

2002 BILL 206

Second Session, 25th Legislature, 51 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 206

FISHERIES (ALBERTA) AMENDMENT ACT, 2002

MR. DANYLUK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 206

2002

FISHERIES (ALBERTA) AMENDMENT ACT, 2002

(Assented to _____, 2002)

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

Amends SA
2000 cF-16

1 The *Fisheries (Alberta) Act* is amended by this Act.

2 The following is added after section 33:

Protection of
fish and fish
habitat

33.1(1) Subject to subsection (2), when the Minister determines that a species of animal or bird is destroying or harming, or is likely to destroy or harm, fish or fish habitat, the Minister may order, in accordance with any guidelines adopted by regulation, such measures throughout Alberta or in part of Alberta that the Minister deems necessary to protect the fish or fish habitat which may include reducing the numbers of that species of animal or bird on land owned by the Crown.

(2) In subsection (1), “animal” and “bird” do not include an endangered animal as defined in the *Wildlife Act*.

(3) The Minister may in writing delegate to any employee of the Government of Alberta the power to make an order under subsection (1).

(4) The Minister may direct that an order under subsection (1) operate as a declaration under section 2(1) of the *Agricultural Pests Act*.

(5) An order under subsection (1) may prescribe that it is to be enforced by fishery officers, fishery guardians or certain employees of the Minister’s department.

3 Section 44 is amended by adding the following after clause (h):

- (i) establishing guidelines for the purposes of section 33.1.

4 The *Agricultural Pests Act* is amended by adding the following after section 2:

Order under
Fisheries
(Alberta) Act

2.1(1) The Minister responsible for the *Fisheries (Alberta) Act* may direct that an order under section 33.1 of that Act operate as a declaration under section 2(1).

(2) This Act, except section 2(2), applies with all necessary modifications to an order made under subsection (1).

5 This Act comes into force on Proclamation.

Explanatory Notes

- 1** Amends chapter F-16 of the Statutes of Alberta, 2000.
- 2** Protection of fish and fish habitat.

3 Section 44 presently reads:

44 The Minister may make regulations

- (a) establishing forms for the purpose of this Act;*
- (b) establishing restricted waters, prescribed waters and prohibited waters for the purposes of this Act;*
- (c) excluding species of fish from the definition of fish for the purposes of this Act;*
- (d) defining “contained waters”, “bait fish”, “game fish”, “competitive fishing”, “competitive fishing event”, “competitive fishing event participant”, “fish handling facility” and “cultured fish” for the purposes of this Act;*
- (e) prescribing fees for licences;*
- (f) providing for the maintenance and submission of records by licensees and any person producing or handling fish;*
- (g) respecting the circumstances under which fish may be placed in, kept in or allowed to enter water;*
- (h) providing for identification of fishery officers and fishery guardians.*

4 Consequential amendment to chapter A-8 of the Statutes of Alberta, 2000.

5 Coming into force.