

Bill No. 66 of 1950.

A BILL TO AMEND THE FORESTS ACT.

NOTE.

This Bill amends *The Forests Act*, being chapter 43 of the Statutes of Alberta, 1949.

Section 2 (e) and section 7 (1) of the Act are amended to correct the reference to the title of *The Public Service Act, 1947*.

Section 10 is amended to dispense with the need of having timber berths thoroughly cruised by a qualified timber cruiser in the employ of the Province before such timber berths are disposed of by the Minister. This amendment is necessary because of the scarcity of qualified timber cruisers in the Province.

Section 14 (1) (b) is amended for the same reason. The amendment requires a timber berth to be thoroughly cruised by a qualified forest officer in the employ of the Province instead of by a qualified timber cruiser.

Section 14 (1) (c) is struck out. The general rate of dues payable under the license to cut timber on public lands in the Province is dealt with in other amendments to the Act.

Section 16 is amended. By the amendment, the notice of sale of timber berths by advertisement shall include the conditions governing the competition for the berth.

Section 17 is amended by adding the conditions that no tender may be withdrawn once it has been submitted and that in case any person submits more than one tender for one berth, all such tenders shall be rejected.

Section 18 is amended to clarify the meaning. By the amendment, every tender to purchase a berth shall be presumed to include the purchase price of the berth.

Section 19 is amended so that the officer in charge of the sale of the timber berth shall announce only the name of the highest tenderer.

Section 20 is amended. At present the Minister is required to refer every appeal from his awarding of a berth to a Board of three arbitrators. The amendment provides that the Minister in his discretion may refer the matter to the Board. The amendment is designed to abolish frivolous appeals which delay the commencement of work on the berth for considerable time, with resulting inconvenience to the operator.

Section 21 is struck out and a new section is substituted. This section deals with the appointment of a Board of three arbitrators to hear appeals from the awarding of berths. The chairman of the Board is appointed by the Lieutenant Governor in Council. At present, The Alberta Forest Products Association and the operators of small portable mills who are not members of the Association are both required to furnish the Minister with a panel of names from which the Minister selects the names of the other two members of the Board. The operators of small portable mills are not sufficiently organized to submit a proper panel of names. Under the amendment, the Association shall furnish the Director with a panel of names of recommended arbitrators, and the Director shall select a panel of names from amongst the small portable mill operators. In each individual arbitration, the Association shall select one arbitrator from its panel of named persons, and the Director shall select one arbitrator from the panel of names of operators of small portable mills. The other provisions of the section are retained.

Section 25 is amended by striking out the requirement that the person to whom a berth is awarded shall pay the percentage of the purchase price prescribed in the notice of sale based on the quantity of timber estimated to be on the berth. Often the terms of sale prescribe an overriding royalty to be paid rather than a purchase price.

Section 27 is amended. At present, the license to be issued for a berth shall be in Form D of the Schedule. By the amendment, the license shall be in such form as may from time to time be determined by the Minister. This will allow for greater flexibility and will enable the Minister to meet the requirements of changing conditions and of individual cases.

Section 30 is struck out and a new section is substituted to bring it into conformity with other amendments to the Act. The required cash deposit accompanying every tender to purchase a berth as set out in the notice of the sale may now be made in cash or in bearer bonds of the Government of Canada or of the Province of Alberta. The licensee shall be entitled to the interest coupons attached to such bonds as they fall due.

Section 32 is amended so that all licenses or renewals thereof shall expire on the thirty-first day of July following the date on which they were issued, rather than on the thirty-first day of March. The commencement of the license year has been changed throughout the Act because winter timber operations are usually finished and work is at a standstill in April or May of each year.

Section 33 is amended by requiring the licensee to pay upon the granting of each license and any renewal thereof the additional levies of an annual fire-guarding charge of two cents for each acre in the berth, together with the timber area tax. The amendment consolidates in one

section the levies which the licensee must pay. The annual ground rent is increased from ten to twenty dollars per square mile or fraction thereof, and the annual license fee is increased from five to ten dollars.

