



Province of Alberta

LIVESTOCK IDENTIFICATION AND COMMERCE ACT

**LIVESTOCK IDENTIFICATION AND
COMMERCE DELEGATION
REGULATION**

Alberta Regulation 207/2008

With amendments up to and including Alberta Regulation 91/2014

Office Consolidation

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(Consolidated up to 91/2014)

ALBERTA REGULATION 207/2008

Livestock Identification and Commerce Act

**LIVESTOCK IDENTIFICATION AND COMMERCE
DELEGATION REGULATION**

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Definitions

1 In this Regulation,

- (a) “Act” means the *Livestock Identification and Commerce Act*;
- (b) “delegated power, duty or function” means a power, duty or function delegated under section 2;

- (c) “*LICA General Regulation*” means the *Livestock Identification and Commerce General Regulation*;
- (d) “LIS” means Livestock Identification Services Ltd. incorporated under Part 9 of the *Companies Act*.

Delegation

- 2(1)** LIS is continued for the purposes of this Regulation as a delegated authority referred to in section 84 of the Act.
- (2)** The powers, duties and functions of the Minister under the Act are delegated to LIS except for
- (a) the power to make regulations, and
 - (b) the powers, duties and functions in sections 66(6), 85 and 90.
- (3)** The powers, duties and functions of the Minister under the *LICA General Regulation* are delegated to LIS except for
- (a) sections 12 and 13,
 - (b) section 17(1)(c),
 - (c) section 33,
 - (d) section 47,
 - (e) section 48(2)(f), and
 - (f) sections 71 to 73.
- (4)** The powers, duties and functions of inspectors under the Act and the *LICA General Regulation* are delegated to LIS.

Inspection and audit

- 3(1)** To determine if LIS is carrying out a delegated power, duty or function in a manner satisfactory to the Minister, the Minister may
- (a) enter a premises in which LIS carries out a delegated power, duty or function during normal business hours,
 - (b) audit LIS’s operations, and
 - (c) inspect LIS’s records.
- (2)** Without limiting section 13, the Minister may make copies of records related to a delegated power, duty or function during normal business hours.

(3) The Minister may charge LIS for the reasonable costs incurred in carrying out an audit.

Conditions

4 A delegation of a power, duty or function is subject to the conditions set out in sections 5 to 15.

Delegation agreement

5 LIS shall comply with the terms and conditions of a delegation agreement with the Minister, if any, with respect to a delegation of a power, duty or function.

Permitted activities

6 LIS shall engage only in the following activities:

- (a) a delegated power, duty or function under this Regulation or any other Act or regulation;
- (b) livestock related reporting, education, assistance and audits;
- (c) co-operation in enforcement of livestock related legislation;
- (d) information services related to livestock tracing for product recall and disease control purposes;
- (e) co-operation in implementation of livestock related quality assurance program certification;
- (f) animal welfare services in co-operation with other agencies;
- (g) livestock identification and directly related services;
- (h) research into and co-operation in animal ownership and age verification systems;
- (i) any other activity as authorized by the Minister.

Licences

7 LIS shall maintain all municipal, provincial and federal licences required to carry out a delegated power, duty or function.

Financial reports

8(1) LIS shall,

- (a) at least 60 days before the beginning of each fiscal year, provide a report to the Minister with LIS's business plan and budget for the coming fiscal year,
 - (b) not more than 120 days after the end of each fiscal year, provide a report to the Minister with
 - (i) a summary of LIS's activities,
 - (ii) any rules made by LIS under section 85 of the Act, and
 - (iii) audited financial statements for the past fiscal year,
 - (c) at least 30 days before the beginning of each quarter of each fiscal year, provide a report to the Minister forecasting revenues and expenditures for the coming quarter,
- and
- (d) not more than 30 days after the end of each month, provide a report to the Minister with a financial statement for all LIS's activities for that past month.
- (2)** A report required under this section must be provided in a form and manner acceptable to the Minister.
- (3)** An audited financial statement provided under subsection (1)(b)(iii) must include the remuneration and benefits paid or provided to
- (a) each director of LIS,
 - (b) the managers who reported directly to the board of directors of LIS, and
 - (c) the persons not referred to in clause (a) or (b) who were employed by or under contract with LIS.
- (4)** Despite subsection (3)(a), the Minister may permit LIS to provide the remuneration and benefits for the directors of LIS on a group basis.
- (5)** In this section, "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.

(6) The Minister is authorized to disclose information about an identifiable individual collected under this section.

Handling of unidentified livestock sale proceeds

9(1) The sale proceeds received by LIS under section 34(3) or 35(2) of the Act shall be deposited at a financial institution in an account that is used for the sole purpose of administering sections 35 and 36 of the Act.

