

1971 Bill 60

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 60

The Forests Act, 1971

THE MINISTER OF LANDS AND FORESTS

First Reading

Second Reading

Third Reading

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BILL 60

1971

THE FORESTS ACT, 1971

(Assented to _____, 1971)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. In this Act,

- (a) "annual allowable cut" means the total volume or acreage of timber that may be harvested in one year;
- (b) "Crown charges" means all charges, fees, assessment levies and dues in respect of Crown timber, costs, expenses and penalties imposed under this Act or the regulations or payable to the Crown by virtue of any contract;
- (c) "Crown timber" means timber grown on public lands, except timber harvested pursuant to a timber disposition;
- (d) "forest land" means public land intermittently covered with forest growth;
- (e) "forest officer" means
 - (i) a forest officer appointed under section 2, and
 - (ii) a person who is an exofficio forest officer under section 3;
- (f) "forestry road" means a road designated by the Minister as a forestry road;
- (g) "management unit" means an area of forest lands designated by the Minister as a management unit;
- (h) "Minister" means the Minister of Lands and Forests;
- (i) "primary timber products" includes rough and dressed lumber, logs, untreated round wood and ties, wood chips and such other products as are designated in the regulations;
- (j) "quota" or "timber quota" means a share of the allowable cut of coniferous timber and may also include an allocation by area of deciduous timber within a forest management unit;

Explanatory Notes

This Bill consolidates and updates the existing Act in order to maintain pace with technological advances and improving procedures within the areas of forest management procedures and related industrial operations with a view to maintaining maximum efficiency in managing and protecting Alberta's forest resources.

1. Definitions.

- (k) "quota holder" means a holder of a coniferous timber quota or a deciduous timber allocation;
- (l) "timber" means all trees living or dead, of any size or species and whether standing, fallen, cut or extracted;
- (m) "timber disposition" means a forest management agreement, timber licence or timber permit.

PART 1

ADMINISTRATION

2. There may be appointed in accordance with The Public Service Act forest officers as may be required for the purposes of this Act and the regulations.

3. All members of the Royal Canadian Mounted Police, all wildlife officers, all fishery officers, all parks officers, all inspectors of the Inspection Service Branch of the Department of Highways and Transport

- (a) are by virtue of their office forest officers, and
- (b) have the same powers as are conferred upon a forest officer by law.

4. The Lieutenant Governor in Council may make regulations:

- (a) governing the procedures and methods by which and the terms and conditions upon which permits, licences, quotas and agreements may be acquired, used or assigned;
- (b) governing the procedures and circumstances by which permits, licences, quotas and agreements may be varied, suspended, cancelled or reinstated;
- (c) establishing the various Crown charges that may be collected, timber appraisal procedures, rates of Crown charges, the time and method of payment of Crown charges and the means of enforcement of payment;
- (d) prescribing the charges to be made for damage to timber stands in the cutting of roads, lines, rights of way, or other disturbance of the forest;
- (e) governing all aspects of reforestation and afforestation on public lands;
- (f) designating primary timber products;
- (g) regulating all primary timber processing and primary timber processing plants;
- (h) regulating the transport of timber and timber products and all matters incidental thereto;
- (i) governing the keeping of records relating to timber production and sales and purchases of timber and timber products;
- (j) governing the management and use of forest lands;
- (k) regulating the construction and use of forestry roads;

2. Forest officers.

3. Ex officio forest officers.

4. Regulations by the Lieutenant Governor in Council.

- (l) regulating the construction and use of airstrips on public lands;
- (m) prescribing penalties for contraventions of the provisions of this Act or the regulations;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purposes of this Act.

5. The Minister may make regulations:

- (a) governing logging methods and wood utilization standards;
- (b) specifying standard terminology and other specifications to be adhered to in preparation of plans, maps and other related documents required by this Act or the regulations;
- (c) prescribing forms, notices, records and accounts;
- (d) prescribing rates to be charged for the use of personnel and equipment and facilities of the Department of Lands and Forests;
- (e) governing all matters pertaining to scaling and scalers;
- (f) governing the use of forest recreation areas;
- (g) establishing training programs and facilities.