Section 34 is amended. At present, the Lieutenant Governor in Council must set the general rates of dues in advance for the ensuing license year. Under the amendment, unless otherwise specified in the notice of sale the dues payable by a licensee shall be at the general rates prescribed by the Lieutenant Governor in Council on all products of timber cut upon the berth; and the rates may be amended downward or upward at any time during the license year to meet changing conditions. This reverts to the procedure formerly in force.

Section 36 is amended. It is proposed that fire-guarding charges should not be changed merely because the timber consists mostly of damaged, dead, diseased, fallen or fire-killed timber. Such timber would require the same fire-guarding protection as normal timber.

Section 37 is amended. All permits shall now expire on the thirty-first day of July next following the date upon which they are granted, rather than the thirty-first day of March as at present. There are other minor amendments for clarification and administrative purposes.

Section 37 (4) at present authorizes the Director to grant without competition a permit to a licensee of a timber berth to cut isolated fringes of timber on available public lands lying immediately next to his cuttings. The amendment makes the granting of such permit subject to the conditions set out in clauses (a), (b) and (c) of subsection (2) which deal with the guarantee deposit required and the expiration date of the permit.

Section 39 is amended by empowering the Director, rather than the agent, to refuse applications for the cutting of green timber where a sufficient quantity of suitable dry timber is available to the applicant. There are no longer any public land agents.

Section 40 (1) is amended to require returns accounting for the timber cut to be made to the Director as prescribed in the proposed amendment to section 50, and to require dues to be payable forthwith. At present, returns are made to the Director monthly or at such other times as he may require; no forms are prescribed by the Minister; and while dues are payable on all timber cut, no time is set for such payment. The amendment resolves these difficulties.

Section 40 (5) is amended, and a new subsection (6) is added. At present, where any overcut has been made by a permittee in excess of twenty-five per cent of the amount of timber for which the permit is issued, the permittee shall pay double the general rate of dues on the total quantity of the overcut. This is not changed. Under the amendment,

this subsection will now apply to any persons cutting timber for use on their own farm lands. It will not apply to certain permits issued under the Act which do not limit the quantity of timber that may be cut.

Section 41 (1) (d) is redrafted to make it clear that permits to cut timber upon vacant public lands may be granted without dues if the timber is to be used for the construction in rural areas only of certain types of religious, charitable or community buildings. As the clause is presently worded, there is no limitation as to the locality in which these buildings may be constructed.

Section 42 is redrafted. Any settler who obtains a homestead, or a lease under *The Public Lands Act*, and who has no timber made available to him, may obtain a permit to cut such timber on other lands as he may require for use on his own land. The amount of timber cut shall not exceed three thousand lineal feet of building timber, or nine thousand and two hundred and fifty board feet measure of lumber. The section is redrafted to make this clear; and the limitation on the diameter of logs to be cut is removed because settlers use logs of varying diameters in the construction of log buildings.

Section 44 is redrafted and amended slightly. At present, where any settler has lost his dwelling or other building by accidental fire, he may obtain a permit free of dues within two years of such fire entitling him to cut for use on his land the quantity of timber to which he was originally entitled upon obtaining his homestead or lease. The amendment limits him to the quantity of timber required for the replacement of the building which shall in no case exceed the quantity to which he was originally entitled.

The present section 45 is renumbered as subsection (1), and a new subsection (2) is added. The new subsection provides that, unless otherwise provided in the Act, all permits and any renewals thereof shall be for a term not exceeding twelve months and in any event shall expire on the thirty-first day of July, following their issue, which is the new anniversary date for permits and licenses.

Section 46 (1) is amended by striking out the provisions requiring the licensee to keep a sawmill including a properly equipped edger in operation in connection with his berth for at least six months of each year of his holding. This provision has proved to be unworkable, as all the timber may be cut in a much shorter time. The subsection already requires him to manufacture a minimum number of board feet measure of timber for each berth each year.

Section 47 (3) is amended to change the period during which a fire patrol must be maintained by a licensee in larger berths in each year during the continuance of his license. At present, the period is from the fifteenth day of April to the thirty-first day of October. Under the amend-

ment, the period shall be from the first day of April to the thirtieth day of November, both dates inclusive. The effect of the amendment is to lengthen the period during which a fire patrol must be maintained so as to cover the period of fire risk.

