

No. 67

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2nd Session, 14th Legislature, Alberta  
9 Elizabeth II

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## **BILL 67**

A Bill to amend The Game Act

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HON. MR. WILLMORE

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## **Explanatory Note**

**2.** The title of the Game Branch has been changed to “The Fish and Wildlife Division” and the references to “game officers” are changed to “wildlife officers” to conform to the new designation.

**3.** (a) A definition of “big game farm” is added.

(b) Section 2, subsection (1), clause (o), subclause (i) presently reads:

“2. (1) In this Act and the regulations,  
(o) “game bird” means birds of all species of the following families,  
(i) Anatidae, commonly called ducks and geese,”

(c) Section 2, subsection (1), clause (p) presently reads:

“(p) “game farm” means a place on which game birds are kept for the purposes of propagation or for sale, gain or profit;”

(d) A definition of “Green Area” is added for the purposes of sections 32 and 34 of the Act. See clauses 20 and 21 of this Bill. The definition of “game officer” is removed. See note to clause 2 of this Bill.

(e) Section 2, subsection (1), clause (v) presently reads:

“(v) “hunt” means any chasing, pursuing, worrying, following after or on the trail of, shooting at, stalking or lying in wait for, any game whether or not the game is captured, killed or injured;”.

# BILL

No. 67 of 1961

An Act to amend The Game Act

(Assented to \_\_\_\_\_, 1961)

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

**1.** *The Game Act*, being chapter 126 of the Revised Statutes, is hereby amended.

**2.** The words "game officer" are struck out wherever they occur in the Act and the words "wildlife officer" are substituted.

**3.** Section 2, subsection (1) is amended

(a) by adding the following immediately after clause (b):

(b1) "big game farm" means a place on which big game animals are kept for the purposes of propagation, or for sale, gain or profit;

(b) as to clause (o), subclause (i) by adding immediately after the word "ducks" the word "swans",

(c) by striking out clause (p) and by substituting the following:

(p) "game bird farm" means a place on which game birds are kept for the purposes of propagation, or for sale, gain or profit;

(d) by striking out clauses (r) and (s) and by substituting the following:

(r) "game preserve" means an area set apart for the purpose of a game preserve pursuant to this Act;

(s) "Green Area" means the lands included in the area outlined and coloured green on the map annexed to the Order Classifying Public Lands dated October 6, 1959, and published in the *Alberta Gazette* on October 15, 1959;

(e) as to clause (v) by adding immediately after the words "on the trail of," the words "searching for,"

(f) Section 2, subsection (1), clause (ii) presently reads:

"(ii) "resident" means,

- (i) a person who has resided in the Province for six months immediately prior to the date of his application for a licence under this Act,
- (ii) a company that has had a place of business in the Province for six months immediately prior to the date of its application for a licence under this Act, or
- (iii) a person who as owner, lessee, or homesteader, is the bona fide occupier of a quarter section or more of land within the Province;"

(g) Section 2, subsection (1), clause (mm) presently reads:

"(mm) "unoccupied Crown lands"

- (i) means any fenced or unfenced grazing lease, or hay lease or any lands held under a grazing permit or any timber berth, but
- (ii) does not include lands held under registration as a trap-line nor any lands included in any national park, Provincial park, game preserve, bird sanctuary, Indian reserve or Metis area."

(h) A definition of "wildlife officer" is added which replaces the definition of "game officer". See note to clause 2 of this Bill.

4. Section 7 is revised to prohibit the handling of wild animals and the releasing of animals. Section 7 presently reads:

"7. No person shall keep in captivity any big game or game bird unless he is the holder of a valid and subsisting licence or permit issued pursuant to this Act or the regulations."