6. The Minister shall administer and manage timber on public lands under his administration and standing and cut timber on all road allowances.

7. (1) The Minister may in writing delegate to any employee of the Department of Lands and Forests or to any ex officio forest officer any power, duty or function conferred upon the Minister by this Act other than the power to make regulations.

(2) Where, pursuant to subsection (1), the Minister delegates to any person any power, duty or function, any reference in this Act to the Minister in connection with that power, duty or function shall be construed as also referring to that person.

8. Unless authorized by the Minister, no person shall use except in an emergency, damage, destroy or remove any sign, tool, equipment, material or structure left, situated or erected on forest lands by the Minister or any officer.

5. Regulations by the Minister.

6. Responsibility of Minister.

7. Delegation of authority.

8. Prohibited use.

9. Except as may be authorized by the Minister, no person shall cut, damage or destroy any forest growth on forest lands.

10. (1) When, on reasonable and probable grounds, the Minister believes that any person is failing to comply with or is contravening the provisions of this Act or the regulations, the Minister may order that person to do or discontinue doing any act, as the case may be.

(2) Where any person fails to comply with an order of the Minister under subsection (1), the Minister or any person authorized by the Minister may apply to a Supreme Court judge sitting in chambers for an order

- (a) restraining the person, his employees or agents from continuing the contravention, or
- (b) requiring the person, his employees or agents to comply with the provisions of this Act or the regulations referred to in the Minister's order.

9. Prohibition.

10. Order for compliance.

PART 2

CROWN TIMBER

11. This Part applies to Crown timber.

12. (1) For the purposes of administration of this Part the Minister may divide forest lands into forest management units.

(2) With respect to each forest management unit the Minister may determine the annual allowable cut of timber.

13. Crown timber may be disposed of by the Minister in one or more of the following ways:

- (a) pursuant to a forest management agreement;
- (b) pursuant to the sale of timber quota certificates and the issue of timber licences to quota holders;
- (c) pursuant to a timber permit.

14. (1) The Minister, with the approval of the Lieutenant Governor in Council, may enter into a forest management agreement with any person to enable that person to enter upon forest lands for the purpose of establishing, growing and harvesting timber in a manner designed to provide a perpetual sustained yield.

(2) Except as against the Crown and subject to any agreement to the contrary, ownership of all Crown timber on lands subject to a forest management agreement or forest management lease is, during the term thereof, vested in the holder of the agreement or lease who is entitled to reasonable compensation from any person who causes loss of or damage to any of the timber or any improvements created by the holder.

(3) No person shall assign a forest management agreement without the prior consent in writing of the Minister and any assignment without the consent of the Minister is void.

15. (1) Where a forest management unit has been established and an annual allowable cut of timber specified, the Minister may divide the annual allowable cut into coniferous timber quotas and may also allocate deciduous timber quotas.

(2) A coniferous timber quota shall specify the percentage of the volume of the annual allowable cut as it relates to coniferous timber that the quota holder may harvest.

11. Application.

12. Forest management units are created to provide a balance between growth and depletion of timber.

13. Disposition of Crown timber.

14. Forest management agreements.

15. Quotas.

(3) A deciduous timber quota shall allocate the volume or acreage of deciduous timber that the quota holder may harvest.

(4) Notwithstanding that a quota is issued for coniferous timber or deciduous timber, the Minister may

(a) with respect to a coniferous timber quota authorize the holder to harvest a limited amount of deciduous timber as incidental to his main harvesting, and

(b) with respect to a deciduous timber quota authorize the holder to harvest a limited amount of coniferous timber as incidental to his main harvesting

but in either case the authorization shall specify the area, time and acreage or volume of timber that may be so harvested in addition to the quota held.

16. (1) Subject to compliance with the regulations and with such terms and conditions as the Minister may prescribe, the purchase of a quota shall entitle the holder to harvest timber in accordance therewith for a specified period not exceeding 20 years.

(2) Where a quota certificate has been issued, the quota holder shall prepare, at the request of the Minister, a general development plan for his approval with respect to the forest land for which the quota issued.

