

1980 BILL 23

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

THE WILDLIFE AMENDMENT ACT, 1980

THE ASSOCIATE MINISTER OF PUBLIC LANDS
AND WILDLIFE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 23

1980

THE WILDLIFE AMENDMENT ACT, 1980

(Assented to _____, 1980)

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

1 *The Wildlife Act is amended by this Act.*

2 *Section 2 is amended*

(a) *by renumbering clause 17.1 as 17.2 and adding the following after clause 17:*

17.1 "habitat" means the soil, water and vegetation that are necessary to provide food and cover for wildlife;

(b) *by adding the following after clause 24.1:*

24.2 "provincial park" means a provincial park as defined in *The Provincial Parks Act, 1974* and includes a highway as defined in *The Public Highways Development Act* that is bounded on both sides by a provincial park;

3 *Section 11 is amended*

(a) *by renumbering it as 11(1),*

(b) *in clause 23.1 by adding "and its habitat" after "species",*

(c) *in clause 28 by striking out "for public performance or display,"*

(d) *by adding the following after clause 31:*

31.1 for the governing of the marking of wildlife for identification purposes,

Explanatory Notes

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

2 Definitions.

3 Section 11 presently reads in part:

11 The Lieutenant Governor in Council may make regulations providing

23.1 for the designation and protection of endangered species,

28 for the issue of licences or permits regulating the transport, possession and use of wildlife or exotic wildlife, for public performance or display,

40 the conditions under which wildlife may be captured alive and the methods that may be used in the capture,

42 for the establishment of terms and conditions under which firearms may be transported in or on any type of vehicle,

31.2 for the governing of the registration of wildlife,

31.3 for the regulation of the sale of wildlife,

(e) by repealing clause 40 and substituting the following:

40 the conditions under which, and the methods by which, wildlife may be captured,

(f) by repealing clause 42 and substituting the following:

42 for the regulation of the carrying of firearms on or in, and the discharging of firearms from, aircraft, vehicles and boats;

and

(g) by adding the following after subsection (1):

(2) The Lieutenant Governor in Council may make regulations respecting the imposition and collection of charges for damage caused to habitat on public land by any person carrying on any commercial or industrial activity on the land.

4 Section 12 is amended by striking out “and” after clause (k) and adding the following after clause (k):

(k.1) issue a permit to any person allowing him to keep wildlife as pets, and may make the permit subject to any terms and conditions that he considers advisable, and

5 The following is added after section 12.2:

12.3 The Minister may

(a) enter into and carry out the terms of an agreement with

(i) any person,

(ii) the Government of Canada,

(iii) the government of another province,

(iv) a municipality as defined in *The Municipal Government Act*, or

4 The Minister may issue a permit respecting the keeping of wildlife as pets.

5 Powers of the Minister.

(v) the Minister of Municipal Affairs in the case of a special area as defined in *The Special Areas Act* or an improvement district as defined in *The Improvement Districts Act*,

for the purpose of managing wildlife and habitat, and

(b) construct and maintain improvements and protective facilities for wildlife and habitat and undertake wildlife and habitat improvement projects

(i) on privately owned lands with the consent of the owner, and may enter into any agreements that he considers necessary for those purposes, and

(ii) on public lands:

12.4 The Minister may in writing delegate any power, duty or function conferred or imposed on him by this Act or the regulations to any employee of the Department or any member, officer or employee of an agent of the Crown in right of Alberta.

6 *Section 22 is amended*

(a) in subsection (1) by striking out “butcher’s and hide dealer’s licence issued under *The Livestock Brand Inspection Act* or a licence issued under *The Frozen Food Act*” and substituting “food premises permit in relation to the premises issued pursuant to regulations under *The Public Health Act*”,

(b) in subsection (2) by striking out “licensed as mentioned” and substituting “who holds a permit referred to”, and

(c) in subsection (4) by striking out “licensee” and substituting “permittee”.

7 *Section 25 is amended*

(a) by repealing subsection (1) and substituting the following:

25(1) Except when the regulations provide otherwise, no person shall have a loaded firearm on or in, or discharge a firearm from, an aircraft or a vehicle.

6 Section 22 presently reads in part:

22(1) No person who is the owner or who has the management or control of any premises used for the purpose of merchandising, storing or preparing for market any commodity shall in any way handle, process or have in his possession any big game or game bird unless he is the holder of a valid and subsisting butcher's and hide dealer's licence issued under The Livestock Brand Inspection Act or a licence issued under The Frozen Food Act.

