Province of Alberta

WILDLIFE ACT

Revised Statutes of Alberta 2000
Chapter W-10

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2002 c14 s5 amends ss24, 25, 32, 36, 40, 41.

Regulations

The following is a list of the regulations made under the *Wildlife Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Wildlife Act		
Wildlife	143/97	*221/97, 224/97, 29/98, 34/98, 76/98, 111/98, 156/98, 172/98, 68/99, 201/99, 225/99, 251/99, 28/2000, 46/2000, 105/2000, 107/2000,*

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142/2007, 184/2007,
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85/2011, 91/2011,
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86/2012, 119/2012,
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

(a) "animal" means a vertebrate, other than a human being or fish;

(a.1) "appointed officer" means a wildlife officer appointed under section 1.1(1) who is an employee of the Crown and subject to the *Public Service Act*;

(a.2) "authorization" means an instrument issued under section 22.1(1);

(b) "big game" means animals of a kind prescribed as such;

(c) "bird of prey" means a bird of a kind prescribed as such;

(d) "controlled animal" means an animal of a kind prescribed as such;

(e) "Crown" means the Crown in right of Alberta;

(e.1) "diversified livestock animal" and "diversified livestock farm" have the meanings respectively assigned to those expressions by the *Livestock Industry Diversification Act*;

(f) "dog" means a domestic dog (canis domesticus);

(f.1) repealed 2011 c12 s32(2);

(g) "endangered animal" means an animal of a kind prescribed as such;

(h) "endangered organism" means an endangered animal or another organism of an endangered species;

(i) "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

(iv) a kind of fish prescribed as an endangered fish,

or any combination of any of those kinds of organisms;

(j) "fur-bearing animal" means an animal of a kind prescribed as such;

(k) "fur farm" means a fur farm within the meaning of the *Fur Farms Act*, and "fur farm licence" means a valid and subsisting licence issued under that Act;

(l) "game bird" means an upland game bird or a migratory game bird;

(m) renumbered as (f.1) 2009 c36 s2;

(n) "guide",

(i) used as a verb, means hunt in the manner specified in clause (o)(v), and

(ii) used as a noun, means a person who so hunts;

(o) "hunt" means, subject to subsection (6), with reference to a subject 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,

(iv) attempt to capture, injure or kill, or

(v) assist another person to hunt in a manner specified in subclause (i), (ii), (iii) or (iv) while that other person is so hunting;

(p) "licence" means a valid and subsisting licence issued under section 13(1) authorizing hunting, and includes a tag or other component part of a licence;

(q) "migratory game bird" means a bird of a kind prescribed as such;

(r) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(s) "non-game animal" means an animal of a kind prescribed as such;

(t) "non-licence animal" means an animal of a kind prescribed as such;

(u) repealed 2002 c30 s33;

(v) "open season" means a period established as such under section 23;

(w) "permit" means a valid and subsisting permit issued under section 13(1) authorizing an activity other than hunting;

(x) "permit premises" means premises or parts of premises where an activity for which a permit is required is conducted;

(y) "prescribed"

(i) in the expression "prescribed by the Lieutenant Governor in Council" means prescribed or otherwise provided for by regulations made by the Lieutenant Governor in Council, and

(ii) otherwise, means prescribed or otherwise provided for by regulations made by the Minister;

(z) "privately owned land" means

(i) land held under a certificate of title by a person other than the Crown,

(ii) land held under an agreement for sale under which the Crown is the seller, or

(iii) land or classes of land held under leases or other dispositions from the Crown that are prescribed to be privately owned land;

(aa) "record" includes

(i) an account, book, return, statement, report, document or memorandum of information whether in writing or in electronic form or represented or reproduced by any other means, and

(ii) the results of the recording of details of electronic data processing systems and programs to illustrate what the systems and programs do and how they operate;

(aa.1) "recreational licence" means a licence of a type that is prescribed as recreational;

(bb) "resident" means a person who

(i) has his or her only or primary residence in Alberta and

(A) is a Canadian citizen or admitted to permanent residence in Canada, or

(B) has lived in Canada for the 12-month period immediately preceding the relevant date, or

(ii) is on full-time service with the Armed Forces of Canada and would, if an election were held under the *Canada Elections Act* (Canada), be eligible to vote in Alberta under that Act;

(cc) "skin", where used in relation to an animal, includes its hide or pelt, with or without the pelage, and, in the case of a bird, includes the plumage;

(cc.1) "stray" has the meaning assigned to it in the *Livestock Industry Diversification Act*;

(dd) "subject animal" means a wildlife animal, a controlled animal or any other kind of animal prescribed as a subject animal;

(ee) "tag",

(i) used as a noun, means a tag issued under section 14, and

(ii) used as a verb, means affix a tag pursuant to section 37;

(ff) "this Act" means this Act and the regulations;

(gg) "traffic" or "traffic in" means

(i) sell, buy, barter or trade, or offer to do so, or

(ii) solicit, advertise, display or expose for sale, barter or trade or with a view to effecting a sale, barter or trade;

(hh) "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;

(ii) "upland game bird" means a bird of a kind prescribed as such;

(jj) "vehicle" means a device, other than an aircraft or boat, in, on or by which a person or thing may be transported;

(kk) "weapon" means a firearm or any other device that propels a projectile by means of an explosion, spring, air, gas, string, wire or elastic material or any combination of those things;

(ll) "wildlife" means big game, birds of prey, 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 or that belong to the Crown as a result of the application of section 7(4);

(mm) "wildlife guardian" or "guardian" means a person appointed as a wildlife guardian under section 2(1);

(nn) "wildlife officer" or "officer" means a person holding office as a wildlife officer under section 1.1(1) or 1.2.

(2) A person shall not be regarded as having hunted a subject animal

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

(i) the person was not carrying a weapon, and

(ii) the purpose of the person's activity was restricted to watching, photographing, drawing or painting a picture of the animal,

(a.1) to the extent that the activity in question was lawfully performed under the *Meat Inspection Act* or the *Meat Inspection Act* (Canada) and the regulations under that Act,

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

(i) the operation of a fur farm, or

(ii) repealed 2011 c12 s32(3),

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

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

(c) where a wildlife or controlled animal had escaped from permit premises, if that person was the operator of those premises or an individual employed or retained by that operator who, within a reasonable time following its escape, was engaged in attempting to recapture it by means not involving trapping or in chasing it and who acted reasonably, using reasonable and generally accepted methods of humane capture other than by trapping, and in a manner that did not cause danger to other persons, wildlife or livestock or damage to property.

(2.1) A person is deemed to be hunting a subject animal of a particular species if the animal in respect of which the activity that would otherwise constitute hunting occurs is in fact a diversified livestock animal of that or a similar species, but the person believes it to be a subject animal.

(3) For the purposes of this Act,

(a) a person has a thing in the person's possession when the person has it in the person's personal possession or knowingly

(i) has it in the actual possession or custody of another person, or

(ii) has it in any place, whether or not that place belongs to or is occupied by the person, for the use or benefit of the person or of another person, and

(b) when one of 2 or more persons, with the knowledge and consent of the rest has anything in the person's custody or possession, it is deemed to be in the possession of each and all of them.

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

(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) Where

(a) a person has the intent to hunt, and believes or appears to believe that the person is hunting,

(b) what the person is purporting to hunt is actually a representation of a wildlife animal that has been set out by a wildlife officer or wildlife 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 the person is deemed for the purposes of this Act to be hunting such a wildlife animal and is guilty of an offence against that provision.

RSA 2000 cW-10 s1;2002 c30 s33; 2003 c26 s17;2003 c49 s2; 2009 c36 s2;2011 c12 s32(2),(3),(4)

Application — diversified livestock animals

1.01 Notwithstanding anything in section 1, diversified livestock animals do not fall within any of the kinds of animal defined in that section, and this Act does not apply with respect to diversified livestock animals or to any activity that is reasonably incidental to the operation of a diversified livestock farm, except to the extent otherwise specified in this Act or in the *Livestock Industry Diversification Act* or the regulations under that Act.

2011 c12 s32(5)

Appointed wildlife officers

1.1(1) The Minister may appoint wildlife officers.

