

1986 BILL 3

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Fourth Session, 20th Legislature, 35 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 3**

**DEPARTMENT OF FORESTRY ACT**

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THE MINISTER OF FORESTRY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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1986

### DEPARTMENT OF FORESTRY ACT

(Assented to \_\_\_\_\_, 1986)

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

Definitions	<p><b>1</b> In this Act,</p> <p>(a) "Department" means the Department of Forestry;</p> <p>(b) "Minister" means the Minister of Forestry.</p>
Establishment of Department	<p><b>2</b> There shall be a department of the Government called the Department of Forestry over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Forestry.</p>
Staff	<p><b>3</b> In accordance with the <i>Public Service Act</i> there may be appointed a Deputy Minister of Forestry and any other employees required to conduct the business of the Department.</p>
Delegation	<p><b>4(1)</b> The Minister may delegate in writing to any person any power or duty conferred or imposed on him by this Act or any other enactment under his administration.</p> <p><b>(2)</b> Subsection (1) does not apply to any power or duty of the Minister to make regulations.</p>
Agreement	<p><b>5(1)</b> The Minister may enter into an agreement on or in connection with any policy, program, service or other matter under his administration.</p>

(2) Without limiting subsection (1), an agreement may be made under that subsection with the Government of Canada or the government of a province.

Advisory boards **6(1)** The Minister may establish any boards, committees or councils he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established by him under this section,

(a) appoint or provide for the manner of the appointment of its members,

(b) prescribe the term of office of any member,

(c) designate a chairman, vice-chairman and secretary, and

(d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may, with the approval of the Minister, make rules governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required.

(4) A board, committee or council established pursuant to this section may exercise the powers and shall perform the duties and functions that the Minister approves or confers or imposes on it.

Grants **7(1)** The Minister may make grants if

(a) he is authorized to do so by regulations under this section, and

(b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations

(a) authorizing the Minister to make grants;

(b) prescribing the purposes for which grants may be made;

(c) governing applications for grants;

(d) prescribing the persons or organizations or classes of persons or organizations eligible for grants;

(e) specifying the conditions required to be met by any applicant for a grant to render that person eligible for the grant;

(f) prescribing the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;

(g) providing for the payment of any grant in a lump sum or by instalments and prescribing the time or times at which the lump sum or the instalments may be paid;

(h) limiting the amount of any grant or class of grant that may be made;

(i) authorizing the Minister to delegate in writing to any employee of the Government any duty, power or function respecting the payment of any grant;

(j) requiring any person receiving a grant to account for the way in which the grant is spent in whole or in part;

(k) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Any regulation made under subsection (2) may be specific or general in its application.

Revolving fund **8(1)** In this section and section 9,

(a) “department” means a department as defined in the *Department of Public Works, Supply and Services Act*;

(b) “supplies” means supplies as defined in the *Department of Public Works, Supply and Services Act*.

(2) There shall be established a revolving fund for the Department to enable the payment of costs relating to

(a) supplies and services

(i) for the use of the Department, or

(ii) to be provided to others, including other departments, and

(b) supplies and services for the operation of grazing reserves.

(3) The Provincial Treasurer shall, on the requisition of the Minister, advance from the General Revenue Fund to the revolving fund any money required for a purpose described in subsection (2).

(4) The net amount outstanding at any time in respect of advances under subsection (3) shall not exceed \$5 000 000.

(5) The amount of charges for the provision of supplies and services paid for under subsection (2) from the revolving fund shall be credited in reduction of the amount of the advances made by the Provincial Treasurer under this section.

(6) As soon as practicable after the end of each fiscal year, the Minister, for the purposes of section 77 of the *Financial Administration Act*, shall ensure the preparation of financial statements covering the revolving fund for the immediately preceding fiscal year and of a summary of the fund’s assets and liabilities.

(7) The financial statements and summary of assets and liabilities shall be audited by the Auditor General.

Charges for supplies and services

**9(1)** If supplies or services paid for from the revolving fund are provided to a department, the Minister may charge that department for supplies and services in an amount that reflects their cost to the revolving fund.

(2) Where supplies or services are paid for from the revolving fund for use by a department and their value is charged to and retained by the revolving fund, the Minister may charge a fair rent or rate for their use to the department.

Amends  
RSA 1980 cD-18

**10(1)** *The Department of Energy and Natural Resources Act is amended by this section.*

(2) *Section 1(a) and (c) are repealed.*

(3) *Section 2 is repealed and the following is substituted:*

**2** The department of the Government called the Department of Energy and Natural Resources is hereby continued and it shall be presided over by the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as the Minister of Energy and Natural Resources.

(4) *Section 3(1) is amended by striking out “than 3” and substituting “than 2”.*

(5) *Sections 6.1 and 6.2 are repealed.*

(6) *The following provisions are amended by striking out “or the Associate Minister” wherever it occurs:*

section 3.1(1);  
section 4(1);  
section 5(1);  
section 6(1).

(7) *The following provisions are amended by striking out “responsible” wherever it occurs:*

section 3.1(2);  
section 5(2), (3) and (4);  
section 6(2)(a), (i) and (k).

