

2011 Bill 11

Fourth Session, 27th Legislature, 60 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 11

**LIVESTOCK INDUSTRY DIVERSIFICATION
AMENDMENT ACT, 2011**

MR. PRINS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 11
Mr. Prins

BILL 11

2011

LIVESTOCK INDUSTRY DIVERSIFICATION AMENDMENT ACT, 2011

(Assented to , 2011)

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

(b) “authorized diversified livestock animal” means, in
relation to a diversified livestock farm, a diversified
livestock animal of a species whose retention on that
farm is specifically authorized by the licence or is
authorized by section 12(b);

**(b) by repealing clauses (d), (d.1) and (e) and substituting
the following:**

(c.1) “Crown” means the Crown in right of Alberta;

(d) “Director” means the employee of the Crown working in
the Department administered by the Minister who is
designated in writing by the Minister as the Director for
the purposes of this Act;

Explanatory Notes

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

2 Section 1(1) presently reads:

1(1) In this Act,

- (a) “abattoir” means an abattoir or establishment within the meaning of the Meat Inspection Act;*
- (b) “authorized present or prospective domestic cervid” means, in relation to a domestic cervid production farm, a domestic cervid or a prospective domestic cervid, as the case may be, of a species whose retention on the farm is specifically authorized by the farm licence or is authorized by section 12(b);*
- (c) “Court” means the Court of Queen’s Bench;*
- (d) “Director” means the Director of the Livestock Development Division of the Department administered by the Minister, and includes a person to whom that Director delegates functions under section 2(1);*

- (d.01) “diversified livestock animal” means either a present or a prospective diversified livestock animal;
 - (d.02) “diversified livestock farm” or “farm” means a place where live diversified livestock animals are kept or, if a licence is granted, will be kept, but does not include a veterinary clinic, an abattoir within the meaning of the *Meat Inspection Act*, a temporary holding facility or any other place where live diversified livestock animals are kept for some temporary purpose only;
- (c) by repealing clause (g);**
- (d) in clause (i) by striking out “domestic cervid production” and substituting “diversified livestock”;**
- (e) by repealing clause (j);**
- (f) by repealing clause (l) and substituting the following:**
- (l) “operator” means, in relation to a diversified livestock farm, a person who holds or is required by this Act to hold the licence, or a former licensee whose farm is being operated pursuant to section 9;
 - (l.1) “permit”, except in section 10.1(1) and (2), means a valid and subsisting instrument referred to in section 10.1(1) or (2);
- (g) by repealing clauses (n) and (o) and substituting the following:**
- (m.1) “prescribed”
 - (i) in the expression “prescribed by the Lieutenant Governor in Council” means prescribed or otherwise provided for by regulations made by the Lieutenant Governor in Council, and
 - (ii) otherwise, means prescribed or otherwise provided for by regulations made by the Minister;
 - (m.2) “present diversified livestock animal” means an animal of a species prescribed by the Lieutenant Governor in

- (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;*
- (e) *“domestic cervid production farm” or “farm” means a place where live domestic cervids are or, if a licence is granted, will be kept, but does not include a veterinary clinic, abattoir, temporary holding facility or any other place where live domestic cervids are kept for some temporary purpose only;*
- (g) *“identified” means identified pursuant to regulations made with reference to section 11(6);*
- (h) *“inspector” means an individual appointed as an inspector under section 2(2);*
- (i) *“licence” means a licence under this Act authorizing the operation of a domestic cervid production farm;*
- (j) *“meat” means the flesh or any product of the flesh of a dead present or prospective domestic cervid;*
- (k) *“Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*
- (l) *“operator” means, in relation to a domestic cervid production farm, a person who holds or is required by this Act to hold a licence authorizing the operation of the farm, or a former licensee whose farm is being operated pursuant to section 9;*
- (m) *“person” includes a partnership or other unincorporated group of persons;*
- (n) *“prospective domestic cervid” means a species animal that is not a domestic cervid, that is in a domesticated condition 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 domestic cervid except only that it is in a domesticated condition elsewhere than in Alberta, or*

Council that does not belong to the Crown, to the Crown in right of Canada or to a private owner who maintains it pursuant to a permit within the meaning of the *Wildlife Act*, that is identified and registered and that is in containment in Alberta, but does not include any of its exuviated parts;

- (n) “prospective diversified livestock animal” means a species animal that is not a present diversified livestock animal, that is in containment 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 present diversified livestock animal except only that it is in containment elsewhere than in Alberta, or
 - (iii) that does not belong to the Crown, to the Crown in right of Canada or to a private owner who maintains it pursuant to a permit within the meaning of the *Wildlife Act*, and is progeny of a female diversified livestock animal,

and “prospective” is to be taken as relating to such an animal;

- (n.1) “record” includes
 - (i) an account, book, return, statement, report, document or memorandum of information whether in writing or in electronic form or represented or reproduced by any other means, and
 - (ii) the results of the recording of details of electronic data processing systems and programs to illustrate what the systems and programs do and how they operate;

(h) by repealing clause (q) and substituting the following:

- (q) “species animal”

- (iii) that does not belong to the Crown and is progeny of a female present or prospective domestic cervid;*
- (o) “registered” means registered pursuant to regulations made with reference to section 11(6);*
- (p) “species” includes subspecies;*
- (q) “species animal”*
 - (i) where the phrase is used in a provision that relates to a domestic cervid production farm, means any wildlife animal of the same species as an authorized present or prospective domestic cervid, and*
 - (ii) otherwise means any wildlife animal of the same species as any domestic cervid,*

whether or not that animal is a present or prospective domestic cervid.

