

1982 BILL 4

---

Fourth Session, 19th Legislature, 31 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 4

**WILDLIFE AMENDMENT ACT, 1982**

---

---

MR. CAMPBELL

---

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

---

*Bill 4*  
*Mr. Campbell*

## **BILL 4**

1982

### **WILDLIFE AMENDMENT ACT, 1982**

*(Assented to , 1982)*

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 1 is amended*

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

(a.01) "Assistant Deputy Minister" means the Assistant Deputy Minister of the Fish and Wildlife Division of the Department of Energy and Natural Resources;

*(b) by repealing clause (c.1);*

*(c) by repealing clause (w) and substituting the following:*

(w) "wildlife" means any vertebrate animal, whether or not it is indigenous to Alberta, and includes

(i) any part of any wildlife, and

(ii) any egg or part of an egg produced by wildlife,

but does not include

(iii) domestic cattle (*Bos taurus*), swine (*Sus scrofa*), horses (*Equus caballus*), domestic fowl, sheep (*Ovis aries*), goats (*Copra hircus*), cats (*Felis domesticus* or *Felis catus*), dogs (*Canus familiaris*) or domestic ass (*Equus asinus*) or any other species designated in the regulations as domestic animals,

## Explanatory Notes

1 This Bill will amend chapter W-9 of the Revised Statutes of Alberta 1980.

2 Section 1 presently reads in part:

1 *In this Act,*

(c.1) *“Director” means the Director of Fish and Wildlife;*

(w) *“wildlife” means any mammal, amphibian, bird or reptile in Alberta, whether indigenous to Alberta or not, and includes the carcass or eggs and parts of the carcass or eggs of the mammal, amphibian, bird or reptile but does not include*

(i) *domestic cattle, swine, horses, fowl, sheep, cats or dogs or any other species designated in the regulations as domestic animals, or*

(ii) *a mammal, amphibian, bird or reptile declared by the regulations not to be wildlife for the purposes of this Act;*

(iv) a vertebrate animal or part of a vertebrate animal declared by the regulations not to be wildlife for the purposes of this Act, or

(v) fish;

3 *Section 4 is repealed and the following is substituted:*

**4** There may be appointed in accordance with the *Public Service Act* any wildlife officers necessary for the purposes of this Act.

4 *The following is added after section 6:*

**6.1** The Minister may in writing authorize any employee of the Department of Energy and Natural Resources to carry out any power, duty or function conferred or imposed on the Assistant Deputy Minister by this Act or the regulations.

5 *Section 8 is amended by adding the following after subsection (3):*

(3.1) The Minister may pay to a person authorized to sell wildlife certificates remuneration in an amount he considers appropriate.

6 *Section 11(1)(a.1) is amended by striking out “mammal, amphibian, bird or reptile” and substituting “vertebrate animal or part of a vertebrate animal”.*

7 *Section 12(m) is amended by adding “or for scientific purposes” after “pets”.*

**3** Section 4 presently reads:

*4 There may be appointed in accordance with the Public Service Act a Director of Fish and Wildlife and wildlife officers.*

**4** Delegation by Minister.

**5** Section 8 presently reads in part:

*8(1) The Lieutenant Governor in Council may by regulation require the purchaser of a licence or permit issued under this Act to purchase a wildlife certificate for the purpose of establishing a fund to operate a wildlife damage plan.*

*(2) The fees paid under subsection (1) shall constitute a fund to be known as the "Wildlife Damage Fund".*

*(3) The Minister shall pay the fees collected into the Wildlife Damage Fund.*

**6** Section 11(1)(a.1) presently reads:

*11(1) The Lieutenant Governor in Council may make regulations providing*

*(a.1) for the declaration of any mammal, amphibian, bird or reptile not to be wildlife for the purposes of this Act;*

**7** Section 12(m) presently reads in part:

*12 The Minister may from time to time*

*(m) 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;*

8 *Section 58 is amended by striking out “August 1” and substituting “July 15”.*

9 *Section 99 is repealed and the following is substituted:*

**99(1)** A wildlife officer may hunt, trap, capture, kill or destroy any wildlife at any time

(a) if he finds that the wildlife is or may be destructive of private property or a danger to public safety,

(b) if the wildlife is wounded or diseased, or

(c) if the wildlife is required for research purposes.

(2) Nothing contained in this Act restricts or limits the methods by which the wildlife officer may hunt, trap, capture, kill or destroy the wildlife referred to in subsection (1).

10 *Section 118(2) is amended by adding “56(1),” before “58”.*

11 *Section 119 is amended by adding the following after subsection (3):*

(4) Subsection (3) does not apply to convictions

(a) for a contravention of section 21, 22(1), 23, 24(2), 25, 26, 27, 29(1), (6) or (8), 31(2) or (3), 35(3) or (4), 37(1), 38(1), 46(1) or (2), 56(1), 58, 60, 61, 63(1), 95(1) or 102(2), or

(b) for a contravention of those regulations that are designated under section 11(1)(z) as regulations to which subsection (3) does not apply.

**8 Section 58 presently reads:**

*58 No person having the custody or control of a retriever dog, setter dog or pointer dog or any other dog used for the hunting of game birds shall allow the dog to run at large outside the boundaries of an urban centre or farmstead at any time between May 1 and August 1 in any year, unless he is expressly authorized to do so by the regulations.*

**9 Section 99 presently reads:**

*99 A wildlife officer may kill or destroy any wildlife at any time*

*(a) if he has written permission from the Director,*

*(b) if he finds that the wildlife is destructive of private property or a danger to public safety, or*

*(c) if the wildlife is wounded or diseased.*

**10 Section 118(2) presently reads:**

*(2) Subsection (1) does not apply to convictions*

*(a) for a contravention of section 21, 22(1), 23, 24(2), 25, 26, 27, 29(1),(6) or (8), 31(2) or (3), 35(3) or (4), 37(1), 38(1), 46(1) or (2), 58, 60, 61, 63(1), 95(1) or 102(2), or*

*(b) for a contravention of those regulations that are designated under section 11(1)(z) as regulations to which subsection (1) does not apply.*

**11 Section 119 presently reads in part:**

*(3) When a person is convicted of an offence against this Act or the regulations, that person shall not apply for, obtain or have in his possession*

*(a) a licence or permit to hunt big game if the offence for which he is convicted relates to big game,*

*(b) a licence or permit to hunt game birds if the offence for which he is convicted relates to game birds,*

*(c) a licence, permit or certificate to trap and hunt fur-bearing animals if the offence for which he is convicted relates to fur-bearing animals or fur-bearing carnivores,*

*until a period of 12 months has elapsed following the date of conviction.*

*12 Section 125(4) is amended by striking out “29(3)” and substituting “29(4)”.*

*13 The following is added after section 126:*

**127** A reference in any other enactment or in any document to the Director of Fish and Wildlife is deemed to be a reference to the Assistant Deputy Minister of the Fish and Wildlife Division of the Department of Energy and Natural Resources.

*14 In the following provisions “Director” is struck out wherever it occurs and “Assistant Deputy Minister” is substituted:*

section 6(2);  
section 31(2);  
section 37(4);  
section 43;  
section 47;  
section 50(3);  
section 63(2);  
section 71(1) and (2);  
section 75(2);  
section 100(1);  
section 109(1) and (4);  
section 118(4);  
section 121.

---

*In accordance with section 4(1) of the Interpretation Act,  
this Bill comes into force on the date it receives Royal  
Assent.*



**12** Corrects a section reference.

**13** Transitional.

**14** Consequential.