

Bill 15
Mr. Strang

BILL 15

2003

FOREST AND PRAIRIE PROTECTION AMENDMENT ACT, 2003

(Assented to , 2003)

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

Amends RSA 2000 cF-19

1 The *Forest and Prairie Protection Act* is amended by this Act.

2 Section 1 is amended

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

(a) “burning hazard” means an actual or potential occurrence of fire or other combustion of organic or inorganic material that could endanger human life or property or damage property;

(a.1) “Crown” means the Crown in right of Alberta;

(a.2) “fire guardian” or “guardian” means an individual who is a fire guardian under, and is subject to any limitations provided for in, section 4;

(a.3) “fire hazard” means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a burning hazard;

(b) in clause (b) by adding “or “officer” ” before “means”;

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

(b.1) “forest protection area” means an area or the area designated under section 41(c);

(d) in clause (e) by adding “, and “unoccupied public land” means public land not so held” after “Crown”;

(e) by adding the following after clause (f):

(g) “public land” means land belonging to the Crown;

(h) “urban municipality” means a city, town or village (including a summer village).

3 Section 2(a) is amended by striking out “a village, town or city” and substituting “an urban municipality where there is no specific provision in this Act to the contrary”.

4 The following is added after section 2:

Responsibility for fire fighting expenditures

2.1(1) For the purposes of any provision of this Act that entitles the Minister or any other person to reimbursement from any person responsible for a fire for the costs and expenses of fighting a fire or that requires any such person responsible to reimburse the Minister or any other person for the costs and expenses of fighting the fire,

- (a) the person who caused the fire,
- (b) the person who directed the lighting of the fire,
- (c) the person who was otherwise responsible for the fire,
- (d) the person who owned the land on which the fire began and does not establish that the fire ignited or was lit without that person’s consent, express or implied, and
- (e) the person who was in control of the land on which the fire began and does not establish that the fire ignited or was lit without that person’s consent, express or implied,

are jointly and severally liable to the Minister or that other person, as the case may be, for the reimbursement of the costs and expenses of fighting the fire.

(2) Subsection (1) does not affect the rights of any of the persons referred to in subsection (1)(a) to (e) under any other law to seek contribution from other persons so referred to who may be liable for the costs and expenses under law.

5 Section 3(1) is amended by striking out “Minister’s Department or to any forest officer who is a forest officer by virtue of” **and substituting** “Crown employed in the Minister’s Department or to any individual who is a forest officer by virtue of holding any other”.

6 Section 4(2) is amended by adding “, for a term not exceeding one year with effect from the beginning of April,” **after** “appoint”.

7 Section 6 is repealed and the following is substituted:

Fire control agreements

6 The Minister may, with a view to ensuring the prevention and control of forest and prairie fires, enter into an agreement, known as a fire control agreement,

- (a) with any person carrying on an industrial or commercial operation over, under, on or adjacent to public land with respect to that operation,
- (b) with the Government of Canada with respect to land in or adjacent to Alberta that belongs to that Government or that is under its administration and control,
- (c) with the government of any province or territory, or
- (d) with the council of a municipal district or urban municipality with respect to land within its boundaries or under its control.

8 Section 7 is amended

- (a) **in subsection (1) by adding** “, subject to its right to recover them under section 9(3)” **after** “by the municipal district”;
- (b) **by repealing subsection (2).**

9 Section 8 is amended by repealing subsection (2).

10 Section 9 is amended

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

Fighting fires

9(1) The Minister may fight a fire within a municipal district or an urban municipality where it appears to the Minister that satisfactory action to control and extinguish the fire is not being taken by that municipality and that the fire might damage public land.

(2) Where the Minister incurs costs and expenses as a result of fighting a fire within a municipal district or urban municipality under subsection (1), that municipality shall on demand reimburse the Minister for the entire cost or such part of it as the Minister directs.

- (b) **in subsection (3) by striking out** “person who caused” **and substituting** “persons who are responsible for”.

11 Section 10(1) is amended

- (a) **by adding** “or a burning hazard” **after** “a fire hazard”;
- (b) **by striking out** “the fire hazard exists to reduce or remove” **and substituting** “the hazard exists to reduce, remove or eliminate”.