- (i) where the phrase is used in a provision that relates to a diversified livestock farm, means any animal of the same species as an authorized diversified livestock animal, and
- (ii) otherwise, means any animal of the same species as any present diversified livestock animal,

whether or not that animal is a diversified livestock animal;
- (r) “stray”,
 - (i) used as a noun, means a live diversified livestock animal that has escaped or been released from confinement and has not been captured, and
 - (ii) used as a verb, means escape or be released from confinement, before or without being captured;
- (s) “this Act” means this statute and the regulations;
- (t) “wildlife” has the meaning assigned to it in the *Wildlife Act*.

3 Section 1(2), (3) and (4) are repealed and the following is substituted:

(3) For the purposes of this statute, a species animal is in containment if it is in prescribed circumstances and in captivity or otherwise under confinement by humankind, whether in Alberta or elsewhere (unless otherwise specified), except that an animal that strays, is captured within the prescribed period and continues to meet the prescribed circumstances does not cease to be in containment.

(5) References in this Act to any statute are to be taken to include references to regulations, if any, made under it.

(6) Except where specified or where the context otherwise requires, a reference in this Act to any animal shall be construed as a reference to an animal whether it is alive or dead, and to include any part of the animal, including tissue or genetic

3 Section 1(2), (3) and (4) presently read:

(2) Expressions used in this Act that are defined or are the subject of interpretation provisions in the Wildlife Act and are not defined in this Act have the meanings assigned to them in the Wildlife Act.

(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

material removed from the animal, but, except as prescribed, not to include exuviated parts of the animal.

(7) A reference in this Act generally to the performing of any act is to be treated as including a reference to an omission so to act.

(8) The Minister may, for the purposes of this statute or specified provisions of this statute, by regulation define any expression used but not defined in this statute, in which case the expression has the meaning so defined.

(9) Subject to this Act, a reference in this Act to any permission is to be treated as referring to such a permission in writing.

4 Section 2(2) is amended by adding “and enforcement” after “administration”.

5 Section 3(1) is amended by adding “, including a permit,” after “Act”.

(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 2(2) presently reads:

(2) The Minister may in writing appoint individuals as inspectors for the purpose of assisting the Director in the administration of this Act.

5 Section 3(1) presently reads:

6 The heading preceding section 4 and section 4(1) are repealed and the following is substituted:

Diversified Livestock Farm Licences

Requirement for farm licence to operate farm

4(1) A person shall not operate a diversified livestock farm unless its operation is authorized by a licence.

7 Section 6 is amended

(a) in subsection (1)

(i) by striking out “shall” and substituting “may”;

(ii) by striking out “and only if”;

(iii) in clause (c.1) by striking out “present or prospective domestic cervids” and substituting “diversified livestock animals”;

(iv) by repealing clause (e) and substituting the following:

(e) the applicant pays the prescribed fee.

(b) by repealing subsection (2) and substituting the following:

(2) A licence must be in the prescribed form and must specify the precise location and boundaries of the farm.

(c) in subsection (4) by striking out “by the Minister”;

(d) by repealing subsection (6) and substituting the following:

(6) Subject to this Act, the term of a licence is the term that is prescribed.

3(1) A permission, order or other decision of the Minister or the Director pursuant to this Act may be made subject to any terms and conditions that the Minister or Director considers appropriate.

6 The heading preceding section 4 and section 4(1) presently read:

*Licensing of Domestic Cervid
Production Farms*

Requirement for licence

4(1) A person shall not operate a domestic cervid production farm unless its operation is authorized by a licence.

7 Section 6 presently reads in part:

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,*
 - (c.1) the applicant satisfies the Minister that the farm contains no live species animals that are not authorized present or prospective domestic cervids,*
 - (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.*
- (2) A licence must be in the form prescribed by the Minister and must specify the precise location of the farm.*
- (4) The Minister may endorse any terms and conditions on the licence, and the rights attached to the licence are subject to those*

8 Section 7(1) is repealed and the following is substituted:

Cancellation and suspension of farm licences

7(1) The Minister may, by giving notice in writing to the licensee or the former licensee, as the case may be, cancel or suspend a licence if the Minister is satisfied that that person has contravened or allowed the contravention of any provision of this Act or any prescribed provision of any other prescribed Act.

9 Section 8 is amended

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

Appeal against refusal, cancellation or suspension

8(1) A person whose application for a licence has been refused or whose licence has been cancelled or suspended under section 7(1) may appeal the refusal, cancellation or suspension by serving the Minister with a notice of appeal within 30 days after being notified of the refusal, cancellation or suspension, as the case may be.

(b) by repealing subsection (5)(a), (b) and (c) and substituting the following:

- (a) confirm the refusal to issue a licence or the cancellation or suspension of a licence,
- (b) direct that the application for a licence be approved,
- (c) remove a suspension of a licence, or
- (d) reinstate a cancelled licence for the duration of its term,

(c) in subsection (6) by adding “, licensee” after “applicant”.

terms and conditions and to any other terms and conditions of the licence that are prescribed by the Minister.