Section 48 (2) is amended by changing the end of the bookkeeping year from the thirty-first day of March to the thirty-first day of July in each year.

Section 49 is amended to provide that proof on oath as to the disposition of timber cut shall be furnished on the thirty-first day of October rather than on the first day of April of each year, as at present.

Section 50 is struck out and a new section is substituted. At present every licensee must submit a sworn return to the Director, monthly or at such other times as the Director may require, accounting for certain dispositions of timber. No forms are prescribed by the Minister; and while dues are payable on all timber cut, no time is set for payment. Under the amendment, the licensee or his lawful attorney shall file a sworn return with the Director not later than the twenty-first day of each month on forms prescribed by the Minister, accounting for the same dispositions of timber during the preceding month, and dues shall be payable forthwith on the product of manufacture and sale of the timber and on the measurement or scale of the timber and on all timber cut upon the land comprising the berth, as required by the Director.

Section 52 (1) is amended to provide that all timber taken under license from any berth acquired under the provisions of the Act, excepting dry pulp-wood and green black spruce for Christmas trees, shall be manufactured within the Province. At present, the subsection applies to all timber taken, whether under license or not; and green black spruce for Christmas trees are not excepted from the provisions of the subsection. Green black spruce is not a commercial timber.

Section 55 is amended and clarified by removing the provision that when land within a berth fit for settlement is withdrawn for that purpose upon the expiration of the time for which the license is issued for such berth, the ground rent shall be reduced in proportion to the area withdrawn. Any adjustments of ground rents would be made upon the issuing of a new license or renewal.

Section 61 is amended to conform to the amendment to section 30 (1). At present, bearer bonds of the Dominion of Canada or the Province of Alberta are furnished as a guarantee deposit, the interest coupons shall in no case be made available to the licensee until the bonds are returned. Under the amendment, the licensee shall be entitled to the interest coupons attached to such bonds as they fall due.

Section 67 (1) is struck out. Subsection (1), which deals with fire-guarding charges, is transferred to section 31 as a new clause (c), where it more properly belongs.

The present section 76 is renumbered as subsection (1) and a new subsection (2) is added. The new subsection requires the licensee, before commencing operations each year, to submit to the Director for approval a working plan of the berth, describing the area to be worked, the extent of the proposed operations, and any logging roads to be constructed; the location of and time of proposed construction of camps or sawmills; the proposed date of commencement and the method of logging to be employed; and the number of contractors engaged or to be engaged, their names and addresses, together with a description of the lands upon which such contractors may conduct operations. This information is necessary in order to facilitate the work of the Departmental field men in inspecting the operations of the licensee.

Section 85 is amended by renumbering the section as subsection (1) and by adding a new subsection (2). The new subsection provides that when any officer makes a seizure of any timber, timber product, or any truck, tools or equipment used in the cutting and transportation of timber, the Director, in his discretion, may order operations upon the berth where the timber was cut to be suspended.

Section 93 (1) is amended by including timber infested with any parasitic growth in the classes of timber which must be destroyed by the person having charge thereof when required to do so in writing by the Director.

Section 93 (4) is amended. At present, all costs of disposing of infected timber are payable by the person required by the Director to destroy same. Under the amendment, all costs of disposing of infected timber shall, in the discretion of the Minister, be borne by the owner, lessee, licensee or permittee, as the case may be, or the costs may be apportioned according to the circumstances.

Section 95 is amended by adding a new clause (*gg*), empowering the Lieutenant Governor in Council to make regulations prescribing rates of dues on the products of timber and fixing rates of dues on timber cut in lumbering operations in which use is made of a log scale in determining the measurement of the timber.

Section 98 is struck out and a new section is substituted for greater clarity. Under the amendment each regulation made by the Lieutenant Governor in Council shall come into force on the day upon which it is approved or made, or on such earlier or later date as may be prescribed in the order in council and every such regulation shall have the same force and effect as if it had been expressly enacted by the Act. All regulations shall be published in *The Alberta Gazette* and shall be laid before the Legislative Assembly within fifteen days of the opening of the first session following their publication.

A new section 107*a* is added which provides that a person who continues to operate on any berth after the Director has

ordered operations on that berth to be suspended shall be guilty of an offence and subject to penalty.