(2) The Minister may in writing restrict the jurisdiction relative to which an officer who is appointed under subsection (1) but is not an appointed officer is entitled to act under this Act.

2002 c30 s33

Wildlife officers by virtue of appointments to other offices

1.2 The following individuals are wildlife officers by virtue of their appointments to the offices respectively referred to, namely individuals appointed as

(a) members of the Royal Canadian Mounted Police,

(b) conservation officers, under section 1 of Schedule 3.1 to the *Government Organization Act*, and

(c) forest officers, under section 2 of the *Forests Act*.

2002 c30 s33

Part 1
Administration

Wildlife guardians

2(1) The Minister may appoint wildlife guardians.

(2) Wildlife guardians have the powers and duties provided by this Act and any other law and any other duties that are directed by the Minister.

(3) Wildlife guardians, in the exercise and performance of their powers and duties under this Act, shall act on the directions of the Minister.

1984 cW-9.1 s3

Assistance to officers and guardians

3 The protections afforded by this Act or any other law to a wildlife officer or wildlife guardian extend to other persons while and to the extent that they are in the course of assisting the officer or guardian under the officer's or guardian's direction.

RSA 2000 cW-10 s3;2002 c30 s33

Rewards and remuneration

4(1) The Minister may establish and administer a program providing for the payment of rewards to persons who assist the Minister with the enforcement of this Act.

(2) The Minister may provide remuneration to persons authorized by the Minister to sell licences, permits and other items, in a manner and in an amount the Minister considers appropriate, whether from the proceeds of their sale or otherwise, and the remuneration shall be treated as being paid out of the General Revenue Fund.

1984 cW-9.1 s5

Terms and conditions

5(1) An approval, a permission or any other decision of the Minister, specific provision for which is made by this Act, may be made subject to any terms and conditions that the Minister considers appropriate.

(2) A person shall not contravene any terms or conditions imposed under subsection (1).

RSA 2000 cW-10 s5;2003 c49 s3

Endangered Species Conservation Committee

6(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 any directions on matters falling within that mandate that 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) Section 7(2) to (5) 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.

1996 c33 s10

Part 2
Relationship of the Crown to Wildlife

Property in live wildlife

7(1) Subject to this section, the property in all live wildlife in Alberta is vested in the Crown.

(2) Subsection (1) does not apply

(a) to live captive wildlife that has been transferred under section 9,

(b) to the progeny of a female wildlife animal that was transferred under section 9, being progeny born in captivity after the effective date of the transfer,

(c) to progeny born in captivity of female progeny described in clause (b), or

(d) to wildlife born in captivity and that is directly descended through the female line from female progeny described in clause (b).

(3) Notwithstanding subsection (2), the property in wildlife that ceases to be held captive reverts to the Crown.

(4) Notwithstanding subsection (2), the property in the following animals is vested in the Crown:

(a) any wildlife the property in which has reverted to the Crown,

(b) strays that have become wildlife under regulations made under section 33(2)(c) of that Act,

(c) progeny of a female wildlife animal the property in which has reverted to the Crown, being progeny born after the reversion,

(d) progeny of a female stray referred to in clause (b), being progeny born after the stray's becoming wildlife,

(e) the progeny of female progeny described in clause (c) or (d), or

(f) animals directly descended through the female line from female progeny described in clause (c) or (d),

except to the extent that there has been a subsequent transfer of that animal under section 9.

(5) Animals that fall within subsection (4)(b) become wildlife on their becoming such by virtue of the regulations referred to in that clause, and they become wildlife of the kind appropriate to their species.

RSA 2000 cW-10 s7;2011 c12 s32(6)

Property in dead wildlife

8(1) After the death in Alberta of wildlife belonging to the Crown, the property in it remains in the Crown unless the Minister transfers it to another person under section 9 or unless

(a) it has been lawfully hunted,

(b) where required by section 37, a tag or tags have been affixed to it in accordance with that section,

(c) applicable regulations under section 103(1)(v) have been complied with in respect of that wildlife, and

(d) all applicable provisions of this Act for the taking into possession of the wildlife following its death have otherwise been fully complied with.

(2) Notwithstanding subsection (1), the property in dead wildlife does not transfer from the Crown

(a) if this Act or the licence under which the wildlife was hunted provides that the property in the wildlife is to remain in the Crown, or

(b) to the extent of any parts of the wildlife that are retained by the Minister following their submission to the Minister under regulations made under section 103(1)(v).

1984 cW-9.1 s11;1996 c33 s11

Transfer of property in wildlife

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

1984 cW-9.1 s12;1996 c33 s12

Disputes as to the Crown's ownership

10 In the event of a dispute as to whether any wildlife belongs to the Crown or not, the decision of the Minister is final.

1984 cW-9.1 s13

Claims against the Crown

11 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, a person employed by the Crown in the Minister's Department, a wildlife officer or a wildlife guardian

(i) for any act done, or any failure to act, by any of them in good faith

(A) while exercising powers or performing duties under this Act, or

(B) if it causes injury to or the death of a stray,

or

(ii) for death, personal injury or property damage caused by an animal.

RSA 2000 cW-10 s11;2002 c30 s33;2011 c12 s32(7)

Part 3
Licences, Permits and Authorizations

ALSA regional plans

11.1(1) A licence or permit issued under this Act or the regulations does not authorize an activity that is prohibited by or under an ALSA regional plan.

(2) In the event of a conflict between the terms and conditions of a licence or permit issued under this Act or the regulations and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict.

2009 cA-26.8 s94

Establishment of and entitlements under licences and permits

12(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.

(2) The rights attached to a licence or permit are subject to any terms and conditions applicable to it that may be provided by this Act or as may be endorsed by the Minister on the licence or permit.

(3) A person shall not contravene any of the terms or conditions of a licence or permit.

1984 cW-9.1 s15;1996 c33 s14

Issue of licences and permits

13(1) Except as prescribed, the Minister may issue a licence or permit to an applicant and may

(a) determine the number of licences or permits to be issued, and

(b) where the number of licences or permits is to be limited, establish the manner in which they are to be allocated.

(2) An applicant for a licence or permit shall furnish any information that the Minister reasonably requests to enable the Minister to determine whether the application should be granted or refused and the appropriate conditions to attach, if any.

1984 cW-9.1 s16

Tags

14(1) The Minister may issue with and as part of a licence a tag or tags for each wildlife animal that may be killed under the licence.

(2) If a tag is affixed to diseased wildlife or wildlife materially infested by parasites and the wildlife is surrendered to a wildlife officer, the Minister may issue a replacement tag on payment of the prescribed fee.

RSA 2000 cW-10 s14;2002 c30 s33

Ineligibility for licence or permit

15 A person who is not eligible to hold a licence or permit shall not apply for, obtain or hold a licence or permit or a document that, but for that ineligibility, would be a licence or permit.

1984 cW-9.1 s18

Nullity of licence or permit

16(1) Where a document purporting to be a licence or permit is issued to a person who is not eligible to hold it, the document is and remains void as a licence or permit.

(2) A person shall not have in the person's possession a document that is void by virtue of subsection (1).

1984 cW-9.1 s19

Expiry

17 Unless otherwise specified on a licence or permit, the licence or permit expires on March 31 following the date of its issue.

1984 cW-9.1 s20

Validity of licence

18 A licence to hunt a kind of wildlife has effect subject to section 12(2) and is valid only

(a) to authorize hunting of wildlife of that kind and the killing or capturing of wildlife in the number endorsed on the licence or prescribed,

(b) during the open season for wildlife of that kind and during the currency of the licence,

(c) in an area where wildlife of that kind may be lawfully hunted,

(d) to authorize hunting by the licence holder or a person authorized by or under the licence to hunt, and

(e) if it is accompanied with the tag or tags forming part of the licence, where applicable.

1984 cW-9.1 s21

Cancellation and suspension

19(1) The Minister may, if the Minister considers that it is in the public interest to do so,

(a) cancel or suspend a licence or permit,

(b) suspend a person's right to obtain or hold a licence or permit,

(c) reinstate a cancelled licence or permit, or

(d) remove a suspension of or restore a suspended right to obtain or hold a licence or permit.