(6) A licence expires on March 31 following the date of its commencing to have effect.

8 Section 7(1) presently reads:

7(1) The Minister may, by giving notice in writing to the licensee, cancel a licence if the Minister is satisfied that the licensee has contravened or permitted the contravention of any provision of this Act, the Wildlife Act, the Meat Inspection Act, the Meat Inspection Act (Canada), the Livestock Identification and Brand Inspection Act, the Livestock and Livestock Products Act, the Livestock Identification and Commerce Act, the Animal Health Act, the Animal Protection Act or any regulations under any of those Acts.

9 Section 8 presently reads in part:

8(1) A person whose application for a licence has been refused or whose licence has been cancelled under section 7(1) may appeal the refusal or cancellation by serving the Minister with a notice of appeal within 30 days after being notified of the refusal or cancellation.

(5) The appeal board may, by order,

- (a) confirm the refusal to issue a licence or the cancellation of a licence,*
- (b) direct that the application for a licence be approved, or*
- (c) reinstate a cancelled licence for the duration of the licence year,*

and the appeal board shall forthwith notify the Minister and the appellant of its decision.

(6) The Minister or the applicant or former licensee may appeal the decision of the appeal board by filing an application with the Court within 30 days after being notified in writing of the decision, and the Court may make any order that an appeal board can make under subsection (5).

10 Section 9 is amended

(a) in subsection (1)

(i) by adding “or suspended” after “cancelled”;

(ii) by adding “or suspension” after “cancellation”;

(b) in subsection (2) by adding “licensee or” before “former”;

(c) by adding the following after subsection (2):

(3) The licensee or former licensee shall take the prescribed actions with respect to the farm or the animals on it, or both.

11 Section 10(b) is amended by striking out “its cancellation” and substituting “the effective date of the cancellation or suspension”.

12 The following is added after section 10:

Permits

Permits — issuance, alternatives and terms and conditions

10.1(1) The Minister may issue a permit authorizing a prescribed activity that would or could otherwise constitute a contravention of this Act.

(2) The Minister may, instead of issuing a permit, by regulation provide for a permit, licence or other kind of permission under other legislation of Alberta or another jurisdiction as the authorization for the activity referred to in subsection (1).

(3) Section 6(4) applies with respect to a permit as it applies to a licence, and a person shall not contravene any terms or conditions of the permit.

10 Section 9 presently reads:

9(1) Notwithstanding section 4(1), where a licence has been cancelled under section 7(1), the farm may continue to be operated without a licence for 3 months after the effective date of the cancellation, but only to the extent that is necessary to allow the orderly liquidation of the farm operation.

(2) The Minister may, on the written application of the former licensee, in writing extend the initial 3-month period referred to in subsection (1) for one further period of up to 3 months where the Minister considers that circumstances justify an extension, but no further extensions are permitted.

11 Section 10 presently reads:

10 An operator shall not contravene any of the terms or conditions of

(a) the licence, or

(b) where the farm is being operated pursuant to section 9, the licence in force immediately before its cancellation.

12 New provisions for permits.

13 The heading preceding section 11 is repealed and the following is substituted:

**Operation of Diversified
Livestock Farms**

14 Section 11 is amended

- (a) in subsection (1) by striking out** “authorized prospective domestic cervid” **and substituting** “authorized diversified livestock animal that is prospective”;
- (b) in subsection (2)**
 - (i) by striking out** “present or prospective domestic cervid” **and substituting** “diversified livestock animal”;
 - (ii) by striking out** “dates prescribed by the Minister” **and substituting** “prescribed dates”;
- (c) in subsection (3) by striking out** “authorized prospective domestic cervid” **and substituting** “authorized diversified livestock animal that is prospective”;
- (d) by repealing subsection (4) and substituting the following:**
 - (4)** Notwithstanding anything in this section, an operator shall not have a prospective diversified livestock animal
 - (a) registered or identified unless it is then held in containment on the farm,
 - (b) registered or identified if it is then in quarantine or in isolation on the farm under any law, or
 - (c) identified if it then belongs to a person or entity referred to in section 1(1)(m.2).
- (e) by repealing subsections (6) and (7).**

13 The heading preceding section 11 presently reads:

*Operation of Domestic Cervid
Production Farms*

14 Section 11 presently reads:

11(1) Where a live authorized prospective domestic cervid is brought onto a farm, the operator shall, within 30 days from that time, have it

(a) registered, and

(b) unless it is progeny that is not yet weaned, identified.

(2) Subject to subsection (1), an operator shall have live progeny born to a female authorized present or prospective domestic cervid registered and identified before the dates prescribed by the Minister.

(3) Where there is a live authorized prospective domestic cervid on a farm under any circumstances other than those described in subsections (1) and (2), the operator shall have it registered and identified at the earliest practicable time.

(4) Notwithstanding anything in this section, an operator shall not have a prospective domestic cervid

(a) registered or identified unless it is then held in a domesticated condition 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.

(5) Where registration or identification, or both, are delayed by virtue of the application of subsection (4)(b), the operator shall have the animal registered or identified, or both, within 30 days after the end of the period of quarantine or isolation.

(6) Registration and identification required by this section shall be effected in accordance with the requirements prescribed by the Minister.