12 Section 11 is repealed and the following is substituted:

Railway operations

11(1) In this section,

- (a) “railway legislation”, “rolling stock” and “track” have the meanings respectively assigned to those terms in the *Railway (Alberta) Act*;
- (b) “railway operator” means a person who owns or is otherwise responsible for the control, management or operation of rolling stock or track.

(2) Without limiting any of its duties under this Act or the railway legislation, a railway operator has the duties and liabilities provided for in this section.

(3) Where a fire originates in the right of way, or within the distance prescribed by the regulations outside each boundary of the right of way, on which the track rails are located,

- (a) each railway operator shall
 - (i) take immediate and appropriate physical action to fight and extinguish the fire, and
 - (ii) report the fire, as soon as practicable, to the Crown in the manner provided for by the regulations,

and

- (b) the Crown, or a municipal district or urban municipality in the case of a fire within its boundaries, may take action to fight the fire if no satisfactory action to fight it has yet been taken by the railway operators.

(4) Each railway operator

- (a) is jointly and severally liable for all costs and expenses of and incidental to fighting a fire referred to in subsection (3), and
- (b) shall, on demand, reimburse the authority referred to in subsection (3)(b) for all costs incurred in fighting the fire.

(5) Section 2.1(2) applies with respect to railway operators among themselves.

13 Section 12 is amended by striking out “person who caused” and substituting “persons responsible for”.

14 Section 14 is amended

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

Closure of forest areas

14(1) The Minister may, by order, close to public entry any land where the Minister considers that a fire hazard or a burning hazard warrants the closure.

(2) An order under subsection (1) must be published immediately at least twice a day for not less than 2 consecutive days by the radio and television stations or through such other means of communication that the Minister considers most likely to bring the matter to the attention of the public.

(b) in subsection (3) by striking out “no person other than a forest officer or fire guardian may” and substituting “a person who is not a forest officer or fire guardian shall not”.

15 Section 15 is amended

(a) by striking out “found on public land or leaving or entering public land”;

(b) by adding “who is exercising powers or performing duties under this Act or the regulations” after “guardian”;

(c) by striking out “on the public land”.

16 Section 18(4) is repealed and the following is substituted:

(4) This section does not apply to an outdoor fire that

(a) is attended and has been lit for cooking or warming purposes,

- (b) is a flare stack used in the petroleum industry, or
- (c) is prescribed by the regulations.

17 Section 21(2) is amended by adding “or through such other means of communication” **after** “stations”.

18 Section 22(b) is amended by striking out “weather conditions are” **and substituting** “any fire hazard or burning hazard is”.

19 Section 23(1) is amended

- (a) **by striking out** “a timber, forest, mining, drilling or other” **and substituting** “an”;
- (b) **by adding** “or within one kilometre of any public land” **after** “public land”.

20 Section 24 is amended by striking out “a timber, forest, mining, drilling or other” **and substituting** “an”.

21 Section 25 is amended by striking out “in any manner shall reduce or eliminate the fire” **and substituting** “or burning hazard in any manner shall reduce, remove or eliminate the”.

22 Section 26(1) is repealed and the following is substituted:

Order to reduce or remove hazard

26(1) Where a forest officer finds on any land conditions that are considered to constitute a fire hazard or a burning hazard, the officer may order the owner or the person in control of the land on which the hazard exists to reduce, remove or eliminate the hazard within the time and in the manner that the officer orders.

23 Section 27 is repealed and the following is substituted:

Precautions

27 An urban municipality in or bordering on a forest protection area shall take all necessary precautions that the Minister orders to prevent and suppress fires on land within its boundaries or under its control.

24 Section 28 is amended by adding “or non-indigenous invasive species infestations” after “infestations”.

25 Section 29 is amended by striking out “proper management of Crown land” and substituting “administration of this Act”.

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

Entry and inspection powers

31(1) A forest officer or fire guardian may without a warrant, at any reasonable time, enter on and inspect any land and premises, except a private dwelling house, for the purpose of exercising powers or performing duties under this Act or the regulations.