(f) by striking out clause (ii) and by substituting the following:

(ii) "resident" means

(i) a person who is a Canadian citizen or a British subject, or who has completed three years of continuous residence in Canada immediately prior to the date of his application for a licence, and

(A) who has resided in the Province for a period of six months immediately prior to the date of his application for a licence under this Act, or

(B) who as the owner, lessee, or homesteader, is the *bona fide* occupant of a quarter section or more of land within the Province,

or

(ii) a company that has had a place of business in the Province for a period of six months immediately prior to the date of its application for a licence under this Act;

(g) as to clause (mm), subclause (i) by adding immediately after the words "grazing lease," the words "community pasture,"

(h) by adding immediately after clause (mm) the following new clause:

(nn) "wildlife officer" means

(i) a wildlife officer appointed by the Lieutenant Governor in Council under section 122 for the purpose of enforcing this Act, and

(ii) those persons designated by section 124.

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

7. Unless authorized by a licence or permit issued pursuant to this Act or *The Fur Farms Act* or the regulations thereunder, no person shall

(a) pick up, handle, possess, or transport any big game, game bird or fur-bearing animal, or in any way disturb the young thereof,

(b) keep in captivity any big game, game bird or fur-bearing animal, or

(c) release to the wild within the Province

(i) any big game, game bird or fur-bearing animal, or

(ii) any exotic animal or bird.

**5. Section 8, subsections (3), (4), (5), (6) and (8) presently read:**

"(3) Where the owner or occupant of occupied lands posts or causes to be posted on such lands signs that

- (a) are at least ten inches by fourteen inches in size,
- (b) are prominently placed at each corner of the lands and at each gate giving access to the lands, and
- (c) bear the words "NO SHOOTING" or "NO HUNTING" in black lettering on a white background,

neither the owner, occupant nor any other person shall hunt any big game or game bird upon or over such lands while they are so posted.

(4) Notwithstanding the foregoing provisions, any person may enter upon occupied or other lands for the purpose of pursuing wounded game.

(5) Where the owner or occupant of occupied lands posts or causes to be posted a sign reading "SHOOTING ALLOWED" or "HUNTING ALLOWED" any person who is permitted by this Act to hunt may hunt or shoot on or over such lands.

(6) No person shall tear down, remove, damage, deface or cover up any sign mentioned in this section and erected or placed by or with the consent of the owner or occupant of the lands upon which the signs have been erected or placed.

(8) A person who, pursuant to a special consent as provided for by subsection (2) or pursuant to a general consent as provided for by subsection (5), hunts upon occupied lands or enters upon occupied lands for the purpose of hunting and who refuses to leave the occupied lands when requested to do so by the owner or occupant thereof is guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars or more than one hundred dollars and in default of payment to imprisonment for a term not exceeding one month."

**6. Section 9, subsection (1) presently reads:**

"9. (1) No person shall for the purpose of taking, killing or destroying any big game, game bird or fur-bearing animal set out, use or employ

- (a) any poison, opium or narcotic except as provided for by The Setting of Poison Act, or The Agricultural Pests Act,
- (b) a sunken punt, a night light, a swivel, set, or spring gun of any description, a trap of the pattern known as the Submarine Trap, or any shotgun of a gauge larger than ten gauge, or
- (c) any contrivance for the purpose of deadening the sound of the report of any firearm."

**7. Section 10 is amended to clarify the meaning of a loaded firearm. Section 10, subsection (4) presently reads:**

"(4) A shotgun, rifle or other firearm carrying a loaded shell or cartridge in the chamber shall be deemed to be loaded within the meaning of subsection (1)."

**8. Section 11 is amended to make it clear that it applies only to edible parts of game animals and the valuable part of fur-bearers. Section 11 presently reads:**

"11. (1) No person who has taken or killed a bird or animal suitable for food shall wilfully allow the flesh thereof to be destroyed or spoilt.

(2) No person who has killed or taken a fur-bearing animal shall wilfully allow the skin thereof to be destroyed or spoilt."

**9. Section 12, subsection (3) presently reads:**

"(3) No person shall, without the authorization of the Director, erect or place, or cause to be erected or placed any signs bearing the words "Game Preserve" or the words "Bird Sanctuary", and any such signs placed or caused to be placed without the authority of the Director may be summarily removed by any game guardian or game officer."

**10. (a) Section 14, subsection (1) presently reads:**

"14. (1) Those areas established as parks are game preserves and hunting and trapping thereon is prohibited at all times."

