

Bill 13
Mr. Marz

BILL 13

2004

FOREST RESERVES AMENDMENT ACT, 2004

(Assented to , 2004)

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

Amends RSA 2000 cF-20

1 The *Forest Reserves Act* is amended by this Act.

2 Section 1(a) is amended

(a) **by striking out** “for the time being”;

(b) **by striking out** “pursuant to this Act” **and substituting** “by section 5”.

3 Section 2 is repealed.

4 Section 3 is repealed and the following is substituted:

Appointment of personnel to administer the Act

3 The Minister may appoint, from among employees of the Crown in right of Alberta, such individuals as the Minister considers necessary for the administration of this Act and the regulations, and may, in writing, specify their positions, functions, powers and duties for the purpose of that administration.

5 Section 4 is amended

- (a) **by striking out** “within Alberta are set apart and established” **and substituting** “are set aside and constituted”;
- (b) **by adding** “in those reserves” **after** “supply”.

6 Sections 6 and 7 are repealed and the following is substituted:

Acquisition of land

6 The Lieutenant Governor in Council may authorize the Minister

- (a) to expropriate any land in or adjoining a forest reserve,
- (b) to purchase or otherwise acquire any estate or interest in land and any personal property in conjunction with it where the Minister considers that the land or personal property is required for the carrying out of any policy, program, service or other matter relating to the administration of a forest reserve, or
- (c) to exchange public land in or adjoining a forest reserve for land outside a forest reserve where the Minister considers that adequate compensation is obtained for the public land, and to pay further compensation on the exchange.

Regulations

7 The Minister may make regulations, with respect to the forest reserves or to the whole or any portion of a forest reserve,

- (a) respecting the grazing of livestock, including permits for such grazing;
- (b) prohibiting or restricting, or respecting prohibitions or restrictions respecting,
 - (i) vehicular, pedestrian or other traffic,

- (ii) the conduct of any business or commercial enterprise, or
- (iii) any other kind of behaviour;
- (c) respecting the control or destruction of weeds;
- (d) establishing and otherwise respecting fees for services under this Act;
- (e) providing for the exceptions referred to in section 11.

7 Section 8 is amended by striking out “or other authorization”.

8 The following is added after section 8:

Administrative penalties

8.1(1) Where the Minister is of the opinion that a person has contravened a provision of this Act or the regulations, the Minister may, subject to the regulations, by notice in writing served on the person personally or by mail require that person to pay to the Government an administrative penalty in the amount set out in the notice for each contravention.

(2) A person who contravenes a provision referred to in subsection (1) is liable for the administrative penalty for each day or part of a day on which the contravention occurs and continues.

(3) The maximum amount of an administrative penalty that may be imposed under subsection (1) is \$5000 or, in the case of a contravention that continues beyond a single day, \$5000 for each day or part of a day referred to in subsection (2).

(4) A person who pays an administrative penalty in respect of a contravention may not be charged under this Act with an offence in respect of that contravention.

(5) A notice under subsection (1) may not be issued more than 2 years after

- (a) the date on which the contravention occurred, or

- (b) the date on which evidence of the contravention first came to the attention of an individual referred to in section 3,

whichever occurs later.

Payment of penalty

8.2 A person who has been served with a notice of administrative penalty pursuant to section 8.1 shall pay the amount of the penalty within 30 days from the date of service of the notice.

Enforcement in Court of Queen's Bench

8.3 Subject to the right to appeal a notice of administrative penalty, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

Regulations

8.4 The Minister may make regulations respecting appeals from notices of administrative penalty issued under section 8.1 including, without limitation, regulations respecting

- (a) the composition and manner of appointment of the appeal body;
- (b) the evidence to be considered by the appeal body and the factors that the appeal body is to consider in reaching its decision;
- (c) the powers of the appeal body to confirm or reverse a notice of administrative penalty and to vary the amount of an administrative penalty;
- (d) the procedure to be followed in the appeal and the procedure before the appeal body.

9 Sections 9 and 10 are repealed and the following is substituted:

Posting of signs

9 A person shall not post a sign in a forest reserve unless authorized by the Minister to do so.

Offences and penalties

10 A person who contravenes this Act or the regulations or a term or condition of a permit issued under this Act is guilty of an offence against this Act and liable to a fine of not more than \$5000 or, in the case of an offence that continues beyond a single day, \$5000 for each day or part of a day on which the contravention first occurs and then continues.

10 Section 11(2) is amended by striking out “Subject to” and substituting “Except as otherwise provided in”.

11 Section 8 comes into force on Proclamation.

Explanatory Notes

1 Amends chapter F-20 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

(a) “forest reserve” means an area comprising land for the time being set aside as a forest reserve pursuant to this Act;

3 Section 2 presently reads:

2 This Act and the regulations apply to all land within the boundaries of any forest reserves established pursuant to this Act.

4 Section 3 presently reads:

3 The Minister may appoint any forest officers necessary to carry out this Act.

5 Section 4 presently reads:

4 All forest reserves within Alberta are set apart and established for the conservation of the forests and other vegetation in the forests and for the maintenance of conditions favourable to an optimum water supply.

6 Sections 6 and 7 presently read:

6 The Lieutenant Governor in Council may authorize the Minister

- (a) to purchase, expropriate, or otherwise acquire land within a forest reserve or adjoining a forest reserve,*
- (b) to exchange for land within or adjoining a forest reserve, any available public land situated outside the boundaries of the forest reserve, and to pay compensation on an exchange of land, and*
- (c) to prohibit or restrict the conduct of any business or commercial activity on any land situated within the boundaries of a forest reserve.*

7 The Lieutenant Governor in Council may make regulations

- (a) governing the pasturage of cattle in forest reserves;*

- (b) *prescribing by signs posted along any forestry road or any part of a forestry road*
 - (i) *the speed limit to be observed on it by all vehicles or by any class of vehicles, and*
 - (ii) *directions or orders controlling or prohibiting the movement of any vehicular, pedestrian or other traffic;*
- (c) *regulating or prohibiting any kind of behaviour or traffic in forest reserves;*
- (d) *respecting the issuance of permits for the grazing of stock in forest reserves;*
- (e) *prohibiting or restricting the use of firearms and air guns in forest reserves.*

7 Section 8 presently reads:

8 The Minister may at any time cancel a permit or other authorization issued pursuant to this Act.

8 Administrative penalties; Payment of penalty; Enforcement in Court of Queen's Bench; Regulations.

9 Sections 9 and 10 presently read:

9 No signs shall be posted in a forest reserve except those prescribed by the regulations or authorized by the Minister.

10 A person who

- (a) *contravenes this Act or the regulations or a term or condition of a permit or other authorization issued pursuant to this Act, or*

- (b) *wilfully defaces, knocks down, removes or otherwise renders illegible or injures any sign, signal or obstruction erected or placed in a forest reserve for the direction or safety of traffic or for any other purpose,*

is guilty of an offence and liable to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 6 months.

10 Section 11(2) presently reads:

(2) *Subject to the regulations,*

- (a) *dispositions of public land in forest reserves other than those relating to timber rights shall be made pursuant to the Public Lands Act, and*
- (b) *dispositions of timber rights on public land in forest reserves shall be made pursuant to the Forests Act.*

11 Coming into force.