

No. 29

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 29

A Bill to amend The Game Act

HON. MR. WILLMORE

Explanatory Note

2. Section 2 is amended to clarify the kinds of animals to which the Act applies.

BILL

No. 29 of 1963

An Act to amend The Game Act

(Assented to _____, 1963)

HER 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. Section 2, subsection (1) is amended.

(a) as to clause (i) by striking out subclause (ii) and by substituting the following:

(ii) without limiting the generality of the foregoing, includes any beaver, bobcat, badger, cougar, coyote, ermine, fisher, fox, hare, lynx, marten, mink, muskrat, otter, rabbit, skunk, squirrel, weasel, wolf or wolverine;

(b) by striking out clause (o) and by substituting the following:

(o) "game bird" means birds of all species of the following families:

- (i) Anatidae, commonly called ducks, geese, and swans;
- (ii) Tetraonidae, including grouse and ptarmigan;
- (iii) Phasianidae, including pheasants, Hungarian or European, grey partridge and Chukar partridge;
- (iv) Meleagrididae, commonly called wild turkeys;
- (v) Gruidae, including the cranes;
- (vi) Rallidae, including the rails and coots;
- (vii) Charadriidae, including the plovers and turnstones;
- (viii) Scolopacidae, including the Wilson's snipes, curlews, sandpipers, greater and lesser yellow-legs, godwits and other snipe-like birds;
- (ix) Columbidae, including mourning dove;
- (x) any other species of bird that may from time to time be declared to be a game bird by the Lieutenant Governor in Council;

3. Subsection (1) of section 9 is amended to add "crossbow" to the list of instruments prohibited for killing game.

4. Section 10 is amended to prohibit hunting generally between one-half hour after sunset and one-half hour before sunrise. See clauses 8, 11 and 14 of this Bill. The section is also amended to include a prohibition against shooting projectiles near highways or buildings.

5. Sections 15 and 16 are amended to clarify hunting rights. Sections 15 and 16 presently read:

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

16. Any person may hunt, kill or trap without a licence or permit any of the following birds, namely, starlings, crows, English sparrows, magpies, blackbirds, and any other bird or birds which the Lieutenant Governor in Council may from time to time designate."

Section 17 is amended to clarify when a person is eligible to obtain a licence or permit and also to prohibit persons under 16 years of age from hunting unless accompanied by a parent or legal guardian.

Section 18 is amended to prohibit a non-resident from obtaining a resident licence or permit.

3. Section 9, subsection (1) is amended by striking out clause (b) and by substituting the following:

- (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 a spring-pole trap, a crossbow, or any shotgun of a gauge larger than ten gauge, or

4. Section 10 is struck out and the following section is substituted:

10. (1) No person shall hunt between one-half hour after sunset and one-half hour before sunrise.

(2) No person shall have a loaded firearm in or on, or discharge a firearm from

- (a) an aircraft, or
- (b) a boat propelled otherwise than by muscular power, or
- (c) any kind of vehicle,

whether moving or stationary.

(3) 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).

(4) No person, except the owner or occupant, shall

- (a) discharge a firearm, or
- (b) cause a projectile from a firearm to pass within two hundred yards of any building.

(5) No person shall

- (a) discharge a firearm from, or
- (b) cause a projectile from a firearm to pass along or across

a main or secondary highway within the meaning of *The Public Highways Act*, and marked with route number signs.

5. Sections 15 to 18 are struck out and the following sections are substituted:

15. Subject to section 55, a resident may hunt, trap or kill without a licence or permit, on any land to which he has a right of access, any timber wolf, coyote, cougar, wolverine, skunk, porcupine, rabbit, and any other animal that the Lieutenant Governor in Council may from time to time designate.

16. A resident may hunt, trap or kill without a licence or permit, on any land to which he has a right of access, any starling, crow, English sparrow, magpie, blackbird, and any other bird that the Lieutenant Governor in Council may from time to time designate.

6. Section 20 is amended to include a prohibition against exporting any big game, game bird or part thereof without a permit.

7. Section 22 is amended to provide for the fee for a duplicate licence or permit to be prescribed by regulation. The section presently fixes the fee at one dollar.