(1.1) If the Minister has entered into an agreement under section 10 of the *Government Organization Act* with the government of Canada or of a province or territory or of another country or component part of another country that deals with the suspension or cancellation of the recreational licences in Alberta and that other jurisdiction of persons who have been convicted of offences relating to hunting, other than by means of traps, or whose right to hunt, other than by means of traps, or to obtain or hold recreational licences, has been suspended or cancelled under the laws of each such jurisdiction, the Minister may

(a) cancel or suspend an Alberta recreational licence held by such a person,

(b) suspend such a person's right to obtain or hold such a recreational licence,

(c) reinstate a recreational licence that has been so cancelled, or

(d) remove such a suspension of or restore such a suspended right to obtain or hold a recreational licence.

(1.2) In construing subsection (1.1),

(a) the terms "hunt", "hunting", "recreational licences" and "traps" are to be construed, to the extent that they relate to the jurisdiction other than Alberta, generally as applying to the equivalent terminology in the equivalent laws of that jurisdiction and in accordance with the laws of that jurisdiction, and

(b) if there is no term equivalent to the term "recreational licence", the term is to be taken to refer to those licences or equivalent permissions that are as closely equivalent to recreational licences as the comparative contexts of the legislation of Alberta and the other jurisdiction allow.

(2) Subsection (1)(c) and (d) do not apply in respect of a cancellation or suspension under subsection (1.1) or section 101 or 102.

(2.1) Subsection (1)(d) does not apply in respect of a suspension under section 35(4)(b) of the *Fisheries (Alberta) Act*.

(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

(a) under the purported authority of a licence or permit that is under suspension, or

(b) while the person's 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, section 101 or 102 of this statute or section 35(4)(b) of the *Fisheries (Alberta) Act*, 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 101 or 102 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 the person's last known address.

RSA 2000 cW-10 s19;2003 c49 s5

Refusal to issue licence re maintenance orders

19.1(1) In this section, "Director" means the Director of Maintenance Enforcement appointed under the *Maintenance Enforcement Act*.

(2) If the Director notifies the Minister pursuant to section 22.1(1) of the *Maintenance Enforcement Act*, the Minister shall, in respect of the debtor named in the notice, refuse to issue a recreational licence under this Act except as permitted by the Director under section 22.1(3) of the *Maintenance Enforcement Act* until the Director withdraws the notice or notifies the Minister that the maintenance order has been withdrawn.

2004 c18 s30

Non-transferability

20 A licence or permit is not transferable unless and except to the extent prescribed.

1984 cW-9.1 s23;1996 c33 s16

Use of and carrying another's licence

21(1) A person shall not

(a) allow the person's licence to be used or carried by another person,

(b) use the licence of another person, or

(c) knowingly carry the licence of another person.

(2) Subsection (1) does not apply where the person using or carrying the licence is authorized by or under the licence to hunt.

1984 cW-9.1 s24

Defacement, alteration and possession of certain documents

22 A person shall not

(a) deface or alter a licence, permit or other prescribed document, or

(b) have in the person's 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.

1996 c33 s17

Authorizations

22.1(1) Except as prescribed, the Minister may issue instruments, referred to in this Act as authorizations, of the prescribed kinds, that authorize prescribed activities that are consistent with this Act and that

(a) are of a general kind that would normally require, but are not in fact authorized by, a licence or permit, or

(b) require or would normally require both a licence and a permit.

(2) All the provisions of this statute that apply with respect to licences, except this section and those prescribed, and that have the potential to apply with respect to authorizations, apply with respect to authorizations.

(3) Where a person is to be charged with an offence against a provision that applies to authorizations by virtue of subsection (2) and the charge relates to an authorization rather than to a licence, then notwithstanding that the provision in itself refers only to a licence, it is sufficient if the wording of the charge refers only to a contravention of that provision as if subsection (2) had also been cited as part of the charge.

2003 c49 s6

Part 4
Hunting and Related Activities

General Rules for Hunting

Open seasons

23 The Minister may by regulation establish as open seasons periods during which wildlife of the kinds and characteristics and in the numbers prescribed may be lawfully hunted in the areas, under the licences and, where applicable, in the manner prescribed.

1984 cW-9.1 s25;1996 c33 s18

Hunting without licence

24(1) Subject to subsection (3), a person shall not hunt wildlife unless the person holds a licence authorizing the person, 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, to the extent that subsection (1) applies

(a) with respect to guiding, it applies only to guiding for gain or reward, and

(b) with respect to non-licence wildlife, it applies only to trapping.

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

RSA 2000 cW-10 s24;2003 c49 s7

Hunting out of season

25(1) A person shall not hunt wildlife outside an open season or if there is no open season for that wildlife.

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

(a) a licence that authorizes hunting outside or notwithstanding the lack of an open season, or

(b) the *Agricultural Pests Act*.

1984 cW-9.1 s27

Requirement to carry licence or other proof

26(1) A licence holder hunting wildlife shall carry the licence authorizing the holder to do so.

(2) If a person other than the licence holder is authorized by or under a licence to hunt wildlife and hunts under the purported authority of that licence, that person shall carry an instrument signed by the Minister or the licence holder stating that that person is lawfully authorized so to hunt.

RSA 2000 cW-10 s26;2011 c12 s32(8)

Hunting in a dangerous manner

27(1) A person shall not hunt

(a) in a manner that endangers other persons, or

(b) without due regard for the safety of other persons.

(2) Without limiting section 28, a person shall be regarded as having hunted in contravention of subsection (1)(a) or (b) if, while the person was hunting,

(a) the person was in physical possession of a firearm, and

(b) the conditions of light prevailing at that time were such that visibility was less than the shorter of

(i) the potential range of fire of the firearm, or

(ii) 1/2 mile,

unless the person proves that the hunting did not endanger any other person or that the person did not act without due regard for the safety of other persons, as the case may be.

1984 cW-9.1 s29

Hunting at night

28 A person shall not hunt wildlife, except by trapping, during the period commencing at 1/2 hour after sunset and ending at 1/2 hour before sunrise the following day.

1984 cW-9.1 s30;1996 c33 s20

Protection of livestock and other property

29 A person shall not hunt in a manner that causes or is likely to cause danger to livestock or to diversified livestock animals or damage to property.

RSA 2000 cW-10 s29;2003 c26 s17;2011 c12 s32(9)

Alcohol and drugs

30 A person shall not hunt wildlife while the person's ability to hunt is impaired by alcohol or a drug.

1984 cW-9.1 s32

Minors

31 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

(a) the minor's parent or legal guardian, or

(b) an adult who is authorized in writing by the minor's parent or legal guardian to accompany the minor.

1984 cW-9.1 s33;1996 c33 s21

Prohibited items in hunting wildlife

32(1) A person shall not set out, use or have in the person's possession for the purpose of hunting wildlife anything described in Item 1 of the Schedule.

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

(3) Subsections (1) and (2) do 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

(b) the *Agricultural Pests Act*.

(4) The finding of a poisonous substance described in subsection (5) in a strength and volume sufficient to kill any fur-bearing animal or of any immobilizing drug on the trapline, or on or in any equipment or facilities used in connection with the trapline, of a person who hunts wildlife with traps is proof, in the absence of evidence to the contrary, that the person set it out, used it or had it in the person's possession, as the case may be, in contravention of subsection (1).

(5) The poisonous substances referred to in subsection (4) are as follows:

Sodium Fluoroacetate	(1089)
Etorphine Hydrochloride	(M99)
Xylazine Hydrochloride	(Rompun)
Phencyclidine Hydrochloride	(Sernylan)
Ketamine Hydrochloride	(Ketamine)
All compounds that include Cyanide, Strychnine or Arsenic	
Any other prescribed poisonous substances	

(6) In subsection (5), the common names of substances stated in parentheses are inserted for convenience of reference only, and are not to be treated as part of this Act.

(7) A person shall not set out or use a substance that is neither included in subsection (5) 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*.

