

No. 125

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 125

A Bill to amend The Forests Act, 1961

HON. MR. RUSTE

Explanatory Note

- 1.** This Bill amends chapter 32 of the Statutes of Alberta, 1961.
- 2.** Definitions of "Director", "management unit" and "quota" are added.
- 3.** The new sections 3a to 3d under the heading "Quotas" are added at the beginning of Part I of the Act dealing with disposition of Crown timber rights. They relate to a new system of quotas for the management of forest resources on a sustained yield basis. The new heading "Licences Permits and Leases" will differentiate the sections dealing with quotas from those that follow, i.e., sections 4 to 15.

BILL

No. 125 of 1965

An Act to amend The Forests Act, 1961

(Assented to _____, 1965)

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, 1961* is hereby amended.
2. Section 2 is amended
 - (a) by adding the following clause after clause (c):
 - (c1) "Director" means the Director of Forestry;
 - (b) by adding the following clause after clause (d):
 - (d1) "management unit" means a part of the Province designated as a management unit pursuant to section 3a;
 - (c) by adding the following clause after clause (g):
 - (g1) "quota" means a quota of Crown timber established pursuant to section 3a.
3. The following headings and sections are added immediately before section 4:

Quotas

- 3a.** (1) For the purposes of administration of this Part, the Director may designate any part of the Province as a management unit.
- (2) The Director may determine the total amount of timber in a management unit that, in his opinion, may be cut annually without disturbing the balance between forest growth and depletion.
- (3) The Director may divide the total amount determined under subsection (2) into portions to be called quotas, in such number and in such amounts as he thinks fit, or he may direct that the total amount determined under subsection (2) is to be the only quota for the management unit.
- (4) In establishing quotas, the Director shall determine the term for all quotas in the management unit or direct that all quotas are to be of indefinite duration.

3b. (1) Subject to the regulations, and to such terms and conditions as the Minister may prescribe, the Minister may

(a) issue a quota to the holder of one or more licences granted following their sale by auction or sealed tender, or

(b) sell quotas by auction or sealed tender.

(2) A quota shall not be issued under clause (a) of subsection (1) to a licensee who also is the holder of a forest management lease or a party to any agreement for the disposition of pulp-wood or timber suitable for manufacture into plywood or other products.

(3) Where quotas are sold by auction or sealed tender, the Minister is not obliged to accept the highest or any bid or tender.

(4) A quota shall not be issued, sold or assigned to a person under the full age of twenty-one years.

3c. (1) The holder of a quota is entitled to be granted a licence or licences in the management unit authorizing him to cut annually an amount of timber that, on an average over such period or periods as may be determined by the Director, does not exceed the volume of timber covered by his quota.

(2) The Director shall, with respect to each licence granted to the holder of a quota,

(a) appraise the estimated value of the timber on the licensed area, having regard to its volume, quality, kind and proximity to railways and public roads, and

(b) subject to approval by the Minister, determine the rates of Crown dues payable with respect to that timber on the basis of the appraised value.

(3) A licence shall not be issued to the holder of a quota until the Director is satisfied that the holder has complied with *The Workmen's Compensation Act* and *The Industrial Wages Security Act*.

3d. (1) Subject to the regulations, a quota may be

(a) varied by the Minister as to its amount, its term or the terms or conditions upon which it was issued, having regard to subsequent physical changes affecting the timber in the management unit, or

(b) assigned to another person with the consent of the Minister, or

(c) reinstated by the Lieutenant Governor in Council following its cancellation.

(2) Where the holder of a quota fails to comply with or contravenes this Act, the regulations, the terms or conditions of the quota or an order of the Minister, the Minister may

4. Section 10, subsection (1) is amended to extend the activities in which a licensee may engage on the land described in the licence.

5. Self-explanatory.

6. The maximum period for the suspension of a licence is increased from 6 to 9 months.

7. Section 37 is re-enacted to permit the use of committees on a less formal level than the present Advisory Council.

8. Section 38, subsection (1), clause (c) presently reads:

38. (1) Every person who

(c) contravenes subsection (1) of section 13 or any order or direction made under section 22 is liable to a penalty of not less than twice and not more than three times the amount of the dues on the timber in respect of which such contravention occurred,

Subsection (2) is new. Subsection (3) is the present subsection (2) re-enacted to include reference to assessments under subsection (1) and to costs of investigation assessed under subsection (2).

