

No. 131

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

BILL 131

A Bill to amend The Game Act

HON. MR. RUSTE

Explanatory Note

1. This Bill amends chapter 126 of the Revised Statutes.

2. The definition of "game bird" is expanded, the definition of "non-resident" is clarified, a definition of "non-resident alien" is added and the period of residence required to qualify a person as an "occupant of lands" is increased from 6 to 12 months.

3. Section 8, subsection (7) reads:

(7) No person shall directly or indirectly sell, trade or barter or offer for sale the hunting, shooting, killing or trapping rights over any lands.

4. A new section is added replacing section 8, subsection (7) being repealed by clause 2 of this Bill to authorize commercial game bird hunting facilities.

BILL

No. 131 of 1965

An Act to amend The Game Act

(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 Game Act* is hereby amended.
2. Section 2, subsection (1) is amended
 - (a) as to clause (o) by striking out subclause (ix) and by substituting the following:
 - (ix) Columbidae, including mourning dove and other families of the order Galliformes;
 - (b) by striking out clause (bb) and by substituting the following:
 - (bb) "non-resident" means a person who has resided in Canada continuously for one year immediately prior to the date of his application for a licence, but who has not resided continuously in the Province for a period of one year immediately prior to that date, or who is not a *bona fide* occupant of a quarter section or more of land within the Province on that date;
 - (bbb) "non-resident alien" means a person who has not resided in Canada continuously for a period of one year immediately prior to the date of his application for a licence;
 - (c) as to clause (cc) by striking out the words "six months" and by substituting the words "twelve months".
3. Section 8 is amended by striking out subsection (7).
4. The following section is added after section 8:
 - 8a. (1) No person shall directly or indirectly sell, trade or barter or offer for sale the right to hunt, shoot, kill or trap any big game or any fur-bearing animals on any lands.
 - (2) No person shall directly or indirectly sell, trade or barter or offer for sale the right to hunt, shoot, kill or trap any game bird on any lands

5. Section 18, subsection (1) presently reads:

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.

6. Subsection (3) of section 75 is amended to delete the reference to section 15, repealed in 1964.

7. Section 76 is re-enacted to broaden the scope of activities involved in buying and selling the skins or pelts of fur-bearing animals.

- (a) unless he holds a licence issued to him for that purpose pursuant to this Act, and
- (b) except in accordance with the regulations.

5. Section 18, subsection (1) is amended by adding after the word "non-resident" the words "or non-resident alien".

6. Section 75, subsection (3) is amended by striking out clause (c) and by substituting the following:

- (c) a person selling fur for which no trapper's licence is required.

7. Section 76 is struck out and the following is substituted:

76. (1) In this section "premises" means a store, trading post, office or other place of business occupied or used by the licensee for the purpose of buying, selling, trading, dealing, bartering, soliciting or trafficking in the skins or pelts of fur-bearing animals, but does not include

- (a) a pool room, barber shop, tent or trailer,
- (b) a room in a hotel, motel, auto court, lodging house or boarding house, or
- (c) a building or part of a building occupied as a permanent or temporary residence notwithstanding that it is connected with another part of a building that is occupied for the purposes of a business by a door, aperture, passageway, staircase or other means of access.

(2) No person shall buy, sell, deal, trade, barter, solicit or traffic in skins or pelts or parts thereof of fur-bearing animals unless he holds a licence issued to him pursuant to subsection (3).

(3) The Minister may issue

- (a) a Class 1 licence to a resident who is not an agent of a non-resident authorizing the resident to buy, sell, deal, trade, barter, solicit or traffic in skins, pelts or parts thereof of fur-bearing animals on the premises specified therein if the resident satisfies the Minister that the classification, grading and valuation of the skins, pelts or parts thereof and payment in full therefor is to be completed on the specified premises,
- (b) a Class 2 licence to a resident who holds a Class 1 licence, or a *bona fide* manager or two duly authorized agents thereof, to purchase skins or pelts of fur-bearing animals anywhere in the Province from persons who hold a Class 1 licence, a registered trapline certificate, a resident trapper's licence or a fur farmer's licence, or from persons selling fur for which no licence is required, and

8. The Lieutenant Governor in Council is authorized to make regulations for the licensing and control of commercial game bird hunting facilities.

9. The subsection begins with the words "The Minister may from time to time".

10. Section 123, subsection (1), clause (a) is re-enacted for clarification.

11. Section 154, subsections (1) and (2) presently read:

154. (1) Where any person is convicted of an offence against this Act or the regulations, a licence or permit issued to him pursuant to this Act or the regulations and in relation to which the offence was committed, is deemed to be cancelled upon the making of such conviction.