1984 cW-9.1 s34;1996 c33 s22

Use of vehicles, boats and aircraft

33(1) A person shall not

(a) hunt wildlife from or with an aircraft,

(b) use a vehicle, aircraft or boat with intent to harass, injure or kill wildlife,

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

(d) have a loaded firearm on or in a vehicle, aircraft or boat, other than a boat so propelled or anchored.

(2) Subsection (1) does not apply to an activity that is specifically authorized by or under a licence authorizing the control of wildlife depredation or the collection of wildlife.

(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

(i) the breech or chamber, or

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

(b) in the case of a muzzle-loading firearm operated by a flintlock, the pan contains powder, or

(c) in the case of a muzzle-loading firearm using percussion caps, a percussion cap is in place on the nipple.

1984 cW-9.1 s35;1996 c33 s23

Required clothing

34 A person shall not hunt wildlife in a prescribed area during an open season for big game in that area unless the person is clothed in the prescribed manner.

1984 cW-9.1 s36

Hunting for trafficking purposes

35 A person shall not hunt wildlife for the purpose of trafficking or enabling trafficking in that wildlife in contravention of section 62.

1984 cW-9.1 s37

Disturbance, etc., of wildlife habitation

36(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.

(2) Subsection (1) does not apply to a molestation, disturbance or destruction that is specifically authorized

(a) by or under the *Agricultural Pests Act* or the *Water Act*,

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

(c) by regulations under section 103(1)(w) or the written permission of the Minister.

RSA 2000 cW-10 s36;2003 c49 s8

Affixation of tags

37(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.

1984 cW-9.1 s39;1996 c33 s25

Hunting on occupied land

38(1) In this section, "occupied land" means

(a) privately owned land under cultivation or enclosed by a fence of any kind and not exceeding one section in area on which the owner or occupant actually resides, and

(b) any other privately owned land that is within one mile of the section referred to in clause (a) and that is owned or leased by the same owner or occupant.

(2) No person shall hunt any wildlife or discharge any firearm on or over occupied land or enter on occupied land for the purpose of doing so, without the consent of the owner or occupant of it.

1984 cW-9.1 s40

Hunting in wildlife sanctuary

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

1996 c33 s26

Hunting of Particular Kinds of Animals

Prohibited equipment and other items

40(1) A person shall not set out, use or have in the person's possession for the purpose of hunting big game anything described in Item 2 of the Schedule.

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

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

(4) A person shall not use or have in the person's possession for the purpose of hunting migratory game birds anything described in Item 4 of the Schedule.

(5) A person shall not, while hunting migratory game birds, have in the person's personal possession for the person's own use more than one shotgun at any one time unless each shotgun in excess of one is unloaded and either disassembled or cased.

(6) A person shall not set out, use or have in the person's possession for the purpose of hunting fur-bearing animals anything described in Item 5 of the Schedule.

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

(8) This section does not apply to a setting out, use or possession of something 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*.

1984 cW-9.1 s41;1996 c33 s28

Prohibition against spoilage, etc., of skin and edible flesh

41(1) A person who has killed or is in possession of a game bird or big game animal, other than a mountain lion or bear, shall not

(a) abandon any of its flesh that is fit for human consumption,

(b) destroy any such flesh, or

(c) allow any such flesh to become unfit for human consumption.

(2) A person who has killed or is in possession of the skin of a fur-bearing animal, bear or mountain lion shall not allow the skin to be wasted, destroyed, spoiled or abandoned.

(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) repealed 2011 c12 s32(10).

(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*.

RSA 2000 cW-10 s41;2003 c26 s17;2009 c36 s3; 2011 c12 s32(10)

Hunting by non-residents, etc.

42(1) Unless otherwise prescribed, a person who is not a resident, called in this section a "client", shall not hunt big game, wolf or coyote unless accompanied by another person who holds a licence 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.

RSA 2000 cW-10 s42;2003 c49 s9

Hunting following aircraft flight

43(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.

(2) Subsection (1) does not apply to hunting that is specifically authorized by or under a licence authorizing the control of wildlife depredation or the collection of wildlife.

1984 cW-9.1 s44;1996 c33 s31

Swimming big game animals

44 A person shall not discharge a weapon at big game when it is swimming.

1984 cW-9.1 s45;1996 c33 s32

Use of dogs for hunting big game

45(1) A person shall not

(a) be accompanied by a dog while hunting big game, or

(b) allow a dog to pursue big game.

(2) Subsection (1) does not apply

(a) to an activity that is specifically authorized by or under a licence authorizing the control of wildlife depredation or the collection of wildlife, or

(b) during an open season in which hunting with dogs is specifically authorized for the kind of big game being hunted.

1984 cW-9.1 s46

46 Repealed 2011 c12 s32(11).

Activities Related to Hunting

Prohibition of harassment of hunters

47(1) A person shall not interfere with the lawful hunting of wildlife by another person, or with any lawful activity preparatory to such hunting, with the intention of preventing or impeding the hunting or the continuation of the hunting.

(2) A person shall not disturb, or engage in an activity that will tend to disturb, wildlife with the intention of preventing or impeding its being lawfully hunted.

(3) A person shall not disturb another person who is engaged in the lawful hunting of wildlife, or in any lawful activity preparatory to such hunting, with the intention of dissuading that person from hunting or otherwise preventing the hunting or of preventing that person's enjoyment of the outdoors.

1984 cW-9.1 s47

Disturbance of traps

48(1) Where a person has a licence authorizing the person's exclusive right to trap wildlife in a particular area that licence holder may remove or authorize another person to remove any trap found in that area that the licence holder believes, on reasonable and probable grounds, has been set unlawfully.

(2) On the removal of a trap under subsection (1), the licence holder shall forthwith report the removal to a wildlife officer.

RSA 2000 cW-10 s48;2003 c49 s10

Disposition of access to land

49(1) No person shall directly or indirectly buy or sell, trade or barter or offer to buy or sell 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 buy or sell, trade or barter or offer to buy or sell 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 buy or sell, trade or barter or offer to buy or sell access to any land for the purpose of hunting upland game birds

(a) on privately owned land unless the person holds a licence issued to the person 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.

1984 cW-9.1 s49;1996 c33 s35

Bird dogs

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

1984 cW-9.1 s50;1996 c33 s36

Firearms on roads

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 provincial highway under the *Highways Development and Protection Act*, or

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

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

(3) Subsection (1)(b) does not apply to a person hunting game birds with a shotgun under the authority of a licence authorizing the hunting of game birds.

(4) 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*.

(5) Subsection (1) does not apply to a person engaged in a wildlife depredation control program authorized in writing by the Minister.

RSA 2000 cW-10 s51;2004 cH-8.5 s77

Firearms around buildings

52(1) No person shall

(a) discharge a weapon, or

(b) cause a projectile from a weapon to pass

within 200 yards of any occupied building.

(2) Subsection (1) does not apply to

(a) the owner or occupant of, or the person having immediate possession or control of, the land on which the building is situated, or

(b) a person authorized to perform the activity by a person referred to in clause (a).

1984 cW-9.1 s52;1996 c33 s38

Discharge of firearm at night

53 Except at a lawfully established and operated shooting range, a person shall not discharge a firearm during the period referred to in section 28.

1996 c33 s39

Claims against hunters

53.1 Notwithstanding any other law, no right of action lies and no right of compensation exists against any person who causes injury to or the death of a stray under circumstances where that person establishes that he or she

(a) honestly believed that stray to be a subject animal that he or she was lawfully entitled to hunt under the applicable circumstances,

(b) would have been lawfully hunting that animal had it been that subject animal under those same circumstances, and

(c) if it transpires that the stray was visually identifiable as a diversified livestock animal, took steps that were reasonable under those circumstances to determine that the animal being hunted was a subject animal that he or she was lawfully entitled to hunt.

2011 c12 s32(12)

Part 5
Possession of and Commerce in Animals

Application

54 Nothing in this Part prohibits any activity that is authorized by or under the *Livestock Identification and Commerce Act*, the *Meat Inspection Act* or the *Meat Inspection Act* (Canada).

RSA 2000 cW-10 s54;2003 c26 s17;2006 cL-16.2 s101

Possession of wildlife and controlled animals

55(1) Subject to this Act, a person shall not be in possession of a wildlife or controlled animal.

