

1977 BILL 13

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Third Session, 18th Legislature, 26 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 13

THE FORESTS AMENDMENT ACT, 1977

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MR. APPLEBY

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First Reading .....

Second Reading .....

Third Reading .....

*Bill 13*  
*Mr. Appleby*

## **BILL 13**

1977

### **THE FORESTS AMENDMENT ACT, 1977**

*(Assented to , 1977)*

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

1. *The Forests Act, 1971 is hereby amended.*
  
2. *Section 1 is amended*
  - (a) *by adding after clause (e) the following:*
    - (e.1) "forest recreation area" means an area of forest land declared by the regulations to be a forest recreation area;
    - (e.2) "forest recreation trail" means an area of forest land declared by the regulations to be a forest recreation trail;
  - (b) *by striking out clause (f), and*
  - (c) *as to clause (j) by adding after the words "coniferous timber" the words "within a forest management unit".*
  
3. *Section 2 is amended by renumbering the section as subsection (1) and by adding the following:*
  - (2) In addition to those forest officers appointed pursuant to subsection (1), the Minister may appoint as a forest officer any employee of the Government.

## Explanatory Notes

1. This Bill will amend chapter 37 of the Statutes of Alberta, 1971.

2. Section 1, clauses (f) and (j) presently read:

*1. In this Act,*

*(f) "forestry road" means a road designated by the Minister as a forestry road;*

*(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;*

(a) As to the definitions of "forest recreation area" and "forest recreation trail", see section 8 of this Bill and the proposed Part 3 in section 12 of this Bill.

(b) Forestry roads are now designated by the Minister of Transportation and administered under The Public Highways Development Act.

(c) The amendment to clause (j) is intended to correct a possible ambiguity.

3. Section 2 presently reads:

*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.*

This amendment makes it clear that the Minister may appoint as a forest officer under this Act, persons who are not classified under The Public Service Act as forest officers, for example, foresters and fire control officers.

4. *Section 3 is amended by striking out the words “, all parks officers, all service officers of the Department of Transportation” and substituting the words “and all parks officers”.*

5. *Section 4 is amended*

*(a) by adding after clause (d) the following:*

*(d.1) establishing fees to be paid to the Minister for the giving of the Minister’s consent to an assignment of a timber disposition or a timber quota;*

*and*

*(b) by striking out clauses (k) and (l).*

6. *Section 5 is amended*

*(a) as to clause (d) by striking out the words “Department of Lands and Forests” and substituting the words “Department of Energy and Natural Resources”, and*

*(b) by striking out clause (f).*

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

**5.1.** Where the member of the Executive Council charged with the administration of *The Public Lands Act* is a person other than the Minister,

*(a) the Minister has the administration of all public lands that are contained in or subject to timber dispositions, forest land use zones, forest recreation areas or forest recreation trails for the purposes of this Act, and*

*(b) the member of the Executive Council charged with the administration of *The Public Lands Act* has the adminis-*

**4. Section 3 presently reads:**

*3. All members of the Royal Canadian Mounted Police, all wildlife officers, all fishery officers, all parks officers, all service officers of the Department of Transportation*

*(a) are by virtue of their office forest officers, and*

*(b) have the same powers as are conferred upon a forest officer by law.*

It is no longer necessary for service officers of the Department of Transportation to be forest officers.

**5. The first amendment provides for charges to be assessed for the Minister's consent to an assignment of a timber disposition or timber quota. Section 4, clauses (k) and (l) presently read:**

*4. The Lieutenant Governor in Council may make regulations:*

*(k) regulating the construction and use of forestry roads;*

*(l) regulating the construction and use of airstrips on public lands;*

Forestry roads are administered under The Public Highways Development Act and airstrips are administered under The Department of Transportation Act.

**6. Section 5, clauses (d) and (f) presently read:**

*5. The Minister may make regulations:*

*(d) prescribing rates to be charged for the use of personnel and equipment and facilities of the Department of Lands and Forests;*

*(f) governing the use of forest recreation areas;*

(a) Corrects a reference.

(b) The power to make regulations governing the use of forest recreation areas is to be transferred to the Lieutenant Governor in Council under the proposed section 44.

**7. Certain public lands under the administration of the Minister for the purposes of this Act.**

tration of the public lands referred to in clause (a) for the purposes of *The Public Lands Act*.

8. *Section 9.1 is amended by adding after the word “areas” the words “and forest recreation trails”.*

9. *Section 14 is amended by adding the following after subsection (3):*

(4) An assignment of a forest management agreement shall be an unconditional assignment of the entire interest of the assignor in the forest management agreement.

10. *Section 18 is struck out and the following substituted:*

**18.** If a quota holder is not and has not been in default or in breach of any provision of this Act or the regulations either during the term or at the expiration of his quota and in the Minister’s opinion there is adequate timber available in the forest management unit to justify the renewal of the quota, a quota holder is entitled to have his quota renewed, subject to any modifications or conditions that the Minister considers necessary.

