certificates;
- (j) respecting persons or classes of persons who are exempt from the requirement to hold a licence or qualification certificate;

- (a) prescribing circumstances under which compensation may be paid, reduced or refused, the amount of compensation that may be paid and the manner of determining the amount of compensation that may be paid under section 30;*
- (a.1) respecting the inspection of premises or land by inspectors;*
- (a.2) respecting the inspection by inspectors of any activities being carried out under a licence issued under this Act;*
- (a.3) respecting the inspection by inspectors of animals, animal products or animal by-products or contaminated material;*
- (b) respecting information that may be collected by the Minister under section 56;*
- (c) respecting purposes for which information may be used by the Minister;*
- (d) respecting the purposes for which owners and authorized persons may use information disclosed to them;*
- (e) respecting the establishment and administration of animal health programs and other programs and services under this Act;*
- (f) respecting the implementation of biosecurity measures for general disease control and for specific diseases;*
- (g) respecting disease control measures on community pastures;*
- (h) respecting the possession of imported animals that have a prescribed reportable disease or carry or may carry a disease-causing agent for a prescribed reportable disease;*
- (i) respecting the establishment of a traceability system under section 63 and the information that may be included in a traceability system;*
- (j) respecting the identification of animals, animal products, animal by-products, vehicles, railway cars, aircraft and watercraft that transport animals, animal products and animal by-products for the purposes of a traceability system;*
- (k) respecting the establishment of a premises identification system under section 63;*

- (k) prescribing fees that may be charged for licences, qualification certificates and other services or programs provided under this Act;
- (l) respecting facility and operational requirements of licence holders;
- (m) requiring holders of suspended or cancelled licences to take any action or measure or do any other thing in respect of the premises to which the licence applied or in respect of anything for which the licence was issued;
- (n) prescribing forms, including forms for licence applications, qualification certificate applications and appeals;
- (o) respecting information that may be collected by the Minister under section 56;
- (p) respecting purposes for which information collected under section 56 may be used by the Minister;
- (q) respecting the purposes for which owners and authorized persons may use information disclosed to them;
- (r) respecting the types of records to be kept, maintained and submitted under this Act by owners, authorized persons, licence holders and qualification certificate holders;
- (s) respecting how records are to be kept, maintained and submitted by owners, authorized persons, licence holders and qualification certificate holders;
- (t) respecting the period of time records must be kept by owners, authorized persons, licence holders and qualification certificate holders;
- (u) respecting the establishment and administration of animal health programs and other programs and services under this Act;
- (v) respecting the implementation of biosecurity measures for general disease control and for specific diseases;

- (l) respecting the destruction and disposal of animals;*
- (m) respecting the sale of animals that have been administered medicine or exposed to chemicals, toxic substances or other deleterious substances;*
- (m.1) respecting livestock markets, including, without limitation, regulations*
  - (i) defining “livestock market facility”,*
  - (ii) respecting the design, location and construction of livestock market facilities,*
  - (iii) respecting the equipment in livestock market facilities,*
  - (iv) respecting sanitation standards for livestock market facilities,*
  - (v) respecting the handling of livestock at livestock market facilities, and*
  - (vi) respecting the operation of livestock market facilities;*
- (n) respecting the transition of any matter from the Livestock Diseases Act to this Act;*
- (o) to deal with any difficulty or impossibility resulting from the transition from the Livestock Diseases Act to this Act;*
- (p) defining words or expressions to be defined by the regulations and any other word or expression used in this Act that is not defined in this Act;*
- (q) respecting the application of any provision of this Act, with or without modification, to an inspector, owner or authorized person.*

- (w) respecting disease control measures on community pastures;
- (x) respecting the possession of imported animals that have a prescribed reportable disease or carry or may carry a disease-causing agent for a prescribed reportable disease;
- (y) respecting the establishment of a traceability system under section 63 and the information that may be included in a traceability system;
- (z) respecting the audit of any matter related to a traceability system;
- (aa) respecting the identification, for the purposes of a traceability system, of animals, animal products, animal by-products, vehicles, railway cars, aircraft and watercraft that transport animals, animal products and animal by-products;
- (bb) respecting the establishment of premises identification within a traceability system under section 63;
- (cc) respecting the destruction and disposal of animals;
- (dd) respecting the sale of animals to which medicine has been administered or that have been exposed to chemicals, toxic substances or other deleterious substances;
- (ee) respecting livestock markets, including, without limitation, regulations
  - (i) defining “livestock market”,
  - (ii) respecting the design, location and construction of livestock markets,
  - (iii) respecting the equipment in livestock markets,
  - (iv) respecting sanitation standards for livestock markets,