(b) Section 14, subsection (3) is revised to make the language conform with other provisions of the Act. See clause 7 above.

**11. Section 15 is amended to protect the rights of the holder of a registered trap-line under section 55. Section 15 presently reads:**

"15. A person may hunt or trap without a licence or permit any of the following animals, namely, timber wolves, coyotes, cougars, wolverines, skunks, porcupines, rabbits and any other animals which the Lieutenant Governor in Council may from time to time designate."

**5.** Section 8 is amended by striking out subsections (3), (4), (5), (6) and (8).

**6.** Section 9, subsection (1) is amended

- (a) as to clause (a) by adding immediately after the word "opium" the word ", tranquillizer",
- (b) as to clause (b) by adding immediately after the words "Submarine Trap" the words "or a spring-pole trap".

**7.** Section 10 is amended by striking out subsection (4) and substituting the following:

(4) Any firearm having a live shell or cartridge in the breech, chamber or magazine shall be deemed to be loaded within the meaning of subsection (1).

**8.** Section 11 is struck out and the following is substituted:

**11.** (1) No person who has killed or is in possession of a game bird or a game animal shall allow the edible flesh thereof to be wasted, destroyed, or spoiled.

(2) No person who has killed or is in possession of a fur-bearing animal shall allow the skin or pelt thereof to be wasted, destroyed, or spoiled.

**9.** Section 12 is amended by striking out subsection (3) and substituting the following:

(3) No person shall, without the authorization of the Director, erect or place or cause to be erected or placed a sign purporting to designate an area to be a preserve or sanctuary for game, and any such sign may be summarily removed by a game guardian or wildlife officer.

**10.** Section 14 is amended

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

**14.** (1) Hunting and trapping is prohibited at all times in provincial parks established under *The Provincial Parks Act* except when authorized by regulations made by the Lieutenant Governor in Council.

- (b) as to subsection (3) by adding immediately after the word "breech" the word ", chamber".

**11.** Section 15 is struck out and the following is substituted:

**15.** Subject to section 55, any person may hunt or trap without a licence or permit for big game any of the following animals, namely, timber wolves, coyotes, cougars,

**12.** Blackbirds are included in the list of birds that may be hunted without a licence.

**13.** Section 17 presently reads:

"17. No licence or permit shall be issued  
(a) to a person under the age of fourteen years, or  
(b) to a person over the age of thirteen years but under the age of sixteen years unless the application for the licence or permit is made by, or with the consent in writing of, the parent or guardian of such person."

**14.** Section 21, subsection (2) presently reads.

"(2) Any person legally in possession of the hide of a grizzly bear, black bear, brown bear or cinnamon bear may sell, barter or traffic in such hide."

**15.** Section 24 is amended to standardize the expiry date of licences. Section 24 presently reads:

"24. (1) A licence or permit issued under this Act expires at the date mentioned in the licence or permit.  
(2) If no expiry date is shown thereon, then the date of expiration shall be the thirtieth day of June following the date of issue."

**16.** Section 25 is amended to add references to tags. Section 25 presently reads as follows:

"25. (1) Except as otherwise provided by this Act or the regulations, no one shall hunt big game, game birds or fur-bearing animals unless the licence or permit issued pursuant to this Act or the regulations authorizing him to do so is carried on his person.  
(2) A licence or permit issued pursuant to this Act or the regulations, shall be produced, at the request of a game officer or game guardian, by a person engaged in hunting.  
(3) No licence or permit issued pursuant to this Act is transferable.  
(4) A person who knowingly  
(a) allows his licence or permit to be used or carried by any other person, or  
(b) uses or carries any other person's licence or permit, is guilty of an offence.  
(5) Except as provided in section 22, no person shall apply for or acquire more than one licence for the hunting of game during the same open season."



wolverines, skunks, porcupines, rabbits, and any other animals that the Lieutenant Governor in Council may from time to time designate.

**12.** Section 16 is amended by adding immediately after the word "magpies," the word "blackbirds,".

**13.** Section 17 is struck out and the following is substituted:

**17.** (1) No person shall, either directly or indirectly, apply for or in any way obtain a licence or permit who is

(a) under the age of fourteen years, or

(b) over the age of thirteen years but under the age of sixteen unless written application for the permit is made by the parent or guardian of such person.

