

1974 Bill 30

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Third Session, 17th Legislature, 23 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 30**

**The Wildlife Amendment Act, 1974**

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THE MINISTER OF LANDS AND FORESTS

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First Reading .....

Second Reading .....

Third Reading .....

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## BILL 30

1974

### THE WILDLIFE AMENDMENT ACT, 1974

(Assented to \_\_\_\_\_, 1974)

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

1. *The Wildlife Act is hereby amended.*
2. *Section 2 is amended*
  - (a) *as to clause 4 by striking out the words "or Cathartidae" and by substituting therefor the words "Cathartidae, Accipitridae, Pandionidae or Strigidae",*
  - (b) *as to clause 14, subclause (vii) by striking out the word "turningstones" and by substituting therefor the word "turnstones",*
  - (c) *as to clause 30 by adding after the word "catch" the words "or attempt to catch", and*
  - (d) *as to clause 35 by adding after the word "means" the words "a provincial park or".*
3. *Section 9 is amended*
  - (a) *by striking out subsection (4), and*
  - (b) *as to subsection (6) by adding after the words "set aside" the words "not less than".*
4. *Section 10 is struck out and the following section is substituted therefor:*
  - 10.** (1) The Minister may establish a fund to be known as the "Fish and Wildlife Habitat Fund" for the purpose of creating and maintaining fish and wildlife habitats and for such other purposes as the Lieutenant Governor in Council may designate.
  - (2) The Minister shall cause to be paid into the Fund all donations and bequests received for the purpose of creating and maintaining fish and wildlife habitats.

## **Explanatory Notes**

**1.** This Bill will amend chapter 391 of the Revised Statutes of Alberta 1970.

**2.** Amendments to the definitions.

**3.** This amendment will clarify that the amount of money which may be expended from the Wildlife Damage Fund for the operation of The Wildlife Depredation Control Program need not be limited in amount to the 10 percent of the revenue generated by the sale of wildlife certificates set aside for that purpose.

**4.** This amendment will limit payments into the trust fund to donations and bequests and disassociate the revenue from the sale of habitat stamps from the trust fund.

(3) All moneys contained in the "Fish and Wildlife Habitat Fund" authorized by any provision of this Act previously in force shall, upon the coming into force of this section, be paid into and form part of the "Fish and Wildlife Habitat Fund" established pursuant to this section.

5. *The following section is added after section 10:*

**10.1** The Lieutenant Governor in Council may by regulation authorize the sale of habitat stamps for the purpose of providing funds to help maintain fish and wildlife habitats.

6. *Section 11 is amended by adding after clause 23 the following clause:*

23.1. for the designation and protection of endangered species,

7. *Section 20, subsection (2) is amended by adding after the words "hunt any wildlife" the words "or discharge any firearm".*

8. *Section 22, subsection (2) is amended by striking out the word "game" and by substituting therefor the words "big game and game birds".*

9. *Section 25 is amended*

(a) *by adding after subsection (5) the following subsection:*

(5.1) No person shall

(a) discharge a firearm from, or

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

a developed road allowance in any county or municipal district unless he is hunting game birds with a shotgun under the authority of a game bird licence issued pursuant to this Act or the regulations.

*and*

(b) *by adding after subsection (6) the following subsections:*

(6.1) Every driver shall furnish such information respecting the vehicle, driver or any wildlife in or on the vehicle as the wildlife officer requires.

(6.2) A wildlife officer may examine and check wildlife in or on any vehicle.

**5.** This amendment will provide the authority that was formerly in section 10 for the sale of habitat stamps but will not tie the revenue to the Fish and Wildlife Habitat Fund.

**6.** This amendment will permit the Lieutenant Governor in Council to make regulations for the designation and protection of endangered species.

**7.** This amendment will prohibit the discharge of firearms on occupied lands without permission.

**8.** Section 22, subsection (2) presently reads as follows:

(2) Every person licensed as mentioned in subsection (1) shall keep such records with respect to the processing and storage of game as may be prescribed by the regulations.

**9.** Self-explanatory.

10. Section 37 is amended by striking out the words "big game or any game bird" and by substituting therefor the word "wildlife".

11. Section 44 is amended by adding at the end of clause (e) the word "or" and by adding after clause (e) the following clause:

(f) any muzzle loading firearm of less than .44 calibre.

12. Section 47, subsection (3), clause (a) is amended by striking out subclause (ii) and by substituting therefor the following clause:

(ii) the testicles or scrotum attached to the carcass,

13. Section 50 is amended

(a) as to subsection (3) by adding after the word "affix" the words "and lock", and

(b) as to subsection (4) by striking out the words "is to be consumed" and by substituting therefor the words "has been properly and completely butchered for consumption and stored at a normal place of meat storage".