(3) Following the issue of a quota certificate, the quota holder is liable to pay holding and forest protection charges at the rates and at the times prescribed in the regulations.

(4) A quota holder shall not commence harvesting timber until he has obtained a timber licence.

(5) The harvesting of timber under the authority of a quota certificate shall be carried out, subject to section 17, in consecutive five year harvest periods, each called a quadrant.

17. (1) In order to attain within a forest management unit a proper balance between growth and depletion of timber, the Minister may from time to time fix or alter the volume or acreage of timber that may be harvested by a quota holder during each quadrant.

(2) A quota holder who fails to harvest the authorized volume or acreage of timber during a quadrant is not entitled to an increased authorized cutting volume or acreage for any of the other quadrants.

16. Conditions attached to quotas.

17. Balanced growth and depletion of timber.

18. A quota holder who is not and has not been in default or in breach of any provision of this Act or the regulations either during the currency or at the expiration of his quota, is entitled to have his quota renewed, subject to any modifications or conditions which the Minister considers necessary.

19. (1) A quota holder shall be issued a timber licence upon compliance with subsection (2).

(2) An applicant for a timber licence shall

- (a) deposit with the Minister security in a form and an amount prescribed by the regulations to ensure the performance of his obligations as a licensee,
- (b) comply with all other requirements of the regulations, and
- (c) pay the assessed fees and costs in relation to cruising and the issue of the licence.

(3) A holder of a timber licence shall prepare an operating plan for each year of operations and have the plan approved by the Minister.

(4) The timber licence authorizes the person named therein to harvest timber and shall state

- (a) the land on which the timber may be harvested,
- (b) the period of time within which the timber may be harvested,
- (c) the timber to be harvested, and
- (d) the terms and conditions upon which the licence is granted.

(5) A holder of a timber licence shall

- (a) pay timber dues as prescribed by the licence, the Act or the regulations on the timber cut by him, and
- (b) pay a reforestation levy based on the volume of timber cut, or
- (c) progressively reforest any land where he has harvested or an equivalent acreage within the management unit, whichever the Minister directs.

20. (1) The Minister may grant or sell timber permits in accordance with the regulations.

(2) An applicant for a timber permit shall

- (a) deposit with the Minister security in a form and in an amount prescribed by the regulations to ensure the performance of his obligations as a permittee,

18. Quota renewal. This can be renewed as of right in the absence of prior breach or default.

19. Timber licence.

20. Applications for timber permits.

(b) comply with all other requirements of the regulations, and

(c) pay the fees and costs as specified in the regulations.

(3) A holder of a timber permit shall, if requested by the Minister, prepare an operating plan for his first and each subsequent year of operations and have the plan approved by the Minister.

(4) The timber permit authorizes the person named therein to harvest timber and shall state

(a) the land on which the timber may be harvested,

(b) the period of time within which the timber may be harvested,

(c) the timber to be harvested, and

(d) the terms and conditions upon which the permit is issued.

(5) A holder of a timber permit shall

(a) pay timber dues as prescribed by the permit, the Act or the regulations on the timber cut by him, and

(b) subject to the regulations, pay a reforestation levy based on the volume of timber cut, or

(c) progressively reforest any land where he has harvested or an equivalent acreage within the management unit, whichever the Minister directs.

21. No timber licence or timber permit except for non-commercial use shall be issued until the applicant has satisfied the Minister that he has complied with The Workmen's Compensation Act and The Industrial Wages Security Act.

22. No person who is a minor shall acquire an agreement, licence or permit by application or transfer.

23. (1) The Minister may, with respect to a quota, timber licence or timber permit

(a) suspend it indefinitely or for a fixed period, or

(b) cancel it, or

(c) reduce its term, or

(d) realize upon the security deposited by the holder where the holder of the quota, licence or permit

(e) fails to cut the authorized volume or acreage of timber during a quadrant, or

21. Restrictions on issue of timber dispositions.

22. Minors.

23. Penalties for non-compliance.

- (f) harvests more timber than is authorized during a quadrant, or
- (g) fails to pay Crown charges as they become due, or
- (h) fails to comply with any term or condition of the quota, licence or permit, or
- (i) fails to carry on operations in accordance with his approved operating plan, or
- (j) contravenes any of the provisions of this Act or the regulations, or
- (k) fails to comply with an order of the Minister made pursuant to this Act, The Forest and Prairie Protection Act or The Public Lands Act.