- (v) respecting the handling of livestock at livestock markets, and
- (vi) respecting the operation of livestock markets;
- (ff) providing with respect to any provision of the regulations under this Act that its contravention constitutes an offence;
- (gg) respecting penalties and orders that may be made in respect of offences created under clause (ff);
- (hh) respecting the transition of any matter from the *Livestock Diseases Act* to this Act;
- (ii) dealing with any difficulty or impossibility resulting from the transition from the *Livestock Diseases Act* to this Act;
- (jj) defining words or expressions to be defined by the regulations and any other word or expression used in this Act that is not defined in this Act;
- (kk) respecting the application of any provision of this Act, with or without modification, to an inspector, owner or authorized person;
- (ll) exempting an animal, animal product or animal by-product or any class of animal, animal product or animal by-product from the application of all or part of this Act.

**(b) by adding the following after subsection (1):**

**(1.1)** A regulation under subsection (1) may apply to all animals, animal products or animal by-products or to one or more specific classes of animals, animal products or animal by-products.

**20 Section 70(1) is repealed and the following is substituted:**

**Ministerial regulations**

**70(1)** The Minister may make regulations

**20** Section 70 presently reads:

*70(1) The Minister may make regulations*

- (a) prescribing reportable diseases and notifiable diseases for the purposes of sections 3 and 4;
- (b) prescribing purposes for which action must be taken for reportable diseases;
- (c) prescribing purposes for which notifiable diseases are to be monitored;
- (d) respecting the reporting of reportable diseases and notifiable diseases to the chief provincial veterinarian.

- (a) *prescribing animals, animal products and animal by-products for the purposes of section 1(b), (c) and (d);*
- (b) *prescribing persons or classes of persons as authorized persons for the purposes of section 1(e);*
- (c) *designating syndromes as diseases for the purposes of section 2(1)(b);*
- (d) *prescribing reportable diseases and notifiable diseases for the purposes of sections 3 and 4;*
- (e) *prescribing purposes for which action must be taken for reportable diseases;*
- (f) *prescribing purposes for which notifiable diseases are to be monitored;*
- (g) *prescribing identification that must be carried by an inspector;*
- (h) *respecting the reporting of reportable diseases and notifiable diseases to the chief provincial veterinarian;*
- (i) *respecting application for licences, the issuing of licences, the term of a licence, the types of licences that may be issued, the terms and conditions of licences and the purposes for which licences may be issued;*
- (j) *prescribing persons or classes of persons to whom licences may be issued;*
- (k) *respecting persons or classes of persons who are exempt from licensing requirements;*
- (l) *respecting the types of records to be kept, maintained and submitted under this Act by owners, authorized persons and licence holders;*
- (m) *respecting how records are to be kept, maintained and submitted by owners, authorized persons and licence holders;*
- (n) *respecting the period of time records must be kept by owners, authorized persons and licence holders;*
- (o) *prescribing fees that may be charged for licences and other services or programs provided for under this Act;*

**21 The following is added after section 70:**

**Self-government regulations**

**70.1(1)** The Minister may make regulations

- (a) respecting the establishment of delegated authorities;
- (b) delegating to one or more delegated authorities any of the powers, duties or functions of the Minister or an inspector under this Act, except the power of the Minister to make regulations;
- (c) imposing conditions on the delegated powers, duties or functions;
- (d) limiting the liability of a delegated authority and its employees, agents, directors or officers in an action for negligence with respect to the delegated power, duty or function when the delegated authority and its employees, agents, directors or officers act in good faith pursuant to the delegation, including, but not limited to, providing that any limitation of liability applicable to an inspector may be made applicable to a delegated authority and its employees, agents, directors or officers while they are carrying out the inspector's power, duty or function;
- (e) notwithstanding anything in sections 46 to 51, respecting an appeal from an action or a decision of a delegated authority or its employees, agents, directors or officers;

*(p) prescribing forms, including forms for licence applications and forms for appeals.*

*(2) A regulation under subsection (1) may adopt or incorporate, in whole or in part or with modifications, published documents that set out standards, codes, guidelines or other rules relating to any matter in respect of which a regulation may be made under subsection (1).*

*(3) If a standard, code, guideline or other rule is adopted or incorporated by regulation under this section, the Minister shall ensure that a copy of the standard, code, guideline or other rule is made available to a person on request.*