11. *Section 26 is amended by striking out subsection (2) and substituting the following:*

(2) No person shall assign a timber quota, timber licence or timber permit without the prior consent in writing of the Minister and any assignment without the consent of the Minister is void.

(2.1) An assignment of a timber quota, timber licence or timber permit shall be an unconditional assignment of the entire interest of the assignor in the timber quota, timber licence or timber permit.

**8. Section 9.1 presently reads:**

*9.1 The Minister may construct and maintain forest recreation areas.*

**9. An assignment of a forest management agreement to be complete and unconditional.**

**10. Section 18 presently reads:**

*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.*

**11. Section 26, subsection (2) presently reads:**

*(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.*

**An assignment of a timber quota, timber licence or timber permit to be complete and unconditional.**

12. *The following Part is added after section 43:*

### **PART 3**

#### **FOREST LAND USES**

- 44.** The Lieutenant Governor in Council may make regulations
- (a) declaring any area of forest land to be a forest land use zone;
  - (b) permitting, prohibiting, regulating or controlling uses of land in forest land use zones;
  - (c) declaring any area of forest land to be a forest recreation area or forest recreation trail;
  - (d) governing the use of forest recreation areas or forest recreation trails and prohibiting, regulating or controlling activities therein;
  - (e) establishing fees payable to the Minister for the use of forest recreation areas or forest recreation trails.
- 45.** Notwithstanding any regulations made pursuant to section 44, clause (d), the Minister may by order
- (a) prohibit or restrict entry to all or any part of a forest recreation area or forest recreation trail, or
  - (b) prohibit any use or activity in all or any part of a forest recreation area or forest recreation trail.
- 46.** A forest officer may order a person in a forest recreation area or on a forest recreation trail to refrain from doing anything that, in the opinion of the forest officer, is dangerous to life or property or detrimental to the management or use of the forest recreation area or forest recreation trail.
- 47.** (1) A forest officer may impound a vehicle or other property and take it to a place designated by the Minister if
- (a) the vehicle or other property, in the opinion of a forest officer, interferes with the management or use of a forest recreation area or forest recreation trail, or



**12.** These sections set out the respective powers of the Lieutenant Governor in Council and the Minister to make regulations respecting forest land use and deal with two specific problems that are encountered in managing forest recreation areas and forest recreation trails.

(b) the vehicle or other property was left unattended without the written permission of a forest officer for a period of more than 24 hours in a part of a forest recreation area or forest recreation trail not specifically designated for that purpose.

(2) A forest officer who impounds a vehicle or other property pursuant to subsection (1) shall send a notice by registered mail to the person in whose name the vehicle or other property is registered, if known, and to the nearest detachment of the Royal Canadian Mounted Police, stating the location of the vehicle or other property and the cost of impounding and storage.

(3) All reasonable costs incidental to the impounding of a vehicle or other property pursuant to subsection (1) and to the storage thereof, for a period not exceeding six months, constitute a debt owing to the Crown by the registered owner or any subsequent purchaser of the vehicle or by the owner of the other property.

(4) The owner of an impounded vehicle or property is entitled to it upon producing proof of ownership of the vehicle or property and paying the costs owing under subsection (3).

(5) Any impounded vehicle or property that remains unclaimed 60 days after it was impounded may be sold by public auction and the proceeds of the sale shall be disbursed in the following priority:

- (a) to pay the expenses of selling the vehicle or other property;
- (b) to pay the debt owing to the Crown under subsection (3);
- (c) to pay the amount remaining into the General Revenue Fund.

(6) If no bid is received for an impounded vehicle or property at a public auction held under subsection (5), the vehicle or property may be disposed of in any convenient manner.



(7) The amount remaining under subsection (5), clause (c) shall be paid by the Provincial Treasurer to any person who, within one year of the date of sale of the vehicle or other property, produces evidence satisfactory to the Minister that he is entitled to it.

(8) No liability attaches to a person

(a) who sells a vehicle or property pursuant to subsection (5), or

(b) who disposes of a vehicle or property pursuant to subsection (6),

and in the case of a sale that person passes good title thereof as against the former owner or anyone claiming through him.

*13. The following section is added after the heading for PART 4:*

**48.** A person who contravenes any provision of the regulations made pursuant to Part 3 is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000 and in default of payment to imprisonment for a term of not more than 60 days.

*14. Section 49 is amended*

(a) *as to clause (d) by adding at the end of the clause the word “, or”;*

(b) *by adding after clause (d) the following:*

(e) fails to comply with an order of a forest officer under section 46

*15. Section 50, subsection (1) is amended by striking out the words “A person” and substituting the words “Subject to sections 48 and 49, a person”.*

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

**13.** This amendment provides a specific penalty for contravention of a regulation made pursuant to Part 3, Forest Land Use.

**14.** Section 49 presently reads:

*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.*

**15.** Section 50, subsection (1) presently reads:

*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.*

This amendment makes it clear that this subsection does not apply to the penalties provided for by sections 48 and 49.