

1977 BILL 57

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 57

**THE FOREST AND PRAIRIE PROTECTION
AMENDMENT ACT, 1977**

MR. SHABEN

First Reading

Second Reading

Third Reading

Bill 57
Mr. Shaben

BILL 57

1977

THE FOREST AND PRAIRIE PROTECTION 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 Forest and Prairie Protection Act is amended by this Act.

2 Section 2 is amended

(a) in clause (a) by striking out “hamlet,”, and

(b) by repealing clause (b) and substituting the following:

(b) land owned by the Government of Canada in respect of which the Minister has not entered into a fire control agreement under section 6 (2) (a).

3 Section 26 is repealed and the following is substituted:

26. Every city, town, new town and village in a forest protection area shall take all necessary precautions that the Minister may prescribe, to prevent and suppress fires within its boundaries.

4 Section 29 is amended by adding “or fire guardian” after “forest officer” wherever it occurs.

5 Section 34 (3) is repealed and the following is substituted:

Explanatory Notes

1 This Bill will amend chapter 36 of the Statutes of Alberta, 1971.

2 Section 2 presently reads:

2. This Act applies to all land within Alberta except

*(a) lands within the boundaries of a hamlet, village, town, new town or city,
and*

*(b) land owned by the Government of Canada in the absence of an agreement
under section 6, subsection (2), clause (a).*

3 Section 26 presently reads:

*26. Every town, new town, village and hamlet in a forest protection area shall
take all necessary precautions which the Minister may prescribe, to prevent and
suppress fires within or adjacent to its boundaries.*

Adds a duty on a city to take fire precautions and removes the duty to take those precautions adjacent to the boundaries of the city, town, new town or village.

4 Section 29 presently reads:

*29. (1) A forest officer may without a warrant enter upon any lands and
premises, except a private dwelling house, for the purpose of discharging his duties
under this Act or the regulations.*

*(2) A forest officer may without a warrant enter any private dwelling house
which is on fire and proceed to fight the fire.*

5 Section 34 presently reads:

(3) Subsection (1) does not apply where the fire fighting costs

(a) were incurred on land in respect of which the convicted person is a party to a fire control agreement under section 6, or

(b) exceed \$200.

6 *Section 38(f) is repealed and the following is substituted:*

(f) prescribing rates of payment for persons required to assist or for equipment commandeered under section 12 or 28;

(f.1) prescribing rates of payment for persons, equipment or services hired temporarily for operations for

(i) fire fighting,

(ii) pollution clean-up,

(iii) controlling a forest tree pest infestation, or

(iv) dealing with any other emergency occurring on forest land;

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

34. (1) In addition to any fine imposed under section 33 at the request of the Crown the Court may order the convicted person to reimburse the Minister for the fire fighting costs involved as a debt to the Minister and in such event shall determine those costs.

(2) An order of the Court made pursuant to subsection (1) may be entered with the clerk of a district court and upon entry may be enforced by the Minister in the same manner as a judgment debt of the district court.

(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.

This amendment clarifies the intent of the former section 34 (3) (a).

6 Section 38 presently reads, in part:

38. The Minister may make regulations:

(f) prescribing rates of pay for persons required to assist under section 12 or 28 and rates of compensation for the use of equipment and other services;

Provides for rates of payment for persons, equipment and services hired temporarily for emergencies occurring on forest land.