**21** Self-government regulations.

- (f) authorizing a delegated authority to collect money by the levy of fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, respecting how the fees and charges are to be imposed, collected and accounted for and authorizing the delegated authority to use the money for any purpose related to the operation of the delegated authority in the carrying out of a delegated power, duty or function;
- (g) respecting the payment of a fee to a delegated authority for the carrying out of a delegated power, duty or function;
- (h) authorizing a delegated authority to collect, on behalf of the Crown, any money lawfully due to the Crown under this Act and respecting how the money is to be collected and accounted for and remitted to the Minister;
- (i) respecting records that a delegated authority is required to maintain;
- (j) respecting an annual report under section 70.7;
- (k) respecting the confidentiality of information obtained by a delegated authority and its employees, agents, directors or officers while carrying out a delegated power, duty or function;
- (l) respecting the terms and conditions on which an operator of an inspection site must lease an office to a delegated authority when the delegated authority requires the operator to do so;
- (m) respecting the inspection of premises where a delegated authority or its employee, agent, director or officer is carrying out a delegated power, duty or function and authorizing the Minister to make copies of any document or other record related to the delegated power, duty or function;
- (n) respecting the carrying out of an audit of a delegated authority with respect to its delegated powers, duties and





functions and authorizing the Minister to charge reasonable costs incurred in carrying out the audit.

- (2) Where a delegation is made under subsection (1),
- (a) a reference in this Act to the Minister or an inspector with respect to delegated powers, duties or functions is to be read as if it were a reference to the delegated authority, and
  - (b) a person who is affected by an action taken or decision made by a delegated authority pursuant to the delegation may appeal the action or decision in accordance with the regulations made under subsection (1)(e).
- (3) Notwithstanding the *Financial Administration Act*, any money collected by a delegated authority pursuant to subsection (1)(f) or (g) or section 70.6 belongs to the delegated authority.
- (4) If the regulations establish a maximum amount of a fee that a delegated authority may charge for providing a service, the delegated authority may not charge or collect a fee that is greater than that maximum amount.

#### **Rules**

**70.2(1)** A delegated authority may make rules

- (a) respecting the carrying out of a delegated power, duty or function;
  - (b) delegating to the employees or agents of the delegated authority and, in the case of a corporation, to its employees, agents, directors or officers, the carrying out of a delegated power, duty or function, except the power to make rules under this subsection.
- (2) A rule made under subsection (1) is not in force until it is approved by the Minister.
- (3) The *Regulations Act* does not apply to a rule made under this section.



**Not Crown agents**

**70.3** With respect to a delegation, a delegated authority and its employees, agents, directors and officers are not agents of the Crown.

**Financial Administration Act**

**70.4** The *Financial Administration Act* does not apply to a delegated authority with respect to a delegated power, duty or function.

**Business Corporations Act, s122(4)**

**70.5** Section 122(4) of the *Business Corporations Act* does not apply to a corporation that is a delegated authority in respect of the carrying out of a power, duty or function under this Act.

**Action for fees or charges**

**70.6** A fee or charge levied pursuant to a regulation made under section 70.1(1)(f) is recoverable by the delegated authority as a debt due to the delegated authority.

**Reports**

**70.7(1)** A delegated authority shall, after the end of its fiscal year, prepare and submit to the Minister an annual report with respect to its powers, duties and functions under this Act.

**(2)** The annual report must include a general summary of the delegated authority's policies and activities in that year, any rules made under section 70.2 in that year and a financial report that includes an audited financial statement.

**(3)** On receiving the annual report, the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

**(4)** A delegated authority shall, on the written request of the Minister, provide the Minister with other reports as specified by the Minister in the request.

**Forms**

**70.8** Subject to the regulations, a delegated authority may establish and use forms for the purposes of its carrying out its delegated powers, duties or functions.



**22 Section 73 is amended by striking out “licence”.**

**23 The Schedule is repealed and the following is substituted:**

### **Schedule**

#### **Authorized Persons**

**1** The following are authorized persons for the purposes of section 1(e) of this Act:

- (a) a registered veterinarian;
- (b) a municipality where quarantined premises are located or within a surveillance zone;
- (c) a police officer or peace officer located in the region surrounding quarantined premises or within a surveillance zone;
- (d) the Chief Medical Officer or a medical officer of health under the *Public Health Act*;
- (e) a regional health authority established under the *Regional Health Authorities Act*;
- (f) an agricultural service board under the *Agricultural Service Board Act*;
- (g) the Alberta Agricultural Products Marketing Council under the *Marketing of Agricultural Products Act*;
- (h) a board under the *Marketing of Agricultural Products Act*;
- (i) a commission under the *Marketing of Agricultural Products Act*;