(2) With respect to a forest management agreement the Minister may, notwithstanding the provisions of the agreement,

- (a) suspend it, or
- (b) with the prior approval of the Lieutenant Governor in Council, cancel it, or
- (c) realize upon the security deposited by the holder where the holder
- (d) contravenes the provisions of this Act or the regulations, or
- (e) fails to comply with any term or condition of the agreement, or
- (f) fails to comply with any order of the Minister authorized by this Act or The Forest and Prairie Protection Act.

(3) The Minister may reinstate a suspended or cancelled quota, or with the approval of the Lieutenant Governor in Council, a suspended or cancelled forest management agreement, upon application therefor by the holder within six months of the date of suspension or cancellation if the Minister is satisfied that the holder has reasonably complied with any order that the Minister has made for the purpose of reinstating the quota or agreement.

(4) The Minister may reinstate a suspended or cancelled timber licence or timber permit upon application therefor by the holder within 60 days of the date of suspension or cancellation if the Minister is satisfied that the holder has reasonably complied with any order that the Minister has made for the purpose of reinstating the timber licence or timber permit.

24. Where in the opinion of the Minister it is in the public interest to change any provision or condition or the area of a quota, timber licence or timber permit the Minister may

24. Power of Minister to alter or cancel.

- (a) alter or vary any provision, condition or area of,
or
 - (b) cancel
- the quota, licence or permit 30 days after serving a notice of his intention to do so by registered mail on the holder of the quota, licence or permit.

25. Where

- (a) a quota holder, or
 - (b) the holder of a timber licence, or
 - (c) the holder of a timber permit
- has his quota, licence or permit altered or varied in any manner other than under section 17 or cancelled by the Minister, if the alteration, variation or cancellation was not due to any default of the quota holder, or holder of a licence or permit the Minister may pay compensation to him in an amount which the Minister considers just.

26. (1) A quota holder, whether or not he holds a timber licence or the holder of a timber permit does not acquire any right or interest in the forest land that is the subject of the quota, licence or permit, but the holder of a timber licence or timber permit may enter upon the land for the purpose of doing or complying with those things specified in the licence or permit or in this Act or the regulations.

(2) The quota holder, holder of a timber licence or timber permit may not assign the quota, licence or permit without the prior consent in writing of the Minister and any assignment without the approval of the Minister is void.

(3) The holder of a timber licence or timber permit becomes the owner of timber authorized to be cut pursuant to the licence or permit when the timber is actually cut by him or on his behalf, but is nonetheless entitled, except as against the Crown, to compensation from any person who deprives him of his right to cut and recover any timber.

27. (1) The holder of a timber licence or timber permit or a party to a forest management agreement shall keep complete and accurate records in accordance with the regulations of the quantity of timber harvested, manufactured and disposed of by him and shall produce the records or information concerning his reforestation operations at the request of a forest officer.

(2) A purchaser shall keep an accurate record of all timber and primary timber products purchased by him and shall produce the records at the request of a forest officer.

25. Compensation payable as a result of alteration or cancellation of quota, licence or permit.

26. Ownership of land and timber.

27. Records of sales and purchases of timber.

28. The Lieutenant Governor in Council may make regulations establishing the rates of timber dues payable in respect of Crown timber and may make provision therein for the determination of timber dues on the basis of the appraised value of the standing timber.

29. (1) No person shall transport logs, trees or wood chips except dry pulpwood or Christmas trees to any destination outside Alberta from any forest lands.

(2) Notwithstanding subsection (1), the Minister may

- (a) authorize any person to transport logs, trees or wood chips to be used for research or experimental purposes to any destination outside Alberta from any forest lands, or
- (b) exempt any logs, trees or wood chips from any specified forest land from the application of the subsection for a period not to exceed one year.

30. When timber has been harvested as the result of a timber disposition and there are unpaid Crown charges owing in respect thereof, the Minister has a lien against the timber which has priority over all other encumbrances.