(2) Where a licence or permit is cancelled pursuant to subsection (1), the justice making the conviction shall order the person so convicted to forthwith deliver the licence or permit to a wildlife officer or constable who shall thereupon forward it to the Director.

- (c) a Class 3 licence to a non-resident authorizing him to buy, sell, deal, trade, barter, solicit or traffic in skins, pelts or parts thereof of fur-bearing animals on the premises specified therein.

8. Section 126, subsection (1) is amended by adding the following clause after clause (q) :

- (qq) for the authorization, prohibition and regulation of the sale, trading or barter of the right to hunt, shoot and kill any designated specie of game bird, for the licensing of persons to engage in the business of selling, trading or barter of such rights and for the conduct and management of any such business,

9. Section 127, subsection (1) is amended by adding after clause (h) the following:

- (h1) issue to a resident a permit to buy the carcass of unskinned rabbits and to sell the pelts thereof,

10. Section 135, subsection (1) is amended by striking out clause (a) and by substituting the following:

- (a) finds anywhere, including any building, premises, shack, tent, shelter or vehicle, aircraft, railway car, vessel, boat or dugout, whether in the possession or control of any person or not, any game pelts, skins or any part thereof that he has reason to believe have been unlawfully hunted, taken, killed or procured or are unlawfully held, kept or possessed, or

11. Section 154 is amended by striking out subsections (1) and (2) and by substituting the following:

154. (1) When any person is convicted of an offence against this Act or the regulations

- (a) all licences and permits authorizing him to hunt and kill big game shall be deemed to be cancelled on the date of the conviction if the offence for which he is convicted relates to the exercise of any of the privileges granted to him by a licence or permit to hunt and kill any big game animal,
- (b) all licences and permits authorizing him to hunt and kill game birds shall be deemed to be cancelled on the date of the conviction if the offence for which he is convicted relates to the exercise of any of the privileges granted to him by a licence or permit to hunt and kill any game bird,
- (c) all licences, permits and certificates authorizing him to trap, hunt and kill fur-bearing animals shall be deemed to be cancelled on the date of the conviction if the offence for which he is convicted relates to the exercise of any of the privileges

12. Section 155 is re-enacted to limit its effect to those licences applicable only to the type of game the cancelled licence authorized the licensee to hunt, kill or trap.

13. Section 162, subsection (1), clause (a) is amended to make it apply to subsection (2) of section 10 and clause (b) of section 28 to clarify the penalty applicable to contraventions of those provisions.

14. Commencement of Act.

granted to him by a licence, permit or certificate to trap, hunt and kill any fur-bearing animals, and

- (d) all licences and permits other than those referred to in clauses (a), (b) and (c) shall be deemed to be cancelled on the date of the conviction if the offence for which he is convicted relates to the exercise of any of the privileges granted to him by any licence or permit other than those referred to in clauses (a), (b) and (c).

(2) Subsection (1) does not apply to convictions for the offences created by subsection (2) of section 10 and clause (b) of section 28.

(2a) When a licence is cancelled pursuant to subsection (1), the person convicted shall deliver the licence to the justice who convicts him and the justice shall endorse the licence with the word "cancelled" and record the conviction on the Wildlife Certificate to which the licence is affixed.

(2b) When a licence or certificate that is not affixed to a Wildlife Certificate is cancelled pursuant to subsection (1), the person convicted shall deliver the licence or certificate forthwith to a wildlife officer or constable who shall forward it to the Director.

12. Section 155 is struck out and the following is substituted:

155. No person shall obtain, apply for or have in his possession

- (a) a licence or permit to hunt or kill big game if any licence or permit issued to him to hunt or kill any big game animal is cancelled,
- (b) a licence or permit to hunt or kill game birds if any licence or permit issued to him to hunt or kill any game bird is cancelled,
- (c) a licence or certificate to trap, hunt or kill fur-bearing animals if any licence or certificate issued to him to trap, hunt or kill any fur-bearing animal is cancelled, or
- (d) any licences or permits other than those referred to in clauses (a), (b) and (c) if any licence or permit other than those referred to in clauses (a), (b) and (c) is cancelled,

until a period of twelve months has elapsed following the date of the cancellation.

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

- (a) section 9, subsection (2) of section 10, subsection (1) of section 18, section 27, clause (b) of section 28, section 30, 38, 46, 69, 79 or section 155, or

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

No. 131

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act to amend The Game Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. RUSTE