(2) A person licensed pursuant to subsection (1) shall while hunting be accompanied by his parent or guardian.

**14.** Section 21 is amended by striking out subsection (2).

**15.** Section 24 is struck out and the following is substituted:

**24.** A licence or permit issued under this Act expires on the thirty-first day of March following the date of issue, unless otherwise specified in the licence or permit.

**16.** Section 25 is struck out and the following is substituted:

**25.** (1) Except as otherwise provided by this Act or the regulations, no person shall hunt big game, game birds or fur-bearing animals unless the licence or permit and the tag or tags issued pursuant to this Act or the regulations authorizing him to hunt are carried on his person.

(2) A licence or permit and any tag or tags issued pursuant to this Act or the regulations shall be produced by the licensee at the request of a wildlife officer or a game guardian.

(3) A licence, permit or tag issued pursuant to this Act and the regulations is non-transferable.

(4) A person who knowingly

(a) allows his licence, permit, tag or tags to be used or carried by another person, or

(b) uses or carries another person's licence, permit, tag or tags,

is guilty of an offence.

(5) Except as provided in section 22, no person shall apply for or acquire more than one licence for the hunting of game during the same open season.

**17.** Section 28 is revised for greater clarity. Section 28 presently reads:

"28. No person shall hunt or kill any big game unless he is clothed in a coat or other similar outer garment of scarlet material and a cap or other head dress of scarlet material."

**18.** Section 30 is revised to include matters formerly contained in the game hunting regulations. Section 30 presently reads:

"30. No person shall, for the purpose of hunting or killing big game,  
 (a) set out, use or employ any traps, nets or snares of any kind,  
 (b) set out, use or employ any search-light, spot-light, flash-light, jack-light, night-light, pit-lamp, head-light, or any other light of any kind,  
 (c) use any rifle firing a .22 calibre rim-fire cartridge, or  
 (d) use or load any shotgun with any ammunition other than the shells commonly referred to as shotgun slug loads."

**19.** Section 31, subsection (1) presently reads:

"31. (1) No person shall  
 (a) use or be accompanied by a dog while hunting big game, or  
 (b) allow a dog that is accustomed to pursue big game to run at large in a district where big game are usually found."

The present clause (b) is practically unenforceable.

**20.** Section 32 is revised. Section 32 presently reads:

"32. Unless otherwise provided by the regulations, a non-resident while engaged in hunting big game shall be accompanied by  
 (a) a guide holding a Class A or Class B guide's licence issued pursuant to this Act, where such hunting is done in  
     (i) a forest reserve constituted under The Forest Reserves Act, or  
     (ii) any other part of the Province designated in the regulations, or  
 (b) a guide licensed pursuant to this Act or a resident of the Province, where such hunting is done in any part of the Province other than the areas referred to in clause (a)."

**17.** Section 28 is struck out and the following is substituted:

**28.** No person shall hunt or kill big game unless he is visibly clothed in a long-sleeved outer coat or other long-sleeved outer garment of complete scarlet material and a cap or other head dress of complete scarlet material.

**18.** Section 30 is struck out and the following is substituted:

**30.** No person shall, for the purpose of hunting, taking or killing any big game,

- (a) set out, use or employ
  - (i) any big game, game bird, fur-bearing animal or part thereof,
  - (ii) any traps, nets or snares of any kind, or
  - (iii) any searchlight, spotlight, flashlight, jack-light, night light, pit lamp, headlight, or any other light of any description,
- (b) use any ammunition
  - (i) for shotguns except shotgun slug loads,
  - (ii) of less than .23 calibre or having an empty cartridge case measuring less than 1.75 inches overall in length, or
  - (iii) that contains a non-expanding or steel jacketed bullet,
- (c) use
  - (i) an autoloading firearm that has a capacity of more than five cartridges in the magazine, or
  - (ii) a .410 gauge shotgun,
 or
- (d) use a shotgun of any description that is capable of holding more than three shells in the magazine and chamber combined, or that has not been permanently plugged or altered so as to reduce the capacity of the gun to not more than three shells in the magazine and chamber combined.

