

BILL

No. 59

An Act to amend *The Animal Identification Act*

(Assented to _____)

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

Short title

1 This Act may be cited as *The Animal Identification Amendment Act, 2012*.

R.S.S. 1978 (Supp.), c.A-20.1 amended

2 *The Animal Identification Act* is amended in the manner set forth in this Act.

Section 2 amended

3 **Section 2 is amended:**

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

“(a.1) ‘**animal identification inspection administration agreement**’ means an agreement entered into pursuant to section 2.2”; **and**

(b) **by adding the following clauses after clause (e):**

“(e.1) ‘**ministry**’ means the ministry over which the minister presides;

“(e.2) ‘**person**’ includes a partnership, association or other organization”.

New sections 2.1 to 2.3

4 **The following sections are added after section 2:**

“Responsibilities and powers of minister

2.1(1) The minister is responsible for all matters not by law assigned to any other minister or government agency relating to the registration, application, implantation and inspection of animal identification marks.

(2) For the purposes of carrying out the minister’s responsibilities, the minister may:

(a) create, develop, adopt, co-ordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures respecting the registration, application, implantation and inspection of animal identification marks;

(b) undertake and co-ordinate planning, research and investigations respecting the registration, application, implantation and inspection of animal identification marks;

(c) provide information to the public respecting the registration, application, implantation and inspection of animal identification marks; and

(d) do any other thing that the minister considers appropriate to carrying out the minister’s responsibilities or to exercising the minister’s powers pursuant to this Act and the regulations.

“Animal identification inspection administration agreement

2.2(1) Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an animal identification inspection administration agreement with any person.

(2) In an animal identification inspection administration agreement entered into pursuant to subsection (1), the minister may delegate all or any of the minister’s powers and duties pursuant to this Act and the regulations with respect to all inspections of animal identification marks or with respect to any category of inspections of animal identification marks listed in the agreement.

(3) An animal identification inspection administration agreement must include provisions that specify all of the following:

- (a) the powers and duties being delegated to the person with whom the agreement is entered into;
- (b) the expected outcomes to be achieved by the person;
- (c) the acceptance by the person of the person’s responsibility to exercise the powers and fulfil the duties delegated to the person;
- (d) the requirement that the person report to the minister whenever required by the minister and in the manner and within the period directed by the minister;
- (e) the requirement that the person provide the minister, within a period after the end of a year that is specified in the agreement, with an annual report on the person’s activities during the year in carrying out the provisions of the agreement and an audited financial statement satisfactory to the minister respecting the person’s carrying out of the provisions of the agreement;
- (f) the requirements for records management by the person;
- (g) the requirement that the person report to the Government of Saskatchewan any matters with respect to the exercise by it of the powers and the fulfilment by it of the duties delegated to the person;
- (h) the requirement that the person carry adequate insurance;
- (i) the indemnification between the person and the Government of Saskatchewan;
- (j) the obligations of the parties if the agreement is terminated;
- (k) the period of the agreement or the procedure for the review of the agreement by the minister and the person;
- (l) the settlement of disputes;
- (m) the liability of the person arising out of the person’s carrying out of the provisions of the agreement;
- (n) the terms and conditions that are to be imposed on the person in carrying out the provisions of the agreement;
- (o) any additional prescribed matters.

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- (4) The delegation to the person of the administration of all or part of this Act and the regulations in accordance with this section does not constitute the person as an agent of the Crown in right of Saskatchewan.
- (5) Notwithstanding any provision of an animal identification inspection administration agreement or any other Act or law but subject to subsection (6), the minister may terminate an animal identification inspection administration agreement if the minister is satisfied that the person with whom the agreement is entered into is not complying with the agreement or this Act or the regulations.
- (6) An animal identification inspection administration agreement may be terminated only in accordance with the prescribed procedures and on the prescribed terms and conditions.
- (7) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly every animal identification inspection administration agreement entered into by the minister within 90 days after the agreement is entered into.

“Matters arising from entering into an animal identification inspection administration agreement

2.3(1) In this section, ‘**specified provisions**’ means the provisions of this Act and the regulations that are mentioned in an animal identification inspection administration agreement.

- (2) Notwithstanding any other provision of this Act or the regulations or any other Act or law but subject to subsection (3), if the minister and a person enter into an animal identification inspection administration agreement:
- (a) a reference in the specified provisions to an inspector is deemed to be a reference to an inspector appointed or designated by the person, and the inspector appointed or designated by the person may exercise the powers of, and shall fulfil the duties imposed on, an inspector pursuant to the specified provisions;
 - (b) a reference to the minister in the specified provisions is deemed to be a reference to the person, and the person may exercise the powers of, and shall fulfil the duties imposed on, the minister that are mentioned in those specified provisions;
 - (c) duties imposed by the specified provisions on the minister, the ministry, an official or employee of the ministry or an inspector and powers granted by the specified provisions to the minister, the ministry, an official or employee of the ministry or an inspector are delegated to the person or an inspector appointed or designated by the person, as the case may be, unless specifically exempted in the animal identification inspection administration agreement;
 - (d) all persons who are required in the specified provisions to pay to the minister, the ministry or an inspector a fee shall instead pay to the person any fee charged by the person for the purposes of this Act and the regulations;
 - (e) the person may exercise any powers given to the minister, the ministry or the Government of Saskatchewan pursuant to the specified provisions to enforce payment of any fee charged by the person for the purposes of the specified provisions, including the power to cancel or suspend any document, licence or approval issued pursuant to this Act for non-payment of that fee;

(f) all applications that are required to be made to the minister, the ministry, an official or employee of the ministry or an inspector pursuant to the specified provisions, and all information and documentation that is required to be provided to the minister, the ministry, an official or employee of the ministry or an inspector pursuant to the specified provisions, shall be made or provided to the person or an inspector appointed or designated by the person, as the case may be;

(g) every valid licence or certificate issued by the minister, the ministry or an inspector pursuant to the specified provisions that is in force on the day before the coming into force of this section remains in force and may be dealt with by the person in accordance with this Act as if it had been issued by the person; and

(h) every prohibition or notice issued by the minister, the ministry or an inspector pursuant to the specified provisions that is in place on the day before the coming into force of this section remains in force and may be dealt with by the person as if it had been issued by the person.

(3) In an animal identification inspection administration agreement, the minister and the person may provide that all or any of the matters mentioned in subsection (2):

(a) do not apply; or

(b) are to apply in the manner and with the modifications set out in the agreement”.

Section 24 amended

5 The following clauses are added after clause 24(a):

“(a.1) for the purposes of clause 2.2(3)(o), prescribing matters to be included in an animal identification inspection administration agreement;

“(a.2) for the purposes of subsection 2.2(6), prescribing the procedures for and terms and conditions of terminating an animal identification inspection administration agreement”.

Coming into force

6 This Act comes into force on proclamation.

SECOND SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 59

An Act to amend *The Animal Identification Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Lyle Stewart