(2) Subject to this Act, a person may have a wildlife or controlled animal in the person's possession

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

(b) on a fur 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,

(c) in the case of dead wildlife, if

(i) the Minister has transferred it to the person under section 9, or

(ii) the wildlife has been hunted in accordance with this Act and the requirements of section 8(1)(b), (c) and (d) have been or are being met in relation to it.

(iii) repealed 2011 c12 s32(13).

(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.

RSA 2000 cW-10 s55;2003 c26 s17;2011 c12 s32(13)

Possession of poisoned wildlife

56(1) A person shall not be in possession of wildlife that has been subjected to a poisonous substance described in section 32(5) or an immobilizing drug.

(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 or the collection of wildlife,

(b) under circumstances where section 32(7)(b) applies, or

(c) in the course of a recapture described in section 1(2)(c).

RSA 2000 cW-10 s56;2003 c26 s17;2011 c12 s32(14)

Transportation of wildlife

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

(2) Repealed 2011 c12 s32(15).

RSA 2000 cW-10 s57;2003 c26 s17;2011 c12 s32(15)

Importation of live wildlife and controlled animals

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

1984 cW-9.1 s58;1996 c33 s44

Exportation of wildlife

59(1) A person shall not export wildlife from Alberta unless the person is so authorized by a permit specifically authorizing the exportation.

(2) Repealed 2011 c12 s32(16).

RSA 2000 cW-10 s59;2003 c26 s17;2011 c12 s32(16)

Escape and recapture of animals from certain premises

60(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 an appointed officer is notified forthwith of the finding.

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

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

(b) ensure that the escape is reported to an appointed officer 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.

RSA 2000 cW-10 s60;2002 c30 s33;2003 c26 s17;
2011 c12 s32(17)

Release from captivity

61(1) Without limiting section 9(3) of the *Fur Farms Act*, a person shall not release a live wildlife or controlled animal from captivity unless the person has the written permission of the Minister to do so.

(2) Repealed 2011 c12 s32(18).

RSA 2000 cW-10 s61;2003 c26 s17;2003 c49 ss12,27;
2011 c12 s32(18)

Trafficking in wildlife

62(1) A person shall not traffic in wildlife.

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

(3) Subsections (1) and (2) do 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 in accordance with the *Fur Farms Act* 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 9.

(4) Each single act described in section 1(1)(gg)(i) or (ii) done in relation to a wildlife animal constitutes a separate act of trafficking in wildlife.

RSA 2000 cW-10 s62;2003 c49 s13;2011 c12 s32(19)

Taxidermy and tanning

63 A person shall not for gain or reward engage in taxidermy or in the tanning of wildlife unless the person holds a permit specifically authorizing the person to do so.

1984 cW-9.1 s62

Records of wildlife

64(1) A person in possession of wildlife shall, in the prescribed form and manner, maintain records containing the prescribed information concerning that wildlife.

(2) Repealed 2011 c12 s32(20).

RSA 2000 cW-10 s64;2003 c26 s17;2011 c12 s32(20)

Part 6
Enforcement

Status as peace officer

65(1) A wildlife officer or wildlife guardian, in executing the duties and functions and exercising the powers of that office, is a person employed for the preservation and maintenance of the public peace.

(2) Notwithstanding subsection (1), a wildlife guardian shall not exercise the powers of arrest given to a peace officer by section 495 of the *Criminal Code* (Canada) as adopted by the *Provincial Offences Procedure Act*.

(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.

RSA 2000 cW-10 s65;2002 c30 s33

Entry on and the passing over of land

66(1) A wildlife officer or wildlife guardian may, without a warrant, enter on and pass over any land while lawfully engaged in the exercise of powers or the performance of duties or functions given him or her by, or that otherwise relate to the enforcement of, this Act, including those implied by section 65.

(2) Subsection (1) does not in itself authorize the entry into any tent, building or other structure or any search or seizure.

(3) The officer or guardian, while lawfully engaged in the entry on or the passing over of the land in accordance with subsection (1), is liable only for damage that he or she wilfully causes.

RSA 2000 cW-10 s66;2002 c30 s33;2009 c36 s4

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

67(1) A wildlife officer, while lawfully engaged in the exercise of powers or the performance of duties or functions referred to in section 66(1), 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 any period of time that is reasonably necessary to enable the officer to conduct any lawful inquiries.

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

RSA 2000 cW-10 s67;2002 c30 s33;2009 c36 s5

Power to demand licence, permit, etc.

68(1) Where a wildlife officer or wildlife guardian believes that a person is or has been hunting wildlife, the officer or guardian may require that person to produce

(a) any licence authorizing the person to hunt that wildlife, or

(b) if the person is a person referred to in section 26(2), the instrument referred to in that subsection.

(2) Where an officer or guardian believes that a person may have engaged in an activity for which a permit is required, the officer or guardian may require that person to produce the permit authorizing the person to engage in that activity.

(3) Where an officer or guardian believes that a person is transporting wildlife in a vehicle, aircraft or boat, the officer or guardian may require that person to produce the documents referred to in section 57.

(4) When an officer or guardian requires a person to produce anything under this section, that person shall forthwith produce it to the officer or guardian.

RSA 2000 cW-10 s68;2002 c30 s33

Inspection of subject animals

69(1) In this section,

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

(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) the officer or guardian 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.

RSA 2000 cW-10 s69;2002 c30 s33

Inspection of weapons, ammunition and projectiles

70(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

(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.

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

RSA 2000 cW-10 s70;2002 c30 s33

Search, etc., without warrant

71(1) If distance, urgency, the imminent danger of the loss, removal, destruction or disappearance 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 any premises or a place, vehicle, aircraft, boat or a building, tent or other structure,

(a.1) search any land lawfully entered on under section 66, or

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

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

(1.1) A wildlife officer or wildlife guardian who has reasonable and probable grounds to believe that the lawful exercise of any powers or the lawful performance of any duties or functions referred to in section 66(1) necessitates the examination or inspection of anything or any location referred to in subsection (1)(a), (a.1) or (b) or of any subject animal or other property may, without a warrant, perform that examination or inspection, as the case may be.

(2) The officer or guardian shall not enter into or search the living quarters of a private dwelling under this section unless the officer or guardian is in immediate pursuit of a person who the officer or guardian has reasonable and probable grounds to believe has committed an offence against this Act.

(3) The power to conduct a search, examination or inspection under this section must

(a) be exercised at a reasonable hour having regard to the circumstances underlying the reasonably perceived need for the search, examination or inspection, and

(b) be exercised in accordance with the prescribed restrictions.

RSA 2000 cW-10 s71;2002 c30 s33;2009 c36 s6

Inspection of permit and other premises

72(1) A wildlife officer or wildlife guardian may, without obtaining a warrant, enter at any reasonable hour

(a) any premises that the officer or guardian has reason to believe are permit premises, or

(b) any other premises where

(i) any authority 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,

and where the officer or guardian 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 or the *Fur Farms Act*.

(2) If it appears to a justice, on information laid before the justice 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), the justice 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 any subject animals and endangered organisms found in them and any records referred to in subsection (1).

(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 premises referred to in this section shall, for the purpose of an inspection under this section, give all reasonable assistance to the officer or guardian carrying out the inspection and provide access to all relevant areas of the premises and provide all information, records and copies required to be kept by or under this Act and all other records referred to in subsection (1).

RSA 2000 cW-10 s72;2002 c30 s33;2003 c49 s14;2011 c12 s32(21)

Production of identification

73 In the exercise of a wildlife officer's or wildlife guardian's powers and duties under this Act, an officer who is not in uniform or a guardian shall produce the officer's or guardian's badge or certification of the officer's or guardian's appointment on being requested to do so.

RSA 2000 cW-10 s73;2002 c30 s33

Powers of seizure

74(1) A wildlife officer or wildlife guardian may seize anything that the officer or guardian believes on reasonable and probable grounds may afford evidence of, or was used in, the commission of an offence against this Act.

(2) The officer or guardian shall, on seizing anything under subsection (1), give a receipt for it to the person, if any, having physical possession of it when it was seized.

