

1996 BILL 42

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

WILDLIFE AMENDMENT ACT, 1996

MR. AMERY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 42

1996

WILDLIFE AMENDMENT ACT, 1996

(Assented to , 1996)

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

Amends SA
1984 cW-9.1

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

2 *Section 1(1) is amended*

(a) *in clause (a) by striking out “vertebrate animal,” and
substituting “vertebrate,”;*

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

(b.01) “controlled animal” means an animal of a kind
prescribed as such;

(c) *by adding the following after clause (b.1):*

(b.2) “dog” means a domestic dog (*canis domesticus*);

(d) *by repealing clauses (c.1) and (d) and substituting the
following:*

(c.01) “endangered organism” means an endangered animal
or another organism of an endangered species;

(c.02) “endangered species” means

(i) a kind of endangered animal,

(ii) a kind of invertebrate prescribed as an
endangered invertebrate,

(iii) a kind of plant, alga or fungus prescribed as an
endangered plant, alga or fungus, or

Explanatory Notes

1 Amends chapter W-9.1 of the Statutes of Alberta, 1984.

2 Section 1(1) presently reads in part:

1(1) In this Act,

- (a) "animal" means a vertebrate animal, other than a human being or fish;*
- (c.1) "excluded animal" means an animal of a kind prescribed as such;*
- (d) "exotic animal" means an animal, other than wildlife or an excluded animal;*
- (e) "fur royalties" means the royalties under section 9;*
- (g) "guide" means hunt in the manner specified in clause (g.1)(iv);*
- (g.1) "hunt" means, with reference to a wildlife or exotic animal,*
 - (i) shoot at, harass or worry,*
 - (ii) chase, pursue, follow after or on the trail of, search for, flush, stalk or lie in wait for,*
 - (iii) capture or wilfully injure or kill, or attempt to do so, or*

- (iv) a kind of fish prescribed as an endangered fish,
or any combination of any of those kinds of organism;
- (e) *by repealing clause (e);*
- (f) *by repealing clause (g) and substituting the following:*
 - (g) “guide”,
 - (i) used as a verb, means hunt in the manner specified in clause (g.1)(iv), and
 - (ii) used as a noun, means a person who so hunts;
- (g) *in clause (g.1)*
 - (i) *by striking out “with reference to a wildlife or exotic” and substituting “subject to subsection (6), with reference to a subject”;*
 - (ii) *by repealing subclause (iii) and substituting the following:*
 - (iii) capture or wilfully injure or kill,
 - (iii.1) attempt to capture, injure or kill, or
 - (iii) *in subclause (iv) by striking out “or (iii)” and substituting “, (iii) or (iii.1)”;*
- (h) *in clause (l)*
 - (i) *in subclause (i) by striking out “Minister” wherever it occurs and substituting “Lieutenant Governor in Council”;*
 - (ii) *in subclause (ii) by striking out “Lieutenant Governor in Council” and substituting “Minister”;*
- (i) *in clause (p) by striking out “a wildlife or exotic” and substituting “an”;*
- (j) *by adding the following after clause (p):*
 - (p.1) “subject animal” means a wildlife animal, a controlled animal or any other kind of animal prescribed as a subject animal;
- (k) *by repealing clause (q) and substituting the following:*

- (iv) *assist another person to hunt in a manner specified in subclause (i), (ii) or (iii) while that other person is so hunting;*
- (l) *“prescribed”*
 - (i) *in the expression “prescribed by the Minister” means prescribed or otherwise provided for by regulations made by the Minister, and*
 - (ii) *otherwise, means prescribed or otherwise provided for by regulations made by the Lieutenant Governor in Council;*
- (p) *“skin”, in relation to a wildlife or exotic animal, includes its hide or pelt, with or without the pelage, and, in the case of a bird, includes the plumage;*
- (q) *“tag” means a tag issued under section 17;*
- (t) *“trap” means a device, other than a weapon, designed and commonly used to capture, injure or kill wildlife or exotic animals;*
- (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;*

(q) “tag”,

(i) used as a noun, means a tag issued under section 17, and

(ii) used as a verb, means affix a tag pursuant to section 39;

(l) by repealing clause (t) and substituting the following:

(t) “trap”,

(i) used as a noun, means a device, other than a weapon, designed and commonly used to capture, injure or kill animals of any kind, and

(ii) used as a verb, means capture, injure or kill animals of any kind, or attempt to do so, by means of the use of a trap;

(m) in clause (x) by striking out “endangered animals,”.

3 Section 1(2) is amended

(a) by striking out “a wildlife or exotic” and substituting “a subject”;

(b) in clause (a)(ii) by striking out “wildlife or exotic”;

(c) in clause (b)(iii) by striking out “wildlife” and substituting “subject animals”;

(d) in clause (c) by adding “or retained” after “employed”.

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,

(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

4 *Section 1(4) is amended*

- (a) *by striking out “a wildlife or excluded” and substituting “an animal or a kind of”;*
- (b) *by striking out “the regulations” wherever it occurs and substituting “this Act”;*
- (c) *by adding “or kind of animal” after “the animal”.*

5 *Section 1(5) is repealed and the following is substituted:*

(5) Except where specified or where the context otherwise requires, a reference in this Act to an animal or any kind of animal shall be construed as a reference to an animal or to an animal of that kind whether it is alive or dead, and to include any part of the animal, including tissue or genetic material removed from the animal, and its eggs or any part of its eggs, but, except as prescribed, not to include exuviated parts of any kind of animal.

6 *Section 1 is amended by adding the following after subsection (5):*

(6) Where

- (a) a person has the intent to hunt, and believes or appears to believe that he is hunting,
- (b) what he is purporting to hunt is actually a representation of a wildlife animal that has been set out by a wildlife officer or guardian, and
- (c) having regard to the time when, the location where and any other relevant circumstances under which the activity takes place, the activity would, if that representation were a real wildlife animal of the kind represented, constitute an act of hunting that would be an offence against a hunting provision of this Act,

then he is deemed for the purposes of this Act to be hunting such a wildlife animal and is guilty of an offence against that provision.

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 1(4) presently reads:

(4) Where there is a reference in this Act to a wildlife or excluded animal by its common name and that common name is accompanied in the regulations by a reference to its scientific name, then, for the purposes of construing this Act, the reference to the common name of the animal shall be deemed to be a reference to the scientific name ascribed to it in the regulations.

5 Section 1(5) presently reads:

(5) Except where specified or where the context otherwise requires, a reference in this Act to a wildlife or exotic animal or any kind of wildlife or exotic animal shall be construed as a reference to an animal or to an animal of that kind whether it is alive or dead, and to include any part of the animal and its eggs or any part of its eggs.

6 Extension of meaning of hunting, and reversal of a case decision that is subject to appeal and power to repeal the provision, exercisable in the event of successful appeal.

(7) Except where specified or where the context otherwise requires and subject to limitations on the Legislature's territorial jurisdiction, a reference in this Act to any organism or any kind of organism is to be construed as a reference to that organism or that kind of organism regardless of whether or not the organism or the kind of organism may have originated or have lived in Alberta and regardless of whether or not, if a specific organism is dead, it may have died or been killed in Alberta.

(8) The Lieutenant Governor in Council may by regulation repeal subsection (7) and, with effect from a later date, this subsection.

7 Section 6 is amended

(a) by repealing clause (a) and the words preceding it and substituting the following:

Fish and
Wildlife Trust
Fund

6 The Fish and Wildlife Trust Fund is continued for the attainment of the purposes prescribed by the Lieutenant Governor in Council and of all or any of the following purposes:

(a) funding programs, projects or services prescribed by the Lieutenant Governor in Council directly or indirectly relating to

(i) with respect to wildlife, fish and endangered species and their habitats,

(A) their protection and enhancement in Alberta,

(B) promotion of their conservation,

(C) increasing public awareness of them, including provision of public education in their management and protection, and

(D) the enforcement of legislation directed towards their protection and management;

(ii) the promotion and enhancement of and operation of programs for

(A) education on outdoor recreation associated with enjoyment of live subject animals, endangered species and other natural resources and lawful hunting, fishing and camping, and

7 Section 6 presently reads:

6 There is hereby established the Fish and Wildlife Trust Fund for the purposes of

- (a) funding prescribed programs for the protection and enhancement of fish and wildlife in Alberta and their habitats,*
- (b) providing compensation, in accordance with prescribed programs, for*
 - (i) damage or loss caused by wildlife and measures taken to prevent such damage or loss,*
 - (ii) damage or loss occasioned to livestock as a result of the use of a weapon during an open season, and*
 - (iii) damage to traplines resulting from industrial activities, and*
- (c) promoting the use and development of humane traps, including the establishment and operation of educational programs to those ends.*

- (B) safety and awareness in connection with any such matters;
- (iii) the enforcement of legislation respecting public safety in the outdoors in connection with matters referred to in subclause (ii)(A);
- (a.1) funding the program established under section 5(1);
- (b) *in clause (b)*
 - (i) *by striking out “prescribed programs” and substituting “programs, projects or services prescribed by the Lieutenant Governor in Council”;*
 - (ii) *in subclause (iii) by striking out “resulting from industrial activities”.*

8 *Section 7(1) is amended by repealing clauses (b) and (c) and substituting the following:*

- (b) payments referred to in section 93.5,
- (c) the whole or any prescribed portion of any fees and assessments paid under this Act that are prescribed as payable into the Fund,

9 *Section 9 is repealed.*

8 Section 7(1) presently reads in part:

7(1) The following shall be paid into the Fish and Wildlife Trust Fund:

(b) the whole or any portion of

(i) fur royalties, or

(ii) fees paid for licences, permits and fishing licences,

that is prescribed as payable into the Fund,

(c) the whole or any portion of any other fees and assessments prescribed under section 96(1)(b) that is prescribed as being levied to raise money for the Fund,

9 Section 9 presently reads:

9(1) A person shall, subject to and in accordance with the regulations, pay to the Crown a royalty in the prescribed amount in respect of each fur-bearing animal killed by him in Alberta.