31. Where any timber to which a lien attaches is seized or attached by a sheriff or a bailiff of any court, or is claimed by or is in the possession of any assignee or trustee for the benefit of creditors, or any liquidator, or where the timber has been converted into money which is undistributed, the Minister may give to the sheriff, bailiff, assignee or liquidator in possession of the timber or money, notice of the amount of the lien and thereupon the sheriff, bailiff, assignee or liquidator shall pay the amount so due and owing to the Minister in preference to and in priority over all other fees, charges, liens or claims whatsoever except that the person who initiated the seizure or attachment shall be entitled to his taxable costs of all proceedings or proper and necessary steps taken by him from the time the seizure or attachment was initiated by him until the Minister's notice was given.

32. (1) A forest officer may seize and detain any timber or primary timber product which has not become the property of a bona fide retail purchaser for value without notice of the unpaid Crown charges by attaching one copy of a notice of seizure in the prescribed form to a conspicuous part of the timber or primary timber product where

- (a) the person in actual possession or control of the timber or primary timber product refuses or fails

28. Rates of timber dues.

29. Prohibited transport of certain Crown timber.

30. Crown lien.

31. Recovery of Crown charges.

32. Seizure.

to inform the forest officer of the name and address of the person from whom the timber or timber product was received, or of any fact known to him respecting the timber, or

- (b) the forest officer believes on reasonable grounds that any Crown charges payable in respect of timber have not been paid, or
- (c) the forest officer believes on reasonable grounds that timber was cut on public lands but not under the authority of a timber disposition or a disposition under The Public Lands Act.

(2) Any timber or primary timber product seized under subsection (1) may be removed to any place the forest officer considers necessary for the safekeeping of the timber, and if the timber or primary timber product is seized when in possession of a carrier it shall be removed by the carrier on behalf of the Minister to any place the forest officer may direct, and

- (a) the Minister shall be liable for transportation and all other proper charges incurred resulting from the directions given by the forest officer, and
- (b) the seizure shall not, subject to section 35, prejudice or affect any lien to which the carrier may be entitled in respect of the timber or primary timber product at the time of the seizure.

(3) A forest officer may after making a seizure appoint any person as the agent of the Minister to hold and keep the timber or primary timber product seized on behalf of the Minister, upon the person signing an undertaking to hold the timber or timber product as bailee for the Minister and to deliver up possession thereof to a forest officer on demand.

(4) Where timber liable to seizure under this section has been so mixed as to render it impractical or difficult to distinguish the timber from other timber with which it is mixed, the whole of the timber may be seized and detained.

33. (1) Where a seizure is made pursuant to section 32 a copy of the notice of seizure shall be served within 10 days of the date of the seizure

- (a) on the person in actual or apparent possession of the timber or primary timber product in the case of a seizure made under section 32, subsection (1), clause (a) or (c), and
- (b) on the holder of the forest management agreement or of the timber licence or permit, as the case may be, in the case of a seizure made under section 32, subsection (1), clause (b),

33. Notice of seizure.

and the notice may be served by

- (c) personal service, or
- (d) leaving it with a responsible person at his place of residence, or
- (e) mailing it by ordinary prepaid post to his last known address.

(2) A notice served by mail shall be deemed to be served on the day the notice is mailed.

34. (1) Where timber or primary timber products have been seized and notice of seizure has been served but no claim to recover it is made within 30 days from the date of the seizure, the timber or timber product shall be forfeited to the Crown and may be dealt with at the discretion of the Minister.

(2) Where timber or any primary timber product has been seized but no person is in actual or apparent possession or control of the timber or timber product and no notice of seizure has been served and no claim to recover it is made within 30 days from the date of seizure the timber or timber products shall be forfeited to the Crown and may be dealt with at the discretion of the Minister.

35. Any person who, without the Minister's consent, in any manner interferes with any seized timber or primary timber product or with the notice of seizure attached thereto, is guilty of an offence.

36. (1) Any person claiming to be the owner of timber or primary timber products that have been seized under this Act may, upon at least seven days' notice to the Minister, apply by way of originating notice of motion to a judge of the district court of the district in which the timber or timber products are held under seizure for an order for their release from seizure and their delivery to him.