RSA 2000 cW-10 s74;2002 c30 s33;2003 c49 s15

Initial disposition of seized things

75(1) Following a seizure of anything under section 74, the wildlife officer or wildlife guardian shall, subject to this section,

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

(b) if the officer or guardian has dealt with it under subsection (2), furnish a justice with an affidavit

(i) stating that the officer or guardian 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) unless a justice is going to deal substantively with the thing seized, stating how it has been so dealt with.

(2) The officer or guardian may

(a) return the thing to the person from whom it was seized or to whom it belongs,

(b) in the case of a dead wildlife or controlled animal or an endangered organism, 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 controlled animal or an endangered organism,

(i) in accordance with a direction of the Minister, keep it alive or deliver it to another person to have it kept alive, 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 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.

RSA 2000 cW-10 s75;2002 c30 s33

Subsequent disposition of seized things

76(1) Subject to subsection (2), where anything is seized and brought before a justice under section 75(1)(a), the justice may order that it be

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

(b) returned to the person from whom it was seized.

(2) Where anything is seized under section 74 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

(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.

(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 74 is an offence for which the person charged has, under the *Provincial Offences Procedure Act*, the right to exercise a specified penalty option, and

(b) the person charged exercises that right,

then, if the thing seized is a wildlife or controlled animal or an endangered organism 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 must be returned to the person from whom it was seized.

(5) Where a wildlife or controlled animal or an endangered organism disposed of under section 75(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 organism in the amount or at the value that, in the opinion of the Minister, is fair for an organism of that kind.

1984 cW-9.1 s75;1988 cP-21.5 s52;1996 c33 s56

Disposal of forfeited things

77 Where anything is forfeited in accordance with section 76, the Minister shall

(a) sell or otherwise dispose of it, or

(b) retain it for the use of the Crown.

1984 cW-9.1 s76;1996 c33 s57

Application by person claiming interest

78(1) Where anything is forfeited to the Crown under section 76(1)(a), any person, other than a person convicted of the offence that resulted in the forfeiture, who claims an interest in it as owner, mortgagee, lienholder or holder of any similar interest may, within 30 days after the forfeiture or any longer time that the judge may allow, apply to a judge of the Court of Queen's Bench for an order under subsection (4).

(2) The judge to whom an application is made under subsection (1) shall fix a day for the hearing that is not less than 30 days after the date of filing of the application.

(3) The applicant shall serve a notice of the application and of the hearing on the Minister at least 15 days before the day fixed for the hearing.

(4) Where, on the hearing of an application, it is made to appear to the satisfaction of the judge,

(a) that the applicant is innocent of any complicity in the offence or alleged offence that resulted in the forfeiture and of any collusion in relation to that offence or alleged offence with any person who may have committed the offence or alleged offence, and

(b) that the applicant exercised all reasonable care in respect of the person permitted to obtain the thing to satisfy the applicant that it was not likely to be used in contravention of this Act, or, in the case of a mortgagee or lienholder, that the applicant exercised such care with respect to the mortgagor or the person giving the lien,

the applicant is entitled to an order declaring that the applicant's interest is not affected by the forfeiture and declaring the nature and extent of the applicant's interest.

(5) The applicant or the Minister may appeal to the Court of Appeal from an order made under subsection (4).

(6) The Minister shall, on application made to the Minister by any person who has obtained a final order under this section with respect to any thing,

(a) return that thing to the applicant, or

(b) pay to the applicant an amount equal to the value of the interest of the applicant in that thing, as declared in the order.

RSA 2000 cW-10 s78;2009 c53 s187

Diseased animals

79(1) The Minister may, if the Minister believes on reasonable and probable grounds that any animal is diseased or materially infested by parasites and might present a danger to the 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,

(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, in the case of a diseased or parasitized animal, an undiseased or unparasitized animal of that kind and, in the case of any other animal, 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 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, 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.

(6) This section applies where the suspect animal is a diversified livestock animal, but only if

(a) the Minister first consults with the chief provincial veterinarian on the relevant circumstances,

(b) the chief provincial veterinarian decides to take no action under the *Animal Health Act*, and

(c) the Minister's belief referred to in subsection (1) fully reflects and supports the chief provincial veterinarian's opinion on the matter.

RSA 2000 cW-10 s79;2002 c30 s33;2011 c12 s32(22)

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, the officer or guardian 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 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 45(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 the officer or guardian 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 the officer or guardian 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.

RSA 2000 cW-10 s80;2002 c30 s33

Closing of areas to the public

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 controlled animal or from any attempt to capture or kill such an animal, the officer or guardian may make a written or oral order that the area be closed to public access for the period specified in the order 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.

(2) If an officer or guardian believes that the continuation of hunting in an area constitutes a safety hazard to any person, the officer or guardian may make a written or oral order that the area be closed to hunting for the period specified in the order or, if no such period is so specified, until such time as an officer or guardian orders that the area be reopened to hunting.

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

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

(a) enter or remain in an area that has been closed but not yet reopened under subsection (1), or

(b) hunt in an area that has been closed but not yet reopened under subsection (2).

(5) The *Regulations Act* does not apply to orders made under subsection (1) or (2).

(6) Repealed 2011 c12 s32(23).

RSA 2000 cW-10 s81;2002 c30 s33;2003 c26 s17;
2003 c49 s16;2011 c12 s32(23)

Orders respecting wildlife attractants

81.1(1) A wildlife officer or wildlife guardian who considers that

(a) wildlife animals are being attracted by an attractant to a place other than a private dwelling house, and

(b) the health or safety of any person is or may be threatened owing to their presence,

may order the owner, occupier or person in charge of that place or the person responsible for the presence of the attractant to contain, move or remove the attractant or take such other action as is considered necessary to remove the threat, within the period specified in the order.

(2) The person to whom the order is given shall comply with it within the period specified in the order.

(3) The officer or guardian may, for the purpose of ensuring that the order is being or has been complied with, enter on any land or premises, other than a private dwelling house, for the purpose of searching for and inspecting the attractant.

(4) The person to whom the order was given shall provide all reasonable assistance to the officer or guardian conducting the search or inspection.

(5) An order may not be given under subsection (1) in respect of

(a) the farming of agricultural crops that are standing or that are in swaths, sheaves, bales or stooks in a field,

(b) agricultural crops that have been harvested and placed in storage, or

(c) activities specifically related to caring for live animals held in captivity anywhere.

2003 c49 s17

Reporting

82(1) The Minister may, by notice in writing, require a permit holder, holder of a fur farm licence or other person who owns or is in charge of permit premises or a fur farm to submit to the Minister, 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 arm or to the wildlife or controlled animals on those premises, and

(ii) containing or pertaining to any records that relate to operations or animals referred to in subclause (i) and that are sufficiently described in the notice to enable their identification, and

(b) any animal to which the return relates.

(2) The Minister may, by notice in writing, require a person other than one referred to in subsection (1) to submit to the Minister, within the time stated in the notice, any records that are required to be kept by that person by or under this Act and that are sufficiently described in the notice to enable their identification.

(3) A person to whom a notice is given under subsection (1) or (2) shall comply with the notice, but may comply with a notice under subsection (1)(a)(ii) or (2) by permitting any person designated by the Minister to inspect the records to which the notice relates and, on the request of that person, to take them away for further examination or copying.

(4) Any record taken away under subsection (3) must be returned to the person from whose custody it was taken within 7 days after it was taken or within any longer period that the Court of Queen's Bench directs for cause or that is agreed to by a person who is entitled to its return.

(5) An application to the Court of Queen's Bench under subsection (4) shall be made on notice to the person referred to in subsection (1) or (2) and to the person from whom the record was taken, if that person was not the person referred to in subsection (1) or (2).

(6) A document purporting to be certified by an employee of the department responsible for its custody to be a copy of a record made under subsection (3) is admissible in evidence in any judicial proceeding and is proof, in the absence of evidence to the contrary, of the contents of the record without proof of the employee's

signature or appointment or of the employee's responsibility for custody of the document.

RSA 2000 cW-10 s82;2003 c26 s17;2011 c12 s32(24)

Warrants

82.1 Without limiting section 3 of the *Provincial Offences Procedure Act*, sections 184.2, 487.01, 487.092, 487.1, 492.1 and 492.2 of the *Criminal Code* (Canada) and all the other provisions of that Code that pertain to those sections except for any such provisions that restrict the kind of offences to which the provisions relate, apply in respect of offences against, and related proceedings under, this Act.

2003 c49 s18

Part 7
Evidence

Power to administer oaths

83 A wildlife officer or wildlife guardian may administer an oath as if the officer or guardian were a commissioner for oaths to a person making a written declaration or affidavit in respect of any matter relating to the administration of this Act.

RSA 2000 cW-10 s83;2002 c30 s33

Evidence of location of hunting

84 In a prosecution of an offence against section 24(1) or 25(1), the fact that freshly killed wildlife is found in a person's possession in Alberta is proof, in the absence of evidence to the contrary, that the wildlife was hunted in Alberta by that person.

1984 cW-9.1 s84

Admissibility of certificates, etc.

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 in the licence or permit, or

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

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

(d) the directions of the Minister to wildlife guardians under section 2,

a certificate signed by a person designated by the Minister as a person authorized to sign certificates given under this subsection is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate and of the authority of that person, without further proof of that person's signature or qualifications.

(2) In a prosecution of an offence against this Act,

(a) a regulation made 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 proof, in the absence of evidence to the contrary, 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.

(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 or territory certifying that a subject animal or an endangered organism has been examined by the person or by someone under the person's administration and that the organism is of a certain species, age or sex or in a certain condition shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts relating to the organism stated in the certificate and of the authority of the person signing the certificate, without further proof of the person's appointment or signature or of the qualifications of either person.

(3.1) Without limiting subsection (3), in a prosecution of an offence against this Act, a certificate signed by a person designated in writing by the Minister for the purposes of this subsection certifying that a subject animal or an endangered animal has been examined by the person and that the flesh of the animal is or was at the stated time either fit or not fit for human consumption shall be admitted in evidence as proof, in the absence of evidence to the contrary, 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 the person's signature or qualifications.

(4) In a prosecution of an offence against this Act where the identification of a drug or poisonous substance is necessary, a certificate signed by a person who is in charge of a laboratory referred to in subsection (3) certifying that the drug or poisonous substance has been examined by the person or by someone under the person's administration and stating the findings, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate and of the authority of the person signing the certificate, without further proof of the person's appointment or signature or of the qualifications of either person.

(5) An accused against whom a certificate under subsection (3), (3.1) or (4) is produced may, with the permission of the Court and for the purposes of cross-examination, require the attendance of the person who performed the examination.

(6) A certificate under this section shall not be received in evidence unless the party intending to produce it has given to the accused reasonable notice of the party's intention together with a copy of the certificate.

(7) In addition to any other method of service permitted by law, a certificate or notice under this section may be served on the accused by registered mail sent to the address given by the accused to the wildlife officer or wildlife guardian when the accused was charged.

RSA 2000 cW-10 s85;2002 c30 s33;2009 c36 s7;2014 c13 s47

Part 8
Offences and Penalties

Offences against the Act and regulations

86(1) Subject to subsection (2), a person who contravenes any provision of this Act is guilty of an offence.

(2) Without limiting the application of section 3 or any rule of law relating to the immunity of the Crown, subsection (1) does not apply to a person who, at the time of the contravention,

(a) is an employee of the Crown under the Minister's administration who is carrying out powers or duties involving wildlife research, wildlife management or the hunting of a subject animal, or

(b) is a wildlife officer or wildlife guardian, or an individual acting on behalf of or being supervised by an officer or guardian, who is carrying out powers or duties involving investigations or undercover operations related to the enforcement of this Act.

(3) Subsection (2) applies as if the reference in subsection (1) to "this Act" included section 18.01 of the *Livestock Industry Diversification Act*.

RSA 2000 cW-10 s86;2003 c49 s19;2011 c12 s32(25)

Signs

87 A person shall not alter, destroy or remove a sign erected by the Minister to facilitate the administration of this Act.

1984 cW-9.1 s87

False or misleading information

88 A person shall not wilfully give false or misleading information to any person, including the Minister, acting in the execution of that person's or the Minister's duties relating to this Act.

1984 cW-9.1 s88

Limitation of time for prosecution

89 A prosecution in respect of an offence against this Act may not be commenced later than 2 years after,

(a) in the case of an alleged offence involving fraud or misrepresentation, the discovery of the alleged fraud or misrepresentation, or

(b) in any other case, the alleged commission of the offence.

1984 cW-9.1 s89

Separate offences

90 Notwithstanding anything in this Act, a fine imposed on a conviction for an offence involving more than one 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.

1984 cW-9.1 s90;1996 c33 s64

Vicarious liability

91(1) In the prosecution of an employer or a principal of an offence against any of the provisions contained in sections 55, 57, 58, 59, 62 and 63, 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 the employee's employment or the agent's 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.

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

(a) a person, called in this subsection "the client", who has a guide employed or retained to assist the client 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.

1984 cW-9.1 s91;1996 c33 s65

Penalties

92(1) A person who is convicted of

(a) an offence specified in subsection (3), or

(b) any offence involving a contravention of this Act where

(i) that person is a corporation, or

(ii) that person has previously been convicted of any offence involving a contravention of this Act and the offences for which the current conviction and a previous conviction were imposed occurred not more than 5 years apart,

is liable to a fine of not more than $100 000 or to imprisonment for a term of not more than 2 years, or both.

(2) A person who is convicted of an offence against this Act under circumstances where subsection (1) does not apply is liable to a fine of not more than $50 000 or to imprisonment for a term of not more than one year, or both.

(3) The offences referred to in subsection (1)(a) are offences

(a) against section 35, 55(3) or 62(1) or (2),

(b) against section 25(1), if the wildlife is an endangered animal,

(b.1) against section 59(1) if the offence relates to wildlife with respect to which a permit referred to in that subsection may not be lawfully issued, or

(c) involving a contravention of any other provision of this Act that involves the hunting of a grizzly bear.

RSA 2000 cW-10 s92;2003 c49 s20;2009 c36 s8

93 Repealed 2003 c49 s20.

Penalties for vicarious liability offences

94(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.

1996 c33 s68

Further and separate penalties and orders

95 A court may, in addition to and separately from imposing any penalty under section 92 or 94 or the regulations made under section 104(1)(a) or any other provision of this Act, assess any penalty to or make any other order against a convicted person under any of sections 96 to 100.

RSA 2000 cW-10 s95;2003 c49 s21

Additional fine representing value of financial benefits

96 Where a person is convicted by a court 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.

RSA 2000 cW-10 s96;2009 c36 s10

Satisfaction or compensation for loss of property

96.1(1) Where a person is convicted by a court of an offence against this Act, the court may, on the application of a person (in this section referred to as the "property victim") alleging to have suffered loss of or damage to property as a result of the circumstances underlying the offence, order the convicted person to pay to the property victim an amount by way of satisfaction or compensation for loss of or damage to property suffered by the property victim as a result of those circumstances.

(2) A property victim who gets an order under subsection (1) may file the order with the clerk of the Court of Queen's Bench and, on its filing, the order may be enforced as if it were a judgment of the Court of Queen's Bench in civil proceedings.

2009 c36 s9

Additional powers of court to make directions

97 Where a person is convicted by a court 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 any substance or conditions that 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 the person from repeating the offence or committing other offences against this Act.

RSA 2000 cW-10 s97;2009 c36 s10

Recoverability of court-awarded financial penalty

98(1) Where the court makes an order under section 97(d) or (f) directing a person to pay money,

(a) the money is to be paid for the benefit of the program or subprogram established by the Minister 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 program or subprogram and may be recovered as such.

(2) Where a person fails to comply with an order made under section 97(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.

1996 c33 s68;1999 c26 s26

Variation of order

99(1) A court that has made an order under section 97 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 Solicitor 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 permission of the court.

RSA 2000 cW-10 s99;2013 c10 s4;2014 c13 s47

Contravention following conviction and order

100 Where a person is convicted of an offence against this Act, is made subject to an order under section 97 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.