(2) A person who purchases a fur-bearing animal killed in Alberta shall, unless the fur royalty in respect of that animal has already been paid, deduct the fur royalty in respect of the animal from the purchase price and remit it to the Crown as agent for the person who killed the animal.

(3) The Crown has a lien in respect of a fur-bearing animal killed in Alberta for the amount of any fur royalty payable in respect of that animal.

10 The following is added after section 9:

9.1(1) The Minister shall establish and maintain a committee to be known as the “Endangered Species Conservation Committee”, whose functions are to advise the Minister about endangered species and to make recommendations to the Minister with respect to

- (a) the preparation and the adoption by the Minister of recovery plans for endangered species,
- (b) organisms that should be established as endangered species,
- (c) endangered species and biodiversity conservation, and
- (d) any other matters respecting endangered species on which the Minister requests its advice,

in accordance with this section.

(2) The committee shall establish, appoint and maintain an independent scientific subcommittee of the committee to study and assess endangered species and to recommend organisms to the committee that in the subcommittee’s opinion should be established as endangered species, and the committee shall give the subcommittee such directions on matters falling within that mandate as it considers appropriate.

(3) Endangered species recovery plans may include population goals and identification of critical habitats and of strategies to enable populations to recover.

(4) The recovery plans, after being made by the Minister, are

- (a) to be reviewed by the committee, and
- (b) to undergo a process of review by the public.

(5) Subsections (2) to (5) of section 7 of the *Government Organization Act* apply with respect to the committee.

(6) The Minister may make provision for the payment of remuneration and expenses to the members of the subcommittee.

(4) A lien under subsection (3) has priority over all other liens and all mortgages and other encumbrances in respect of the animal.

(5) This section does not apply to animals that were lawfully kept on a fur farm or a game animal production farm.

10 Endangered Species Conservation Committee and technical subcommittee.

11 Section 11(1)(c) and (2)(b) are amended by striking out “97(k)” and substituting “96(1)(v)”.

12 Section 12 is amended by striking out “form prescribed by the Minister” and substituting “prescribed form”.

13 Section 14(b) is repealed and the following is substituted:

- (b) the Crown or a wildlife officer or wildlife guardian for any act done, or any failure to act, by any of them in good faith
 - (i) while exercising powers or performing duties under this Act, or
 - (ii) for death, personal injury or property damage caused by an animal.

14 Section 15 is amended by repealing subsections (1) and (2) and substituting the following:

Establishment
of and
entitlements
under licences
and permits

15(1) The Minister may make regulations, with respect to licences and permits,

- (a) establishing and specifying the activities authorized by or under them;
- (b) subdividing them into classes according to the prescribed criteria;
- (c) specifying qualifications required to obtain and hold them, including training and testing;
- (d) establishing conditions precedent to obtaining them;
- (e) providing for their distribution or allocation, including the methods of and procedures for distribution or allocation.

15 Section 22 is amended by adding the following after subsection (2):

(3) Without limiting the applicability of any other provision of this Act against which an offence involving a licence or permit may be committed, a person who does anything

11 Changes in section and clause references, consequential to changes to sections 96 and 97.

12 Section 12 presently reads:

12 Except as prescribed, the Minister may, in writing and in the form prescribed by the Minister, transfer the Crown's property in wildlife on terms and conditions that he considers appropriate and that are specified in the transfer instrument.

13 Section 14 presently reads:

14 Notwithstanding any other law, no right of action lies and no right of compensation exists against

- (a) the Crown by virtue of the application of this Part, or*
- (b) the Crown or a wildlife officer or wildlife guardian acting in the execution of his duties for death, personal injury or property damage caused by a wildlife or exotic animal.*

14 Section 15 presently reads in part:

15(1) The Lieutenant Governor in Council may by regulation

- (a) establish licences and permits and specify the activities authorized by or under the licences or permits,*
- (b) subdivide licences and permits into classes according to the prescribed criteria, and*
- (c) specify training and testing qualifications required for the obtaining and holding of a licence or permit.*

(2) The Minister may make regulations, not inconsistent with regulations under subsection (1)(c),

- (a) specifying qualifications required for the obtaining and holding of a licence or permit, and*
- (b) establishing conditions precedent to the obtaining of a licence or permit.*

15 Additional offence involving acting under suspension, and address for service.

- (a) under the purported authority of a licence or permit that is under suspension, or
- (b) while his right to obtain or hold a licence or permit is under suspension that would be authorized by that licence or permit if held and if that right were not under suspension,

whether the suspension was imposed under this section or section 94 or 95, is guilty of an offence against this subsection if the holding of a valid licence or permit is necessary to make the act lawful.

(4) Where a suspension or cancellation of a licence or permit or a suspension of the right to obtain or hold a licence or permit is imposed under section 94 or 95 or this section, a notice to that effect is sufficiently served on a person if it is sent by registered mail to the last recorded address shown on the licence or permit, as the case may be, most recently held by the person or, if the person had no licence or permit, to his last known address.

16 Section 23 is amended by striking out “by the Minister”.

17 The following is added after section 24:

Defacement,
alteration and
possession of
certain
documents

24.1 A person shall not

- (a) deface or alter a licence, permit or other prescribed document, or
- (b) have in his possession
 - (i) a document that purports to be but is in fact not a licence, permit or other prescribed document, or
 - (ii) a licence, permit or other prescribed document that has been defaced or altered.

18 Section 25 is amended

- (a) by repealing subsection (1);
- (b) in subsection (2)

16 Section 23 presently reads:

23 A licence or permit is not transferable unless and except to the extent prescribed by the Minister.

17 Defacement and alteration of licence, etc., and possession of defaced and altered licences, etc.

18 Section 25 presently reads:

25(1) The Lieutenant Governor in Council may prescribe the length or maximum length of an open season and the earliest and latest dates in a year for the commencement and termination of an open season.

(i) *by striking out “, subject to any restrictions prescribed under subsection (1),”;*

(ii) *by striking out “by him” wherever it occurs.*

19 Section 26 is amended

(a) *in subsection (1) by striking out “A” and substituting “Subject to subsection (3), a”;*

(b) *in subsection (2)(b) by striking out “hunting with a trap” and substituting “trapping”;*

(c) *in subsection (3) by adding “or has a prescribed authorization” after “licence”.*

20 Section 30 is amended by striking out “with traps” and substituting “by trapping”.

21 Section 33 is amended by striking out the words preceding clause (a) and substituting the following:

Minors

33 A person who is under 18 years of age shall not hunt with a firearm or another prescribed weapon unless under the direct and immediate supervision of

22 Section 34 is amended

(a) *by adding the following after subsection (1):*

(1.1) A person shall not have in his possession while hunting wildlife anything described in the Schedule that is prescribed.

(b) *in subsection (2) by striking out “Subsection (1) does” and substituting “Subsections (1) and (1.1) do”;*

(c) *by adding the following after subsection (5):*

(2) The Minister may, subject to any restrictions prescribed under subsection (1), by regulation establish as open seasons periods during which wildlife of the kinds and characteristics and in the numbers prescribed by him may be lawfully hunted in the areas, under the licences and, where applicable, in the manner prescribed by him.

19 Section 26 presently reads:

26(1) A person shall not hunt wildlife unless he holds a licence authorizing him, or is authorized by or under a licence, to hunt wildlife of that kind.

(2) Subsection (1) does not apply to hunting that is specifically authorized by or under the Agricultural Pests Act, and subsection (1) applies only

(a) in respect of guiding, to guiding for gain or reward, and

(b) in respect of non-licence wildlife, to hunting with a trap.

(3) A person shall not for gain or reward guide another person hunting wildlife unless he holds a licence specifically authorizing that guiding.

20 Section 30 presently reads:

30 A person shall not hunt wildlife, except with traps, during the period commencing at ½ hour after sunset and ending at ½ hour before sunrise the following day.

21 Section 33 presently reads:

33 A person who is under 16 years of age shall not hunt with a firearm unless he is accompanied by

(a) a parent or legal guardian of his, or

(b) an adult who is authorized in writing by such a parent or legal guardian to accompany him.

22 Prohibited items in hunting wildlife. Also section 34 presently reads in part:

34(1) A person shall not set out, use or have in his possession for the purpose of hunting wildlife anything described in Item 1 of the Schedule.

(2) Subsection (1) does not apply to a setting out, use or possession of something specifically authorized by or under

(a) a licence authorizing the control of wildlife depredation or the collection of wildlife, or

(6) A person shall not set out or use a substance that is neither included in subsection (4) nor an immobilizing drug with intent to poison or otherwise kill wildlife unless

(a) specifically authorized to do so by or under a licence authorizing the control of wildlife depredation or the collection of wildlife, or

(b) both

(i) the use of that substance is expressly authorized for controlling wildlife of a particular kind by, and the action undertaken is otherwise in accordance with, both the *Environmental Protection and Enhancement Act* and the *Pest Control Products Act* (Canada) or the regulations under those Acts, and

(ii) wildlife of that kind is a pest or a nuisance within the meaning of the *Agricultural Pests Act*.

23 *Section 35 is amended*

(a) in subsection (1)(c) by striking out “firearm” and substituting “weapon”;

(b) in subsection (2) by striking out “, or” at the end of clause (a) and repealing clause (b);

(c) in subsection (3)(a) by striking out “the breech or chamber,” and substituting:

(i) the breech or chamber, or

(ii) a magazine that is attached to or inserted into the firearm,

24 *Section 38 is amended*

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

(b) the Agricultural Pests Act.

23 Section 35 presently reads in part:

35(1) A person shall not

(c) discharge a firearm from a vehicle, aircraft or boat, other than a boat that is propelled by muscular power or anchored, or

(2) Subsection (1) does not apply to an activity that is specifically authorized by or under

(a) a licence authorizing the control of wildlife depredation or the collection of wildlife, or

(b) the Agricultural Pests Act.

(3) For the purposes of subsection (1)(d), the following firearms are loaded if

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

24 Change in section and clause references, consequential to changes to sections 96 and 97. Also section 38(1) presently reads:

38(1) A person shall not wilfully molest, disturb or destroy a house, nest or den of wildlife prescribed by the Minister in areas and at times prescribed by the Minister.

Disturbance,
etc., of wildlife
habitation

38(1) A person shall not wilfully molest, disturb or destroy a house, nest or den of prescribed wildlife or a beaver dam in prescribed areas and at prescribed times.

(b) *in subsection (2)(c) by striking out “97(l)” and substituting “96(1)(w)”.*

25 *Section 39 is repealed and the following is substituted:*

Affixation of
tags

39(1) The holder of a licence as a part of which a tag or tags have been issued shall, immediately after killing wildlife under the authority of that licence, affix that tag or those tags to the wildlife.

(2) The licence holder shall affix the tag or tags to the prescribed part or parts of the wildlife in the prescribed manner.

26 *The following is added after section 40:*

Hunting in
wildlife
sanctuary

40.1 Notwithstanding any other law, a person shall not hunt in a wildlife sanctuary unless that hunting is specifically authorized by or under the regulations.

27 *The heading before section 41 is amended by striking out “Wildlife” and substituting “Animals”.*

28 *Section 41 is amended*

(a) *by adding the following after subsection (1):*

(1.1) A person shall not have in his possession while hunting big game anything described in the Schedule that is prescribed.

(b) *in subsection (2) by adding “while or” after “in his possession”;*

(c) *by adding the following after subsection (5):*

(5.1) A person shall not have in his possession while hunting fur-bearing animals anything described in the Schedule that is prescribed.

29 *Section 42 is amended*

25 Section 39 presently reads:

39 The holder of a licence as a part of which a tag or tags have been issued shall, immediately after killing wildlife, affix that tag or those tags to the prescribed part or parts of its carcass in the prescribed manner.

26 Prohibition or restriction against hunting in wildlife sanctuaries.

27 The heading before section 41 presently reads:

Hunting of Particular Kinds of Wildlife

28 Prohibited equipment and other items. Also, section 41 presently reads in part:

(2) A person shall not set out, use or have in his possession for the purpose of hunting game birds anything described in Item 3 of the Schedule.

29 Section 42(3) presently reads:

(a) in subsection (3) by adding “or” after clause (a) and repealing clause (b);

(b) by adding the following after subsection (3):

(4) Subsection (2) does not apply to the skin of a fur-bearing animal that has been killed in accordance with the *Agricultural Pests Act*.

30 Section 43 is repealed and the following is substituted:

Hunting by
non-residents,
etc.

43(1) Unless otherwise prescribed, a person who is not a resident (in this section called a “client”) shall not hunt big game, wolf or coyote unless accompanied by another person who holds a licence, or has an authorization referred to in section 26(3), that authorizes that other person to guide the client.

(2) For the purposes of subsection (1), a client is accompanied by another person if the two are sufficiently close to each other that the other person is able to provide direct advice and assistance to the client without the benefit of any radio, telephone or other similar device for electronic communication.

31 Section 44(1) is repealed and the following is substituted:

Hunting
following
aircraft flight

44(1) A person shall not hunt big game within 6 hours after having disembarked anywhere, whether in Alberta or not, from an aircraft other than a fixed wing aircraft propelled by jet or turbo-propeller driven engines.

32 Section 45 is amended by striking out “firearm” and substituting “weapon”.

33 Section 46.1(1) is amended by striking out “exotic” and substituting “controlled”.

34 Section 48 is amended by striking out “hunt with traps” and substituting “trap wildlife”.

(3) This section does not apply to

(a) wildlife killed under

(i) a licence authorizing the collection of wildlife, or

(ii) a licence authorizing the control of wildlife depredation, unless the licence states that this section is to apply,

(b) an activity that is specifically authorized by or under the Agricultural Pests Act, or

(c) a present or prospective game-production animal.

30 Section 43 presently reads:

43 A person who is not a resident shall not hunt big game unless he is accompanied by a person holding a licence authorizing him to guide hunters.

31 Section 44(1) presently reads:

44(1) A person shall not hunt big game after and on the same day that he has disembarked from an aircraft at a landing location of a prescribed kind.

32 Section 45 presently reads:

45 A person shall not discharge a firearm at big game when it is swimming.

33 Section 46.1(1) presently reads:

46.1(1) A person shall not hunt any big game or exotic animal on a game animal production farm.

34 Section 48 presently reads:

48 Where a person has a licence authorizing his exclusive right to hunt with traps in a particular area, he may remove or authorize another person to remove any trap found in that area.

35 *Section 49 is amended*

- (a) by adding “buy or” before “sell” wherever it occurs;*
- (b) by striking out “for sale” wherever it occurs and substituting “to buy or sell”;*
- (c) in subsection (3) by striking out “pheasants” and substituting “upland game birds”.*

36 *Section 50 is amended by striking out “an area prescribed by the Minister” and substituting “a prescribed area”.*

37 *Section 51 is amended*

- (a) in subsection (1)(b) by striking out “a road allowance containing a” and substituting “any other”;*

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

(1.1) In subsection (1), “highway” or “road” includes, as well as the travelled portion of it, a width of land on either side of the travelled portion (including the inner 2 sides of a divided highway) that extends,

- (a)** if there is a fence parallelling the travelled portion that separates the adjacent lands from the travelled portion, to the fence,
- (b)** if there is an identifiable ditch alongside the travelled portion and there is no fence separating the travelled portion from the adjacent lands, to the edge of the ditch that is further from the travelled portion, or
- (c)** if there is no such fence or ditch, to a distance of 20 feet from the edge of the travelled portion,

and also includes the whole of the remaining area between the 2 travelled portions of a divided highway at any location

35 Section 49 presently reads:

49(1) No person shall directly or indirectly sell, trade or barter or offer for sale access to any land for the purpose of hunting any big game or any fur-bearing animals on any land.

(2) No person shall directly or indirectly sell, trade or barter or offer for sale access to any land for the purpose of hunting any game bird except as provided in subsection (3).

(3) No person shall directly or indirectly sell, trade or barter or offer for sale access to any land for the purpose of hunting pheasants

(a) on privately owned land unless he holds a licence issued to him for that purpose pursuant to this Act and except in accordance with the regulations, or

(b) on public land that is not privately owned land.

36 Section 50 presently reads:

50 A person shall not, in an area prescribed by the Minister, train or hold field trials for dogs for the purpose of hunting wildlife or retrieving game birds without a permit authorizing him to do so.

37 Section 51 presently reads in part:

51(1) A person shall not discharge a firearm from, or cause a projectile from a firearm to pass along or across,

(a) a highway designated as a primary highway under the Public Highways Development Act, or

(b) a road allowance containing a road that is paved, oiled, graded or regularly maintained in a municipal district or prescribed area.

where the distance between the 2 nearest points on the innermost edges of the 2 travelled portions is less than 200 yards.

(c) *by adding the following after subsection (2):*

(2.1) Subsection (1) does not apply with respect to a road that is on privately owned land and that is maintained for the private use of the owner or occupant or a road held under any active disposition under the *Public Lands Act* or under an order under the *Surface Rights Act*.

38 *Section 52(1) is amended by striking out “firearm” wherever it occurs and substituting “weapon”.*

39 *The following is added after section 52:*

Discharge of
firearm at
night

52.1 Except at a lawfully established and operated shooting range, a person shall not discharge a firearm during the period referred to in section 30.

40 *The heading to Part 5 is amended by striking out “WILDLIFE AND EXOTIC”.*

41 *Section 54 is amended*

(a) *by striking out “exotic” wherever it occurs and substituting “controlled”;*

(b) *in subsection (2)*

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

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

38 Section 52(1) presently reads:

52(1) No person shall

(a) discharge a firearm, or

(b) cause a projectile from a firearm to pass

within 200 yards of any occupied building.

39 Discharge of firearm at night.

40 The heading to Part 5 presently reads:

*POSSESSION OF AND COMMERCE IN
WILDLIFE AND EXOTIC ANIMALS*

41 Section 54 presently reads:

54(1) Subject to this Act, a person shall not be in possession of a wildlife or exotic animal.

(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

(ii) in clause (c)(iii) by adding “and of this Act,” after “those Acts”;

(c) by adding the following after subsection (2):

(3) Except as prescribed, a person shall not be in possession of an animal that is not a subject animal and that was imported into Alberta unless it was lawfully acquired in and lawfully exported from a jurisdiction outside Alberta.

42 Section 55(2) is amended

(a) in clause (a) by adding “or the collection of wildlife” after “depredation”;

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

(b) under circumstances where section 34(6)(b) applies,
or

43 Section 57(1) is amended by striking out “documents prescribed by the Minister” and substituting “prescribed documents”.

44 Section 58 is amended by striking out “exotic” and substituting “controlled”.

45 The following is added after section 59:

Escape and
recapture of
animals from
certain
premises

59.1(1) If a live big game animal is found on permit premises and its possession on those premises is not authorized by a permit, the owner or person in charge of those premises shall ensure that a wildlife officer appointed by the Minister under section 2(1) is notified forthwith of the finding.

(2) Where a wildlife or controlled animal escapes from captivity on permit premises or a game animal production farm, the owner or person in charge of the permit premises or farm shall

(a) make reasonable efforts to recapture the animal, and

- (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.*

42 Section 55(2) presently reads:

- (2) Subsection (1) does not apply to wildlife that was subjected to a poisonous substance or an immobilizing drug administered*
- (a) under a licence authorizing the control of wildlife depredation,*
 - (b) under the Agricultural Pests Act, or*
 - (c) in the course of the operation of a game animal production farm or a recapture described in section 1(2)(c).*

43 Section 57(1) presently reads:

57(1) A person shall not transport wildlife in a vehicle, aircraft or boat unless he is carrying the documents prescribed by the Minister.

44 Section 58 presently reads:

58 A person shall not import a live wildlife or exotic animal into Alberta unless he is so authorized by a permit specifically authorizing the importation.

45 Escape of certain animals from permit premises and game animal production farms and recapture.

- (b) ensure that the escape is reported to a wildlife officer referred to in subsection (1) within the prescribed period or, if no such period is prescribed, within 48 hours after the escape, unless it is recaptured within that period.

(3) The Minister may recapture or attempt to recapture the escaped animal and assess the cost directly or indirectly incurred by the Crown in recapturing or attempting to recapture it, including any damage caused by the animal or by efforts to recapture it, to the owner or person in charge of the permit premises or farm before the animal escaped.

46 *Section 60 is amended by striking out “exotic” and substituting “controlled”.*

47 *Section 61 is amended*

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

Trafficking in
wildlife

61(1) A person shall not traffic in wildlife.

(1.1) A person shall not be in possession of wildlife for the purpose of trafficking in wildlife.

(b) *in subsection (2)*

(i) *by striking out “Subsection (1) does” and substituting “Subsections (1) and (1.1) do”;*

(ii) *in clause (a) by adding “or is authorized by or under the Livestock Industry Diversification Act” after “permit”;*

(iii) *in clause (b) by striking out “or a game animal production farm” and substituting “in accordance with the Fur Farms Act”.*

48 *Section 63(1) is amended by striking out “form and manner prescribed by the Minister, maintain records containing the information prescribed by him” and substituting “prescribed form and manner, maintain records containing the prescribed information”.*

49 *Section 64 is amended*

46 Section 60 presently reads:

60 Without limiting section 8(3) of the Fur Farms Act, a person shall not release a live wildlife or exotic animal from captivity unless he has the written authorization of the Minister to do so.

47 Section 61 presently reads in part:

61(1) A person shall not

- (a) traffic in wildlife, or*
- (b) be in possession of wildlife for the purpose of trafficking in wildlife.*

(2) Subsection (1) does not

- (a) apply if and to the extent that the trafficking or the possession is specifically authorized by a permit,*
- (b) apply if the trafficking or possession is reasonably incidental to the operation of a fur farm or a game animal production farm or is in accordance with the Meat Inspection Act or the Meat Inspection Act (Canada), or*
- (c) prevent a person from acquiring wildlife from the Minister under section 12.*

48 Section 63(1) presently reads:

63(1) A person in possession of wildlife shall, in the form and manner prescribed by the Minister, maintain records containing the information prescribed by him concerning that wildlife.

49 Section 64(1) presently reads:

(a) *in subsection (1) by adding “and responsibilities and in the exercise of his powers” after “duties”;*

(b) *by adding the following after subsection (2):*

(3) Wildlife officers and wildlife guardians

- (a) are the persons with the primary responsibility of enforcing this Act, and
- (b) without limiting their other powers, have all powers that are required for, that are incidental to or that form part of
 - (i) the performance of their duties, whether or not those duties are specifically referred to in this Act, or
 - (ii) any enforcement, investigation, administration or process under or relating to this Act or any directions, requirements, orders or prosecution or other legal proceeding under or relating to this Act.

50 Section 66 is amended by repealing subsections (1) and (2) and substituting the following:

Power to stop
and order
movement of
vehicles, etc.
and animals

66(1) A wildlife officer, in the execution of his duties, may signal or otherwise order

- (a) a person operating a vehicle, aircraft or boat or riding or leading a pack-animal to stop it forthwith or to move it to a particular place and then stop it, or
- (b) a person carrying a pack to stop,

and that person shall forthwith comply with that signal or order and shall not proceed until the end of such period of time as is reasonably necessary to enable the officer to conduct any lawful inquiries.

51 Section 68 is repealed and the following is substituted:

Inspection of
subject
animals

68(1) In this section,

- (a) “structure” means a building, tent or other structure that is not a private dwelling;

64(1) A wildlife officer or wildlife guardian, in the execution of his duties, is a person employed for the preservation and maintenance of the public peace.

50 Section 66 presently reads:

66(1) A wildlife officer, in the execution of his duties, may signal or otherwise require a person operating a vehicle, aircraft or boat to stop the vehicle, aircraft or boat forthwith or to move it to a particular place and then stop the vehicle, aircraft or boat.

(2) A person operating a vehicle, aircraft or boat shall forthwith comply with a signal or requirement made under subsection (1) and shall not proceed until the end of a period of time reasonably necessary to enable the officer to conduct any lawful inquiries.

(3) This section does not apply with respect to an aircraft that is in flight.

51 Section 68 presently reads:

68(1) A wildlife officer or wildlife guardian may require the operator or person in possession of a vehicle, aircraft or boat to produce all wildlife and exotic animals in or on the vehicle, aircraft or boat for the purpose of inspection to determine the sex, species

(b) “transport” means a vehicle, aircraft, boat, pack-animal or pack.

(2) A wildlife officer or wildlife guardian may require the operator or person in possession of any transport or the owner or occupant of a structure to produce all subject animals in or on the transport or structure, as the case may be, for the purpose of inspection to determine the sex, species and size of the animals or to ascertain whether disease or parasites are present in or on the animals or whether the animals are lawfully possessed or, if dead, tagged, if

(a) any subject animal in or on the transport or structure is in plain view of the officer or guardian, or

(b) the officer or guardian has reasonable and probable grounds to believe that there is a subject animal in or on it.

(3) An officer or guardian may require the operator or person in possession of any transport or the owner or occupant of a structure to produce all endangered organisms in or on it for the purpose of ascertaining whether they are lawfully possessed, if

(a) any endangered organism in or on it is in plain view of the officer or guardian, or

(b) he has reasonable and probable grounds to believe that endangered organisms are present there.

(4) When an officer or guardian requires a person to produce subject animals or endangered organisms under subsection (2) or (3), that person shall forthwith produce to the officer or guardian all subject animals or endangered organisms, as the case may be, in or on the applicable transport or structure.

52 Section 69 is amended

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

Inspection of
weapons,
ammunition
and projectiles

69(1) If a weapon, ammunition or projectile or any part of it

(a) is in or on a vehicle, aircraft or boat or is being transported on an animal or by a person who is on foot, and

and size of the animals or to ascertain whether disease or parasites are present in or on the animals, if

- (a) any wildlife or exotic animal in the vehicle, aircraft or boat is in plain view of the officer or guardian, or*
- (b) the officer or guardian has reasonable and probable grounds to believe that the vehicle, aircraft or boat contains a wildlife or exotic animal.*

(2) An officer or guardian may require the owner or occupant of a building, tent or other structure that is not a private dwelling to produce all wildlife and exotic animals in the building, tent or other structure for the purpose of inspection to determine the sex, species and size of the animals or to ascertain whether disease or parasites are present in or on the animals, if

- (a) any wildlife or exotic animal in the building, tent or other structure is in plain view of the officer or guardian, or*
- (b) the officer or guardian has reasonable and probable grounds to believe that the building, tent or other structure contains a wildlife or exotic animal.*

(3) When an officer or guardian requires a person to produce wildlife or exotic animals for inspection under subsection (1) or (2), that person shall forthwith produce all wildlife or exotic animals in the vehicle, aircraft, boat, building, tent or other structure, as the case may be, to the officer or guardian.

52 Section 69 presently reads:

69(1) If a firearm or part of a firearm in a vehicle, aircraft or boat is in plain view of a wildlife officer or wildlife guardian, the officer or guardian may require the operator or person in possession of the vehicle, aircraft or boat to produce the firearm for the purpose of inspection to determine whether it is in the vehicle, aircraft or boat in circumstances constituting a danger to public safety.

(2) When an officer or guardian requires a person to produce a firearm for inspection under subsection (1), that person shall forthwith produce it to the officer or guardian.

(b) is in plain view of a wildlife officer or wildlife guardian,

the officer or guardian may require the person who is or who appears to be in possession of that weapon or other thing to produce it for the purpose of inspection to determine whether it is there in circumstances constituting a danger to public safety or whether or not it is possessed in accordance with this Act.

(b) in subsection (2) by striking out “a firearm” and substituting “anything”.

53 *Section 70(1) is amended*

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

(b) search any container, including a pack, or any pack-animal,

(b) by adding “or on” after “there is in”.

54 *Section 71 is amended*

(a) by repealing subsections (1) and (2) and substituting the following:

Inspection of
permit and
other premises

71(1) A wildlife officer or wildlife guardian may, without obtaining a warrant, enter at any reasonable hour

(a) any premises that he has reason to believe are permit premises, or

(b) any other premises where

(i) any authorization is required by or under another statute (including a federal statute) to possess any subject animals or endangered organisms, or

(ii) a commercial service in relation to butchering, skinning, dressing or plucking dead subject animals is offered,

53 Section 70(1) presently reads:

70(1) If distance, urgency, the likelihood of the removal or destruction of evidence or other relevant factors do not reasonably permit the obtaining of a warrant, a wildlife officer or wildlife guardian may, without obtaining a warrant,

(a) enter into and search a place, vehicle, aircraft, boat or a building, tent or other structure, or

(b) search any container,

if he believes on reasonable and probable grounds that there is in it any evidence of an offence against this Act.

54 Section 71 presently reads:

71(1) A wildlife officer or wildlife guardian may, without obtaining a warrant, enter at any reasonable hour any premises that he has reason to believe are permit premises, other than the living quarters of a private dwelling, to inspect the premises and any wildlife or exotic animals found in them and any records required to be kept by or under this Act.

(2) If it appears to a justice, on information laid before him on oath, that there are reasonable and probable grounds for believing that the living quarters of a private dwelling contain permit premises, he may issue a warrant authorizing an officer or guardian to enter those quarters, by force if necessary, for the purpose of inspecting the quarters and inspecting any wildlife or exotic animals found in them and any records required to be kept by or under this Act.

(3) Before entering the living quarters under subsection (2), an officer or guardian shall take reasonable steps to find the person in possession of them and shall endeavour to obtain the consent of that person.

(4) A permit holder or other person in charge of the permit premises shall, for the purpose of an inspection under this section, give all

and where he has reason to believe that subject animals or endangered organisms may be found at the time of entry, other than the living quarters of a private dwelling, for the purpose of inspecting the premises and any subject animals and endangered organisms found in them and any records required to be kept by or under this Act, the *Livestock Industry Diversification Act* or the *Fur Farms Act*.

(2) If it appears to a justice, on information laid before him on oath, that there are reasonable and probable grounds for believing that the living quarters of a private dwelling contain any premises referred to in subsection (1), he may issue a warrant authorizing an officer or guardian to enter those quarters, by force if necessary, for the purpose of inspecting the quarters and inspecting any subject animals and endangered organisms found in them and any records referred to in subsection (1).

(b) *in subsection (4)*

(i) *by striking out “permit premises shall” and substituting “premises referred to in this section shall”;*

(ii) *by striking out “permit premises and” and substituting “premises and”;*

(iii) *by adding “and all other records referred to in subsection (1)” after “this Act”.*

55 *Section 74 is amended*

(a) *in subsection (1)(b)*

(i) *by adding “if he has dealt with it under subsection (2),” before “furnish”;*

(ii) *by repealing subclause (iii) and substituting the following:*

(iii) *unless a justice is going to deal substantively with the thing seized, stating how it has been so dealt with.*

(b) *in subsection (2)*

(i) *in clause (a) by striking out “before it is dealt with under subsection (1)”;*

reasonable assistance to the officer or guardian carrying out the inspection and provide access to all relevant areas of the permit premises and provide all information, records and copies required to be kept by or under this Act.

55 Section 74 presently reads:

74(1) Following a seizure of anything under section 73, the wildlife officer or wildlife guardian shall, subject to this section,

(a) bring it before a justice to be dealt with by him, or

(b) furnish a justice with an affidavit

(i) stating that he has reason to believe that an offence has been committed in respect of the thing seized,

(ii) setting out the name of the person, if any, having physical possession of the thing seized at the time it was seized, and

(iii) stating the disposition of the thing seized.

(2) The officer or guardian may

(ii) *in clause (b) by striking out “exotic animal” and substituting “controlled animal or an endangered organism”;*

(iii) *in clause (c)*

(A) *by striking out “exotic animal” and substituting “controlled animal or an endangered organism”;*

(B) *in subclause (i) by striking out “in captivity” wherever it occurs and substituting “alive”;*

(c) *by repealing subsection (3) and substituting the following:*

(3) Where, in accordance with subsection (2)(c)(i), an officer or guardian delivers an organism to another person to have it kept alive, the Minister may assess the cost of keeping it alive to its owner or the person in whose possession it was when it was seized, or both, and that cost shall be paid on demand by the person assessed and is recoverable by the Minister as a debt due to the Crown.

56 *Section 75 is amended*

(a) *in subsection (1)*

(i) *by adding “under section 74(1)(a)” after “a justice”;*

(ii) *by repealing clause (a) and substituting the following:*

(a) *returned to the Crown if it belongs to the Crown and forfeited to the Crown if it does not, or*

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

(2) Where anything is seized under section 73 and brought before a justice for the purpose of having the justice deal substantively with it, the justice shall,

(a) *if it is a thing referred to in sub-item 1, 2, 4, 8 or 9 of Item 1 of the Schedule or a controlled animal, order that it be forfeited to the Crown, or*

(b) *if it is wildlife or an endangered organism and*

(i) *the alleged offence respecting it has resulted in a conviction, or*

- (a) *return the thing to the person from whom it was seized or to whom it belongs before it is dealt with under subsection (1),*
 - (b) *in the case of a dead wildlife or exotic animal, dispose of any part of it that is not required as evidence in accordance with a direction of the Minister, or*
 - (c) *in the case of a live wildlife or exotic animal,*
 - (i) *in accordance with a direction of the Minister, keep it in captivity or deliver it to another person to have it kept in captivity, kill it or sell or otherwise dispose of it, or*
 - (ii) *dispose of it in any manner agreed to by the owner.*
- (3) *Where, in accordance with subsection (2)(c)(i), an officer or guardian delivers an animal to another person to have it kept in captivity, the Minister may assess the cost of keeping the animal in captivity to the owner or the person in whose possession it was when it was seized, or both, and that cost shall be paid on demand by the person assessed and is recoverable by the Minister as a debt due to the Crown.*

56 Section 75 presently reads:

- 75(1) *Subject to subsection (2), where anything is seized and brought before a justice, the justice may order that it be*
- (a) *forfeited to the Crown, or*
 - (b) *returned to the person from whom it was seized.*
- (2) *If wildlife belonging to the Crown or anything referred to in sub-item 1, 2, 4, 8 or 9 of Item 1 of the Schedule is seized and brought before a justice, the justice shall order that it be returned to the Crown if it belongs to the Crown or forfeited to the Crown if it does not.*
- (3) *Where something is returned in accordance with subsection (1)(b), the justice may order the person to whom the thing is returned*
- (a) *to hold the thing as bailee for the Crown during the time limited for appeal, or any extension of that time, and*
 - (b) *to produce the thing if it is required in an appeal.*
- (4) *Notwithstanding anything in this section, where*
- (a) *the offence respecting which a thing is seized under section 73 is an offence for which the person charged has, under the Provincial Offences Procedure Act, the right to exercise a specified penalty option, and*

- (ii) its possession by the person in possession of it at the time it was seized would be unlawful were it returned to that person's possession,

order that it be returned to the Crown if it belongs to the Crown or forfeited to the Crown if it does not.

(c) *in subsection (4) by striking out "exotic animal" and substituting "controlled animal or an endangered organism";*

(d) *in subsection (5)*

- (i) *by striking out "exotic animal" and substituting "controlled animal or an endangered organism";*
- (ii) *by striking out "the animal" and substituting "the organism";*
- (iii) *by striking out "an animal" and substituting "an organism".*

57 *Section 76(2) is repealed.*

58 *Section 78 is amended*

(a) *in subsection (1)*

- (i) *by striking out "wildlife or exotic" wherever it occurs;*
- (ii) *by striking out "health of any animal or person" and substituting "life or health of any wildlife animal or endangered organism, or that any animal poses an ecological threat or genetic danger to wildlife or an endangered organism and that it is in the public interest to do so";*

(b) *in subsection (2)*

- (i) *by striking out "a diseased or parasitized" and substituting "an";*

(b) the person charged exercises that right,

then, if the thing seized is a wildlife or exotic animal or anything referred to in sub-item 1, 2, 4, 8 or 9 of Item 1 of the Schedule, it is forfeited to the Crown, and otherwise it shall be returned to the person from whom it was seized.

(5) Where a wildlife or exotic animal disposed of under section 74(2)(b) or (c) does not belong to the Crown and is not forfeited to the Crown in accordance with this section, the Minister may provide compensation for the loss of the animal in the amount or at the value that, in the opinion of the Minister, is fair for an animal of that kind.

57 Section 76(2) presently reads:

(2) The Minister may return to the person from whom it was seized a dead fur-bearing animal seized for an offence involving non-payment of fur royalties if those royalties and any fine are paid within 30 days after the finding of guilt.

58 Section 78 presently reads in part:

78(1) The Minister may, if he believes on reasonable and probable grounds that any wildlife or exotic animal is diseased or materially infested by parasites and might present a danger to the health of any animal or person,

(a) order that the suspect wildlife or exotic animal be quarantined for the period of time and in the manner that the Minister directs, or

(b) direct a wildlife officer to seize the suspect animal and kill or otherwise dispose of it in the manner directed by the Minister.

(2) The Minister may provide compensation in respect of a diseased or parasitized animal disposed of under subsection (1)(b) in an amount that, in the opinion of the Minister, represents the fair value of an undiseased or unparasitized animal of that kind.

- (ii) *by adding “, in the case of a diseased or parasitized animal,” after “value of”;*
- (iii) *by adding “and, in the case of any other animal, an animal of that kind” after “kind”;*
- (c) *in subsection (4) by striking out “an animal under subsection (1)(a)” and substituting “and disposing of an animal under subsection (1), including any cost relating to the confinement, care or transportation of the animal, its veterinary treatment and testing.”.*

59 *Section 79 is repealed.*

60 *Section 80 is repealed and the following is substituted:*

Damage or
threat caused
by private
animals

80(1) In this section, “privately owned animal” means any animal that is not owned by the Crown.

(2) If a wildlife officer or wildlife guardian believes that a privately owned animal is harassing wildlife, he may order the owner or the person in charge of that animal to confine it in the manner directed by the officer or guardian and that

(4) The Minister may assess the cost of quarantining an animal under subsection (1)(a) to the owner of the animal and that cost shall be paid on demand by the person assessed and is recoverable by the Minister as a debt due to the Crown.

59 Section 79 presently reads:

79(1) The Minister may, if he believes that any wildlife, exotic or excluded animal poses an ecological threat or genetic danger to wildlife and that it is in the public interest to do so,

(a) order that the suspect animal be quarantined for the period of time and in the manner that the Minister directs, or

(b) direct a wildlife officer to seize the suspect animal and kill or otherwise dispose of it in the manner directed by the Minister.

(2) The Minister may provide compensation in respect of an animal disposed of under subsection (1)(b) in an amount that, in the opinion of the Minister, represents the fair value of an animal of that kind.

(3) Notwithstanding subsection (2), no right of compensation exists against the Crown or the officer in respect of the subject-matter of a direction of the Minister under subsection (1).

(4) The Minister may assess the cost of quarantining an animal under subsection (1)(a) to the owner of the animal and that cost shall be paid on demand by the person assessed and is recoverable by the Minister as a debt due to the Crown.

(5) A person to whom an order under subsection (1)(a) is directed shall comply with the order.

60 Section 80 presently reads:

80(1) If a wildlife officer or wildlife guardian believes that a dog or cat is harassing wildlife, he may order the owner or the person in charge of the dog or cat to confine it in the manner directed by the officer or guardian, and that person shall comply with the order.

(2) Where an officer or guardian finds a dog harassing big game, he may kill or attempt to kill the dog if he believes it is necessary to

person shall comply with the order, but this subsection does not apply to the extent that that animal is a dog and the wildlife is

- (a) big game being hunted in accordance with section 46(2)(b), or
- (b) other wildlife being hunted if the hunter is lawfully entitled to hunt that wildlife and the use of a dog for that hunting is not prohibited by law.

(3) Where a privately owned animal

- (a) harasses or poses a threat to the life or health of wildlife, other than where that animal is a dog being used under the circumstances described in subsection (2)(a) or (b), or
- (b) is damaging or is likely to damage wildlife habitat,

an officer or guardian may, if it is in the public interest to do so and he believes that doing so will protect the wildlife or the habitat, capture or destroy or attempt to capture or destroy the privately owned animal.

(4) Where a privately owned animal is believed to pose an immediate danger to any person or is damaging or is imminently likely to damage property, an officer or guardian may, if it is in the public interest to do so and he believes that doing so will remove the danger or prevent the damage or further damage, capture or destroy or attempt to capture or destroy the animal.

(5) An officer or guardian and the Crown are not liable for the death of or any injury to the privately owned animal resulting from anything done under this section.

61 Section 81 is amended

(a) in subsection (1)

- (i) by striking out “exotic animal,” and substituting “controlled animal or from any attempt to capture or kill such an animal.”;*
- (ii) by adding “or, if no such period is so specified, until such time as an officer or guardian orders that the area be reopened to public access” after “in the order”;*

do so to protect the big game, and he and the Crown are not liable for the death of or any injury to the dog

(3) This section does not apply with respect to a dog being used for hunting big game in circumstances in which hunting of that big game with a dog is authorized by or under this Act.

61 Section 81 presently reads in part:

81(1) If a wildlife officer or wildlife guardian believes that the health or safety of the public is in jeopardy in any area owing to the presence of a wildlife or exotic animal, he may make a written or oral order that the area be closed to public access for the period specified in the order.

(2) If an officer or guardian believes that the continuation of hunting in an area constitutes a safety hazard to any person, he may make a written or oral order that the area be closed to hunting for the period specified in the order.

- (b) *in subsection (2) by adding “or, if no such period is so specified, until such time as an officer or guardian orders that the area be reopened to hunting” after “in the order”;*
- (c) *in subsection (3) by adding “or reopening, as the case may be,” after “of the closure”;*
- (d) *in subsection (4) by adding “but not yet reopened” after “closed” wherever it occurs.*

62 *Section 82(1)(a)(i) is amended by striking out “exotic” and substituting “controlled”.*

63 *Section 85 is amended*

(a) in subsection (1)

- (i) by adding “or” at the end of clause (c), by striking out “or” at the end of clause (d) and by repealing clause (e);*
- (ii) by striking out “signed by the Minister” and substituting “signed by a person designated by the Minister as a person authorized to sign certificates given under this subsection”;*
- (iii) by striking out “authority of the Minister” and substituting “authority of that person”;*
- (iv) by striking out “appointment or signature” and substituting “signature or qualifications”;*

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

- (2)** *In a prosecution of an offence against this Act,*
 - (a) a regulation made by the Minister,*

(3) Where an officer or guardian makes an order under subsection (1) or (2), he shall endeavour to give notice of the closure by whatever method he considers most appropriate to all who may be affected.

(4) No person shall, without the written authorization of an officer or guardian,

(a) enter or remain in an area that has been closed under subsection (1), or

(b) hunt in an area that has been closed under subsection (2).

62 Section 82(1) presently reads in part:

82(1) The Minister may, by notice in writing, require a permit holder, holder of a fur farm or game animal production farm licence or other person who owns or is in charge of permit premises or a fur farm or a game animal production farm to submit to him, within the time stated in the notice,

(a) a written return

(i) showing in detail any information required by the notice that relates or is incidental to any operations that are or have been conducted on the permit premises or fur or game animal production farm or to the wildlife or exotic animals on those premises, and

63 Section 85 presently reads in part:

85(1) In a prosecution of an offence against this Act in which proof is required respecting

(a) the issue, cancellation, suspension or reinstatement of a licence or permit or the right to obtain or hold a licence or permit,

(b) the identity of someone who is or is not

(i) the holder of a licence or permit named therein, or

(ii) authorized to perform an activity under another person's licence or permit,

(c) the appointment of a wildlife officer or wildlife guardian,

(d) the directions of the Minister to wildlife guardians under section 3, or

(e) whether or not fur royalties have been received by the Minister,

- (b) a publication by the Minister attached to or printed on a licence, or
- (c) a certificate signed by a person designated by the Minister as a person authorized to sign certificates given under this subsection,

stating the time of sunrise or of sunset in any area on any day is prima facie proof of those facts without, in the case of a certificate under clause (c), proof of the signature or qualifications of the person who signed the certificate.

(c) in subsection (3)

- (i) by striking out “a wildlife or exotic animal” and substituting “a subject animal or an endangered organism”;*
- (ii) by striking out “the animal” wherever it occurs and substituting “the organism”.*

64 Section 90 is amended by striking out “wildlife or exotic”.

65 Section 91 is repealed and the following is substituted:

Vicarious
liability

91(1) In the prosecution of an employer or a principal of an offence against any of the provisions contained in sections 54, 57, 58, 59, 61 and 62, it is sufficient proof of the offence if it is proved to the satisfaction of the court trying the case that

- (a) the provision was contravened by an employee or agent of the accused while acting in the course of his employment or agency functions, and
- (b) the accused consented to or knew or should fairly be regarded as having consented to or having known about the circumstances giving rise to that contravention,

whether or not the employee or agent has been prosecuted for the contravention.

a certificate signed by the Minister is admissible in evidence as prima facie proof of the facts stated in the certificate and of the authority of the Minister without further proof of his appointment or signature.

(2) In a prosecution of an offence against this Act, a regulation made by the Minister or a publication by the Minister attached to a licence stating the time of sunrise or of sunset in any area on any day is prima facie proof of those facts.

(3) In a prosecution of an offence against this Act, a certificate signed by a person in charge of a forensic laboratory operated, maintained or supported by the Government of Canada or of a province certifying that a wildlife or exotic animal has been examined by him or by someone under his administration and that the animal is of a certain species, age or sex or in a certain condition shall be admitted in evidence as prima facie proof of the facts relating to the animal stated in the certificate and of the authority of the person signing the certificate, without further proof of his appointment or signature or of the qualifications of either person.

64 Section 90 presently reads:

90 Notwithstanding anything in this Act, a fine imposed on a conviction for an offence involving more than 1 wildlife or exotic animal may, and in the case of big game or an endangered animal shall, be computed in respect of each animal as though each animal had been the subject of a separate count, in which case the fine imposed shall be the sum payable as the result of that computation.

65 Section 91 presently reads:

91(1) In a prosecution of an offence against section 54, 57, 58, 59, 61 or 62, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused while acting in the course of his employment or agency functions, whether or not the employee or agent has been prosecuted for the offence.

(2) Subsection (1) does not apply if the accused establishes that the offence was committed without his knowledge or consent.

(3) Where a corporation is guilty of an offence against this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable to the penalty provided for the offence.

(2) Where it is proved to the satisfaction of the court trying a case that

- (a) a person (in this subsection called “the client”) who has a guide employed or retained to assist him to hunt has contravened any provision of this Act, and
- (b) the guide consented to or knew or should fairly be regarded as having consented to or having known about the circumstances giving rise to that contravention,

then, whether or not the client has been prosecuted for the contravention, the guide is also a party to and guilty of the offence relating to the contravention and is separately liable to the penalty provided for the offence.

(3) Where it is proved to the satisfaction of the court trying a case that a corporation has contravened any provision of this Act, whether or not it has been prosecuted for the contravention, an officer with executive authority or a director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the contravention by the corporation is also a party to and guilty of the offence relating to the contravention and is separately liable to the penalty provided for the offence.

66 *Section 92 is amended*

(a) *in subsection (1)(a) by adding “, 52.1” after “52(1)”;*

(b) *in subsection (2)*

(i) in clause (a)

(A) by adding “22(3), 24.1,” after “section”;

(B) by striking out “43” and substituting “40.1, 43(1)”;

(ii) in clause (c) by adding “or (1.1)” after “34(1)”;

(c) *in subsection (4)*

(i) in clause (a) by striking out “in respect of” and substituting “if the wildlife is”;

(ii) in clause (b) by adding “or 54(3)” after “37”;

66 Section 92 presently reads in part:

92(1) A person who is convicted of an offence against

(a) section 30, 46(1)(b), 51(1), 52(1) or 54(1),

(b) section 26(1), in respect of a licence other than one of a type referred to in subsection (2)(b) of this section, or

(c) section 27(1), in respect of wildlife other than an endangered animal,

is liable to a fine of not more than \$2500 or to imprisonment for a term of not more than 1 month, or both.

(2) A person who is convicted of an offence against

(a) section 26(3), 31, 35(1)(a) or (b), 43 or 60,

(b) section 26(1), in respect of a licence of a type that is in limited supply by virtue of a determination of the Minister under section 16(1), or

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

(c) section 61(1) or (1.1), in respect of a game bird, big game animal or bird of prey or if the wildlife is an endangered animal,

(d) *by repealing subsection (5).*

67 *Section 93 is amended by striking out “does” and substituting “or the regulations made under section 97(1)(b), as affected, where applicable, by section 93.1, do”.*

68 *The following is added after section 93:*

Penalties for
vicarious
liability
offences

93.1(1) Notwithstanding anything in this Act, where a person is convicted of an offence against this Act by virtue of the application of section 91(1), (2) or (3), that convicted person is not liable to imprisonment with respect to that offence or for default in the payment of any fine or other payment of money imposed or ordered.

(2) If a convicted person referred to in subsection (1) fails to pay the fine imposed or the money ordered by and in accordance with the direction of the court, the person is liable in respect of the default to a prescribed late penalty charge and, subject to subsection (1), to any other prescribed penalty.

Further and
separate
penalties and
orders

93.2 A court may, in addition to and separately from imposing any penalty under section 92, 93 or 93.1 or the regulations made under section 97(1)(b) or any other provision of this Act, assess any penalty to or make any other order against a convicted person under any of sections 93.3 to 93.7.

(c) section 34(1), in respect of a thing listed in sub-items 1 to 5 of Item 1 of the Schedule,

is liable to a fine of not more than \$5000 or to imprisonment for a term of not more than 2 months, or both.

(4) A person who is convicted of an offence against

(a) section 27(1), in respect of an endangered animal,

(b) section 37, or

(c) section 61(1), in respect of an endangered animal, game bird, big game animal or bird of prey,

is liable to a fine of not more than \$100 000 or to imprisonment for a term of not more than 6 months, or both.

(5) A person who is convicted of an offence against section 9 is liable to a fine of not more than \$50 plus an amount equal to 5 times the unpaid fur royalties or to imprisonment for a term of not more than 2 months, or both.

67 Section 93 presently reads:

93 A person who is convicted of any offence against this Act for which section 92 does not provide a penalty is liable to a fine of not more than \$2000 or to imprisonment for a term of not more than 1 month, or both.

68 Penalties for vicarious liability offences and additional powers for courts to strengthen compliance with the Act.

Additional fine
representing
value of
financial
benefits

93.3 Where a person is convicted of an offence against this Act and the court is satisfied that as a result of the act or omission constituting the offence financial benefits accrued directly or indirectly to the person, the court may order the person to pay an additional fine in an amount that does not exceed the amount that the court finds to be the value of those benefits.

Additional
powers of
court to make
directions

93.4 Where a person is convicted of an offence against this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order against the person containing any one or more of the following directions, which may contain such substance or conditions as the court considers appropriate:

- (a) to refrain from doing anything that may result in the continuation or repetition of the offence;
- (b) to take action to remedy any harm to any animal or endangered organism or its habitat that resulted, or to avoid any such harm that may result, from the act or omission constituting the offence;
- (c) to publish the facts relating to that act or omission;
- (d) to pay money as compensation for the whole or part of the cost of any remedial or preventive action taken by or on behalf of the Minister as a result of that act or omission;
- (e) to perform community service;
- (f) to pay money for the purpose of promoting the proper management and control or conservation and protection of wildlife or endangered species, or both, or their habitats;
- (g) to submit to the Minister, on application to the court by the Minister within 3 years after the date of the conviction, information respecting the activities of the person in relation to matters within the scope of this Act;
- (h) to post a bond or pay money into court for the purpose of ensuring compliance with any direction under this section;
- (i) to comply with any other conditions that the court considers appropriate for securing the person's good conduct and for preventing his repeating the offence or committing other offences against this Act.

Recoverability
of court-
awarded
financial
penalty

93.5(1) Where the court makes an order under section 93.4(d) or (f) directing a person to pay money,

- (a) the money is to be paid into the Fish and Wildlife Trust Fund for the benefit of the program or subprogram established by the regulations that the Minister considers is most appropriate having regard to the nature of the offence, and
- (b) the amount due and any interest payable by law on it constitute a debt due to the Crown in trust for that Fund and may be recovered as such.

(2) Where a person fails to comply with an order made under section 93.4(c), the Minister may publish the facts in question and recover the costs of publication from the person.

(3) Where the Minister incurs publication costs under subsection (2), the amount of the costs and any interest payable by law on it constitute a debt due to the Crown and may be recovered as such.

Variation of
order

93.6(1) A court that has made an order under section 93.4 may, on application to the court by the Crown or by the person to whom the order is directed, require the person to appear before it and, after hearing the person and the Minister of Justice and Attorney General, vary the order in any of the following ways that the court considers appropriate having regard to a change in the person's circumstances since the order was made:

- (a) by changing the order or any direction contained in it;
- (b) by relieving the person, either absolutely or partially or for any period that the court considers appropriate, from compliance with any such direction;
- (c) by extending or decreasing the period during which the order is to remain in force.

(2) Where an application has been heard by the court under subsection (1), no other application may be made in respect of the same order except with the leave of the court.

Contravention
following
conviction and
order

93.7 Where a person is convicted of an offence against this Act, is made subject to an order under section 93.4 and subsequently contravenes that order, that person is guilty of an offence against this section and is liable, with respect to that offence, to a penalty not exceeding the maximum penalty to which the person was liable for the original offence.

69 Section 94 is amended

(a) in the Table in subsection (1)

(i) by repealing the text contained in Column 2 of Item 1 and substituting the following:

section 24(1),
30, 31, 35(1)(a)
or (b), 40(2),
52(1) or 52.1

(ii) by repealing the text contained in Column 2 of Item 2 and substituting the following:

section 27(1), in respect of wildlife that is not a bird
of prey or an endangered animal

(iii) in Column 2 of Item 4 by adding “(1)” after “43”;

*(iv) in Column 2 of Item 6 by adding “or (1.1)” after
“61(1)”;*

*(v) in Column 2 of Item 7 by striking out “in respect of”
and substituting “if the animal is”;*

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

(1.1) Where a person is convicted of an offence against this Act in relation to section 22(3), 24.1, 26(1), 35(1)(c), 39(1) or (2), 40.1, 41(1), (1.1) or (5.1), 42(1), 46(1)(b) or 51(1) or, if the offence is in respect of wildlife that is not a bird of prey or an endangered animal, section 54(1), a justice may cancel all of the licences of that person that are of a type prescribed as recreational and suspend that person’s right to obtain or hold any such licence for a period of one year, 2 years, 3 years, 4 years or 5 years.

*(c) in subsection (2) by striking out “a maximum of 5 years”
and substituting “such higher suspension period as may be
imposed under subsection (1.1)”;*

69 Section 94 presently reads in part:

94(1) Where a person is convicted of an offence against this Act in relation to a provision specified in Column 2 of the following Table, all of the licences of that person that are of a type prescribed as recreational are automatically cancelled, and his right to obtain or hold any such licence is suspended for the period specified in Column 3 of the Table:

TABLE

<i>COLUMN 1 Item No.</i>	<i>COLUMN 2 Provisions</i>	<i>COLUMN 3 Period of suspension</i>
1.	section 24(1), 26(1), 30, 31, 35(1)(a), (b) or (c), 40(2), 46(1)(b), 51(1) or 52(1)	1 year
2.	section 27(1) or 54(1), in respect of wildlife other than that referred to in Item 5 or 7	1 year
3.	section 34(1), in respect of a thing listed in sub-items 1 to 5 of Item 1 of the Schedule	1 year
4.	section 43	2 years
5.	section 27(1) or 54(1), in respect of a bird of prey	2 years
6.	section 29(1), 32, 37 or 61(1)	3 years
7.	section 27(1) or 54(1), in respect of an endangered animal	3 years

(2) A justice hearing a case involving an offence referred to in subsection (1) may increase any suspension provided for to a maximum of 5 years.

(d) *by adding the following after subsection (4):*

(4.1) Where a person is convicted of more than one offence referred to in any provision of this section, suspensions under this section of the licences or permits or of rights to obtain or hold them run consecutively and not concurrently with respect to each conviction, regardless of when the convictions are imposed and even if imposed on the same day or on 2 consecutive days.

70 *Section 95(3) is amended by adding “on its coming into effect and, if the suspension under section 22 or 94 is already in effect, the suspension under this section temporarily interrupts the running of that other suspension” after “point of time”.*

71 *Sections 96 and 97 are repealed and the following is substituted:*

Ministerial
regulations

96(1) The Minister may make regulations

- (a) establishing, setting and otherwise respecting fees or assessments in respect of
 - (i) licences and permits, including their transfer where allowed,
 - (ii) any government activity, program or services relating to fish or wildlife, and
 - (iii) live wildlife collected from the wild;
- (b) establishing and continuing wildlife sanctuaries and establishing habitat conservation areas;
- (c) classifying wildlife sanctuaries into those for the benefit of all wildlife or those for prescribed kinds of wildlife;
- (d) respecting hunting and related activities;
- (e) respecting
 - (i) the provision of guiding services, including restrictions on rights to enter into agreements to provide such services, and

70 Section 95(3) presently reads:

(3) Where, in respect of any period, a licence or a right to apply for or hold a licence would, but for this subsection, be suspended under both this section and section 22 or 94, then, notwithstanding anything in those sections, the suspension under this section shall be treated as running first in point of time.

71 Sections 96 and 97 presently read:

96(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the operation and administration of the Fish and Wildlife Trust Fund;*
- (b) prescribing fees or assessments in respect of licences and permits and any government activity, program or services relating to fish or wildlife;*
- (c) respecting the imposition and collection of fur royalties;*
- (d) establishing wildlife sanctuaries and habitat development areas;*
- (e) classifying wildlife sanctuaries into those for the benefit of all wildlife or those for prescribed kinds of wildlife;*
- (f) respecting hunting and related activities;*
- (g) respecting the use and possession, including the transportation, of weapons;*
- (h) respecting the possession, including the transportation, and the importation and exportation of and trafficking in wildlife and exotic animals;*
- (i) regulating any activities which would otherwise be permitted by or under a permit;*
- (j) respecting the processing of wildlife and related activities;*

(ii) authorizations prescribed in relation to section 26(3),

and applying any provisions of this Act that are applicable to licences to those authorizations, with any modifications or adaptations that are considered appropriate;

- (f) respecting the use and possession, including the transportation, of weapons;
- (g) respecting the possession, including the transportation, and the importation and exportation of and trafficking in animals;
- (h) regulating any activities that would otherwise be permitted by or under a permit;
- (i) respecting the processing of wildlife and related activities;
- (j) amending the Schedule;
- (k) respecting the records to be kept and the returns or reports to be made for the purposes of this Act;
- (l) respecting the registration of wildlife and controlled animals for the purposes prescribed;
- (m) respecting the delivery to the Minister of prescribed live wildlife and controlled animals or sample parts of them for testing or inspection under prescribed circumstances, and requiring owners or persons in charge of privately owned live wildlife or controlled animals to test their animals for disease, parasites or factors that may present an ecological threat or a genetic danger to other animals, and to report the results to the Minister;
- (n) subject to the *Brand Act*, requiring and otherwise respecting the marking of wildlife and controlled animals;
- (o) respecting the signing of or affixing of marks to licences and the authentication of signatures or marks;
- (p) establishing and continuing migratory bird lure sites and wildlife control areas and specifying their purposes;

- (k) providing for specific penalties and for suspensions in respect of offences created by the regulations by prescribing provisions similar to sections 92 and 94 in respect thereto;*
 - (l) amending the Schedule;*
 - (m) prescribing any matter or thing that by this statute may or is to be prescribed by the Lieutenant Governor in Council;*
 - (n) exempting or excluding from the application of all or any portion of this Act except sections 47 and 46.1 of this statute, whether conditionally or unconditionally, any class of person, activity or animal.*
- (2) Regulations under subsection (1)(k) may not provide for*
- (a) specific penalties that are higher than those provided for in section 92(2), or*
 - (b) suspensions for a period longer than 1 year.*
- (3) Regulations under subsection (1)(l) cease to have force 3 years after their being made, unless previously repealed.*

97 The Minister may make regulations

- (a) respecting the records to be kept and the returns or reports to be made for the purposes of this Act;*
- (b) respecting the registration of wildlife for the purposes prescribed by the Minister;*
- (c) subject to the Brand Act, requiring and otherwise respecting the marking of wildlife;*
- (d) respecting the signing of or affixing of marks to licences and the authentication of signatures or marks;*
- (e) establishing migratory bird lure sites and wildlife control areas and specifying their purposes;*
- (f) providing that areas are to be wildlife sanctuaries, habitat development areas, migratory bird lure sites or wildlife control areas only for prescribed parts of the year;*
- (g) respecting the use, control and management of wildlife sanctuaries, habitat development areas, migratory bird lure sites and wildlife control areas or any part of any of them;*
- (h) respecting the access or exclusion of any persons to or from a wildlife sanctuary, habitat development area, migratory bird lure sites and wildlife control areas or any part of any of them;*

- (q) providing that areas are to be wildlife sanctuaries, habitat conservation areas, migratory bird lure sites or wildlife control areas only for prescribed parts of the year;
- (r) respecting the use, control and management of wildlife sanctuaries, habitat conservation areas, migratory bird lure sites and wildlife control areas or any part of any of them;
- (s) respecting the access or exclusion of any persons to or from wildlife sanctuaries, habitat conservation areas, migratory bird lure sites and wildlife control areas or any part of any of them;
- (t) respecting the posting of signs designating any area as a wildlife sanctuary, habitat conservation area, migratory bird lure site or wildlife control area;
- (u) respecting the protection of wildlife habitat and the restoration of habitat that has been altered, and enabling the Minister to order persons responsible for the alteration to restore the habitat and to charge them with the cost of it if they have failed to effect the restoration;
- (v) respecting
 - (i) the reporting of wildlife and controlled animals killed and of captured wildlife and controlled animals, and
 - (ii) the submission to the Minister of prescribed parts of prescribed dead wildlife and controlled animals;
- (w) authorizing or requiring wildlife depredation control, including the removal, destruction or alteration of beaver dams and the hunting and removal of wildlife animals that adversely affect property;
- (x) authorizing entry on land for a purpose specified in clause (w) and enabling the Minister to charge the cost of the removal, destruction or alteration against the person entitled to immediate possession of the land;
- (y) respecting the training of and the holding of field trials for dogs for the purpose of hunting wildlife or retrieving game birds;

- (i) respecting the posting of signs designating any area as a wildlife sanctuary, habitat development area, migratory bird lure site or wildlife control area;*
- (j) respecting the protection of wildlife habitat and the restoration of habitat that has been altered, and enabling the Minister to order the person responsible for the alteration to restore the habitat and to charge that person with the cost of it if he has failed to effect the restoration;*
- (k) respecting the reporting of wildlife animals killed and the submission to the Minister of prescribed parts of prescribed wildlife animals killed;*
- (l) authorizing or requiring wildlife depredation control, including the removal, destruction or alteration of beaver dams and the hunting and removal of wildlife animals that adversely affect property;*
- (m) authorizing entry on land for a purpose specified in clause (l) and enabling the Minister to charge the cost of the removal, destruction or alteration against the person entitled to immediate possession of the land;*
- (n) respecting the training of and the holding of field trials for dogs for the purpose of hunting wildlife or retrieving game birds;*
- (o) prescribing any matter or thing that by this statute may or is to be prescribed by the Minister.*

Lieutenant
Governor in
Council
regulations

(z) respecting the protection of endangered species, the hunting of endangered animals and the possession, importation and exportation of or trafficking in endangered organisms;

(aa) prescribing any matter or thing that by this statute may or is to be prescribed.

(2) Regulations under subsection (1)(z) may make provisions of this statute that are applicable to any kind of animals applicable to endangered species, with any adaptations and modifications considered appropriate.

(3) The Minister may not prescribe any kind of endangered animal as a subject animal under section 1(1)(p.1).

97(1) The Lieutenant Governor in Council may make regulations

(a) respecting the operation and administration of the Fish and Wildlife Trust Fund;

(b) providing for specific penalties and suspensions in respect of offences created by the regulations made under this statute by establishing provisions similar to sections 92 and 94 in respect thereof or applying any of those provisions to those offences;

(c) respecting the establishment of delegated authorities and the delegation to one or more delegated authorities of the performance of any of the Minister's duties or functions or the exercise of any of his powers under this Act, other than the power to make regulations and to subdelegate and, notwithstanding the foregoing, making any provision with respect to any such delegation that is made with respect to the Department of Labour in Schedule 10 to the *Government Organization Act* or that may be made by regulations under section 2 of that Schedule;

(d) exempting or excluding from the application of all or any portion of this Act, except sections 46.1 and 47 of this statute, whether conditionally or unconditionally, any class of person, activity or organism;

(e) prescribing any matter or thing that by this statute may or is to be prescribed by the Lieutenant Governor in Council.

- (2) Regulations under subsection (1)(b) may not provide for
 - (a) a specific penalty that is higher than that provided for in section 92(4), or
 - (b) a suspension for a period longer than 5 years.

72 *Section 98(1) is amended by striking out “animals” wherever it occurs and substituting “organisms”.*

73 *Section 100 is repealed.*

74 *The Schedule is amended*

(a) in Item 2

(i) by repealing sub-items 4 and 5 and substituting the following:

4 A shotgun having a gauge of .410 or less.

5 Any bait consisting of a food attractant, including a mineral and any representation of a food attractant.

(ii) in sub-item 6

(A) by adding “and” at the end of clause (a);

(B) in clause (b)

(I) by striking out “1 inch” and substituting “ $\frac{7}{8}$ inch”;

(II) by striking out “, and” at the end;

(C) by repealing clause (c);

72 Section 98(1) presently reads:

98(1) Regulations made under this statute may be made to apply generally or to particular classes of persons or to particular animals or kinds or numbers of animals, to particular parts or progeny of animals or animals of a particular sex, age, growth, size or other characteristic, or to particular periods of time or areas of Alberta.

73 Section 100 presently reads:

100 The following funds are transferred to and form part of the Fish and Wildlife Trust Fund:

*The Buck for Wildlife Trust;
The Fish and Wildlife Habitat Trust;
The Wildlife Damage Fund;
The Wildlife Depredation Trust.*

74 The Schedule presently reads in part as set out below. Certain provisions, however, have lapsed or will shortly lapse as a result of the “sunset” provision, section 96(3) of the present Act. They therefore need re-enactment in identical or altered form.

*Item 2
Items prohibited for hunting big game*

- 4 A shotgun having a gauge of .410 or less.*
- 5 Any bait consisting of a food attractant, including a mineral and any representation of a food attractant.*
- 6 Any arrow other than an arrow that*
 - (a) is at least 24 inches in length,*
 - (b) has a tip bearing a sharp, unbarbed 3 bladed bodkin head or a sharp steel unbarbed cutting head at least 1 inch in width, and*
 - (c) has legibly and indelibly printed on the shaft the number of the hunter's wildlife certificate.*
- 7 Any bow other than a bow that*
 - (a) is held, drawn and released by muscular power, and*

(iii) in sub-item 7 by repealing clause (b) and substituting the following:

(b) requires a pull of at least 40 pounds to draw an arrow 28 inches in length to its head.

(b) in Item 3 by repealing sub-item 3 and substituting the following:

3 Any bait consisting of a food attractant, including a mineral and any representation of a food attractant.

(c) in Item 5 by repealing sub-item 3 and substituting the following:

3 A hook or other similar device designed or used to capture an animal by impaling the animal.

75(1) The Agricultural Pests Act is amended in section 8(b) and (c) by adding “under it” after “regulations”.

(2) The Fur Farms Act is amended in section 16(f) by striking out “, non-licence animals or excluded animals” and substituting “or non-licence animals”.

(3) The Public Lands Act is amended in section 7(c)(i) by striking out “habitat development” and substituting “habitat conservation”.

76 This Act, except

(a) section 6, to the extent that it adds a new section 1(7) and (8) to the Wildlife Act,

(b) section 71, to the extent that it enables the Lieutenant Governor in Council to make regulations on the matters to be incorporated as section 97(1)(c) in that Act, and

(c) section 74,

comes into force on Proclamation.

(b) requires a pull of at least 40 pounds to draw an arrow 28 inches in length to its head.

Item 3

Items prohibited for hunting game birds

3 Any bait consisting of a food attractant, including a mineral and any representation of a food attractant

Item 5

Items prohibited for hunting fur-bearing animals

3 A hook or other similar device designed or used to capture an animal by impaling the animal.

75 Consequential amendments.

76 Coming into force.