8. Sections 27 to 30 presently read:

"27. (1) Except as otherwise permitted by this Act or the regulations, no person shall hunt, take or kill or have in his possession any big game with horns or antlers less than four inches in length or any big game under the age of one year except brown, black or cinnamon bears.

(2) No person shall hunt, take or kill or have in his possession any female big game animal except as expressly permitted by this Act or the regulations.

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.

29. No person shall hunt any big game between one-half hour after sunset and one-half hour before sunrise, or on Sunday.

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, or bait of any kind,
 - (ii) any traps, nets or snares of any kind, or
 - (iii) any searchlight, spotlight, flashlight, jacklight, 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."

Section 28 is amended to include the prohibition against Sunday hunting now contained in section 29. The amended section 29 contains clauses (b), (c) and (d) of the present section 30. The prohibition against hunting big game between one-half hour after sunset and one-half hour before sunrise is now contained in the proposed new section 10. See clause 4 of this Bill. Section 30 now contains the provisions of clause (a) of the present section.

17. (1) No person who has not attained his fourteenth birthday shall, either directly or indirectly, apply for, in any way obtain or have in his possession a licence or permit.

(2) A person who has not attained his sixteenth birthday shall not hunt unless

- (a) he has obtained a valid licence, and
- (b) he is accompanied by his parent or legal guardian.

18. (1) No non-resident shall apply for, in any way obtain or have in his possession a resident licence or resident permit under this Act.

(2) No licence or permit shall be issued to a company unless the company

- (a) has complied with the provisions of *The Companies Act* governing registration, and
- (b) is authorized by that Act to carry on business in Alberta.

6. Section 20 is struck out and the following section is substituted:

20. No person shall

- (a) export or transport out of the Province any big game, game bird or part thereof, or
- (b) have in his possession any big game, game bird or part thereof for the purpose of exporting or transporting it out of the Province,

without obtaining a permit.

7. Section 22 is amended by striking out subsection (1) and by substituting the following:

22. (1) Where a licence or permit issued under this Act or the regulations has been lost or destroyed, the Director, upon proof to his satisfaction of the loss or destruction and upon payment of the prescribed fee, may issue a duplicate licence or permit.

8. Sections 27 to 30 are struck out and the following sections are substituted:

27. (1) Except as permitted by this Act or the regulations, no person shall hunt, kill or have in his possession any big game with horns or antlers less than four inches in length or any big game under the age of one year.

(2) No person shall hunt, kill or have in his possession any female big game animal except as permitted by this Act or the regulations.

28. No person shall hunt or kill any big game

- (a) on Sunday, or

9. Section 33 is revised to amend the boundary of that portion of the Province where residents may kill big game for food without a licence. Section 33 presently reads:

"33. A person who resides in that part of the Province lying to the north of a line, commencing at the intersection of the north boundary of township 76 with the inter-provincial boundary between Alberta and Saskatchewan, thence westward along the north boundary of township 76 to the east boundary of range 18 west of the fifth meridian, thence north along the east boundary of range 18, west of the fifth meridian to the north boundary of township 96 (25th base line), thence west along the north boundary of township 96 to the inter-provincial boundary between Alberta and British Columbia, at a point that is not included within the corporate boundaries of any city, town or village, may, without a licence, kill and take big game for the purpose of providing necessary food for himself and family, when it is necessary to do so at any time of the year."

10. Section 37 is amended to apply to all big game animals. Section 37 presently reads:

"37. No person shall hunt or molest a deer, moose, elk, or caribou while the deer, moose, elk, or caribou is swimming in a lake or river."

11. Section 42 is amended to contain only the prohibition against hunting game birds on Sunday. The prohibition of hunting game birds between one-half hour after sunset and one-half hour before sunrise is now contained in the proposed section 10. See clause 4 of this Bill. Section 42 presently reads:

"42. Except as otherwise provided by this Act or the regulations, no person shall hunt any game bird between one-half hour after sunset and one-half hour before sunrise or on Sunday."

- (b) unless he is visibly clothed in a long sleeved outer coat or other long sleeved outer garment completely scarlet in colour and a cap or other headdress completely scarlet in colour.

29. No person shall for the purpose of hunting or killing big game use

- (a) any ammunition for shotguns except shotgun slug loads, or
- (b) any ammunition of less than .23 calibre or having an empty cartridge case measuring less than 1.75 inches in length, or
- (c) any ammunition that contains non-expanding or steel-jacketed bullet, or
- (d) an autoloading firearm that has a capacity of more than five cartridges in the magazine, or
- (e) a .410 gauge shotgun, or
- (f) 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.