Section 109 is amended as the payment of dues upon timber cut is already provided for in section 63.

Section 110 (1) is amended. At present, a receipt for a tender submitted for any sale, lease, license, permit or other agreement, entitles the person to whom it is issued to possession of the land described therein to the exclusion of any other person. Thus several persons might seek exclusive possession of the same land. Under the amendment, it is only the lease, license, permit or other agreement itself which gives such a right. The amendment seeks to prevent premature or illegal operations on the berth. Exclusive right to such land is to be limited to the purpose for which such document is issued. Trap lines and other rights not connected with the object for which such document is issued are thus protected.

Section 117, being the interpretation section of Part III of the Act which deals with the prevention of forest and prairie fires, is redrafted for greater clarity. The definitions of "clearing", "close season", "forest", and "person" are added to the section.

Section 119 (1) is amended by adding the resident taxpayer appointed by the council of each municipal district to the classes of persons who are *ex officio* fire guardians.

Section 134 (3) is amended. All permits issued under this section shall now expire on the thirty-first day of July following the date of their being issued, rather than on the thirty-first day of March as at present.

Section 134 is further amended by adding a new subsection (4), which provides that any person engaged in exploratory operations who has obtained a permit from the Director of Lands under *The Public Lands Act* shall not be required to obtain a further permit under this section, but this Act shall otherwise apply to such person.

Section 136 (3) is redrafted to make the intention clear. The amendment provides that every person having charge of a portable or stationary engine, camp, mine, or sawmill, using any fuel whatsoever, and located in or within one-half mile of any forest or forest land, shall have the area surrounding any potential source of fire cleared of inflammable material for a distance of at least three hundred feet and such further distance as the Director may in his discretion require by notice in writing.

Section 152 is amended. At present, any person who kindles a fire in the open air for camping, branding or other purposes, and who leaves the same without having extinguished it, is liable to a penalty not exceeding one hundred dollars. The amendment imposes a penalty of not less than ten dollars and not more than one hundred dollars

and costs, and in default of payment to imprisonment for not more than sixty days.

Section 153 is amended to make it clear that any person who during the close season sets out fire for certain prohibited purposes shall be guilty of an offence. No penalty is specifically provided. The amendment adds a penalty of not less than twenty-five dollars and not more than three hundred dollars and costs, and in default of payment to imprisonment for not more than sixty days.

Section 154 is amended by adding a new clause (d), making it an offence for any person, either directly or indirectly, to kindle any fire for the clearing of land during the close season, without first having obtained a permit from the Director entitling him to do so.

The present section 157 is renumbered as subsection (1) and a new subsection (2) is added. The new subsection (2) provides a penalty for any person failing to comply with the requirements of section 136 (3), which deals with the precautions to be taken by camp, mine or mill owners, and persons having charge of portable or stationary engines using any fuel in the generation of power. Such persons shall be liable to a penalty of not less than twenty-five dollars and not more than three hundred dollars and costs, and in default of payment to imprisonment for not more than sixty days.

A new section 159a is added. This section provides that no action shall lie at any time against any person for anything done by him in the performance of the duties assigned to him under the Act.

Form A in the Schedule is amended by striking out a restrictive title. The amendment enables the Power of Attorney form to be used generally under the Act and does not restrict its use to applications for a license or a permit to cut timber on public lands in the Province.

The affidavit of execution is struck out of Form C in the Schedule because of the difficulty experienced in getting it sworn.

Form D in the Schedule is struck out because of the amendment to section 27.

• The Act comes into force on the day upon which it is assented to, as the end of the present license year is the thirty-first day of March and it is proposed that the amendments be given effect to at the earliest possible opportunity.

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Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 66 of 1950.

An Act to amend The Forests Act.

(Assented to _____, 1950.)

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

1. *The Forests Act*, being chapter 43 of the Statutes of Alberta, 1949, is hereby amended as to section 2, clause (e) by adding immediately after the words "*The Public Service Act*" the figures ", 1947".

2. The said Act is further amended as to section 7, subsection (1), by adding immediately after the words "*The Public Service Act*" the figures ", 1947".