15 Section 12 is amended

- (a) **by striking out** “present or prospective domestic cervid to be held on the domestic cervid production” **and substituting** “diversified livestock animal to be held on the diversified livestock”;
- (b) **in clauses (a) and (b) by striking out** “farm licence” **and substituting** “licence”;
- (c) **in clause (b) by striking out** “its cancellation” **and substituting** “the effective date of the cancellation or suspension”.

16 Section 13 is amended

- (a) **in subsection (1) by striking out** “present and prospective domestic cervids on the domestic cervid production” **and substituting** “diversified livestock animals on the diversified livestock”;
- (b) **in subsection (2)**
 - (i) **by striking out** “present or prospective domestic cervid” **and substituting** “diversified livestock animal”;
 - (ii) **by striking out** “a wildlife officer appointed under section 1.1(1) of the *Wildlife Act*” **and substituting** “the Director or an inspector”;
- (c) **in subsection (3) by striking out** “domestic cervids” **and substituting** “diversified livestock animals”.

17 Section 13.1 is repealed and the following is substituted:

Release into the wild

13.1 A person shall not wilfully or negligently release a live diversified livestock animal from its containment.

(7) Neither registration nor identification affects the ownership of a present or prospective domestic cervid.

15 Section 12 presently reads:

12 An operator shall not permit a present or prospective domestic cervid to be held on the domestic cervid 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.*

16 Section 13 presently reads:

13(1) An operator shall make reasonable efforts to ensure that live authorized present and prospective domestic cervids on the domestic cervid production farm are kept there and that other live species animals are kept off the farm.

(2) If a live species animal that is not an authorized present or prospective domestic cervid is found on a farm, the operator shall forthwith notify a wildlife officer appointed under section 1.1(1) of the Wildlife Act of that fact.

(3) Subsection (1) does not apply to domestic cervids lawfully taken off the farm.

17 Section 13.1 presently reads:

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

18 Section 14 is amended

- (a) **in clause (a) by striking out** “present and prospective domestic cervids” **and substituting** “diversified livestock animals”;
- (b) **by repealing clause (b) and substituting the following:**
 - (b) conform to the prescribed requirements.

19 Section 15 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “by the Minister”;
 - (ii) **by striking out** “domestic cervid” **and substituting** “diversified livestock animal”;
- (b) **by repealing subsection (2) and substituting the following:**
 - (2) A licensee or former licensee whose licence has been cancelled or suspended shall not allow any diversified livestock animals
 - (a) into, or
 - (b) out ofthe farm without the Director’s permission.

20 Section 16(1) and (2) are repealed and the following is substituted:

Animal records and reports

16(1) An operator shall keep the prescribed records of all diversified livestock animals kept on the farm, including records of births and deaths.

18 Section 14 presently reads:

14 An operator shall ensure that the operator's farm at all times has enclosures, pens and handling facilities that

- (a) so far as practicable, are capable of ensuring that live authorized present and prospective domestic cervids in them are kept inside them and other live species animals are kept outside them, and*
- (b) conform to the requirements prescribed by the Minister.*

19 Section 15 presently reads:

15(1) Except as prescribed by the Minister, an operator shall not allow a live prospective domestic cervid to leave the farm.

(2) A former licensee whose licence has been cancelled under section 7(1) shall not allow

- (a) any present or prospective domestic cervids into, or*
- (b) any domestic cervids out of,*

the farm without the written permission of the Director.

20 Section 16(1) and (2) presently read:

16(1) An operator shall keep the records prescribed by the Minister of all present and prospective domestic cervids kept on the farm, including records of births and deaths.

(2) An operator shall submit reports about the farm and the present and prospective domestic cervids kept there to the Director in the form and at the intervals prescribed by the Minister.

(2) An operator shall submit reports about the farm and the diversified livestock animals kept there to the Director in the form and at the intervals prescribed.

21 Sections 17, 18, 18.1 and 19, the heading preceding section 20, and sections 20, 21, 22, 23 and 24 are repealed and the following is substituted:

Hunting

18.01(1) A person shall not hunt nor permit a person to hunt

- (a) a big game or controlled animal within the assigned meanings in the *Wildlife Act* on any diversified livestock farm, or
- (b) a diversified livestock animal.

(2) Subsection (1) does not apply to any activity

- (a) on a farm
 - (i) that is undertaken for the purpose of the control or prevention of depredation by black bears or cougars, or
 - (ii) that is specifically authorized by or under a licence under the *Wildlife Act* authorizing the control of wildlife depredation,
- or
- (b) that is specifically authorized by or under the *Agricultural Pests Act*.

(3) A person who is not on a farm but who hunts an animal that is on the farm is to be treated for the purposes of subsection (1) as hunting on the farm.

Possession and Commerce

Possession of animals

18.02(1) Except as prescribed and subject to subsection (2), a person shall not be in possession of a diversified livestock animal.

21 Sections 17 to 24 presently read:

17 An operator shall

- (a) maintain the operator's farm in a clean and sanitary condition, and*
- (b) employ reasonable and generally accepted practices of animal management and husbandry in the treatment of all present and prospective domestic cervids.*

18(1) Where the Director has reason to believe that there is on a farm a species animal described in section 1(1)(q)(ii) that has contracted a contagious or infectious disease or any other condition that may be hazardous to other animals or humans, the Director may in writing order the whole or a part of the farm into quarantine and may post quarantine notices on the entrances to the farm and to affected parts of the farm and on its enclosures.