**19.** Section 31, subsection (1) is amended by striking out clause (b) and by substituting the following:

- (b) allow a dog to pursue big game.

**20.** Section 32 is struck out and the following is substituted:

**32.** A non-resident shall not hunt big game

- (a) in that part of the Province included in the Green Area unless he is accompanied by a Class A or Class B Guide, or
- (b) in any other part of the Province unless he is ac-

**21. Section 34, subsections (1) and (2) presently read:**

"34. (1) Notwithstanding anything to the contrary in this Act, the Minister may authorize in writing the taking and killing of big game for the purpose of feeding fire crews employed by the Department while such crews are actually engaged in the fighting of forest fires in any of the forest reserves or the Northern Alberta Forest District.

(2) The authorization in writing shall be issued to a game officer designated by the Director."

There is no longer a Northern Alberta Forest District.

**22. Section 35, subsection (1) presently reads:**

"35. (1) Upon it being made to appear to the Minister by the affidavit of a game guardian or game officer that a person has while hunting big game inadvertently or otherwise discharged a firearm at any other person, the Minister, upon conviction of such person under the Criminal Code of an offence in relation to the discharge of the firearm, may cause to be inserted in The Alberta Gazette a notice that that person is no longer entitled to be the holder of any game licence whatsoever from and after the date of the publication of the notice."

**23. Section 36 presently reads:**

"36. (1) Where any person, being the holder of a licence to hunt big game, unlawfully kills a big game animal at a time and in an area within which it is otherwise lawful to hunt big game, he shall forthwith

- (a) properly dress the carcass of the animal,
- (b) affix to the carcass the proper metal tag referred to in section 40, and
- (c) deliver the carcass in a good state of preservation to the nearest game officer, game guardian or constable, who shall dispose of it in accordance with instructions from the Minister.

(2) A person who complies with subsection (1) shall not be prosecuted for an offence under section 5, 6, or 19 in respect of the big game animal so delivered by him unless the Minister consents in writing to a prosecution being proceeded with."

**24. Section 38, subsection (1) presently reads:**

"38. (1) No person shall deal with a big game animal or any part thereof in such a way as to destroy the distinctive evidence of the sex thereof until such time as the said big game animal or all the parts thereof

- (a) have been conveyed to the place of residence of the captor, if a resident of the Province, or
- (b) in the case of a non-resident, have been inspected by a game officer or a game guardian."

**25. Section 40, subsections (4) and (5) presently read:**

"(4) The tag shall remain affixed to the animal until the animal is to be consumed or otherwise disposed of, or in the case of a non-resident licence until the animal or parts thereof have been inspected and cleared by a game officer.

(5) A person found in possession of the carcass of a big game animal that has no valid and subsisting tag affixed thereto as provided for in subsections (2) and (3) is unlawfully in possession and the carcass is liable to seizure and confiscation, unless the person in possession can show that the carcass has been cleared by a game officer or game guardian in conformity with subsection (4)."

**26. Self-explanatory. See clause 17 of this Bill.**

accompanied by a guide licensed pursuant to this Act or by a resident of the Province.

**21.** Section 34 is amended by striking out subsections (1) and (2) and by substituting the following:

**34.** (1) Notwithstanding anything to the contrary in this Act, the Minister may authorize in writing the taking and killing of big game for the purpose of feeding fire crews employed by the Department while such crews are actually engaged in fighting forest fires in any part of the Province included in the Green Area.

(2) The authorization in writing shall be issued to a wildlife officer designated by the Director.

**22.** Section 35, subsection (1) is amended by striking out the words "upon conviction of such person under the *Criminal Code* of an offence in relation to the discharge of the firearm,"

**23.** Section 36 is struck out and the following substituted:

**36.** No person shall hunt, take, shoot at, wound or kill any big game or game bird while intoxicated or under the influence of a narcotic drug or while his ability to hunt is impaired by alcohol or a drug.