27 The following is added after section 31:

Enforcement powers

31.1 In the course of and for the purpose of exercising powers under section 31(1), the forest officer may do any or all of the following:

- (a) require the production of any documents that are related to the purpose for which the officer is exercising any such power and make copies of or take extracts from any such documents;
- (b) require that anything be operated, used or set in motion under conditions specified by the officer;

- (c) use any machine, structure, material or equipment in order to carry out the inspection referred to in section 31(1), including the use of any computer system to examine data contained in or available to the computer system and of any copying equipment to make copies;
- (d) take samples of any substance or thing;
- (e) conduct tests or take measurements;
- (f) record or copy any information by any method;
- (g) reproduce any record from data in the form of a printout or other intelligible output;
- (h) take any photographs or audio-video records;
- (i) make reasonable inquiries of any person orally or in writing.

Seizure

31.2(1) A forest officer may, without a warrant, seize anything that is produced to that officer or that is in plain view during an inspection under section 31(1) if that officer has reasonable grounds to believe that an offence against this Act has been committed and that the thing will afford evidence of the commission of that offence.

(2) The officer may remove the thing seized or may detain it in the place where it is seized and shall deal with it in the same manner as if it were seized under the authority of a warrant.

Vehicle, rolling stock, aircraft or vessel

31.3(1) For the purposes of the administration or enforcement of this Act, a forest officer may, without a warrant, stop and inspect any vehicle, rolling stock, aircraft or vessel that the officer reasonably believes is or has been used in the commission of an offence against this Act.

(2) The operator of a vehicle, rolling stock, an aircraft or a vessel shall stop it when required to do so by an individual who is readily identifiable as a forest officer.

Diseased and infested products

31.4(1) A forest officer may, without a warrant, seize any product that the officer has reasonable grounds to believe has an

injurious forest tree pest infestation or a non-indigenous invasive species infestation or that is otherwise diseased.

(2) The Minister may order the destruction of a product seized under subsection (1).

(3) No right of compensation exists against the Crown or any person in respect of anything destroyed under subsection (2), but the Minister may provide such compensation in the amount or at the value that the Minister considers fair for the destroyed product.

28 Section 33(1) is repealed and the following is substituted:

Recovery of costs and expenses

33(1) Where an authority is entitled to be reimbursed for or to recover any costs or expenses under this Act or the regulations, those costs or expenses are a debt due and payable on demand to that authority, or to the Crown where the authority is the Minister, and are recoverable by that authority or by the Crown in an action in debt against the person who is liable under that legislation for those costs or expenses.

29 The following is added after section 37:

Liability of directors, officers and agents of corporation

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

Additional powers of court to make orders

37.2(1) If a person is convicted of an offence against this Act, the court, having regard to the nature of the offence and the circumstances surrounding its commission, may, in addition to any other penalty imposed, order the offender

- (a) to do nothing that might result in the continuation or a repetition of the offence,
- (b) to take any action the court considers appropriate to remedy or prevent any damage or further damage that results or might result from the act or omission that constituted the offence,
- (c) to publish, in the manner directed and at the offender's cost, the facts relating to the conviction,
- (d) to notify any person aggrieved or affected by the offender's conduct of the facts relating to the conviction, in the manner directed and at the offender's cost,
- (e) to post a bond or pay money into court in an amount that will ensure compliance with an order made under this section,
- (f) on application to the court by the Minister made within 3 years after the date of the conviction, to submit to the Minister any information with respect to the conduct of the offender that the court considers appropriate in the circumstances,
- (g) to compensate the Minister in whole or in part for the cost of any action carried out by the Crown that was made necessary by the act or omission that constituted the offence,
- (h) to perform community service, or
- (i) to comply with any other conditions the court orders for securing the offender's good conduct and preventing the offender from repeating or continuing the same offence or committing other offences against this Act.

(2) Where a court has made an order under subsection (1), the court may, on application by the offender or the Minister of Justice and Attorney General, require both of them to appear before it and, after hearing both, may make any or all of the following orders if the court considers that the offender's circumstances have changed so as to warrant such an order:

- (a) an order changing the existing order;

- (b) an order relieving the offender from compliance with all or any portion of the existing order;
- (c) an order reducing the term of the existing order;
- (d) an order extending the term of the existing order for an additional period not exceeding one year.

(3) Before making an order under subsection (2), the court may direct that notice be given to any persons the court considers to be interested, and the court may hear any such persons.

(4) Where an application under subsection (2) has been heard, no other application under that subsection may be made with respect to the proceeding except with leave of the court.

