

No. 38

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 38

A Bill to amend The Forests Act

HON. MR. WILLMORE

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Edmonton, Alberta, 1959

Explanatory Note

2. Section 5 presently reads:

"5. The functions, powers and duties under this Act relating to the administration of forests shall be exercised by a Division of the Department to be known as the "Forests Division"."

3. This section sets out the duties and functions of the "Forests Division" which is now to be called the "Alberta Forest Service".

4. Section 7 presently reads:

"7. (1) Subject to The Public Service Act the Minister may appoint a Director, timber cruisers, timber inspectors, forest officers, and such other officers as he deems necessary, who shall perform such duties as are assigned to them.

(2) The Director shall supervise the administration of the Forests Division and all officers and employees of the Division."

5. Section 95, subsections (1), (4) and (5) presently read:

"95. (1) Where any trees, timber, slash, brush or debris on any lands are found by the Forests Division to be infested with any species of injurious insect, fungus or parasitic growth under such circumstances as, in the opinion of the Director, constitute a menace to adjacent timber or a dangerous source for the spread of such insects or fungus, the Director may give

(a) to the holder of any lease, licence or permit covering the lands, in the case of public lands, or

(b) to the owner of the lands, in the case of other lands, notice in writing requiring the owner, lessee, licensee or permittee, as the case may be, to dispose of the trees, timber, slash, brush or debris so infested, in the manner directed in the notice.

(4) Where the owner, lessee, licensee or permittee refuses or neglects to dispose of the trees, timber, slash, brush or debris in the manner directed in the notice, the Forests Division may cause the lands to be entered upon and cause the trees, timber, slash, brush or debris to be disposed of.

(5) All costs of disposing of the trees, timber, slash, brush or debris shall, in the discretion of the Minister,

(a) be borne by the owner, lessee, licensee or permittee, as the case may be, or

(b) be apportioned according to the circumstances, and all moneys due from any owner, lessee, licensee or permittee in respect of any such disposal of trees, timber, slash, brush or debris by the Forests Division under this section are payable upon demand of the Minister."

BILL

No. 38 of 1959

An Act to amend The Forests Act

(Assented to _____, 1959)

HER 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 118 of the Revised Statutes, is hereby amended.

2. Section 5 is amended by striking out the words "Forests Division" and by substituting the words "Alberta Forest Service".

3. Section 6 is amended by striking out the words "Forests Division" where they occur in subsections (1) and (2) and by substituting the words "Alberta Forest Service".

4. Section 7 is struck out and the following substituted:

7. (1) The Minister may appoint a Director of Forestry, timber cruisers, timber inspectors, forest officers and such other officers as he deems necessary, who shall perform such duties as are assigned to them.

(2) The Director shall supervise the administration of the Alberta Forest Service and all officers and employees thereof.

5. Section 95 is amended

- (a) as to subsection (1) by striking out the words "the Forests Division" and by substituting the words "a forest officer",
- (b) as to subsection (4) by striking out the words "the Forests Division" and by substituting the words "the Director",
- (c) as to subsection (5) by striking out the words "by the Forests Division".

6. Section 109, subsection (3) presently reads:

"(3) A person who unlawfully destroys, defaces or removes any notice posted, by an officer of the Forests Division, as a fire warning, for any purpose of this Act, or purporting to give information respecting the ownership of any property, is guilty of an offence."

7. Section 131, subsections (1) and (2) presently read:

"131. (1) In the event of a prairie, ground or forest fire, a forest officer, an ex officio fire guardian, and within a municipal district a fire guardian appointed by the council of the municipal district may, personally or otherwise, direct as many male persons as he deems necessary to extinguish or prevent the spreading of the fire,

(a) being over sixteen years of age and under sixty years of age, and
(b) residing or being within twenty-five miles of any such fire, to proceed to the fire taking with them such horses, ploughs and other appliances as they possess and are requested by the forest officer or fire guardian to take with them for the purpose of extinguishing the fire or preventing the spread thereof.

(2) Where a forest fire is burning in or threatening timber at a distance of more than twenty-five miles from a settlement or other source of labour, a forest officer or ex officio fire guardian may direct as many male persons over sixteen years of age and under sixty years of age as he deems necessary to proceed to the fire and to take whatever action is required to extinguish the fire or prevent the spread thereof."

8. Section 139 presently reads:

"139. A member of the Royal Canadian Mounted Police and such officers and employees of the Forests Division as the Lieutenant Governor in Council may appoint as constables for the enforcement of the provisions of this Act

- (a) may arrest without warrant any person found violating any provision of this Act, and
- (b) may take such person before a justice of the peace and there make complaint."

9. Section 156, as relevant, reads:

"156. A person who

- (b) fails to proceed to the fire with all reasonable despatch after receiving such order, or to take with him the horses and appliances requested of him, or

.....,

is guilty of an offence and liable on summary conviction to a fine of not less than ten and not more than fifty dollars and in default of payment to imprisonment for not more than thirty days."

6. Section 109, subsection (3) is amended by striking out the words "an officer of the Forests Division" and by substituting the words "a forest officer".

7. Section 131 is amended by striking out subsections (1) and (2) and by substituting the following:

131. (1) In the event of a prairie, ground or forest fire a forest officer or fire guardian may personally or otherwise direct as many male persons over the age of sixteen and under the age of sixty as he deems necessary, to proceed to the fire and to take with them any tools, appliances machinery, horses, mobile equipment, vehicles, boats, vessels or aircraft that they may own or possess.

8. Section 139 is amended by striking out all the words preceding clause (a) and by substituting the following:

"A member of the Royal Canadian Mounted Police or a forest officer".

9. Section 156 is amended by striking out clause (b) and by substituting the following:

(b) fails to proceed to a fire with all reasonable despatch after being directed to do so by a forest officer or fire guardian, or fails to take with him any tools, appliances, machinery, horses, mobile equipment, vehicles, boats, vessels or aircraft that he is directed to take with him to a fire, or

10. This Act comes into force on the day upon which it is assented to.

No. 38

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Forests Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. WILLMORE