(2) Upon receipt of a bond of the claimant, with two sureties, in an amount not less than the market value of the timber or primary timber products and the expenses of the seizure, the judge may order the timber or timber products to be released from seizure and to be delivered to the claimant.

(3) Upon the application by originating notice of motion of the Minister or the claimant, and upon at least seven days' notice, the judge shall determine the propriety of the claim for Crown charges or the ownership of the timber or primary timber product, whether or not it has been released and delivered to the claimant under subsection (2), and shall make an order

34. Forfeiture of seized timber.

35. Interference with seizure.

36. Application for release from seizure.

- (a) declaring the claimant to be the owner
 - (i) free of any claim for Crown charges, or
 - (ii) subject to payment of such Crown charges and expenses as he may find to be owing,or
 - (b) declaring the claimant not to be the owner and the bond, if any, forfeited to the Crown.
- (4) The judge may in his discretion order the payment of costs with respect to proceedings under this section and the expenses of seizure.
- (5) If the claimant is declared not to be the owner of the timber or primary timber product it shall be disposed of in such manner as the Minister may determine.
- (6) Notwithstanding anything in this section the judge may dispose of all or any matters relating to the timber or primary timber product at the same time including
- (a) a declaration as to ownership,
 - (b) a declaration as to the liability or otherwise to payment of Crown charges, and
 - (c) costs
- whether proceedings under this section are commenced by the claimant or the Minister.

37. (1) Where the timber seized is of a perishable nature or of a seasonal value, the Minister may cause the timber to be disposed of at any time prior to its release from seizure or confiscation to the Crown in order to prevent or minimize any loss in value of the timber and the Minister shall not be liable for any loss resulting from such disposition.

(2) When the Minister causes timber to be disposed of pursuant to this section the proceeds of the sale or, when the goods are put to public use in lieu of a sale, the fair market value at that time, shall be dealt with as the subject matter in dispute under section 41.

38. When bids or tenders are received by the Minister for any purpose related to this Act or the regulations, the Minister is not obliged to accept the highest or any bid or tender.

39. The Minister may carry on afforestation or reforestation programs on any public lands or on private lands in respect of which the Minister has entered into an agreement for that purpose with the owner thereof.

37. Minister may dispose of perishable goods.

38. Bids and tenders may be refused.

39. Minister may reforest or afforest private lands by agreement.

40. This Act and the regulations apply to every licence or permit granted before or after the commencement of this Act and where there is any conflict between this Act or the regulations and any licence or permit, this Act and the regulations govern.

41. A forest officer has the right without a search warrant while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store or office.

42. (1) A forest officer may stop and search, without a search warrant, any vehicle for the purpose of enforcing the provisions of this Act.

(2) Every person using or travelling on forest lands shall, upon request, provide a forest officer with any information as to his name, address, routes to be followed, location of camps and any other information requested by him pertaining to his duties and to forest management.

43. A forest officer in the exercise and discharge of his powers and duties is a person employed for the preservation and maintenance of the public peace.

40. Transitional.

41. Right of entry.

42. Right to search and question.

43. Self-explanatory.

PART 3
GENERAL

44. (1) The Minister may

- (a) purchase land for a forestry road, airstrip, airport or the site of any structure, or
- (b) construct and maintain forestry roads and various structures, or
- (c) construct, operate and maintain an airstrip or airport, or
- (d) control traffic on and regulate the use of forestry roads, airstrips and airports, or
- (e) construct and maintain forest recreation areas, or
- (f) by order designate a road or proposed road as a forestry road.

(2) All forestry roads are under the administration of the Minister.

(3) There is no obligation on the Minister to construct or maintain any road or airstrip for public use.

(4) Upon the Minister revoking the designation of a road as a forestry road the Lieutenant Governor in Council may, by order, transfer the administration and control of the road to the Minister of Highways and Transport.

45. (1) The Minister may enter into a cost-sharing agreement with any person for the construction of any forestry road or airstrip or other project on public lands.