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

(4) Any licensee found in possession of any big game or game bird, save and except as is expressly provided for by this Act shall be deemed to be dealing in big game or game birds in contravention of section 37.

7 Section 25 presently reads in part:

25(1) Except in the case of a boat propelled by muscular power, no person

(a) shall have a loaded firearm in or on any kind of vehicle or boat, or

(b) shall discharge a firearm from any kind of vehicle or boat,

whether the vehicle or boat is moving or stationary.

(1.1) Except when the regulations provide otherwise, no person shall have a loaded firearm on or in, or discharge a firearm from, a boat unless the boat is propelled by muscular power or, if it is powered other than by muscular power, it is anchored.

(b) in subsection (2) by striking out “subsection (1)” and substituting “subsections (1) and (2)”.

8 Section 31 is amended

(a) in subsection (1) by striking out “established under The Provincial Parks Act, 1974”, and

(b) by repealing subsection (2).

9 Section 34(1) is amended by striking out “apply for or in any way”.

10 Section 45 is amended

(a) in subsection (1) by repealing clause (e), and

(b) by adding the following after subsection (1):

(1.1) No person shall, for the purpose of hunting or taking wildlife, set out or use any recorded wildlife calls or sounds or any electrically operated calling device.

11 Section 89.1(2) is amended by adding “aircraft,” before “vehicle”.

12 The following is added after section 94.2:

94.3(1) If a wildlife officer or game guardian is of the opinion that the safety of the public is in jeopardy, he may close any area of land to public access.

(2) No person shall, without the consent of a wildlife officer or game guardian, enter an area that has been closed under subsection (1).

(2) For the purposes of subsection (1), a firearm is deemed to be loaded if

(a) in the case of a rifle, shotgun or similar weapon, there is a live shell or cartridge in the breech or chamber, or

(b) in the case of a muzzle-loaded gun operated by a flintlock, the pan contains powder, or

(c) in the case of a muzzle-loaded gun using percussion caps, a percussion cap is in place on the nipple.

8 Section 31 presently reads:

31(1) No person shall hunt or trap wildlife in a provincial park established under The Provincial Parks Act, 1974 unless he is authorized to do so by the regulations.

(2) For the purposes of subsection (1), a highway as defined in The Public Highways Development Act bounded on both sides by a provincial park is part of a provincial park.

9 Section 34(1) presently reads:

34(1) A person who has not attained his 14th birthday shall not, either directly or indirectly, apply for or in any way obtain or have in his possession a licence or permit.

10 Section 45 presently reads in part:

45(1) No person shall for the purpose of hunting or taking big game set out, use or employ

(e) any recorded game calls or sounds or any mechanically or electrically operated calling device of any description.

11 Section 89.1 presently reads in part:

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

12 Wildlife officer or game guardian may temporarily close areas.

13 Section 104(1)(a) is amended by striking out “or” at the end of subclause (i), by adding “or” at the end of subclause (ii) and by adding the following after subclause (ii):

(iii) he is satisfied that the person from whom the thing was seized cannot reasonably be located and did not appear at the time and place set for the trial of the offence in relation to which the seizure was made,

14 The following is added after section 104:

104.1 When the offence in relation to which a thing is seized under the authority of section 93(1) is an offence in relation to which the person charged has, under *The Summary Convictions Act* and regulations made under that Act, the right to exercise a specified penalty option, and if the person charged exercises that right then,

(a) if the thing seized is wildlife, it is deemed to be confiscated to the Crown in right of Alberta, and

(b) if the thing seized is not wildlife, it shall be returned to the person from whom it was seized.

15 Section 109(2) is amended by adding “or” at the end of clause (r) and by adding the following after clause (r):

(s) section 94.3(2).

16 Section 115 is amended

(a) in subsection (3) by striking out “or section 45, clause (a), (b), (c) or (e)” and substituting “section 45(1)(a), (b) or (c) or section 45(1.1)”, and

(b) in subsection (4) by striking out “section 45, clause (d)” and substituting “section 45(1)(d)”.

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

13 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 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) confiscate or 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.

14 Disposal of things seized when no trial held.

15 Section 109 presently reads in part:

(2) Subsection (1) does not apply to convictions for a contravention of

(r) section 89.1(1)

16 Consequential to amendment in section 10 of this Bill.