(2) LIS shall keep a separate accounting record for the account.

(3) Lis may pay interest to a person entitled to the sale proceeds if LIS considers it to be appropriate in the circumstances.

Fees

10 LIS may not collect a fee with respect to a delegated power, duty or function except as set out in the *LICA General Regulation*.

Accounting

11 All money collected by LIS under a delegated power, duty or function must be recorded and accounted for in accordance with generally accepted accounting principles.

Privacy

12(1) LIS shall comply with the *Freedom of Information and Protection of Privacy Act* in the course of carrying out a delegated power, duty or function as if LIS were a public body.

(2) LIS shall designate a person to be responsible for *Freedom of Information and Protection of Privacy Act* matters.

(3) LIS shall immediately direct a request for access to information under the *Freedom of Information and Protection of Privacy Act* to the Minister.

(4) LIS shall comply with the directions of the Minister with respect to matters under the *Freedom of Information and Protection of Privacy Act*.

(5) LIS is authorized to collect, use and disclose information about an identifiable individual as required to carry out a delegated power, duty or function.

Records

13(1) A record in the custody or control of LIS that is created or required to carry out a delegated power, duty or function is the property of the Crown in right of Alberta.

(2) LIS shall comply with the *Records Management Regulation* (AR 224/2001) or an enactment which replaces the *Records Management Regulation* (AR 224/2001) with respect to all records referred to in subsection (1) as if LIS were a department.

(3) LIS shall designate a person to be responsible for *Records Management Regulation* matters.

(4) LIS shall comply with the directions of the Minister with respect to the handling of the records.

Articles and members

14 LIS shall not, without the prior written consent of the Minister,

- (a) amend its Memorandum of Association or Articles of Association, or
- (b) permit a person to become a member of LIS.

Notice to Minister

15 LIS shall

- (a) notify the Minister within 15 days of a change to the directors of LIS, and
- (b) at the same time the following are circulated to the directors or members of LIS, provide a copy to the Minister:
 - (i) notice of LIS directors' meetings;
 - (ii) minutes of LIS directors' meetings;
 - (iii) resolutions of the directors and any committee of the directors;
 - (iv) background information and documents provided by LIS to its directors;

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

Appeal of decision

16(1) A person affected by a decision made by LIS or an employee, agent, director or officer of LIS in the carrying out of a delegated power, duty or function may appeal that decision.

(2) The appeal must be made in writing to LIS and within 30 days of being notified of the decision.

(3) The appeal must contain

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

(4) Subsection (1) does not apply to a decision made under section 56(7) of the Act.

Appeal board and notice

17(1) If an appeal is received in accordance with section 16(2) and (3), LIS shall

- (a) immediately notify the Minister of the appeal, and
- (b) within 10 days of receiving the appeal, appoint an appeal board to hear the appeal.

(2) An appeal board shall consist of

- (a) a total of 3 members or, in the following circumstances, 5 members:
 - (i) an appeal of a decision to refuse to issue or to cancel or suspend a licence;
 - (ii) an appeal where the amount in dispute in the appeal exceeds \$20 000,
- (b) 2 members or, in the circumstances referred to in clause (a)(i) or (ii), 3 persons who are appointed to the Tribunal under section 72 of the *LICA General Regulation*, and
- (c) persons nominated by the Minister.

(3) A director, officer or employee of LIS must not be appointed to an appeal board.

Appeal hearing

- 18(1)** The appeal board shall hear the appeal within 30 days after the appeal board is appointed.
- (2)** The appeal board shall serve a written decision, with reasons, on the parties within 15 days of the appeal.
- (3)** An appeal may be heard on the basis of written submissions or an oral hearing at the discretion of the appeal board.
- (4)** The appeal board may confirm, vary or reverse the decision appealed from.
- (5)** The appeal board may establish rules and procedures for the conduct of an appeal.

Appeal secretary

- 19(1)** The Minister shall appoint a person to act as a secretary to the appeal board.
- (2)** The secretary shall set and notify the parties to the appeal of
- (a) the time, date and place of the appeal hearing, or
 - (b) the deadline for written submissions.

Mediation

20 LIS shall, if possible, try to resolve an appeal in good faith prior to the filing of an appeal or the commencement of the appeal hearing.

Limiting legal liability

21 No action in negligence lies against LIS or its employees, agents, directors or officers for anything done or not done in good faith while carrying out a delegated power, duty or function.

Repeal

- 22** The following regulations are repealed:
- (a) *LIS Delegated Authority Regulation (AR 218/98)*;
 - (b) *LIS Delegated Authority Regulation (AR 220/98)*;
 - (c) *LIS Delegated Authority Regulation (AR 221/98)*.



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