

(Consolidated up to 243/2007)

ALBERTA REGULATION 218/98

Livestock and Livestock Products Act

LIS DELEGATED AUTHORITY REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the Livestock and Livestock Products Act;
- (b) “LIS” means Livestock Identification Services Ltd. incorporated under Part 9 of the Companies Act;
- (c) “Minister” means the Minister of Agriculture and Food;
- (d) “rules” means rules made by LIS under section 41 of the Act.

AR 218/98 s1;251/2001;35/2007

Establishment of delegated authority and delegated functions

2(1) LIS is hereby established for the purposes of this Regulation as a delegated authority referred to in section 40 of the Act.

(2) The powers, duties and functions of the Minister under the following sections of the Act are delegated to LIS:

- (a) section 4(1)(h), (4) and (6);
- (b) section 5;
- (c) section 6(2);
- (d) section 7(3);
- (e) section 9;
- (f) section 10;
- (g) section 11;
- (h) section 13;
- (i) section 17(3);
- (j) section 35(1) and (2).

(3) The powers, duties and functions of the Administrator and inspectors under

- (a) the Act, except section 35(3)(b) and (c),
- (b) the Application and Licence Form Regulation,
- (c) the Livestock Dealers and Livestock Dealers' Agents Regulation (AR 66/98),
- (d) the Livestock Dealers Security Regulation (AR 330/92),
- (e) the Livestock Patron's Assurance Fund Regulation (AR 418/91),
- (f) the Livestock Patrons' Claims Review Tribunal Regulation (AR 257/97),
- (g) the Stock Yard Regulation,
- (h) the Livestock Transportation Regulation, and
- (i) Section 6.1 Livestock Designation Regulation,

are delegated to LIS.

(4) The maximum fees and charges payable to LIS with respect to the powers, duties and functions delegated to it under this Regulation are those set out in the Fees Regulation under the Livestock and Livestock Products Act.

(5) LIS may set lesser amounts than the maximum fees and charges described in subsection (4).

Conditions

3(1) The delegation under section 2 is subject to the following conditions:

- (a) LIS must comply with the Act and the regulations under the Act, including this Regulation;
- (b) subject to the Freedom of Information and Protection of Privacy Act, any confidential information acquired by LIS, its employees, agents, directors or officers in the course of carrying out their delegated powers, duties and functions shall not be disclosed or made known to any other person except as is necessary to carry out those delegated powers, duties and functions;
- (c) LIS shall not amend its Memorandum of Association or Articles of Association without the Minister's prior written consent;
- (d) no person may become a member of LIS without the Minister's prior written consent;
- (e) LIS shall maintain all municipal, provincial and federal licences required for the carrying out of its delegated powers, duties and functions;
- (f) LIS shall engage only in the following activities:
 - (i) the delegated powers, duties and functions under this Regulation or any other Act or regulation;
 - (ii) brand identification and directly related services for agencies, persons or governments;
 - (iii) operating a tag distribution and service centre;
 - (iv) information services for agencies, persons or governments related to trace forward for product recall and trace back for disease eradication;
 - (v) animal welfare services in co-operation with other agencies;
 - (vi) livestock-related quality assurance program certification in co-operation with other agencies, persons or governments;
 - (vii) livestock-related reporting, education, assistance and enforcement in support of other agencies, persons or governments;
 - (viii) research into animal ownership verification systems.

(2) All money received by LIS under the authority of this Regulation must be recorded and accounted for in accordance with generally accepted accounting principles.

(3) LIS is authorized to use the money collected by it under subsection (2) for any purpose related to the operations of LIS in carrying out

- (a) the powers, duties and functions delegated to LIS under this Regulation or any other Act or regulation, and

- (b) the activities specified in subsection (1)(f).

Limiting legal liability

4 No action lies against LIS or any of its employees, agents, directors or officers for anything done or not done by any of them in good faith while carrying out their delegated powers, duties and functions.

Appeal rights

5(1) If a person is aggrieved by an action taken or a decision made by LIS or by any of its employees, agents, directors or officers in the carrying out of a delegated power, duty or function on behalf of LIS, the person may, within 30 days of being notified of the action taken or decision made, appeal to LIS by filing with LIS a written notice of appeal that contains

- (a) a description of the matter being appealed,
- (b) the grounds of appeal, and
- (c) the name and address of the appellant.

(2) LIS shall immediately send a copy of a notice of appeal it receives under subsection (1) to the Minister who shall appoint a person as the appeals secretary to the appeal board.

(3) LIS shall, within 10 days of receiving a notice of appeal under subsection (1), appoint an appeal board to hear the appeal.

(4) The right to an appeal granted by this section does not eliminate the duty of the parties to negotiate in good faith during the period between the commencement of the 30-day period referred to in subsection (1) and the appointment of the appeal board.

(5) In appointing an appeal board, LIS shall ensure that

- (a) at least 50% plus one of the members are drawn from persons who may sit as members of the Livestock Patrons' Claims Review Tribunal established under the Livestock and Livestock Products Act, and

- (b) the rest of the members are drawn from a list of nominees submitted by the Minister.

(6) An appeal board shall consist of not less than 4 nor more than 6 persons to hear the following types of matters:

- (a) an appeal from a decision to cancel or suspend a licence or to refuse to issue a licence, or

- (b) any appeal where the amount in dispute in the appeal exceeds \$20 000.

(7) An appeal board shall consist of 3 persons to hear appeals of actions taken or decisions made on matters other than those referred to in subsection (6):

(8) The appeals secretary shall set, and notify the parties to the appeal of, the time, date and place of the appeal.