1996 c33 s68

Cancellation and suspension of licence on conviction

101(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 that person's recreational licences are automatically cancelled, and that person's right to obtain or hold any such licence is suspended for the period specified in Column 3 of the Table:

Table

Column 1	**Column 2**	**Column 3**
Item No.	Provisions	Period of suspension
1.	section 21(1), 28, 29, 33(1)(a) or (b), 38(2), 52(1) or 53	1 year
2.	section 25(1), in respect of wildlife that is not a bird of prey or an endangered animal	1 year
3.	section 32(1), in respect of a thing listed in sub-items 1 to 5 of Item 1 of the Schedule	1 years
4.	section 42(1)	2 years
5.	section 25(1) or 55(1), in respect of a bird of prey	2 years
6.	section 27(1), 30, 35 or 62(1) or (2)	3 years
7.	section 25(1) or 55(1), if the animal is an endangered animal	3 years

(2) Where a person is convicted by a court of an offence against this Act in relation to section 19(3), 22, 24(1), 33(1)(c), 37(1) or (2), 39, 40(1), (2) or (7), 41(1), 45(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 55(1), a justice may cancel all that person's recreational licences 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.

(3) A justice hearing a case involving an offence referred to in subsection (1) may increase any suspension provided for to any higher suspension period that may be imposed under subsection (2).

(4) Where a suspension of a licence or of a right to obtain or hold a licence is imposed under section 19 or this section, and

(a) that licence is already under suspension,

(b) the right to obtain or hold that licence has already been suspended, or

(c) the licence has been cancelled,

the suspension takes effect from the expiration of any existing suspension or, in the case of a cancellation unaccompanied with a suspension, the first date on which the accused could, but for the subsequent suspension, lawfully apply for and hunt under a new licence.

(5) Subject to subsection (4), a suspension under this section has effect from the date of the conviction.

(6) 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 the 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.

(7) A person whose licence is cancelled by virtue of this section shall forthwith deliver the licence to a wildlife officer.

RSA 2000 cW-10 s101;2002 c30 s33;2003 c49 s22; 2009 c36 s10

Suspension of licence and fishing licence on fine payment default

102(1) In addition to any cancellation or suspension under section 101 of this statute or section 35(4)(b) of the *Fisheries (Alberta) Act*, if

(a) a person is convicted of an offence against this Act and ordered to pay a fine, and

(b) the person does not pay the fine forthwith or within the time that the court has allowed for payment of the fine,

all of that person's recreational licences and licences issued under the *Fisheries (Alberta) Act* that authorize sportfishing within the meaning of that Act, and the right to obtain or hold any such instrument, are automatically suspended until such time as the Minister is satisfied that the fine has been paid.

(2) A suspension under this section has effect

(a) in the case where the court has allowed time for payment of the fine, from the last date on which payment can be made, or

(b) in any other case, from the date of conviction.

(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 19 or 101 of this statute or section 35(4)(b) of the *Fisheries (Alberta) Act*, then, notwithstanding anything in those sections, the suspension under this section is to be treated as running first in point of time on its coming into effect and, if the suspension under section 19 or 101 of this statute or section 35(4)(b) of the *Fisheries (Alberta) Act* is already in effect, the suspension under this section temporarily interrupts the running of that other suspension.

RSA 2000 cW-10 s102;2003 c49 s23

Part 9
Regulations and Transitional Provisions

Ministerial regulations

103(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;

(a.1) respecting authorizations;

(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 the provision of guiding services, including restrictions on rights to enter into agreements to provide such services;

(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) 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;

(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 any purposes referred to in section 50;

(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)(dd).

RSA 2000 cW-10 s103;2003 c49 s24;2006 cL-16.2 s101; 2011 c12 s32(26)

Lieutenant Governor in Council regulations

104(1) The Lieutenant Governor in Council may make regulations

(a) 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 101 in respect of those offences or applying any of those provisions to those offences;

(b) 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 the Minister's 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;

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

(d) 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)(a) may not provide for

(a) a specific penalty that is higher than that provided for in section 92(1), or

(b) a suspension for a period longer than 5 years.

RSA 2000 cW-10 s104;2003 c49 s26;2011 c12 s32(27)

Scope of regulations

105(1) Regulations made under this statute may be made to apply generally or to particular classes of persons or to particular organisms or kinds or numbers of organisms, to particular parts or progeny of organisms or organisms of a particular sex, age, growth, size or other characteristic, or to particular periods of time or areas of Alberta.

(2) Repealed 2011 c12 s32(28).

RSA 2000 cW-10 s105;2003 c26 s17;2011 c12 s32(28)

Compliance with ALSA regional plans

105.1 The Lieutenant Governor in Council may make regulations respecting compliance with and enforcement of ALSA regional plans.

2009 cA-26.8 s94

106 Repealed 2011 c12 s32(29).

Schedule

Items Prohibited for Hunting Purposes

Item 1
Items prohibited for hunting all wildlife

1 An arrow equipped with an explosive head.

2 A swivel set or spring gun.

3 A firearm that is capable of firing more than one bullet during one pressure of the trigger or a firearm that can be altered to operate as such. This subitem prevails in the event of any conflict with the exception in subitem 10.

4 A poisonous substance described in section 32(5) or an immobilizing drug.

5 A light.

6 Repealed AR 134/2002 s17.

7 A shotgun of a gauge greater than 10 gauge.

8 A device designed to deaden the sound of the report of a firearm.

9 Recorded wildlife calls or sounds or an electronically operated calling device, except where a person is hunting

(a) migratory game birds with the use of calls or sounds that mimic snow geese, or

(b) crows, magpies, coyotes, red foxes or wolves with the use of calls or sounds that mimic any of these kinds of animal or hares, rabbits or rodents.

10 A handgun, except a restricted firearm or a prohibited firearm of a kind that is a handgun for whose possession the holding of a licence and a registration certificate is required by the *Criminal Code* (Canada), where a person

(a) uses the handgun to kill an animal caught in a trap, or

(b) is in possession of that handgun only for a purpose incidental to that use or the reasonable expectation of that use.

11 Live wildlife.

[NOTE: In subitem 10, "restricted firearm", "prohibited firearm", "licence", "registration certificate" and "handgun" have the meanings contained in section 84 of the *Criminal Code* (Canada) (excluding a handgun that is deemed not to be a firearm by subsection 84(3)(b), (c) or (d) of that Code).]

Item 2
Items prohibited for hunting big game

1 Ammunition of less than .23 calibre.

2 Ammunition that contains non-expanding bullets.

3 An autoloading firearm that has a capacity of more than 5 cartridges in the magazine.

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 has a tip that bears a head that

(a) is not intentionally designed to resist being withdrawn after it has penetrated an object, and

(b) is either

(i) a solid, sharp cutting head of at least 7/8 inch in width, or

(ii) a head that, when the arrow impacts, opens to present sharp cutting edges at least 7/8 inch in width.

6.1 Any cross-bow that requires less than 100 pounds of pull to draw the string or cable to its cocked position.

7 Any bow other than

(a) a cross-bow that requires 100 pounds or more of pull to draw the string or cable to its cocked position, or

(b) a bow that

(i) is held, drawn and released by muscular power, and

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

8 A muzzle-loading firearm of less than .44 calibre.

9 Any trap that could be used to hunt big game.

Item 3
Items prohibited for hunting game birds

1 A shotgun that is capable of holding more than 3 shells in the magazine and chamber combined.

2 Any trap that could be used to hunt game birds.

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

Item 4
Items prohibited for hunting migratory game birds

1 A rifle.

2 A shotgun loaded with shotgun slugs.

3 Any other firearm using ball cartridges.

Item 5
Items prohibited for hunting fur-bearing animals

1 The parts of game birds or big game that are fit for human consumption.

2 A leg-hold or foot-hold trap with a jawspread of 9 inches or more or with toothed jaws.

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

RSA 2000 cW-10 Sched.;AR 134/2002;AR 173/2003;
AR 188/2005;AR 71/2008;AR 129/2009;2009 c36 s11;
AR 231/2010;AR 85/2011;AR 86/2012

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