**24.** Section 38 is amended by striking out subsection (1) and by substituting the following:

**38.** (1) No person shall deal with a big game animal or any part thereof in such a way as to either destroy the distinctive evidence of the sex, or the species thereof until such time as the big game animal or all the parts thereof

- (a) have been conveyed to the place of residence of the captor, if he is a resident of the Province, or
- (b) in the case of a non-resident, have been inspected by a wildlife officer or a game guardian.

**25.** Section 40 is amended

- (a) by striking out subsection (4) and by substituting the following:

(4) The tag shall remain affixed to the animal until the animal is to be consumed, or until the animal or parts thereof have been inspected and cleared by a wildlife officer or game guardian.

- (b) as to subsection (5) by striking out the word "liable" and by substituting the word "subject".

**26.** Section 45 is amended by adding the following new subsection:

**27.** Section 46, subsection (1) presently reads:

"46. (1) No person other than the owner or occupant shall hunt any game bird within two hundred yards of an occupied dwelling."

**28.** A new section dealing with game birds and similar in effect to section 38 dealing with big game animals is added.

**29.** Section 51, subsection (1) is struck out as the subject matter is already dealt with in section 5 of the Act. Section 51, subsection (1) presently reads:

"51. (1) Subject to sections 15 and 55, no person shall hunt, trap, take or kill any fur-bearing animal without having first obtained a licence or permit under this Act and authorizing him to do so."

**30.** A new subsection is added to specify the effective date of fur tax schedules.

**31.** Section 93, subsection (3b) presently reads:

"(3b) A Class B guide is authorized to act as a guide under the direction of a Class A guide who is in charge of a hunting party and, unless otherwise authorized by a game officer, no Class B guide shall himself take charge of or act as a guide for a hunting party."

**32.** A time limit for applications for guide licences is specified. The present section 95 is omitted. Section 95 presently reads as follows:

"95. A licensed guide is ex officio a game guardian while actually guiding a hunting party in the field."

**33.** Section 101 is amended to broaden the liability of an outfitter. Section 101 presently reads:

"101. An outfitter,

- (a) who fails to report forthwith any offence under the provisions of this Act or the regulations, or
- (b) who has in his employ any licensed guide, cook, wrangler, camp helper, or other employee who violates any of the provisions of this Act or the regulations, or
- (c) who, while acting as an outfitter for a party hunting big game in any of the areas of the Province referred to in clause (a) of section 32, has in his employ a guide who is not the holder of a Class A or Class B guide's licence,

is liable to the suspension of his licence as well as any penalty that may be imposed under this Act."

(4) No person shall hunt any non-migratory game bird in the Green Area of the Province unless he is visibly clothed in a long-sleeved coat or other long-sleeved outer garment of complete scarlet material and a cap or other head dress of complete scarlet material.

**27.** Section 46 is amended by striking out subsection (1) and by substituting the following:

**46.** (1) No person other than the owner or occupant shall discharge a firearm within two hundred yards of an occupied dwelling.

**28.** The following new section is added after section 48:

**48a.** (1) No person shall deal with a game bird or any part thereof in such a way as to either destroy the distinctive evidence of the sex or the species thereof, until such time as the game bird or parts thereof

(a) have been conveyed to the place of residence of the captor, if a resident of the Province, or

(b) in the case of a non-resident, have been inspected by a wildlife officer or a game guardian.

(2) No person shall have in his possession at any time before the transportation thereof has been completed, any game bird or any part or parts thereof that have been dealt with in contravention of this section.

**29.** Section 51 is amended by striking out subsection (1).

**30.** Section 68 is amended by adding immediately after subsection (2) the following new subsection:

(3) A fur tax schedule becomes effective on the first day of October of each year.

**31.** Section 93, subsection (3b) is amended by striking out the words "a game officer" and by substituting the words "the Director".

**32.** Section 95 is struck out and the following is substituted:

**95.** An application for a guide's licence shall be made to the Department on or before the first day of July in the year for which it is to be issued.

**33.** Section 101 is struck out and the following is substituted:

**101.** (1) An outfitter who, either by himself or by any guide, servant or agent or other person in his employ, contravenes this Act or the regulations is guilty of an offence.