(9) The appeal board shall hear the appeal within 30 days after the appeal board is appointed.

(10) The appeal board shall, within 15 days of the conclusion of the hearing, make a written decision on the matter that includes its reasons for the decision and shall serve it on the parties to the appeal.

(11) A director, officer or employee of LIS is not eligible to be a member of an appeal board.

(12) An appeal may be determined by the appeal board based on written submissions and without the right to an oral hearing.

(13) The appeal board may confirm, vary or quash the action or decision that is being appealed.

(14) The appeal board may, prior to conducting the hearing of the appeal, convene a meeting of the parties to the appeal for the purpose of mediating a resolution of the subject-matter of the appeal.

(15) The appeal board may establish rules and procedures it considers necessary for the conduct of an appeal under this Regulation.

Freedom of information and protection of privacy

6(1) LIS shall comply with the Freedom of Information and Protection of Privacy Act in the course of carrying out its delegated powers, duties and functions.

(2) LIS shall designate a person to be responsible for freedom of information and protection of privacy matters.

(3) If a request for access to information pursuant to the Freedom of Information and Protection of Privacy Act is made, LIS shall,

(a) in the case of a request made directly to LIS, immediately direct the request to the Freedom of Information and Protection of Privacy Co-ordinator in the Department of Agriculture and Food, and

(b) in every case, comply with such directions regarding the request as may be provided by the Co-ordinator.

(4) All records in the custody or under the control of LIS that are required in the carrying out of its delegated powers, duties and functions are subject to

(a) the Records Management Regulation (AR 57/95), or

(b) any regulation that replaces the Records Management Regulation (AR 57/95).

(5) The records described in subsection (4) are subject to the following requirements:

(a) management of the records must be under the direction of the Senior Records Officer in the Department of Agriculture and Food;

(b) all information and records created or maintained in the course of carrying out the delegated powers, duties and functions become and remain the property of the Crown in right of Alberta.

(6) LIS shall designate a person to be responsible for records management matters.

Financial reports

7(1) LIS shall,

(a) at least 60 days before the beginning of each fiscal year, provide to the Minister in a form acceptable to the Minister a business plan and budget for the coming fiscal year;

(b) not more than 120 days after the end of each fiscal year, provide to the Minister in a form acceptable to the Minister an annual report summarizing LIS's activities and containing

(i) any rules made by LIS under section 41 of the Act during that fiscal year, and

(ii) audited financial statements for that fiscal year;

(c) at least 30 days before the beginning of each quarter of each fiscal year, provide to the Minister in a form acceptable to the Minister a quarterly forecast of revenues and expenditures for that quarter;

(d) not more than 30 days after the end of each month, provide to the Minister in a form acceptable to the Minister a monthly financial statement with respect to its operations including, but not limited to, its delegated powers, duties and functions.

(2) The remuneration and benefits that were paid or provided to

(a) each director of LIS,

(b) all management personnel who report directly to the board of directors of LIS, and

(c) all other personnel employed by or under contract with LIS

during a fiscal year must be reported in the audited financial statements for that fiscal year or as a note or schedule to those financial statements.

(3) The remuneration and benefits must be shown on an individual basis in the case of persons referred to in subsection (2)(a) and on a group basis for each group in the case of persons referred to in subsection (2)(b) and (c).

(4) For the purposes of subsections (2) and (3) "remuneration and benefits" includes

(a) regular salary, bonuses, overtime, lump sum payments and honoraria,

(b) the employer's share of all employee benefits and contributions or payments made on behalf of employees, and

(c) the employer's share of the cost of any other benefits provided to employees.

(5) The Minister may disclose personal information, within the meaning of the Freedom of Information and Protection of Privacy Act, reported under this section, and this subsection constitutes an authorization for the purposes of section 40(1)(f) of that Act.

AR 218/98 s7;251/2001

Administrative reports

8 LIS shall,

(a) within 15 days after any change among the directors of LIS is made, provide the Minister with a notice of the change;

(b) at the same time as it circulates any one of the following documents to the directors or members of LIS, provide the Minister with a copy of it:

(i) notice of LIS directors' meetings;

(ii) minutes of LIS directors' meetings and the resolutions of the directors and any committee of the directors;

(iii) background information and documents provided by LIS to its directors;

(iv) notices or mailings provided by LIS to its members.

Audit

9(1) For the purposes of determining whether LIS is carrying out its delegated powers, duties and functions to a standard and in a competent manner that is acceptable to the Minister, the Minister or a person on behalf of the Minister may conduct an audit of LIS's operations and of files, records and documents whether maintained in paper or electronic form.

(2) In carrying out an audit the Minister or a person on behalf of the Minister may during normal business hours make copies of material found in LIS's files and of its records and documents.

(3) The Minister may charge LIS reasonable costs for carrying out an audit under this section.

Inspection

10(1) For the purposes of determining whether LIS is carrying out its delegated powers, duties and functions in compliance with the Act and the regulations made under it, the Minister or a person on behalf of the Minister may, at any reasonable time, enter and inspect any records and premises where LIS or any of its employees, agents or officers are carrying out a delegated power, duty or function.

(2) In carrying out an inspection the Minister or a person on behalf of the Minister may inspect, examine and make copies of documents and other records relating to the delegated power, duty or function.

Expiry

11 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2009.

AR 218/98 s11;16/2003;54/2007;243/2007

Coming into force

12 This Regulation comes into force on November 1, 1998.

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