

1976 Bill 47

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 47

THE FOREST AND PRAIRIE PROTECTION AMENDMENT ACT, 1976

MR. APPLEBY

First Reading

Second Reading

Third Reading

Bill 47
Mr. Appleby

BILL 47

1976

THE FOREST AND PRAIRIE PROTECTION AMENDMENT ACT, 1976

(Assented to _____, 1976)

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

1. *The Forest and Prairie Protection Act is hereby amended.*

2. *Section 1 is amended by adding the following clause after clause (e):*

- (f) "permit area" means an area of land that has not been designated by the Minister as a non-permit area.

3. *The following section is added after section 11:*

11.1 Where in any case not provided for by this or any other Act, or by an agreement under section 6, subsection (1), the Minister incurs costs and expenses as a result of fighting or suppressing a fire on any lands not excluded by section 2, the Minister is entitled on demand to be reimbursed for those costs and expenses by the person who caused the fire.

4. *Section 17 is struck out and the following section is substituted:*

17. (1) No person shall light an outdoor fire during the fire season on land in a permit area unless that person is the holder of a subsisting fire permit.

(2) A person who during a fire season knows or has reason to believe that there is an outdoor fire, not authorized by a permit issued to him, on land that is within a permit area and is owned or occupied by him or under his control, shall

- (a) extinguish the fire, or
(b) where he is unable to extinguish the fire, immediately report the fire to a forest officer, an employee of the municipality in which the fire is located or a member of the Royal Canadian Mounted Police.

Explanatory Notes

1. This Bill will amend chapter 36 of the Statutes of Alberta, 1971.
2. Definition of permit area.
3. The section will entitle the Minister to collect fire fighting costs in cases not already covered by the Act.
4. Section 17 presently reads:
 17. No person may light an outdoor fire during a fire season without first obtaining a fire permit unless
 - (a) the fire is an outdoor camp fire for cooking or warming purposes or both and the fire is never left unattended, or
 - (b) the fire is lit in an area designated by the Minister as a non-permit area.

(3) A person who fails to comply with subsection (2) is guilty of an offence.

(4) Subsections (1) and (2) do not apply to an attended outdoor camp fire which has been lit for cooking or warming purposes.

5. *Section 21 is amended by adding the word “, or” at the end of clause (d) and by adding the following clause after clause (d):*

(e) conduct any activity in a forest protection area that involves the use of fire or that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent a fire from occurring.

6. *Sections 28 and 31 are amended by striking out the words “Department of Lands and Forests” wherever they occur and by substituting in each case the words “Department of Energy and Natural Resources”.*

7. *The following section is added after section 29:*

29.1 (1) Where the Minister is entitled to be reimbursed his costs and expenses in fighting or suppressing a fire pursuant to this Act, he may recover those costs and expenses by action as a debt due to the Crown.

(2) In any action by the Minister to recover the costs and expenses of fighting or suppressing a fire, a copy of an entry in a book or record kept in the Department of Energy and Natural Resources, or a copy of an itemized statement of costs and expenses prepared in the Department, shall be admitted in evidence as prima facie proof of the entry or statement and of the matters, transactions and accounts therein recorded.

(3) Subsection (2) does not apply unless it is first proven

- (a) that in the case of an entry in a book or record,
- (i) the book or record was at the time of the making of the entry one of the ordinary books or records of the Department,
 - (ii) the entry was made in the usual and ordinary conduct of the Department's affairs,
 - (iii) the book or record is in the custody or control of an employee in the Department, and
 - (iv) the copy is a true copy,
- and
- (b) that in the case of an itemized statement of costs and expenses

5. Section 21 presently reads:

21. No person shall

- (a) light an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times, or
- (b) light an outdoor fire when weather conditions are conducive to a fire readily escaping out of control, or
- (c) fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than his own, or
- (d) deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire.

6. To correct references to the former Department administering this Act.

7. This section will strengthen the authority of the Minister to recover the costs of a fire fighting operation and will facilitate the proof of those costs.

- (i) it was prepared from the ordinary books or records of the Department and from any other records in the Department relating to the costs and expenses of fighting or suppressing one or more fires,
- (ii) the statement is in the custody or control of an employee in the Department, and
- (iii) the copy is a true copy.

8. *Section 30 is struck out and the following section is substituted:*

30. Where a fire originates in an area in which any person or someone on his behalf, at the time the fire originates,

- (a) is conducting any activity that may cause a fire, or
- (b) has recently conducted any activity that may have caused a fire,

the fire shall be deemed to have been caused by that person unless he produces reasonable evidence that the fire originated from a cause not connected with his activity.

9. *Section 34 is amended by striking out subsection (3) and by substituting the following:*

- (3) Subsection (1) does not apply where
 - (a) the convicted person is a party to an agreement under section 6, subsection (1), or
 - (b) the costs and expenses of fighting or suppressing the fire exceed \$200.

10. *Section 38 is amended by adding the following clause after clause (i):*

- (j) designating any part of Alberta as a non-permit area.

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

8. Section 30 presently reads:

30. Where a fire originates in an area in which any person or someone on his behalf is conducting any activity that may cause a fire, the fire shall be deemed to be caused by that person except when he produces reasonable evidence that the fire originated from a cause not connected with his activity.

9. Section 34, subsection (3) presently reads:

(3) subsection (1) does not apply where a convicted person is a party to an agreement under section 6, subsection (1).

10. Section 38 presently reads in part:

38. The Minister may make regulations: