

1993 BILL 234

First Session, 23rd Legislature, 42 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 234

WILDLIFE AMENDMENT ACT, 1993

MR. COLLINGWOOD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 234
Mr. Collingwood

BILL 234

1993

WILDLIFE AMENDMENT ACT, 1993

(Assented to _____, 1993)

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(1) is amended*
 - (a) by renumbering clause (d.1) as clause (d.2) and by adding the following before clause (d.2):*
 - (d.1) "feral horse" means a wild horse;*
 - (b) in clause (x) by adding "including feral horses" after "non-game animals".*
- 3 *Section 1(2) is amended by adding the following after clause (c):*
 - (d) subsection (c) above shall apply *mutatis mutandis* to domestic horses which have escaped from their owners.*
- 4 *The following is added after section 54(2)(c):*
 - (d) in the case of a feral horse, if that horse has been sold to that person, following a round-up authorized by the Minister.*

Explanatory Notes

1 Amends chapter W-9.1 of the Revised Statutes of Alberta 1980.

2 Section 1(1)(x) presently reads:

(x) "wildlife means big game, birds of prey, endangered animals, fur-bearing animals, migratory game birds, non-game animals, non-licence animals and upland game birds, and includes any hybrid offspring resulting from the crossing of 2 wildlife animals;

3 Section 1(2) presently reads:

(2) A person shall not be regarded as having hunted a wildlife or exotic animal

(a) for the purposes of subsection (1)(g.1)(ii), if

(i) he was not carrying a weapon, and

(ii) the purpose of his activity was restricted to watching, photographing, drawing or painting a picture of the wildlife or exotic animal,

5 *The following is added after section 54:*

54.1(1) Where the Minister is of the opinion that the number of feral horses in a particular herd:

- (a) exceeds the carrying capacity of that range;
- (b) has or will have a negative impact on the quality of the natural habitat; or
- (c) has or will have a negative impact on other wildlife using that range;

the Minister may authorize a round-up of sufficient feral horses from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.

(2) Feral horses which are sold shall be given a numbered certificate setting out the occasion and the date upon which the feral horse was purchased.

(b) if the activity in question was reasonably incidental to

(i) the operation of a fur farm,

(ii) the operation of a game animal production farm, or

(iii) the operation of permit premises under a permit that authorized the keeping of captive wildlife,

and was conducted on the fur farm, game animal production farm or permit premises by the owner, operator or permittee of that farm or those premises, as the case may be, or

(c) where an authorized present or prospective game-production animal had escaped from a game animal production farm, if that person was the operator of that farm or an individual employed by that operator who, within a reasonable time following its escape, was engaged in attempting to recapture or in chasing it and who acted reasonably, using reasonable and generally accepted methods of humane capture, and in a manner that did not cause danger to other persons, wildlife or livestock or damage to property.

4 Section 54(2)(c) presently reads:

(2) Subject to this Act, a person may have a wildlife or exotic animal in his possession

(a) if and to the extent that he is authorized by a permit to do so,

(b) if that possession is reasonably incidental to the operation of a fur farm or a game animal production farm,

(c) in the case of dead wildlife, if

(i) the Minister has transferred it to him under section 12,

(ii) the wildlife has been hunted in accordance with this Act and the requirements of section 11(1)(b), (c) and (d) have been or are being met in relation to it, or

(iii) the wildlife is a present or prospective game-production animal in respect of which all applicable provisions of the *Livestock Industry Diversification Act* and the *Meat Inspection Act* or the *Meat Inspection Act (Canada)* and of regulations under those Acts have been or are being met.

1984 cW-9.1 s54;1990 cL-22.7 s37