30. No person shall for the purpose of hunting or killing big game set out, use or employ

- (a) any big game, game bird, fur-bearing animal or part thereof, or bait of any kind, or
- (b) any traps, nets or snares of any kind, or
- (c) any searchlight, spotlight, flashlight, jacklight, night light, pit lamp, headlight, or any other light of any description.

9. Section 33 is struck out and the following section is substituted:

33. Any person who resides in that portion of the Province lying to the north of the north boundary of township 96 from the Alberta-Saskatchewan boundary to the Alberta-British Columbia boundary but not within the corporate boundaries of any city, town or village, may at any time of the year, without a licence, hunt and kill big game when necessary to provide food for himself and his family.

10. Section 37 is struck out and the following section is substituted:

37. No person shall hunt, kill or molest any big game animal while it is swimming.

11. Section 42 is struck out and the following section is substituted:

42. No person shall hunt any game bird on Sunday.

12. Section 43 presently reads:

"43. Except as otherwise provided in this Act no person shall for the purpose of taking, killing or destroying any game bird, set out, use or employ traps, nets or snares of any kind."

13. Section 45, subsection (4) is amended for clarification.

14. Section 46, subsection (1) reads:

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

Subsection (1) of section 46 is now contained in the proposed section 10 as subsection (4) thereof. See clause 4 of this Bill.

15. Section 56 is amended to require a person to be either a British subject or a Canadian citizen before the person can hold a certificate of registration of a trap-line. Subsection (1) of section 56 presently reads:

"56. (1) No certificate of registration of a trap-line shall be issued to a person unless that person is a British subject or has filed a declaration of intention to become a Canadian citizen pursuant to the Canadian Citizenship Act, is a resident and is

- (a) a male person of the age of eighteen years or over,
- (b) a widow having minor children of her own, dependent upon her for support, or
- (c) a married woman living apart from her husband and having minor children of her own, dependent upon her for support."

16. Section 65 is revised to clarify the payment of fur tax. Section 66 is revised to clarify the effect of a fur tax receipt. Sections 65 and 66 presently read:

"65. (1) The tax payable on skins or pelts of fur-bearing animals shall be paid by the first purchaser.

(2) The tax receipts obtained in respect of such skins or pelts shall upon every subsequent sale be delivered to the purchaser of the skins or pelts in respect of which the tax has been paid.

(3) A tax receipt that has not been so delivered to the purchaser of the skins or pelts in respect of which it is issued is null and void.

66. (1) The tax payable in respect of a skin or pelt of a fur-bearing animal is payable on demand being made therefor by a wildlife officer or duly authorized collector.

(2) If no such demand is made, the tax shall in all other cases be paid to a duly authorized collector not later than ten days after acquisition of the skin or pelt."

12. Section 43 is amended by striking out the words "Except as otherwise provided in this Act no" and by substituting the word "No".

13. Section 45 is amended by striking out subsection (4) and by substituting the following:

(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 outer coat or other long-sleeved outer garment completely scarlet in colour and a cap or other headdress completely scarlet in colour.

14. Section 46 is amended by striking out subsection (1).

15. Section 56 is amended by striking out subsection (1) and by substituting the following:

56. (1) No certificate of registration of a trap-line shall be issued to a person unless he is a British subject or a Canadian citizen, is a resident and is either

- (a) a male person at least eighteen years of age, or
- (b) a widow who supports minor children of her own, or
- (c) a married woman who lives apart from her husband and supports minor children of her own.

16. Sections 65 and 66 are struck out and the following sections are substituted:

65. (1) The tax payable for the skin or pelt of a fur-bearing animal shall be paid on the demand of a wildlife officer.

(2) No demand shall be made on a licensed trapper before the first day of August in any year.

(3) Where no demand is made, the tax shall be paid to a wildlife officer by the first purchaser not later than ten days after the skin or pelt is acquired.

66. (1) The tax receipt obtained upon payment of the tax for a skin or pelt of any fur-bearing animal shall be delivered to every purchaser of the skin or pelt.