Compensation for loss of property

37.3(1) Where a person is convicted of an offence against this Act, the court may, at the time sentence is imposed and on the application of a person aggrieved, order the offender to pay to that person an amount by way of compensation for loss of or damage to property suffered by that person as a result of the commission of the offence.

(2) The person in whose favour an order is made under subsection (1) may file the order with the clerk of the Court of Queen's Bench and, on filing, the order may be enforced as if it were a judgment of the Court of Queen's Bench in civil proceedings.

Limitation of time for prosecution

37.4(1) A prosecution in respect of an offence against this Act may not be commenced later than 2 years after the date on which evidence of the alleged offence first came to the attention of a forest officer appointed under section 2(2) of the *Forests Act* who is designated in writing by the Minister for the purposes of this section.

(2) A copy of a designation under subsection (1), or of a statement by the Minister as to a forest officer's designation under that subsection, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it.

30 Section 38 is amended

- (a) in subsection (1) by adding a comma after “37”;**
- (b) by repealing subsection (3) and substituting the following:**

(3) Subsection (1) does not apply to the extent that a convicted person who is a party to a fire control agreement with a person or an entity referred to in section 6 is relieved from liability for the fire fighting costs by that agreement.

31 Section 41 is amended

- (a) in clause (a) by striking out “relating to” and substituting “respecting”;**
- (b) in clauses (b) and (c) by striking out “prescribing” and substituting “respecting”;**
- (c) by repealing clause (d) and substituting the following:**
 - (d) respecting the prevention and control of injurious forest tree pest infestations or non-indigenous invasive species infestations;

32 Section 42 is amended

- (a) in clause (a) by striking out “governing” and substituting “respecting”;**
- (b) in clause (b) by striking out “regulating” and substituting “respecting”;**
- (c) in clause (c) by adding “and otherwise respecting” after “establishing”;**
- (d) in clauses (d) and (e) by striking out “governing” and substituting “respecting”;**
- (e) by adding the following after clause (e):**
 - (e.1) prescribing the distance and providing for the manner of reporting for the purposes of section 11(3);

- (e.2) prescribing outdoor fires for the purposes of section 18(4);
- (f) in clause (f) by striking out “prescribing” and substituting “respecting”;**
- (g) by repealing clauses (g) and (h) and substituting the following:**
 - (g) respecting rates of payment for persons, equipment or services hired temporarily for operations for fire fighting, pollution clean-up, controlling injurious forest tree pest infestations or non-indigenous invasive species infestations or dealing with any other emergency;
 - (h) respecting the amounts and types of fire fighting equipment required by industrial or commercial operations operating in or within one kilometre of public land;
- (h) in clauses (i) and (j) by striking out “prescribing” and substituting “respecting”.**

Explanatory Notes

1 Amends chapter F-19 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads:

1 In this Act,

- (a) *“fire guardian” means a person appointed as a fire guardian by the Minister or by a municipal district under this Act;*
- (b) *“forest officer” means a forest officer under the Forests Act;*
- (c) *“Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*

- (d) *“municipal district” includes a special area;*
- (e) *“occupied public land” means public land held by a person under a disposition from the Crown;*
- (f) *“permit area” means an area of land that has not been designated by the Minister as a non-permit area.*

3 Section 2 presently reads:

2 This Act applies to all land within Alberta except

- (a) *land within the boundaries of a village, town or city, and*
- (b) *land owned by the Government of Canada in respect of which the Minister has not entered into a fire control agreement under section 6(2)(a).*

4 Responsibility for fire fighting expenditures.

5 Section 3(1) presently reads:

3(1) The Minister may in writing delegate to any employee of the Minister’s Department or to any forest officer who is a forest officer by virtue of office any power, duty or function conferred on the Minister by this Act other than the power to make regulations under section 42.

6 Section 4 presently reads:

4(1) The Minister may appoint fire guardians and specify their powers and duties.

(2) Each year before April 1 the council of a municipal district shall appoint a sufficient number

of fire guardians to enforce this Act within the boundaries of the municipal district.

(3) The chief elected official, each councillor and the chief administrative officer are by virtue of their offices fire guardians in and for the municipal district.

7 Section 6 presently reads:

6(1) The Minister may enter into a fire control agreement with any person carrying on any timber, forest, mining, drilling or other industrial or commercial operation over, under, on or adjacent to public land.