(2) A person shall not, during the period of the quarantine, remove any animal from the quarantined farm or part of the farm except with the written permission of the Director.

(3) The quarantine ends when

- (a) the Director gives written notice to the operator that the quarantine order under subsection (1) is revoked, or*
- (b) the quarantine order expires.*

(4) The Minister may order the impoundment, slaughter or destruction of, or any other action the Minister considers appropriate to be taken respecting, a species animal the Minister considers to be infected with a contagious or infectious disease or any other condition that may be hazardous to other animals or humans.

18.1 A person shall not transport a present or prospective domestic cervid except in accordance, so far as applicable, with the Livestock

(2) Subject to this Act, a person may have a diversified livestock animal in possession

- (a) if and to the extent that the person is authorized by a licence or permit to do so, or
- (b) in the case of a dead animal, if all applicable provisions of this Act and the *Meat Inspection Act* or the *Meat Inspection Act* (Canada) have been or are being met with respect to it.

Transportation

18.1 Except as prescribed, a person shall not transport a diversified livestock animal anywhere outside a diversified livestock farm except in accordance with a permit.

Importation and exportation

19(1) Except as prescribed, a person shall not import a live prospective diversified livestock animal into Alberta unless the importation of that animal is specifically authorized by a permit.

(2) Except as prescribed, a person shall not export from Alberta

- (a) a prospective diversified livestock animal, or
- (b) a present diversified livestock animal unless the exportation of that animal is specifically authorized by a permit.

Identification and Commerce Act and the Health of Animals Act (Canada) and the regulations under those Acts.

19(1) This section applies to a present or prospective domestic cervid just imported or a prospective domestic cervid about to be imported into Alberta.

(2) The Minister may, by notice in writing sent to the person responsible for the importation, impose restrictions or conditions on the importation over and above those provided for by law.

(3) The Director may in writing order that before the animal is transported onto the farm following importation, a certificate of health relating to the animal, given by a veterinarian registered under the Veterinary Profession Act or by a veterinarian in another jurisdiction who is approved by the Director, be provided to the Director.

(4) If, after examining the certificate of health, the Minister considers that the animal is or may be carrying a contagious or infectious disease or any other condition that may be hazardous to other animals or humans, the Minister may in writing order that

- (a) the animal not be allowed to enter onto the farm, or*
- (b) the animal be kept in an isolation pen on the farm at the distance from other animals on the farm that is specified in the order and for the period of time so specified.*

*Matters Related to Domestic
Cervid Production Farming*

20(1) If a present or prospective domestic cervid escapes from its domesticated condition 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.

(2) In determining whether liability for any damage or expense is excluded by subsection (1), the damage or expense is not to be treated as due to the fault of the person suffering it by reason only that the person could have prevented it by fencing the person's land.

(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 domestic cervid escapes from its domesticated condition, the person is liable for any damage or expense referred to in subsection (1).

(4) Nothing in subsection (3) restricts any liability under subsections (1) and (2).

(5) Nothing in this section affects section 11 of the Wildlife Act.

(6) The Crown has a right of action under this section for damage or expense suffered by it.

21 A person may sell a live prospective domestic cervid.

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.*

(2) Where a domestic cervid 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 marked in accordance with that Act or otherwise

22 Section 25 is repealed and the following is substituted:

Claims against the Crown

25 Notwithstanding any other law, no right of action lies and no right of compensation exists against the Crown, the Minister, the Director or an inspector for any act done by any of them in good faith while exercising powers or performing duties under this Act.

23 Section 26 is amended

(a) in subsection (1)(b) by striking out “present or prospective domestic cervids” **and substituting** “diversified livestock animals”;

(b) by adding the following after subsection (5):

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) or conducted pursuant to any other law.

23 A person shall not sell any non-meat parts or products of any present or prospective domestic cervid 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,*
- (b) the person is authorized to do so by or under the Wildlife Act, or*
- (c) the circumstances prescribed by the Minister exist.*

24 A person shall not sell meat

- (a) unless it is the meat of a domestic cervid of the species prescribed, or*
- (b) if section 22 has been contravened in respect of that animal.*

22 Section 25 presently reads:

25 No right of compensation exists against the Crown, the Minister, the Director or any inspector for any act done, or any failure to act, pursuant to this Act.

23 Section 26(1) presently reads:

26(1) The Director or an inspector may, without obtaining a warrant, enter at any reasonable hour

- (a) any premises, other than the living quarters of a private dwelling, used in connection with the operation of a farm, or*

(6) In exercising any prescribed powers under this section, the Director or an inspector is subject to any prescribed restrictions.

24 Section 28 is amended by adding “or enforcement” after “administration”.

25 Section 29 is amended by adding “exercise of that person’s powers or the” before “performance”.

26 Section 30 is amended

- (a) in clause (a) by adding “, 10.1(3), 18.01(1), 18.02(1) or 19(1) or (2)” after “4”;**
- (b) in clause (b) by striking out “, 16(1) or 17” and substituting “or 16(1)”;**
- (c) in clause (c) by striking out “, 15(2) or 22” and substituting “or 15(2)”;**
- (d) in clause (d) by striking out “, 23 or 24”;**
- (e) in clause (f) by adding “, subject to regulations made under section 34(1)(n)” after “case”.**

(b) any vehicle that the Director or inspector has reasonable and probable grounds to believe is being or has been used to transport present or prospective domestic cervids,

to inspect the premises or vehicle or any animal found in or on them or it or any records required to be kept by this Act.