(2) When any person having the skin or pelt of a fur-bearing animal in his possession is unable to produce a tax receipt in respect of that skin or pelt

- (a) the tax is immediately payable on demand,
- (b) any tax previously paid on the skin or pelt is forfeited to the Crown, and
- (c) any receipt issued with respect to the previously paid tax is deemed to be cancelled for the purposes of this Act.

17. Section 69 is amended to clarify the export permit. Section 69, subsection (1) presently reads:

"69. (1) No person shall
 (a) transport out of the Province, or
 (b) have in his possession for the purpose of transporting out of the Province,
 a skin or pelt of a fur-bearing animal or parts thereof, without first having obtained a permit issued under this Act and authorizing him to do so."

18. Section 75, subsection (1), clause (a) presently reads:

"75. (1) No person either by himself, his clerk, servant or agent, shall
 (a) buy, sell, deal, barter, solicit or traffic in the skin, pelt, or part thereof, of any fur-bearing animal,".

19. Section 77 is revised to clarify the persons who are prohibited from obtaining trappers' or fur dealers' licences. Section 77 presently reads:

"77. No person holding a fur dealer's licence, a tanner's licence or a furrier's licence shall hold a licence or permit to hunt or kill fur-bearing animals, if he does hold a fur dealer's licence, a tanner's licence or a furrier's licence and also a licence or permit to hunt or kill fur-bearing animals the licence or permit to hunt or kill fur-bearing animals is null and void."

20. Section 93 presently reads:

"93. (1) The guide's licences shall be of three classes, A, B and C.
 (2) No Class A guide's licence shall be issued to a person unless he has previously held a Class A guide's licence or has been the holder of a Class B guide's licence for any three years preceding the year in which his application is made.
 (3) No Class A or Class B guide's licence shall be issued to a person unless he has met any examination requirements prescribed by the Minister.
 (3a) An application for a Class A or Class B guide's licence shall
 (a) be accompanied by the affidavit of the applicant deposing as to his period of residence in the Province and to the area of the Province in which he intends to act as a guide, and
 (b) be approved by a wildlife officer.
 (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 the Director, no Class B guide shall himself take charge of or act as a guide for a hunting party.
 (4) An application for a Class C guide's licence shall be accompanied by an affidavit of residence and be recommended by a constable or wildlife officer.
 (5) A Class C guide's licence does not authorize the holder thereof to carry, and no such Class C guide shall carry, a firearm of any description while engaged in the guiding of any hunting party.
 (6) The possession of a subsisting Class C guide's licence authorizes the holder to act as a guide to persons engaged in the hunting of game birds and antelope only, and no holder of such licence shall act as a guide to more than five persons on any hunting trip.
 (7) No person holding a subsisting Class A or Class B guide's licence shall act as a guide for more than one person on any trip when hunting big game.
 (8) No guide holding a Class A, Class B or Class C guide's licence shall while engaged in the employment of a hunting party, and no other employee of such a guide or hunting party shall, while so engaged, exercise any rights under a hunting licence held by him.
 (9) Each holder of a subsisting Class A or Class B guide's licence shall, at the close of the hunt after acting as a guide, endorse on the back of the licence a statement showing the number and species of big game animals taken by each hunter in the party."

21. Section 97 is revised to prohibit renting horses and hunting equipment to non-residents without a licence.

17. Section 69 is amended by striking out subsection (1) and by substituting the following:

69. (1) No person shall

- (a) export from the Province, or
- (b) have in his possession for the purpose of exporting from the Province,

the skin or pelt of a fur-bearing animal or part thereof, without obtaining a permit.

18. Section 75, subsection (1), clause (a) is amended by adding immediately after the words "traffic in" the words "or be in possession of".

19. Section 77 is struck out and the following section is substituted:

77. (1) No person who is a licensed fur dealer, tanner, furrier or fur farmer shall apply for or in any way obtain any licence or permit to hunt or trap fur-bearing animals.

(2) No person who is a licensed fur farmer or trapper shall apply for or in any way obtain a fur dealer's, tanner's or furrier's licence.

20. Section 93 is struck out and the following section is substituted:

93. (1) A guide's licence shall not be issued to any person unless he

- (a) has attained his eighteenth birthday,
- (b) has resided continuously in the Province for not less than three years immediately before the date of his application for a licence,
- (c) has obtained not less than a score of seventy per cent in an examination prescribed by the Minister, and
- (d) is recommended by a wildlife officer.