(2) The Minister may enter into a fire control agreement

(a) with the Government of Canada in respect of Crown land in or adjacent to Alberta under its administration and control, and

(b) with the government of any province or territory.

8 Section 7 presently reads:

7(1) The council of a municipal district is responsible for fighting and controlling all fires within the boundaries of the municipal district and the costs and expenses shall be paid by the municipal district.

(2) When the municipal district cannot recover the costs and expenses incurred by it in fighting a fire from the person who caused the fire, the municipal district may collect the cost and expenses from the person in possession or owner of the land, except when that person or owner produces reasonable evidence that the fire originated from a cause unconnected with that person's possession or the owner's ownership.

9 Section 8(2) presently reads:

(2) The Minister may enter into a fire control agreement with the council of a municipal district with respect to prevention and control of fires within the boundaries of a municipal district.

10 Section 9 presently reads:

9(1) The Minister may proceed to fight a fire within a municipal district when it appears to the Minister that satisfactory action to control and extinguish the fire is not being taken by the municipal district and that the fire might damage public land.

(2) When the Minister incurs costs as a result of fighting a fire within a municipal district pursuant to subsection (1), the municipal district shall on demand reimburse the Minister for the entire cost or any part of it.

(3) The person who caused a fire shall on demand reimburse the Minister or the municipal district for the costs and expenses of fighting the fire.

11 Section 10(1) presently reads:

10(1) If the council of a municipal district finds within its boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the council.

12 Section 11 presently reads:

11(1) Any railway company operating a railway within Alberta shall take the fire control precautions

and actions prescribed by this Act and the regulations.

(2) When a fire originates within 100 metres of the nearest railway track on its right of way and spreads to adjacent land, the railway company shall take immediate action to fight and extinguish the fire and it is responsible for all costs of and incidental to fighting and extinguishing the fire.

(3) The Minister or a municipal district within its boundaries may take action to fight and control a fire that originates within 100 metres of the nearest track on a railway right of way when it is apparent that no satisfactory action to fight and extinguish the fire is being taken by the railway company.

(4) A railway company that fails to extinguish any fire that originates within 100 metres of the nearest railway track on its right of way shall on demand reimburse the authority that suppressed the fire for all costs of and incidental to suppressing the fire.

13 Section 12 presently reads:

12 When in any case not provided for by this or any other Act, or by an agreement under section 6(1), the Minister incurs costs and expenses as a result of fighting or suppressing a fire on any land not excluded by section 2, the Minister is entitled on demand to be reimbursed for those costs and expenses by the person who caused the fire.

14 Section 14 presently reads:

14(1) The Minister may, by order, close to public entry any land where fire danger warrants a closure.

(2) An order made pursuant to subsection (1) shall be immediately published at least twice a day for not less than 2 consecutive days by the radio and television stations that are considered by the

Minister most likely to bring the matter to the attention of the public.

(3) Subject to the regulations, no person other than a forest officer or fire guardian may enter a closed area without a permit or the

written permission of a forest officer until the Minister, by order, reopens the closed area.

(4) Lack of publication pursuant to subsection (2) is not available as a defence to a person who has had actual notice of the order.

(5) For the purposes of subsection (4), actual notice of an order includes but is not limited to any oral notification from any person to the affected person that adequately informs the affected person generally of the contents and effect of the order.

(6) The Regulations Act does not apply to an order made under subsection (1) or (3).

15 Section 15 presently reads:

15 Every person found on public land or leaving or entering public land shall at the request of a forest officer or fire guardian give the person's name, address and an account of the person's activities and route or the activities the person proposes to carry out and the route the person intends to follow on the public land.

16 Section 18(4) presently reads:

(4) This section does not apply to an attended outdoor camp fire that has been lit for cooking or warming purposes.

17 Section 21(2) presently reads:

(2) An order made pursuant to subsection (1) must be immediately published at least twice a day for not less than 2 consecutive days by the radio and television stations that are considered by the Minister most likely to bring the matter to the attention of the public.