24 Section 28 presently reads:

28 A person shall not alter, destroy or remove any sign or notice erected for the purposes of or to facilitate the administration of this Act.

25 Section 29 presently reads:

29 A person shall not wilfully give false or misleading information to any person acting in the performance of that person's duties under this Act.

26 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,

(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

27 Section 31 is repealed and the following is substituted:

Limitation of time for prosecution

31 A prosecution in respect of an offence against this statute may not be commenced later than 2 years after

- (a) the date when the act allegedly constituting the offence was committed, or
- (b) the date when evidence of the alleged offence first came to the attention of the Director or an inspector,

whichever is the later.

28 Section 32 is amended

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

Vicarious liability

32(1) In the prosecution of an operator for an offence against this statute, it is sufficient proof of the offence if it is proved to the satisfaction of the court trying the case that

- (a) the provision was contravened by an employee or agent of the operator while acting in the course of the employee's employment or the agent's agency functions, and
- (b) the operator consented to or knew about or should fairly be regarded as having consented to or having known about the circumstances giving rise to that contravention,

whether or not the employee or agent has been prosecuted for the contravention.

- (b) in subsection (2) by striking out "or omission";**

(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.

27 Section 31 presently reads:

31 A prosecution in respect of an offence against this statute may not be commenced later than 2 years after the alleged commission of the offence.

28 Section 32 presently reads:

32(1) In a prosecution of an offence against this statute on the part of an operator, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused while acting in the course of the employee's employment or the agent's agency functions, whether or not the employee or agent has been prosecuted for the offence.

(2) Subsection (1) does not apply if the accused establishes that the act or omission alleged to constitute the offence was done in direct disobedience of an order given by the accused.

(3) Where a corporation is guilty of an offence against this statute, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is also a party to and guilty of the offence and liable to the penalty provided for the offence.

(c) by repealing subsection (3) and substituting the following:

(3) Where it is proved to the satisfaction of the court trying a case that a corporation has contravened any provision of this Act, whether or not it has been prosecuted for the contravention, an officer with executive authority or a director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the contravention by the corporation is also a party to and guilty of the offence relating to the contravention and is separately liable to the penalty provided for the offence.

(4) Notwithstanding anything in section 30, where a person is convicted of an offence by virtue of the application of subsection (1), (2) or (3), that convicted person is not liable to imprisonment with respect to that offence or for default in the payment of any fine or other payment of money imposed or ordered.

29 Section 33 is amended

(a) in subsection (1)(a) by striking out “present and prospective domestic cervids” and substituting “diversified livestock animals”;

(b) by repealing subsection (2) and substituting the following:

(2) The Lieutenant Governor in Council may, on the Minister’s recommendation following consultation by the Minister on the subject-matter with the Minister responsible for the *Wildlife Act*, make regulations

- (a) prescribing species for the purpose of section 1(1)(m.2);
- (b) respecting the ownership of diversified livestock animals, including the conditions under which the private ownership of strays ends and changes to ownership by the Crown or otherwise;

29 Section 33 presently reads:

33(1) The Lieutenant Governor in Council may make regulations

(a) respecting the genetic composition of present and prospective domestic cervids allowed or prohibited on farms;

(b) prescribing anything that by this Act may or is to be prescribed by the Lieutenant Governor in Council.

(2) The regulations made under subsection (1) prescribing species of wildlife for the purpose of section 1(1)(f)

(a) may be made only on the recommendations of both the Minister and the Minister responsible for the Public Lands Act, and

(b) may not prescribe fur-bearing animals within the meaning of the Fur Farms Act.

- (c) respecting the conditions under which the status of strays as diversified livestock animals ends and changes to that of wildlife or otherwise.

(3) Regulations made under subsection (2)(a) may not prescribe fur-bearing animals within the meaning of the *Fur Farms Act*.

30 Section 34 is amended

(a) by renumbering it as section 34(1);

(b) in subsection (1)

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

- (a) respecting licences and permits, including
 - (i) establishing fees payable in respect of them,
 - (ii) establishing and specifying the activities authorized by or under them,
 - (iii) specifying qualifications required to obtain and hold them,
 - (iv) establishing conditions precedent to obtaining them, and
 - (v) with respect to permits, any other subject-matters generally dealt with in sections 4 to 10, but suitably adapted for permits;
- (a.1) respecting the registration and identification of prospective diversified livestock animals;
- (a.2) with respect to diversified livestock animals, respecting
 - (i) their possession,
 - (ii) their importation to or exportation from Alberta,

30 Section 34 presently reads:

34 The Minister may make regulations

- (a) generally providing for the systems of licensing, registration and identification;*
- (b) providing for the control of inventories of present and prospective domestic cervids on farms;*
- (c) providing for measures to be taken by operators for the purpose of maintaining their farms in a sanitary condition and for the control of animal diseases;*
- (d) providing for the procedures to be used for the removal of specified parts and products from specified present and prospective domestic cervids and for marking parts and products so removed;*
- (e) providing rules for the humane care of present and prospective domestic cervids;*
- (f) establishing restrictions, in addition to those required by any other law, on the importation of prospective domestic cervids into Alberta;*
- (g) prescribing anything that by this Act may or is to be prescribed by the Minister.*

