

No. 152

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 152

A Bill to amend The Game Act

HON. MR. WILLMORE

Explanatory Note

1. This Bill amends The Game Act, which is chapter 126 of the Revised Statutes.

2. (a) Certain animals are removed from the definition of "fur-bearing animal". See (b).

(b) Fur-bearing carnivore defined.

(c) Clause (t) presently reads:

"(t) "guide" means a person who for gain or reward, or promise of the same, accompanies and assists any other person to hunt any game mentioned in or protected by this Act or the regulations;"

(d) Definition of "outfitter" amended to limit the meaning to outfitters equipping big game hunters.

(e) "possession" revised for greater clarity.

3. Section 9 prohibits the use of certain weapons for hunting.

4. Section 10, subsections (2) and (3) presently read:

"(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)."

BILL

No. 152 of 1964

An Act to amend The Game Act

(Assented to _____, 1964)

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* is hereby amended.

2. Section 2, subsection (1) is amended

- (a) as to clause (i), subclause (ii) by striking out the words "cougar, coyote," and ", wolf",
- (b) by adding the following clause after clause (i):
 - (i1) "fur-bearing carnivore" means a cougar, coyote and wolf;
- (c) as to clause (t) by adding before the word "game" the word "big",
- (d) as to clause (ee) by striking out the words "or game bird",
- (e) by striking out clause (ff) and by substituting the following:
 - (ff) "possession" includes the possession of any thing by a person when he has it in his personal possession or when he knowingly has it in the actual possession or custody of another person or has it in any place, whether or not that place belongs to or is occupied by him, for his use or benefit or for the use or benefit of another person;

3. Section 9, subsection (1) is amended by adding the word "or" at the end of clause (c) and by adding the following clause after clause (c):

- (d) any automatic firearm of any description.

4. Section 10 is amended by striking out subsections (2) and (3) and by substituting the following:

- (2) Except in the case of a boat propelled by muscular power, no person
 - (a) shall have a loaded firearm in or on any kind of vehicle or boat, or
 - (b) discharge a firearm from any kind of vehicle or boat,

5. The powers of the Lieutenant Governor in Council under sections 15, 16 and 32 will be included in section 126. See clause 11 of this Bill.

6. Section 38 is revised to add a definition of distinctive evidence of sex and species and to improve the wording.

7. Section 40, subsection (5) is revised to delete the words “and the carcass is subject to seizure and confiscation” and to improve the wording.

8. Section 48a is revised to add a definition of distinctive evidence of sex and species and to improve the wording.

whether the vehicle or boat is 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 (2).

(3a) No person shall hunt from an aircraft.

(3b) A person shall not be deemed to be hunting from an aircraft pursuant to subsection (3a) while the aircraft is transporting him from one recognized airstrip to another.

5. Sections 15, 16 and 32 are repealed.

6. Section 38 is struck out and the following is substituted:

38. (1) No person shall remove or destroy the distinctive evidence of the sex and species of any big game until he has

(a) conveyed the big game to his residence if he is a resident of the Province, or

(b) had it inspected by a wildlife officer or a game guardian if he is a non-resident of the Province.

(2) No person shall have in his possession any big game whose distinctive evidence of sex and species have been removed or destroyed contrary to subsection (1).

(3) For the purpose of this section the distinctive evidence of the sex and species of big game is

(a) where the big game is a male animal

(i) the head with antlers or horns, or

(ii) the testicles attached to the scrotum,
or

(b) where the big game is a female animal

(i) the head, or

(ii) the udder attached to the carcass.

7. Section 40 is amended by striking out subsection (5) and by substituting the following:

(5) No person shall be in possession of the carcass of any big game unless the big game has a tag affixed thereto as and when required by subsections (3) and (4).

8. Section 48a is struck out and the following is substituted:

48a. (1) No person shall remove or destroy the distinctive evidence of the sex and species of any game bird until he has

(a) conveyed the game bird to his residence if he is a resident of the Province, or

(b) had it inspected by a wildlife officer or game guardian if he is a non-resident of the Province.

9. Sections 92 to 103 set out certain requirements with respect to guides and outfitters. These matters will now be dealt with under regulations.

10. The description of the Wildlife Insurance Fund and plan are changed.

11. Section 126, subsection (1), clause (d) presently reads:

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

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- (d) as to the period of open season for the hunting of any kind or kinds of big game, game birds, fur-bearing animals or any of them, and as to the prohibition of the hunting thereof,
 - (i) absolutely,
 - (ii) during a specified period, or
 - (iii) within a specified area."

12. Section 162, subsection (1), clause (a) is revised to delete the reference to section 153 which was repealed by chapter 21, 1963, and to include a reference to section 18, subsection (1) enacted to replace section 153 by chapter 21, 1963.

13. Commencement of Act.

(2) No person shall have in his possession any game bird whose distinctive evidence of sex or species has been removed or destroyed contrary to subsection (1).

(3) For the purpose of this section the distinctive evidence of the sex and species of a game bird is the complete head and head feathers.

9. The heading "Guides" and sections 92 to 103 are repealed.

10. Section 125*a* is amended by striking out the words "insurance" and "Insurance" wherever they occur.

11. Section 126, subsection (1) is amended

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

(aa) for the control of the qualifications, equipment and activities of guides and outfitters,

(b) as to clause (d) by adding after the word "animals" the words ", fur-bearing carnivore",

(c) by adding the following clauses after clause (u) :

(v) for the designation of any animal or bird that may be hunted without a licence or permit,

(w) for the operation of the wildlife damage fund,
and

(x) for the use or operation of any kind of vehicle to hunt game.

12. Section 162, subsection (1) is amended by striking out clause (a) and by substituting the following:

(a) section 9, subsection (1) of section 18, sections 27, 30, 38, 46, 69, 79, 118 to 120 or section 155, or"

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

No. 152

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The Game Act

Received and read the

First time

Second time

Third time

HON. MR. WILLMORE
