

No. 47

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

BILL 47

A Bill to amend The Forest Reserves Act

HON MR. WILLMORE

Explanatory Note

2. Section 2, clause (d) presently reads:

"(d) "forest officer" means a forest officer appointed under this Act, and such other person as the Minister may appoint to perform any function incidental to the administration of forest reserves;"

3. Section 4 is amended to conform with a similar power in The Forests Act and to enable the appointment of forest officers in accordance with the definition of that expression. Section 4 presently reads:

"4. The Lieutenant Governor in Council subject to The Public Service Act, may appoint such forest officers and other employees as are deemed necessary to administer and enforce the provisions of this Act and the regulations under the direction and control of the Minister."

4. Section 8, subsection (1) is amended to require disposition to be authorized by regulations rather than the written consent of the Minister. The subsection has been re-written to make fuller use of defined expressions. Section 8, subsection (1) presently reads:

"8. (1) Notwithstanding any other Act, no public lands within the boundaries of a forest reserve established by this Act may be disposed of under the provisions of any other Act or regulation made thereunder, except with the written consent of the Minister."

5. (a) These powers are removed as they are elsewhere provided for or are not properly a matter for regulations. Section 10, subsection (1), clauses (b) and (s) are covered by The Forests Act and The Game Act powers, while section 10, subsection (1), clause (r) is not a fit matter for regulations under this Act. Section 10, subsection (1), clauses (b), (r) and (s) presently read:

"10. (1) The Lieutenant Governor in Council may make regulations, not inconsistent with this Act,
(b) for the cutting and removal of timber,
(r) for the control and operation of any vessel or craft whatsoever, including its equipment, upon a lake, river, stream or body of water in a forest reserve,
(s) for the issuing of a licence for the operation of trap lines or for any other specific purpose,"

BILL

No. 47 of 1959

An Act to amend The Forest Reserves 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 Forest Reserves Act*, being chapter 119 of the Revised Statutes, is hereby amended.

2. Section 2 is amended by striking out clause (d) and and by substituting the following:

(d) "forest officer" means a forest officer appointed under this Act or *The Forests Act*;

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

4. The Minister may appoint such forest officers and other employees as are necessary to carry out the provisions of this Act.

4. Section 8 is amended by striking out subsection (1) and by substituting the following:

8. (1) No disposition of public lands within a forest reserve shall be made under or pursuant to any other Act unless the disposition is authorized by the regulations.

5. Section 10 is amended

(a) as to subsection (1) by striking out clauses (b), (r) and (s),

(b) The matters dealt with in section 10, subsections (2) and (3) are now covered by The Regulations Act, except the provision retained in the proposed subsection (2). Subsections (2) and (3) presently read:

"(2) A regulation made by the Lieutenant Governor in Council under the authority of this Act comes into force

(a) on the day upon which it is approved or made, or

(b) on such earlier or later date as the order in council may prescribe,

and every such regulation has the same force and effect as if it had been expressly enacted by this Act.

(3) 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."

6. These subsections give a power of seizure to forest officers of chattels unlawfully acquired or had in a forest reserve. The powers are also provided under various Acts, such as The Game Act, The Forests Act and The Fishery Act and are therefore removed from this Act.

7. This section gives a power of entry and search for the purposes of section 27, subsections (2) to (4), which are to be repealed.

8. Section 35, subsection (2) is removed to permit the Director of Forestry to administer directly the dispositions of timber in a forest reserve, under Part II of The Forests Act. Section 35, subsection (2) presently reads:

"(2) Wherever the Director is referred to in Part II of The Forests Act, the reference shall, for the purpose of this Act, be deemed to be a reference to the Administrative and Liaison Officer of the Department of Lands and Forests."

(b) by striking out subsections (2) and (3) and by substituting the following:

(2) All regulations shall be laid before the Assembly within fifteen days after the opening of the first session following the publication in the *Gazette*.

6. Section 27 is amended by striking out subsections (2) to (4).

7. Section 28 is repealed.

8. Section 35 is amended by striking out subsection (2).

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

No. 47

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Forest
Reserves Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. WILLMORE