- (iii) their transportation and movement to and from farms,
 - (iv) the proving of their ownership, identification, registration or status, and
 - (v) their marketing, or other commercial activities with respect to them;
- (a.3) respecting strays and straying, including the capture or killing of strays;
- (a.4) respecting circumstances where any wildlife is found or suspected on farms or otherwise in containment and establishing prohibitions or restrictions on prescribed activities on farms;
- (a.5) respecting places or circumstances where any diversified livestock animals are found or suspected, whether in containment or not, and establishing prohibitions or restrictions with respect to those places or circumstances;
- (ii) in clauses (b), (d) and (e) by striking out “present and prospective domestic cervids” and substituting “diversified livestock animals”;**
- (iii) by repealing clause (f);**
- (iv) by adding the following after clause (g):**
- (h) respecting the enforcement of provisions of this Act;
 - (i) respecting evidentiary matters relating to the administration or enforcement of provisions of this Act;
 - (j) respecting the recording and reporting of information by licensees or permittees and by former licensees referred to in section 9;
 - (k) respecting liability for damage and expense caused by strays or attempts to capture or kill strays;

- (l) respecting the health of diversified livestock animals or animals about to become prospective diversified livestock animals;
- (m) respecting the inspection by the Director or inspectors of farms and associated vehicles and of activities referred to in clause (a)(ii) and respecting investigations of alleged or suspected contraventions of this Act;
- (n) providing for penalties in respect of offences against this statute created by regulations;
- (o) exempting or excluding from the application of all or any portion of this Act, except section 18.01, whether conditionally or unconditionally, any class of person, animal or activity;
- (p) respecting appeals under section 8;
- (q) enacting further provisions reflecting the transition resulting from the enactment of the *Livestock Industry Diversification Amendment Act, 2011* and in particular the change in the status of diversified livestock animals.

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

(2) The Minister may, for the purposes of this Act, make regulations applying any provisions of the *Livestock Identification and Commerce Act*, the *Stray Animals Act* or any provisions (including in particular Parts 6, 7 and 8) of the *Wildlife Act* and may adapt any such provisions as the Minister considers appropriate to the context of this Act or otherwise considers advisable.

(3) A specific prohibition or restriction that is contained in the regulations prevails, in the event of any inconsistency, with a more general allowance or other form of permission that is contained in this statute.

31 The following is added after section 34:

Scope of regulations

35 Regulations made under this statute may be made to apply generally or to particular classes of persons or to particular animals or kinds or numbers of animals, to particular parts or progeny of animals or animals of a particular sex, age, growth, size or other characteristic, or to particular periods of time or areas of Alberta.

Consequential amendments to the Wildlife Act

32(1) The *Wildlife Act* is amended by this section.

(2) Section 1(1) is amended

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

(e.1) “diversified livestock animal” and “diversified livestock farm” have the meanings respectively assigned to those expressions by the *Livestock Industry Diversification Act*;

(b) by repealing clause (f.1);

(c) by adding the following after clause (cc):

(cc.1) “stray” has the meaning assigned to it in the *Livestock Industry Diversification Act*;

(d) in clause (II) by adding “or that belong to the Crown as a result of the application of section 7(4)” after “wildlife animals”.

(3) Section 1(2) is amended

(a) in clause (b)

(i) by adding “or” at the end of subclause (i) and repealing subclause (ii);

(ii) by striking out “, domestic cervid production farm”;

(b) in clause (c)

31 Potential to particularize regulations or depart from general treatment.

32 Consequential changes to the Wildlife Act.

- (i) **by striking out** “an authorized present or prospective domestic cervid had escaped from a domestic cervid production farm or”;
- (ii) **by adding** “had escaped” **after** “controlled animal”;
- (iii) **by striking out** “that farm or”.

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

(2.1) A person is deemed to be hunting a subject animal of a particular species if the animal in respect of which the activity that would otherwise constitute hunting occurs is in fact a diversified livestock animal of that or a similar species, but the person believes it to be a subject animal.

(5) The following is added after section 1:

Application — diversified livestock animals

1.01 Notwithstanding anything in section 1, diversified livestock animals do not fall within any of the kinds of animal defined in that section, and this Act does not apply with respect to diversified livestock animals or to any activity that is reasonably incidental to the operation of a diversified livestock farm, except to the extent otherwise specified in this Act or in the *Livestock Industry Diversification Act* or the regulations under that Act.

(6) Section 7 is amended

(a) by repealing subsection (4) and substituting the following:

- (4)** Notwithstanding subsection (2), the property in the following animals is vested in the Crown:
 - (a) any wildlife the property in which has reverted to the Crown,
 - (b) strays that have become wildlife under regulations made under section 33(2)(c) of that Act,

- (c) progeny of a female wildlife animal the property in which has reverted to the Crown, being progeny born after the reversion,
- (d) progeny of a female stray referred to in clause (b), being progeny born after the stray's becoming wildlife,
- (e) the progeny of female progeny described in clause (c) or (d), or
- (f) animals directly descended through the female line from female progeny described in clause (c) or (d),

except to the extent that there has been a subsequent transfer of that animal under section 9.