3. The said Act is further amended as to section 10 by striking out the words ", after having been thoroughly cruised by a duly qualified timber cruiser in the employ of the Province,".

4. The said Act is further amended as to section 14, subsection (1),—

- (a) by striking out the words "timber cruiser" where they occur in clause (b) and by substituting the words "forest officer";
- (b) by striking out clause (c).

5. The said Act is further amended as to section 16, subsection (1) by adding immediately after clause (g) the following new clause:

"(h) the terms, conditions, and other related matters governing competition for the berth."

6. The said Act is further amended as to section 17 by adding immediately after subsection (7) the following new subsections:

"(8) No tender may be withdrawn once it has been submitted.

"(9) No person shall submit more than one tender for each berth.

"(10) In case any person submits more than one tender for one berth, all such tenders shall be rejected."

7. The said Act is further amended as to section 18, clause (b) by striking out the word "moneys" and by substituting the word "price".

8. The said Act is further amended as to section 19, subsection (1) by striking out the words "purchase price and".

9. The said Act is further amended as to section 20, subsection (1) by striking out the word "shall" and by substituting the words "may, in his discretion,".

10. The said Act is further amended by striking out section 21 and by substituting the following:

"21.—(1) The Alberta Forest Products Association during the month of December in each year shall furnish the Director with a panel of names of proposed arbitrators selected for the next calendar year.

"(2) The Director shall select a panel of names of proposed arbitrators from among the operators of small portable mills who are not members of the Association.

"(3) The chairman of the Board shall be appointed by the Lieutenant Governor in Council.

"(4) In each individual arbitration, one arbitrator shall be appointed by the Association from the panel of names selected pursuant to subsection (1), and one arbitrator shall be appointed by the Director from the panel of names selected pursuant to subsection (2).

"(5) The secretary of the Board shall be a member of the Forests Division of the Department appointed by the Minister, and shall hold office during the pleasure of the Minister.

"(6) No person named to a panel shall take part in any arbitration concerning a berth for which he, or any partnership of which he is a member, or any company of which he is a shareholder, officer or employee, has tendered."

11. The said Act is further amended as to section 25, subsection (1), clause (c) by striking out the words "and the percentage of the purchase price prescribed in the notice of sale based on the quantity of timber estimated to be on the berth".

12. The said Act is further amended by striking out section 27 and by substituting the following:

"27.—(1) The license to be issued for a berth shall be such form as may from time to time be determined by the Minister.

"(2) The Lieutenant Governor in Council may at any time,—

"(a) amend or vary the conditions or provisions of any license; and

"(b) insert such further clauses, conditions, provisions and restrictions as he considers the circumstances in connection with each berth may warrant."

13. The said Act is further amended by striking out section 30 and by substituting the following:

"30.—(1) The required guarantee deposit shall be in cash or bearer bonds of the Government of Canada or of the Province of Alberta, and the licensee shall be entitled to the interest coupons attached to such bonds as they fall due.

"(2) Any moneys on deposit upon the completion of operation on the berth shall be refundable to the licensee if he is not indebted to the Department on any account."

14. The said Act is further amended as to section 32, subsection (1) by striking out the word "March" and by substituting the word "July".

15. The said Act is further amended by striking out section 33 and by substituting the following:

"33. The licensee shall pay upon the granting of each license or of each renewal,—

"(a) a ground rent of twenty dollars per square mile or fraction thereof contained in the berth;

"(b) a license fee of ten dollars;

"(c) a fire-guarding charge of two cents for each acre in the berth;

"(d) the timber area tax."

16. The said Act is further amended as to section 34,—

(a) by striking out subsection (1) and by substituting the following:

"34.—(1) Unless otherwise specified in the notice of sale, the dues payable by a licensee shall be at the general rates prescribed by the Lieutenant Governor in Council on all products of timber cut upon the berth."

(b) by striking out subsection (2) and by substituting the following:

"(2) The Lieutenant Governor in Council may amend the general rates of dues at any time during the license year."

17. The said Act is further amended as to section 36, subsection (1) by striking out the words "may vary the annual fire-guarding charges and".