(2) The Minister may require any person desiring to use the airstrip or forestry road for commercial or industrial purposes to enter into an airstrip or road improvement and maintenance cost-sharing agreement with the Minister.

46. (1) The Minister may require the owner or operator of any commercial or industrial enterprise which requires the use of a forestry road to deposit with the Minister security in an amount prescribed by the regulations for the repair of damage that may result to the road.

(2) Where a vehicle engaged in any commercial or industrial enterprise in passing over a forestry road damages the road, the Minister may

- (a) order the owner or operator of the enterprise or the owner or operator of the vehicle to restore the forestry road to a condition acceptable to the Minister,
- (b) in default of restoration, order payment of the cost of restoration and may declare all the security or

44. Minister's powers.

45. Cost-sharing.

46. Security by road users.

such part of the security as is equivalent to the cost of restoration, to be forfeited to the Crown, and

- (c) if the security is insufficient, recover the balance of the amount from the owner or operator of the enterprise or the owner or operator of the vehicle as a debt owing to the Crown.

47. Where a forestry road is utilized by vehicles serving more than one commercial or industrial enterprise

- (a) the Minister may assess the owner or operator of each enterprise a damage and maintenance charge in any amount that to the Minister, after hearing and considering any representations of the owner or operator, appears just, and
- (b) the amount assessed shall be paid to the Minister on demand and may be recovered as a debt owing to the Crown.

48. Any person using a forestry road in contravention of any regulation or any order of the Minister

- (a) shall pay to the Minister on demand such amount as is equivalent to the cost of restoration if damage has been caused to the road by that use, which amount is recoverable as a debt owing to the Crown, and
- (b) is guilty of an offence.

47. Multiplicity of users.

48. Illegal use of forestry roads.

PART 4

OFFENCES AND PENALTIES

49. A person who unlawfully

- (a) obstructs a forest officer, or
- (b) destroys, tampers or meddles with any goods under seizure, or
- (c) destroys, tampers or meddles with a Notice of Seizure of Goods attached to any goods under seizure, or
- (d) fails to comply with an order of the Minister under section 10

is guilty of an offence and upon summary conviction is liable to a fine of not less than \$100 and not more than \$5,000, and in default of payment to imprisonment for a term of not more than one year.

50. (1) A person who contravenes any provision of this Act or the regulations is liable to a penalty in an amount prescribed by the regulations.

(2) The Minister shall determine the amount of the penalty that any person may be ordered to pay and shall serve upon that person a notice demanding payment of the stated amount of the penalty stating the grounds upon which the penalty was assessed.

51. A person who has been served by ordinary mail with a notice pursuant to section 50 shall pay to the Minister the amount of the penalty within 30 days from the date of the service of the notice.

52. Where a person fails to pay a penalty in accordance with a notice under section 51, the Minister may bring an action for the recovery of such penalty in any court of competent jurisdiction and in such action it is the duty of the court

- (a) to determine whether such person is liable to a penalty under section 50, subsection (1),
- (b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister,
- (c) to give such judgment as it may decide, and
- (d) to make such order as to costs or otherwise as it may decide.

49. Obstructing officer or interfering with seizure.

50. Determination of penalty.

51. Payment of penalty.

52. Recovery proceedings.

53. (1) The Legislative Assembly Act is amended as to section 12, clause 15, by inserting after the words "The Forests Act" the words "or The Forests Act, 1971".

(2) The figures ", 1971" are inserted after the words "The Forests Act" wherever they appear in the following enactments:

The Forest Reserves Act, section 12, subsection (1) and subsection (2), clause (b) ;

The Metis Betterment Act, section 12;

The Provincial Parks Act, section 11, subsection (1) and subsection (2), clause (b) ;

The Public Lands Act, section 75, subsection (2) and section 118 clause (b), subclause (i) ;

The Public Service Act, section 24, subsection (4), clause (c) ;

The Willmore Wilderness Park Act, section 8, clause (b).

54. Sections 1 to 43 of The Forests Act, being chapter 147 of the Revised Statutes of Alberta 1970 are hereby repealed.

55. This Act comes into force on July 1, 1971.

53. Consequential amendments.

54. Repeal.