(b) by adding the following after subsection (4):

(5) Animals that fall within subsection (4)(b) become wildlife on their becoming such by virtue of the regulations referred to in that clause, and they become wildlife of the kind appropriate to their species.

(7) Section 11(b) is repealed and the following is substituted:

- (b) the Crown, a person employed by the Crown in the Minister's Department, a wildlife officer or a wildlife guardian
 - (i) for any act done, or any failure to act, by any of them in good faith
 - (A) while exercising powers or performing duties under this Act, or
 - (B) if it causes injury to or the death of a stray,
 - or
 - (ii) for death, personal injury or property damage caused by an animal.

(8) Section 26(2) is amended by adding "purported" before "authority".

(9) Section 29 is amended by striking out “present or prospective domestic cervids” and substituting “diversified livestock animals”.

(10) Section 41(3) is amended by striking out “or” at the end of clause (a) and repealing clause (b).

(11) Section 46 is repealed.

(12) The following is added after section 53:

Claims against hunters

53.1 Notwithstanding any other law, no right of action lies and no right of compensation exists against any person who causes injury to or the death of a stray under circumstances where that person establishes that he or she

- (a) honestly believed that stray to be a subject animal that he or she was lawfully entitled to hunt under the applicable circumstances,
- (b) would have been lawfully hunting that animal had it been that subject animal under those same circumstances, and
- (c) if it transpires that the stray was visually identifiable as a diversified livestock animal, took steps that were reasonable under those circumstances to determine that the animal being hunted was a subject animal that he or she was lawfully entitled to hunt.

(13) Section 55 is amended

(a) in subsection (1) by striking out “must” and substituting “shall”;

(b) in subsection (2)

(i) in clause (b) by striking out “or a domestic cervid production farm”;

(ii) in clause (c) by adding “or” at the end of subclause (i), striking out “or” at the end of subclause (ii) and repealing subclause (iii).

(14) Section 56(2)(c) is amended by striking out “the operation of a domestic cervid production farm or”.

(15) Section 57(2) is repealed.

(16) Section 59(2) is repealed.

(17) Section 60(2) is amended by striking out “or a domestic cervid production farm” **and** “or farm”.

(18) Section 61(2) is repealed.

(19) Section 62(3)(a) is amended by striking out “or is authorized by or under the *Livestock Industry Diversification Act*”.

(20) Section 64(2) is repealed.

(21) Section 72(1) is amended by striking out “, the *Livestock Industry Diversification Act*”.

(22) Section 79 is amended by adding the following after subsection (5):

(6) This section applies where the suspect animal is a diversified livestock animal, but only if

- (a) the Minister first consults with the chief provincial veterinarian on the relevant circumstances,
- (b) the chief provincial veterinarian decides to take no action under the *Animal Health Act*, and
- (c) the Minister’s belief referred to in subsection (1) fully reflects and supports the chief provincial veterinarian’s opinion on the matter.

(23) Section 81(6) is repealed.

(24) Section 82(1) is amended

(a) by striking out “farm or domestic cervid production farm” **and substituting** “farm”;

(b) by striking out “or a domestic cervid production farm”;

(c) in clause (a)(i) by striking out “fur or domestic cervid production” and substituting “fur”.

(25) Section 86 is amended by adding the following after subsection (2):

(3) Subsection (2) applies as if the reference in subsection (1) to “this Act” included section 18.01 of the *Livestock Industry Diversification Act*.

(26) Section 103(1)(n) is amended by striking out “subject to the *Livestock Identification and Commerce Act*,”.

(27) Section 104(1)(c) is amended by striking out “sections 46 and 47” and substituting “section 47”.

(28) Section 105(2) is repealed.

(29) Section 106 is repealed.

Consequential amendments to other statutes

33(1) The following provisions are amended by striking out “domestic cervids” and substituting “diversified livestock animals”:

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

Agriculture Financial Services Act, section 25(f);

Employment Standards Code, section 2(4)(a);

Labour Relations Code, section 4(2)(e)(i);

Law of Property Act, section 47(4)(b)(ii).

(2) The *Agricultural Pests Act* is amended

(a) in section 1(1)(f) by striking out “domestic cervids” and substituting “diversified livestock animals”;

(b) by repealing section 2(2) and substituting the following:

(2) In subsection (1), “animal” and “bird” do not include

(a) the following as defined in the *Wildlife Act*:

33 Consequential amendments to statutes other than the Wildlife Act.

- (i) big game;
- (ii) a bird of prey;
- (iii) a game bird;
- (iv) an endangered species,

or

- (b) a diversified livestock animal within the meaning of the *Livestock Industry Diversification Act* that is a cervid.

(3) The *Fisheries (Alberta) Amendment Act, 2002* is amended in section 5(a) by striking out “section 46(2)(b)(ii);”.

(4) The *Line Fence Act* is amended in section 1.1(1) by striking out “animals to which the *Livestock Industry Diversification Act* applies” and substituting “diversified livestock animals within the meaning of the *Livestock Industry Diversification Act*”.

Coming into force

34 This Act comes into force on Proclamation.

34 Commencement.