18. The said Act is further amended as to section 37,—

(a) by striking out the word "March" where it occurs in clause (c) of subsection (2) and by substituting the word "July";

(b) by striking out the words "actual settlers" where they occur in clause (a) of subsection (3) and by substituting the words "any person";

- (c) by striking out clause (b) of subsection (3) and by substituting the following:
 “(b) actual settlers to cut for sale up to a maximum of fifty thousand lineal feet of dry round timber;”;
- (d) by striking out the words “or pulp-wood” where they occur in clause (c) of subsection (3);
- (e) by adding immediately after the word “fire-killed” where it occurs in clause (h) of subsection (3), the words “or of green black spruce”;
- (f) by striking out the words “settlers and persons” where they occur in clause (o) of subsection (3) and by substituting the words “any person”;
- (g) by adding immediately at the end of subsection (4) the words “and the granting of the permit shall be subject to the conditions set out in clauses (a), (b), and (c) of subsection (2)”.

19. The said Act is further amended as to section 39 by striking out the word “agent” and by substituting the word “Director”.

20. The said Act is further amended as to section 40,—

- (a) by striking out subsection (1) and by substituting the following:
 “**40.**—(1) Returns accounting for the timber cut shall be made to the Director as prescribed in section 50, and dues shall be payable forthwith on all timber cut upon the land described in the permit.”;
- (b) by striking out the words “, other than an operator cutting under permit issued pursuant to section 37, subsection (3), paragraph (a),” where they occur in subsection (5);
- (c) by adding immediately after subsection (5) the following new subsection:
 “(6) Subsection (5) shall not apply to any permit granted under the authority of section 37, subsections (1) and (4).”.

21. The said Act is further amended as to section 41, subsection (1) by striking out clause (d) and by substituting the following:

- “(d) persons cutting timber for the construction in rural areas of educational, religious, charitable and ex-servicemen’s institutions or halls, agricultural society buildings, community halls, hospitals, nurses’ homes and buildings, up to a maximum of thirty thousand feet board measure;”.

22. The said Act is further amended by striking out section 42 and by substituting the following:

"42.—(1) Any settler who,—

- "(a)** obtains a homestead or a lease under the provisions of *The Public Lands Act*; and
- "(b)** has no timber on his lease or on lands owned by him which could be used to meet his requirements; and
- "(c)** has not obtained a free allowance of timber from public lands;

may be granted a permit to cut within the first three years of the term of the lease such timber on other lands as he may require for use on the land held under lease.

"(2) The timber cut under subsection (1) shall not exceed the following:

- "(a)** three thousand lineal feet of building timber or its equivalent of nine thousand two hundred and fifty feet board measure of lumber, and no more; and
- "(b)** five hundred fence posts, seven feet long and not exceeding five inches in diameter at the small end."

23. The said Act is further amended by striking out section 44 and by substituting the following:

"44.—(1) Any settler who has lost his dwelling or other building by accidental fire not due to his own carelessness, may obtain a permit free of dues within a period of two years from the date of such fire, to cut the quantity of timber required for the replacement of such building.

"(2) The timber cut shall not exceed the quantity of timber to which the lessee is entitled under the provisions of section 42."

24. The said Act is further amended as to section 45,—

- (a) by renumbering the same as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection:
"(2) Unless otherwise provided herein, any permit or any renewal thereof shall be for a term not exceeding twelve months and shall expire on the thirty-first day of July following its issue."

25. The said Act is further amended as to section 46, subsection (1) by striking out the words "and keep in operation for at least six months of each year of his holding," and by substituting the words "and each year until he has complied fully with the terms of his license shall keep in operation".

26. The said Act is further amended as to section 47 by striking out subsection (3) and by substituting the following:

"(3) Where a berth or berths under the control of a licensee contain in the aggregate an area of three square

miles or more, he shall maintain a fire patrol on the berth or on each of such berths between the first day of April and the thirtieth day of November, both dates inclusive, in each and every year during the continuance of his license.

27. The said Act is further amended as to section 48, subsection (2) by striking out the word "March" and by substituting the word "July".

28. The said Act is further amended as to section 49 by striking out the words "first day of April" and by substituting the words "thirty-first day of October".