**34. Establishment of Wildlife Damage Insurance Fund.**

**35. (a) Section 126, subsection (1), clause (n) presently reads:**

"126. (1) The Lieutenant Governor in Council may make regulations providing

"(n) for the licensing and regulation of game farms,".

See clause 2 (c) of this Bill.

**(b) Section 126, subsection (1), clause (r) presently reads:**

"(r) for prohibition or restriction of the use or possession, in any part of the Province, of any shotgun, rifle or other firearm of any particular calibre,"

**36. Section 139 is amended to remove a reference to a repealed section and to substitute a reference to marks authorized by regulations under section 126. Section 139 presently reads:**

"139. The fact that any animal or bird is marked with a registered mark or brand as provided for in section 4 is prima facie proof that the registered owner of the mark or brand is the owner and entitled to the possession of the animal or bird so marked."

**37. Section 143 presently reads:**

"143. (1) A person who is the owner or who has the management or control of

(a) any premises used for the purpose of merchandising, or storing, or preparing for market any commodity,

(b) any premises used for the purpose of preparing meats for public consumption other than those of a hotel keeper or a restaurant keeper who is the holder of a subsisting permit from the Minister permitting him to prepare big game or game birds for the personal use of a guest or boarder, or

(d) a vehicle of any description ordinarily used in connection with any of the businesses mentioned in this section,

shall, if any big game or game bird or any part thereof is found in, on or about any such premises or any such vehicle, prima facie be deemed to be dealing in big game or game birds, as the case may be, in contravention of this Act.

(2) Except as otherwise provided by the regulations, where the carcass of any big game animal or any part thereof is found in, on or about the premises, camps or buildings used wholly or partly in connection with logging operations, or in connection with any saw-mill, tie-camp, oil exploration or construction camp, the owner of the premises, camps or buildings and the person who has the management and control thereof, shall be deemed to be dealing in big game in contravention of this Act."



(2) Where an offence under this Act or any regulation is committed by a guide, servant or agent of any outfitter, the outfitter shall be deemed to be a party to the offence committed and is personally liable for the penalties prescribed for the offence as a principal offender, but nothing in this section relieves the person who actually committed the offence from liability therefor.

**34.** The following new section is added immediately after section 125:

**125a.** (1) The Lieutenant Governor in Council may require the purchaser of a licence or permit issued under this Act to pay to the Minister an additional fee as may be fixed by order for the purpose of establishing a fund to operate a wildlife damage insurance plan.

(2) The fees paid under subsection (1) shall constitute a fund to be known as the "Wildlife Damage Insurance Fund".

(3) The Minister shall pay the fees collected into the Wildlife Damage Insurance Fund.

(4) The Minister may make payments out of the fund with respect to

- (a) claims arising out of a wildlife damage insurance plan,
- (b) the expense of operating a wildlife damage insurance plan, and
- (c) other purposes which may be approved by the Lieutenant Governor in Council.

**35.** Section 126, subsection (1) is amended

- (a) as to clause (n) by adding immediately after the word "game" the word "bird",
- (b) as to clause (r) by adding immediately after the word "calibre" the words "or of any ammunition of any type".

**36.** Section 139 is amended by striking out the words and figure "for in section 4" and by substituting the words and figures "under clause (m) of subsection (1) of section 126".

**37.** Section 143 is struck out and the following is substituted:

**143.** (1) No hotel or restaurant keeper or caterer, or any person in his employ, shall process or in any way serve any big game, game bird or any part thereof for the use of any guest, boarder or customer, unless he has first obtained a permit from the Minister authorizing him to do so.

(2) Subject to subsection (1), no person who is the owner or who has the management or control of any premises

**38. Section 155 presently reads:**

"155. (1) Where a trapper's licence, or a licence or permit for the hunting of big game or game birds held by a person, has been cancelled, that person shall not apply for or in any way obtain a new licence or permit for the hunting of big game, or game birds, or fur-bearing animals, during the period of time for which such cancelled licence or permit had been issued.