(2) No licensed guide shall

- (a) exercise any rights under a hunting licence held by him while he is accompanying a hunter as a guide, or
- (b) carry a firearm while he is accompanying a hunter as a guide, or
- (c) act as a guide for more than one non-resident hunter.

21. Section 97 is amended by striking out subsection (1) and by substituting the following:

97. (1) No person shall carry on, engage in or be concerned in the business of renting, or letting for hire to a non-resident any saddle horses, pack horses, vehicle, boat or other equipment for the purpose of being used to hunt or kill big game unless he obtains a licence under this Act.

22. Sections 98 and 99 dealing with the qualifications for an outfitter's licence and the application requirements for an outfitter's licence, respectively, are revised. Sections 98 and 99 presently read:

"98. (1) A licence to carry on the business of an outfitter may be issued to any resident who is the owner of a sufficient number of horses and equipment necessary for the outfitting of not less than two persons for a hunting trip of not less than thirty days' duration.

(2) The number of horses and the amount of equipment shall be the number and amount prescribed from time to time by the Director.

(3) All equipment owned or used by an outfitter in outfitting hunting parties shall be clearly marked with a suitable identification mark or brand registered with the Director and described in the outfitter's licence.

99. An application for an outfitter's licence, shall

- (a) be accompanied by an affidavit setting forth the number of horses and the equipment owned by the applicant,
- (b) be approved by a constable or wildlife officer, and
- (c) be made to the Department on or before the first day of July in the year for which it is to be used."

23. Section 136 presently reads:

"136. A constable, wildlife officer, forestry officer, or fishing inspector may kill or destroy any big game, fur-bearing animal or game bird at any time

- (a) if he has written permission from the Director, or
- (b) if he finds that such animal or bird is destructive of private property or a danger to public safety."

24. The form of certificate that may be signed by the Director is revised.

25. Section 153 reads:

"153. No non-resident shall apply for, or in any way obtain, a resident licence or resident permit under this Act."

26. The penalty for a breach of subsection (1) of section 10 and subsection (1) of section 25 is revised. Section 162, subsections (1) and (3) presently read:

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

- (a) section 9, 27, 30, 38, 46, 69, 79, 118 to 120, 153 or 155, or
- (b) sections 5, 6, 13, 19 or 25 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.

(3) Any person who contravenes section 21 is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding six months."

27. Commencement of Act.

22. Sections 98 and 99 are struck out and the following sections are substituted:

98. (1) A licence to carry on the business of an outfitter may be issued to any resident who is the owner of a sufficient amount of equipment necessary to outfit not less than two persons for a hunting trip of thirty days' duration.

(2) The Lieutenant Governor in Council may prescribe by regulation the amount of equipment required to be owned by a licensed outfitter for a hunter.

(3) All equipment owned or used by an outfitter to outfit hunters shall be clearly marked with an identification mark or brand registered with the Director and described in the affidavit referred to in section 99.

99. Every application for an outfitter's licence shall

- (a) be accompanied by an affidavit swearing to the amount of equipment owned by the applicant,
- (b) be approved by a constable or wildlife officer, and
- (c) be made to the Director not later than the first day of July in the year for which it is to be used.

23. Section 136 is amended by adding the word “, or” immediately at the end of clause (b) and by adding immediately after clause (b) the following new clause:

- (c) if the animal is wounded or diseased.

24. Section 144 is amended by striking out subsection (6) and by substituting the following:

(6) In a prosecution in respect of game, a certificate signed by the Director certifying that the game has been examined by a person qualified to judge and classify game, who states that the game is of a certain kind or sex or in a certain condition, is admissible in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the Director without further proof of his appointment or signature.

25. Section 153 is repealed.

26. 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 subsection (2), (3), (4) or (5) of section 25 in relation to big game,
- (b) as to subsection (2) by striking out the figures “25” and by substituting the words and figures “subsection (2), (3), (4) or (5) of section 25”,
- (c) as to subsection (3) by adding immediately after the word “contravenes” the words and figures “subsection (1) or (2) of section 10, or”.

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

No. 29

FIFTH SESSION
FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The Game Act

Received and read the

First time

Second time

Third Time

HON. MR. WILLMORE