29. The said Act is further amended by striking out section 50 and by substituting the following:

"50.—(1) The licensee or his lawful attorney shall file a sworn return with the Director not later than the twenty-first day of each month on forms prescribed by the Minister, accounting for,—

"(a) the number of pieces of round timber cut upon the berth held or occupied by him;

"(b) the number manufactured and the product thereof; and

"(c) the quantity sold and the quantity on hand.

"(2) Dues shall be paid forthwith on the product of manufacture or on the sale of the timber or on the measurement or scale of the timber and on all timber cut upon the land comprising the berth, as required by the Director."

30. The said Act is further amended as to section 52 by striking out subsection (1) and by substituting the following:

"52.—(1) All timber taken under license from any berth acquired under the provisions of this Act, excepting dry pulp-wood and green black spruce for Christmas trees, shall be manufactured within the Province."

31. The said Act is further amended as to section 55 by striking out all the words which follow the words "may withdraw such land from the berth, and from the license".

32. The said Act is further amended as to section 61 by striking out all the words which follow the words "the Province of Alberta or the Dominion of Canada".

33. The said Act is further amended as to section 67 by striking out subsection (1).

34. The said Act is further amended as to section 76,—

(a) by renumbering the same as subsection (1);

(b) by adding immediately after subsection (1) the following new subsection:

“(2) The licensee, before commencing operations each year, shall submit to the Director for approval,—

- “(a) a plan of the berth, describing the area to be worked, the extent of the proposed operations and any logging roads to be constructed;
- “(b) the location and time of proposed construction of camps or sawmills;
- “(c) the proposed date of commencement of logging and the method to be employed;
- “(d) the number of contractors engaged or to be engaged, their names and addresses, together with a description of the land upon which such contractors may conduct operations.”.

35. The said Act is further amended as to section 85,—

- (a) by renumbering the same as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection:

“(2) When any officer makes a seizure of any timber, timber product or any truck, tools or equipment used in the cutting and transportation of timber the Director, in his discretion, may order operations upon the berth where the timber was cut to be suspended forthwith.”.

36. The said Act is further amended as to section 87, subsection (2) by striking out the word “Minister” and by substituting the word “Director”.

37. The said Act is further amended as to section 93,—

- (a) by striking out the words “injurious insect or fungus” where they occur in subsection (1) and by substituting the words “injurious insect, fungus or parasitic growth”;
- (b) by striking out the words “be borne by the owner, lessee, licensee or permittee, as the case may be,” where they occur in subsection (4) and by substituting the words “, in the discretion of the Minister, be borne by the owner, lessee, licensee or permittee, as the case may be, or the costs may be apportioned according to the circumstances,”.

38. The said Act is further amended as to section 95 by adding immediately after clause (g) the following new clause:

“(gg) prescribing rates of dues on the products of timber or fixing rates of dues on timber cut in lumbering operations in which use is made of a log scale in determining the measurement of the timber;”.

39. The said Act is further amended by striking out section 98 and by substituting the following:

"98.—(1) Each regulation made by the Lieutenant Governor in Council under the authority of this Act shall come into force on the day upon which it is approved or made, or on such earlier or later date as may be prescribed in the order in council, and every such regulation shall have the same force and effect as if it had been expressly enacted by this Act.

"(2) All such regulations shall be published in *The Alberta Gazette* and shall be laid before the Legislative Assembly within fifteen days after the opening of the first session following the due publication of the regulations in *The Alberta Gazette*."

40. The said Act is further amended by adding immediately after section 107 the following new section:

"107a. Any person who continues to operate upon a berth or to make use of any timber, timber product, truck, tools or equipment after receiving a notice in writing that the Director has ordered operations upon the berth to be suspended pursuant to section 85, subsection (2) shall be guilty of an offence against this Act and shall be liable on summary conviction to a penalty of not less than twenty-five dollars and not more than one hundred dollars for each day or part of a day that such operations are being conducted, and in default of payment to imprisonment for a term not exceeding six months or to both fine and imprisonment."

41. The said Act is further amended as to section 109 by adding immediately after the words "If any money" the words ", other than dues upon timber cut, which is".