14. Section 54 is amended by striking out subsection (3) and by substituting therefor the following subsection:

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

15. Section 59 is amended

(a) as to subsection (1), clause (b), subclause (i) by striking out the words "section 61" and by substituting therefor the words "section 58, subsection (2)", and

(b) as to subsection (2) by striking out the words "No person" and by substituting therefor the words "Subject to the regulations, no person".

16. The following section is added after section 89:

**89.1** (1) Any person, when requested to do so by a wildlife officer or game guardian, shall forthwith produce and permit inspection of any firearm in his possession or subject to his control.

(2) A wildlife officer or game guardian may inspect any firearm found in or on any vehicle or boat.

**10.** This amendment will extend the prohibition contained in the section to bird eggs, raptors, etc. Section 37 presently reads as follows:

37. No person shall traffic in any big game or any game bird except as is expressly permitted by this Act or by the regulations.

**11.** This amendment will allow the use of muzzle loading guns in excess of .44 calibre for big game.

**12.** The present subclause reads as follows:

(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
- (ii) the testicles attached to the scrotum,

**13.** The present provisions read as follows:

(3) The holder of any big game licence shall immediately after the killing of any big game securely affix to such part of the carcass as may be prescribed by the regulations the proper tag issued to him with the big game licence.

(4) The tag shall remain affixed to the animal until the animal is to be consumed, or until the animal or parts thereof have been inspected and cleared by a wildlife officer or game guardian.

**14.** This amendment will relax the amount of evidence required to be retained as to the sex and species of a game bird. Previously the head and head feathers had to be kept as well.

**15.** This amendment will permit the development of regulations to encourage under-ice trapping and the harvesting of high-mortality beaver populations.

**16.** This amendment will clarify the authority of wildlife officers and game guardians to examine firearms.

17. *Section 92 is struck out.*

18. *The following section is added after section 94:*

**94.1** (1) An employee of the Department may hunt or capture any wildlife for scientific research or wildlife management purposes when authorized in writing to so do by the Director.

(2) All wildlife captured pursuant to subsection (1) remains the property of the Crown in right of Alberta.

19. *Section 104, subsection (1) is amended*

(a) *as to clause (a), subclause (ii) by striking out the figure "45", and*

(b) *as to clause (c) by adding at the commencement thereof the words "confiscate or".*

20. *Section 108 is amended by striking out the word "his" and by substituting therefor the word "a".*

21. *Section 115 is amended*

(a) *as to subsection (1), clause (a) by adding after subclause (ii) the following subclause:*

(ii.1) *section 26, subsection (1), or*

(b) *as to subsection (3) by striking out the figure "45" and by substituting therefor the words "section 45, clause (a), (b), (c) or (e)",*  
*and*

(c) *by adding after subsection (3) the following subsection:*

(4) *A person who contravenes the provisions of section 45, clause (d) is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$5,000, and in default of payment to imprisonment for a term of not more than one year.*

22. *The Municipal Government Act is amended as to section 152 by renumbering the section as subsection (1) and by adding thereafter the following subsection:*

(2) *Upon the commencement of this section no council of a county or municipal district may pass a by-law under subsection (1), clause (d) without the consent of the Minister of Municipal Affairs and the Minister of Lands and Forests and any by-law passed thereunder by such council prior to the commencement of this subsection and which has not been rescinded prior to August 1, 1974 shall cease to be valid on and after that date.*

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



**17.** The search warrant provision is struck out. The ordinary law governing search warrants will apply.

**18.** This amendment will provide authority for wildlife biologists to effect management programs.

**19.** Section 104 (1) presently reads:

- 104.** (1) Where any thing is seized under the authority of section 93, subsection (1) the justice shall
- (a) order the thing seized to be confiscated to the Crown in right of Alberta where
    - (i) he is satisfied that its owner is unknown and that it has been used in connection with a contravention of this Act or the regulations, or
    - (ii) it is used in connection with an offence under section 24, 45 or 52 in respect of which a conviction is adjudged,
  - (b) in any case where the thing seized is wildlife, order the wildlife confiscated to the Crown in right of Alberta upon a conviction for any offence under this Act or the regulations, and
  - (c) return the thing seized to the person from whom it was seized after the trial, if the thing seized is not wildlife and if clause (a), subclause (ii) does not apply.

**20.** Section 108 reads as follows:

**108.** Every person who, when applying for a licence or permit or any other document required under this Act, makes a false or misleading statement relating to his name, age, occupation, nationality, place of residence, place of business or any other information required by the issuer, is guilty of an offence under this Act.

This amendment will make it an offence for any representative of the proposed licensee to make a false statement.

**21.** This amendment will add to the list of offences for which there is a minimum \$50 fine the offence of allowing eatable meat of big game to be wasted, destroyed or spoiled. It also increases the fine for jacklighting and similar offences.

**22.** Section 152 (d) presently reads:

- 152.** The council may pass by-laws
- (d) prohibiting the discharge of guns or other firearms in any specified part or parts of the municipality.