Amends  
RSA 1980 cD-19

**11** *The Department of the Environment Act is amended*

(a) *in section 11(1) by adding the following after clause (g):*

(g.1) the Deputy Minister of Forestry,

(b) *in section 12(2) by adding the following after clause (h):*

(h.1) the Department of Forestry;

Amends  
RSA 1980 cF-9

**12** *Section 1(1)(u)(ix) of the Financial Administration Act is repealed and the following is substituted:*

(ix) the revolving fund established under section 8 of the *Department of Forestry Act*, or

Amends  
RSA 1980 cL-3

**13** *The Land Surface Conservation and Reclamation Act is amended in section 15*

(a) *by repealing subsection (2)(b) and substituting the following:*

(b) 1 deputy chairman of the Council who is an employee of the Department of Energy and Natural Resources designated

by the Minister of Energy and Natural Resources, and 1 deputy chairman of the Council who is an employee of the Department of Forestry designated by the Minister of Forestry;

(b) *by repealing subsection (10) and substituting the following:*

(10) The Minister of Energy and Natural Resources shall, for the deputy chairman he has designated under subsection (2)(b), designate an employee of the Department of Energy and Natural Resources as an acting deputy chairman to act in the event of the absence or inability to act of the deputy chairman or of a vacancy in the office of the deputy chairman.

(11) The Minister of Forestry shall, for the deputy chairman he has designated under subsection (2)(b), designate an employee of the Department of Forestry as an acting deputy chairman to act in the event of the absence or inability to act of the deputy chairman or of a vacancy in the office of the deputy chairman.

Amends  
RSA 1980 cO-5

**14** *The Oil and Gas Conservation Act is amended in section 14.1*

(a) *in subsection (3) by striking out “Associate Minister of Public Lands and Wildlife” wherever it occurs and substituting “Minister of Forestry”;*

(b) *by repealing subsection (4) and substituting the following:*

(4) The Minister of Forestry may authorize an officer of the Department of Forestry to exercise the powers conferred on him under this section.

Amends  
RSA 1980 cS-20

**15** *The Special Areas Act is amended by repealing section 6(2) and substituting the following:*

(2) If any provision of the *Public Lands Act* or of any regulations under that Act is made applicable to special areas, a reference in it to

(a) the Minister of Lands and Forests, the Deputy Minister of Lands and Forests, the Department of Lands and Forests or the Director of Lands,

(b) the Associate Minister of Public Lands and Wildlife, the Deputy Minister of Renewable Resources, the Department of Energy and Natural Resources or the Assistant Deputy Minister of Public Lands, or

(c) the Minister of Forestry, the Deputy Minister of Forestry, the Department of Forestry or the Assistant Deputy Minister of Public Lands

is deemed to be a reference to the Minister or Deputy Minister of Municipal Affairs, the Department of Municipal Affairs or the Special Areas Board, as the case may be.

Amends  
RSA 1980 cW-8

**16** *The Wilderness Areas, Ecological Reserves and Natural Areas Act is amended in section 2(4)*

(a) *in clause (b) by striking out “3 employees” and substituting “1 employee”;*

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

(b.1) 2 employees of the Department of Forestry,

Consequential **17** *The following enactments are amended by striking out “Associate Minister of Public Lands and Wildlife” wherever it occurs and substituting “Minister of Forestry”:*

Act	Section Number
Department of the Environment Act	9(2)
Fish Marketing Act	1(d)
Homestead Lease Loan Act	1(f)
Hydro and Electric Energy Act	13(1)(b), (2), (3), (4) and 18(3)
Land Surface Conservation and Reclamation Act	36(1) and (2)
The Metis Betterment Act	6(2), 22(1) and (2)
Municipal Government Act	156(2)
Oil Sands Conservation Act	12(1)(b), (2), (3), (4), 14(3) and 19(2)(b), (3)
Public Lands Act	1(m)
Special Areas Act	5(c)
Wilderness Areas, Ecological Reserves and Natural Areas Act	1(d)(ii) and 12(2)(b)
Wildlife Act cW-9	1(j)
Wildlife Act cW-9.1	56(1)(a)

Consequential **18** *The following enactments are amended by striking out “Energy and Natural Resources” wherever it occurs and substituting “Forestry”:*

Act	Section number
Crowsnest Pass Municipal Unification Act	10(2)
Forest Development Research Trust Fund Act	1(c) and 3(2)
Forest and Prairie Protection Act	1(c)
Forest Reserves Act	1(b)
Forests Act	1(i)
Highway Traffic Act	14(1)(e)
Homestead Lease Loan Act	8(2) and 10(2)
Hydro and Electric Energy Act	7(4)(b) and (5), 32(2)
Municipal Government Act	271
Pipeline Act	8(1),(2),(3),(4) and 36(3)
Public Lands Act	1(d)
Surveys Act	85(2)
Threshers’ Lien Act	8(2)
Water Resources Act	1(r)(ii) and 67(a)
Wildlife Act cW-9	1(a.01)

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