- (a) suspend the quota for a period not exceeding nine months, or
 - (b) order the holder of the quota to do such acts as the Minister deems necessary, or
 - (c) cancel the quota with the approval of the Lieutenant Governor in Council.
- (3) Where a quota is suspended, cancelled or reinstated, the licences granted in respect of that quota are respectively suspended, cancelled or reinstated.

Licences, Permits and Leases

4. Section 10 is amended by striking out subsection (1) and by substituting the following:

10. (1) A licence or permit does not grant to a licensee or permittee any rights to the surface of the land in respect of which the licence or permit is granted except the right to enter upon and use the land for the sole purpose of cutting timber and carrying on such other practices as the Minister considers necessary in the interests of good forest management.

5. Section 22 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) Where the Minister considers it necessary to do so for the purpose of permitting the establishment and disposition of a quota, the Minister may cancel a licence granted following its sale by auction or sealed tender upon giving the licensee thirty days' notice in writing.

6. Section 25, clause (a) is amended by striking out the words "six months" and by substituting the words "nine months".

7. Section 37 is struck out and the following is substituted:

37. The Minister may appoint a committee to advise him upon forest policy generally or upon any particular matter concerning the conservation, development and utilization of the forest resources of the Province.

8. Section 38 is amended

- (a) as to subsection (1) by striking out clause (c) and by substituting the following:
 - (c) contravenes subsection (1) of section 13 or any order or direction made pursuant to section 25 is liable to a penalty of not less than one hundred dollars nor more than twenty-five thousand dollars or to an assessment of not less than twice and not more than five

9. Section 41 presently reads:

41. Notwithstanding anything contained in any general or special Act or in any order in council or regulation made pursuant thereto or in any licence, the Lieutenant Governor in Council may make regulations increasing or decreasing the Crown dues payable in respect of any kind or class of timber or increasing or decreasing the annual ground rent and fire protection charges payable in respect of licensed areas, and such regulations may take effect on the first day of August immediately preceding or at a subsequent time that may be specified in such regulations.

10. The opening words of section 43 read:

43. The Lieutenant Governor in Council may make regulations;
The new clauses (b), (b1) and (b2) relate to quotas. Clause (b3) is the present clause (b) re-enacted to refer to "holding charges" instead of "ground rent" and "forest protection charges" instead of "fire protection charges". Clause (t1) relates to assignments of licences and quotas but clause (t2) relates to quotas only as registration of assignments of licences is dealt with in The Department of Lands and Forests Act.

times the amount of the dues on the timber in respect of which the contravention occurred, or to both the penalty and the assessment,

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

(2) The Minister shall determine the amount of any penalty or assessment prescribed under subsection (1) and may, in addition to any penalty or assessment so prescribed, assess the costs incurred in investigating the circumstances giving rise to the penalty or assessment.

(3) Where in the opinion of the Minister a person is liable to a penalty or assessment pursuant to subsection (1), he may give notice to that person by mail

- (a) setting out the facts and circumstances that in his opinion renders the person liable to a penalty or assessment,
- (b) requiring the person to pay the penalty or assessment and the costs, if any, of investigation, and
- (c) specifying the time within which the penalty or assessment and the costs shall be paid.

9. Section 41 is amended by striking out the words "annual ground rent and fire protection charges payable in respect of licensed areas" and by substituting the words "annual holding and forest protection charges payable in respect of quotas or licences".

10. Section 43 is amended

- (a) by striking out clause (b) and by substituting the following:
 - (b) governing the sale or issue of quotas and prescribing the terms and conditions upon which quotas may be sold or issued;
 - (b1) governing variations of the terms and conditions of quotas by the Minister;
 - (b2) prescribing the circumstances under which a quota may be suspended, cancelled or reinstated;
 - (b3) fixing the amounts of holding charges, forest protection charges and other charges payable by licensees and holders of quotas;
- (b) by adding the following clauses after clause (t):
 - (t1) prescribing the terms and conditions upon which licences or quotas may be assigned;
 - (t2) providing for registration in the Department of assignments of quotas;

11. Section 56 is amended to extend its application to all land owned, controlled or occupied by any person. The section deals with prevention of fire hazards.

12. Section 63, subsection (1) is amended to permit an officer to delegate his power to summon assistance to control or extinguish fires.

13. Commencement of Act.

11. Section 56, subsection (1) is amended by striking out the words “upon the land of any person” and by substituting the words “upon land owned, controlled or occupied by any person”.

12. Section 63, subsection (1) is amended by adding after the word “officer” the words “or any person authorized in writing by an officer”.

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

No. 125

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act to amend The Forests Act,
1961

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. RUSTE