18 Section 22 presently reads:

22 No person shall

- (a) light an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times,*
- (b) light an outdoor fire when weather conditions are conducive to a fire readily escaping out of control,*
- (c) fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than the person's own,*
- (d) deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire, or*
- (e) conduct in a forest protection area any activity that involves the use of fire or that might reasonably be expected to cause a fire, unless the person exercises reasonable care to prevent a fire from occurring.*

19 Section 23 presently reads in part:

23(1) A person carrying on or having charge of a timber, forest, mining, drilling or other industrial or commercial operation on public land shall at the Minister's request submit to the Minister for the Minister's approval a fire control plan.

20 Section 24 presently reads:

24 A person carrying on or having charge of a timber, forest, mining, drilling or other industrial or commercial operation in or within one kilometre of any public land shall have on hand fire fighting equipment in accordance with the regulations capable of controlling and suppressing any fire that may occur directly or indirectly as a result of the operation.

21 Section 25 presently reads:

25 Any person who creates a fire hazard in any manner shall reduce or eliminate the fire hazard in the manner prescribed by the regulations.

22 Section 26 presently reads in part:

26(1) When a forest officer finds on any land conditions that in the forest officer's opinion constitute a fire hazard endangering life or property, the forest officer may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner the forest officer prescribes.

23 Section 27 presently reads:

27 A city, town and village in a forest protection area shall take all necessary precautions that the Minister may prescribe to prevent and suppress fires within its boundaries.

24 Section 28 presently reads:

28 The Minister may carry out on any land any control measures that the Minister considers advisable for the prevention and control of injurious forest tree pest infestations.

25 Section 29 presently reads:

29 Notwithstanding anything in this Act, a forest officer may, for the purpose of protecting timber, reducing fire hazards or managing wildlife habitat or for any other purpose relating to the proper management of Crown land, start a fire or cause a fire to be started under the forest officer's direction

(a) on any Crown land, or

(b) on any other land if, in the forest officer's opinion, the exigencies of the situation require such a fire.

26 Section 31(1) presently reads:

31(1) A forest officer or fire guardian may without a warrant enter on any land and premises, except a private dwelling house, for the purpose of discharging the forest officer's or fire guardian's duties under this Act or the regulations.

27 Searches and seizures without warrant.

28 Recovery of costs and expenses.

29 Additional offence and penalty provisions.

30 Section 38 presently reads:

38(1) In addition to any fine imposed under section 37 at the request of the Crown, the court may order the convicted person to reimburse the Minister for the fire fighting costs involved as a debt to the Minister and in that event shall determine those costs.

(2) An order made pursuant to subsection (1) may be entered with the Clerk of the Court of Queen's

Bench and on entry may be enforced by the Minister in the same manner as a judgment debt of the Court.

(3) Subsection (1) does not apply when the fire fighting costs

(a) were incurred on land in respect of which the convicted person is a party to a fire control agreement under section 6, or

(b) exceed \$200.

31 Section 41 presently reads:

41 The Lieutenant Governor in Council may make regulations

(a) relating to the issue and use of permits;

(b) prescribing forest fire prevention and control measures to be observed;

(c) designating any part of Alberta as a forest protection area and prescribing control measures applicable to it;

(d) providing for the prevention and control of forest tree pests;

(e) prescribing maximum monetary penalties for the purposes of section 37(a) and (b);

(f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

32 Section 42 presently reads:

42 The Minister may make regulations

(a) governing the disposal of debris and waste materials;

- (b) *regulating the use of airstrips on public land for fire fighting purposes;*
- (c) *establishing training programs and facilities;*
- (d) *governing the conduct of fire fighting operations;*
- (e) *governing the conduct of pollution clean-up operations;*
- (f) *prescribing rates of payment for persons required to assist or for equipment commandeered under section 13 or 30;*
- (g) *prescribing rates of payment for persons, equipment or services hired temporarily for operations for*
 - (i) *fire fighting,*
 - (ii) *pollution clean-up,*
 - (iii) *controlling a forest tree pest infestation, or*
 - (iv) *dealing with any other emergency occurring on forest land;*
- (h) *prescribing amounts and types of fire fighting equipment required by timber, forest, mining, drilling or other industrial or commercial operations operating in or within one kilometre of public land;*
- (i) *prescribing the manner of reducing fire hazards;*
- (j) *prescribing precautions to be taken to prevent and suppress fires in a forest protection area;*
- (k) *designating any part of Alberta as a non-permit area.*