42. The said Act is further amended as to section 110 by striking out subsection (1) and by substituting the following:

"110.—(1) A lease, license, permit or other agreement, until it has been forfeited, revoked or cancelled, shall, for the sole purpose for which the document is issued, entitle the person to whom it was issued and any person lawfully claiming by, through or under him, to take, occupy and use the land and to hold possession of it to the exclusion of any other person, and to bring and maintain actions for trespass committed on the land."

43. The said Act is further amended by striking out section 117 and by substituting the following:

"117. In this Part, unless the context otherwise requires,—

"(a) 'municipal district' includes an improvement district and a special area;

"(b) 'reeve', 'deputy reeve', or 'council' include in the case of an improvement district or a special area, the Minister of Municipal Affairs and the Deputy Minister of Municipal Affairs;

- “(c) ‘clearing’ includes the burning of stubble, timber, slash or other debris;
- “(d) ‘close season’ means the period from the first day of April to the thirtieth day of November inclusive in each year, unless the period is otherwise varied by the regulations or by Ministerial Order;
- “(e) ‘forest’ means the plant cover on any forest land consisting of trees, shrubs, plants or grass, whether living or dead;
- “(f) ‘person’ includes a municipality, corporation or partnership.”.

44. The said Act is further amended as to section 119, subsection (1) by adding immediately after the words “fishery officers” the words “, the resident taxpayer appointed by the council of each municipal district”.

45. The said Act is further amended as to section 134,—

- (a) by striking out the word “March” where it occurs in subsection (3) and by substituting the word “July”;
- (b) by adding immediately after subsection (3) the following new subsection:

“(4) Any person engaged in exploratory operations who has obtained a permit from the Director of Lands under *The Public Lands Act* shall not be required to obtain a further permit under this section, but this Act shall otherwise apply to such person.”.

46. The said Act is further amended as to section 136 by striking out subsection (3) and by substituting the following:

“(3) Every person having charge of a portable or stationary engine, camp, mine, or sawmill, using any fuel whatsoever, and located in or within one-half mile of any forest or forest land, shall have the area surrounding any potential source of fire cleared of inflammable material for a distance of at least three hundred feet and such further distance as the Director may in his discretion require by notice in writing.”.

47. The said Act is further amended as to section 152 by striking out the words “not exceeding one hundred dollars” and by substituting the words “of not less than ten dollars and not exceeding one hundred dollars and costs, and in default of payment to imprisonment for not more than sixty days”.

48. The said Act is further amended by striking out section 153 and by substituting the following:

“153. Any person who during the close season sets out fire for the purpose of clearing land or of disposing of waste

or debris, or uses fire for industrial purposes, otherwise than in accordance with this Act and the regulations, shall be guilty of an offence and liable on summary conviction to a penalty of not less than twenty-five dollars and not exceeding three hundred dollars and costs, and in default of payment to imprisonment for not more than sixty days.”.

49. The said Act is further amended as to section 154,—

- (a) by adding immediately at the end of clause (c) the word “or”;
- (b) by adding immediately after clause (c) the following new clause:
 “(d) kindles any fire for the clearing of land during the close season without first having obtained a permit from the Director entitling him to do so.”.

50. The said Act is further amended as to section 157,—

- (a) by renumbering the same as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection:
 “(2) Any person who does not comply with the requirements of section 136, subsection (3) shall be guilty of an offence and liable on summary conviction to a penalty of not less than twenty-five dollars and not exceeding three hundred dollars and costs, and in default of payment to imprisonment for not more than sixty days.”.

51. The said Act is further amended by adding immediately after section 159 the following new section:

“**159a.** No action shall lie at any time against any person for anything done by him in the performance of duties assigned to him under this Act.”.

52. The said Act is further amended as to Form A in the Schedule by striking out the words “To make application for a license or a permit to cut timber on public lands in the Province of Alberta.”.

53. The said Act is further amended as to Form C in the Schedule by striking out the affidavit.

54. The said Act is further amended by striking out Form D in the Schedule.

55. This Act shall come into force on the day upon which it is assented to.

THIRD SESSION
ELEVENTH LEGISLATURE
14 GEORGE VI
1950

BILL

An Act to amend The Forests Act.

Received and read the

First time

Second time

Third time

HON. MR. TANNER.