(2) Where any person has been convicted for an infraction of section 5, such person shall not obtain in that year any licence or permit for hunting, killing or trapping any big game, game bird or fur-bearing animal for which there may be an open season at the time of his conviction."

**39. Section 157 presently reads:**

"157. A person who obliterates, alters, imitates, or duplicates any stamp, tag, seal, brand, mark or signature that is placed on any pelt or skin pursuant to this Act and the regulations, is guilty of an offence and liable on summary conviction to a fine of not less than ten and not more than twenty dollars for each pelt or skin in respect of which the offence has been committed, and in default of payment to imprisonment for a term of not more than three months."

**40. Section 159 is revised to make it an offence to wear a wildlife officer's uniform without authorization.**

used for the purpose of merchandising, storing or preparing for market any commodity, shall in any way handle, process or have in his possession any big game, game bird or part thereof unless he is the holder of a valid and subsisting licence issued under the authority of *The Frozen Food Locker Act*.

(3) Where the carcass of any big game, game bird or any part thereof is found in, on or about the premises, camps, buildings or vehicles used wholly or partly in connection with any logging operations or in connection with any saw-mill, tie-camp, oil exploration or construction camp, the owner of the premises, camps, buildings, or vehicles and the person who has the management and control thereof, shall be deemed to be dealing in big game or game birds in contravention of this Act.

**38. Section 155 is amended**

(a) as to subsection (1) by striking out the words "during the period of time for which such cancelled licence or permit had been issued" and by substituting the words "for a period of one year immediately following the date of the conviction resulting in the cancellation",

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

(2) Where a person is convicted of an offence against this Act or the regulations, he shall not apply for or in any way obtain any licence or permit to hunt, trap, take or kill any of the species of game that was the subject of the conviction, during the period of one year immediately following the date of the conviction.

(3) Nothing in subsection (2) shall be construed so as to prevent any such person from obtaining any other kind of licence or permit issued pursuant to this Act.

**39. Section 157 is amended**

(a) by striking out the words "any pelt or skin" and by substituting the words "any game or document",

(b) by striking out the words "each pelt or skin" and by substituting the words "each article of game or document".

**40. Section 159 is struck out and the following is substituted:**

**159. A person who**

- (a) wears a wildlife officer's uniform,
- (b) wears a game guardian's or wildlife officer's badge,
- (c) carries a game guardian's or wildlife officer's certificate of appointment,

**41.** Section 162 is amended to provide more consistent penalties for infractions of sections relating to big game. Section 162 presently reads:

“162. (1) A person who contravenes the provisions of

(a) section 9, 21, 27, 30, 38, 46, 69, 79, 118 to 120, 153 or 155, or

(b) section 19 in relation to big game,

is liable on summary conviction to a fine of not less than fifty dollars and not more than three hundred dollars, and in default of payment to imprisonment for a term not exceeding three months.

(2) A person who contravenes the provisions of

(a) section 5, 6 or 13, or

(b) section 19 in relation to game birds or fur-bearing animals,

is liable on summary conviction to fine of not less than twenty-five dollars and not more than three hundred dollars, and in default of payment to imprisonment for a term not exceeding three months.”

**42.** Coming into force.

- (d) impersonates a game guardian or wildlife officer,  
or
- (e) in any way exercises or attempts to exercise any of  
the powers of a game guardian or wildlife officer,  
without being specifically authorized to do so, is guilty of  
an offence and liable on summary conviction to a fine of  
not less than twenty-five dollars and in default of payment  
to imprisonment for a term of not more than six months.

**41.** Section 162 is amended

- (a) as to subsection (1) by striking out clause (b)  
and by substituting the following:  
(b) section 5, 6, 13, 19 or 25,
- (b) by striking out subsection (2) and by substituting  
the following:  
(2) A person who contravenes the provisions of  
section 5, 6, 13, 19 or 25 in relation to game birds  
or fur-bearing animals is liable on summary con-  
viction to a fine of not less than twenty-five dollars  
and not more than three hundred dollars, and in  
default of payment to imprisonment for a term of  
not more than three months.

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

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SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

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**BILL**

An Act to amend The Game Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. WILLMORE

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