**22** Section 73 presently reads:

*73 A qualification certificate issued under the Livestock Diseases Act continues as a qualification certificate licence under this Act until it would have expired under the Livestock Diseases Act or is suspended or cancelled.*

**23** The Schedule presently reads:

*Schedule*

*Authorized Persons*

*1 In this Act, “authorized person” means any of the following:*

- (a) a registered veterinarian;*
- (b) a municipality where quarantined premises are located or within a surveillance zone;*
- (c) a police officer or peace officer located in the region surrounding quarantined premises or within a surveillance zone;*
- (d) the Chief Medical Officer or a medical officer of health under the Public Health Act;*
- (e) a regional health authority established under the Regional Health Authorities Act;*
- (f) the Alberta Agricultural Products Marketing Council under the Marketing of Agricultural Products Act;*
- (g) an agricultural service board under the Agricultural Service Board Act;*
- (h) a board under the Marketing of Agricultural Products Act;*
- (i) a commission under the Marketing of Agricultural Products Act;*
- (j) a dealer under the Marketing of Agricultural Products Act;*
- (k) a livestock dealer under the Livestock Identification and Commerce Act;*

- (j) a dealer under the *Marketing of Agricultural Products Act*;
- (k) a designated agency under the *Marketing of Agricultural Products Act*;
- (l) a processor under the *Marketing of Agricultural Products Act*;
- (m) a producer under the *Marketing of Agricultural Products Act*;
- (n) a licence holder under a plan made pursuant to section 26 of the *Marketing of Agricultural Products Act*;
- (o) a livestock dealer under the *Livestock Identification and Commerce Act*;
- (p) a delegated authority under the *Livestock Identification and Commerce Act*;
- (q) a licence holder under the *Livestock Identification and Commerce Act*;
- (r) a licence holder under the *Stray Animals Act*;
- (s) a delegated authority under the *Stray Animals Act*;
- (t) any person that holds an approval, authorization or registration under the *Agricultural Operation Practices Act*;
- (u) the Alberta Veterinary Medical Association;
- (v) a Government agency or Government department;
- (w) an administrator, distributor or organization that manages an animal identification system referred to in Part XV of the *Health of Animals Regulations (Canada)*;
- (x) a purchaser of an animal that bears animal identification as required by the regulations.



- (l) a delegated authority under the Brand Act;*
- (m) a delegated authority under the Livestock Identification and Brand Inspection Act;*
- (n) a delegated authority under the Livestock Identification and Commerce Act;*
- (o) a delegated authority under the Livestock and Livestock Products Act;*
- (p) a delegated authority under the Stray Animals Act;*
- (q) a designated agency under the Marketing of Agricultural Products Act;*
- (r) a licence holder under the Livestock Identification and Commerce Act;*
- (s) a licence holder under the Livestock and Livestock Products Act;*
- (t) a licence holder under the Stray Animals Act;*
- (u) a licence holder under a plan made pursuant to section 26 of the Marketing of Agricultural Products Act;*
- (v) the owner of a brand under the Brand Act;*
- (w) a processor under the Marketing of Agricultural Products Act;*
- (x) a producer under the Marketing of Agricultural Products Act;*
- (y) any person that holds an approval, authorization or registration under the Agricultural Operation Practices Act;*
- (z) an agricultural society listed in the regulations;*
- (aa) a livestock transport association listed in the regulations;*
- (bb) the Alberta Veterinary Medical Association;*
- (cc) an abattoir listed in the regulations;*
- (dd) an animal research facility listed in the regulations;*

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

- (ee) an artificial insemination organization listed in the regulations;*
- (ff) a feedlot listed in the regulations;*
- (gg) a feed mill, company or retailer listed in the regulations;*
- (hh) an animal welfare organization listed in the regulations;*
- (ii) a humane society listed in the regulations;*
- (jj) a society for the prevention of cruelty to animals listed in the regulations;*
- (kk) a private animal diagnostic laboratory listed in the regulations;*
- (ll) a post-secondary institution listed in the regulations;*
- (mm) a poultry hatchery listed in the regulations;*
- (nn) a purebred association listed in the regulations;*
- (oo) a wildlife association listed in the regulations;*
- (pp) a zoo listed in the regulations;*
- (qq) a Government agency or Government department;*
- (rr) any other person prescribed in the regulations.*

**24** Coming into force.

**RECORD OF DEBATE**

Stage	Date	Member	From	To

Questions and Comments	From	To

Stage	Date	Member	From	To

Questions and Comments	From	To

Stage	Date	Member	From	To

Questions and Comments	From	To

Stage	Date	Member	From	To

Questions and Comments	From	To