

LEGISLATIVE ASSEMBLY OF THE  
NORTHWEST TERRITORIES  
10<sup>TH</sup> ASSEMBLY, 7<sup>TH</sup> SESSION

TABLED DOCUMENT NO. 63-86(1)

TABLED ON JUNE 16, 1986

TABLED DOCUMENT NO.

TABLED ON 63-86(1)

JUN 16 1986

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

AN ACT RESPECTING THE MANAGEMENT OF FORESTS

Statement of Purpose

The purpose of this Bill is to provide for the management of forests on certain lands in the Northwest Territories.

AN ACT RESPECTING THE MANAGEMENT OF FORESTS

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

SHORT TITLE

Short title            1. This Act may be cited as the Forest Management Act.            5

INTERPRETATION

Definitions            2.(1) In this Act

"charges"            "charges" means charges prescribed by regulation;

"fees"                "fees" means fees prescribed by regulation;            10

"forests"            "forests" means

                      (a) forests on "Commissioner's land" as defined in the Commissioner's Land Act; and

                      (b) forests, the control, management and administration of which are transferred to the Commissioner pursuant to the Territorial Lands Act (Canada);            15

"licence"            "licence" means a licence issued pursuant to this Act and the regulations;            20

"mill"                "mill" means a plant in which logs or wood-bolts are initially processed and includes a saw mill and a pulp mill;

"officer"            "officer" means a forest management officer appointed pursuant to subsection 5(1) and a person who ex officio is a forest management officer pursuant to subsection 5(2);            25

"permit"            "permit" means a permit issued pursuant to this Act and the regulations;

EXPLANATORY NOTES

New Act

"Supervisor" "Supervisor" means the Forest Management Supervisor appointed pursuant to section 3;

"timber" "timber" means trees in forests that are alive or dead and that are standing or have fallen.

ADMINISTRATION

5

Forest Management Supervisor	3. The Minister may appoint a Forest Management Supervisor.	
Direction of Minister	4.(1) The Forest Management Supervisor shall perform his duties and exercise his powers under the direction of the Minister.	10
Supervision of officers	(2) The Supervisor shall supervise all officers in the performance of their duties and in the exercise of their powers.	
Powers	(3) The Supervisor may	15
	(a) design, implement and supervise programs and activities respecting the management of forests;	
	(b) conduct research respecting forests; and	20
	(c) approve the form of permits, licences, applications, reports and notices for use under this Act and the regulations.	
Other duties and powers	(4) The Supervisor may perform any of the duties and exercise any of the powers of an officer.	
Delegation	(5) The Supervisor may, in writing, authorize an officer to perform any of his duties or exercise any of his powers.	25
Forest management officers	5.(1) The Minister may appoint forest management officers.	30

<u>Ex officio officers</u>	(2) Officers, other than <u>ex officio</u> officers, appointed under the <u>Wildlife Act</u> and members of the Royal Canadian Mounted Police are <u>ex officio</u> forest management officers.	
Oath	(3) An officer shall, upon being appointed under subsection (1) and before performing his duties or exercising his powers, take the oath prescribed by regulation.	5
Duties and powers	6. An officer has the duties and powers set out in this Act and the regulations.	10
Administering oaths	7. An officer may administer an oath in any affidavit required under this Act or the regulations.	
Liability	8. Subject to section 35, the Supervisor or an officer is not liable for loss caused by anything done or not done by him in good faith in the performance of his duties or in the exercise of his powers.	15

#### TRANSFERS AND AGREEMENTS

Transfer of forests	9. The Commissioner, upon the recommendation of the Minister, may by order, transfer the control, management and administration of any forest to a Minister of the Government of Canada.	20
Forest management agreements	10.(1) The Minister may, on behalf of the Government of the Northwest Territories, enter into agreements with the federal or Yukon government or a provincial government or with any person, institution or firm relating to <ul style="list-style-type: none"> <li>(a) the harvesting of timber;</li> <li>(b) research respecting forests; or</li> <li>(c) the management of forests.</li> </ul>	25 30
Authority under agreement	(2) An agreement referred to in subsection (1) may authorize the government, person, institution or firm named in the agreement to conduct the activities described in the agreement without obtaining a permit or licence.	35

## PERMITS AND LICENCES

Permits and licences	11.(1) The Supervisor may issue permits and licences in accordance with the regulations that authorize a person to (a) cut standing timber; (b) use timber; (c) transport timber; (d) conduct research respecting forests; (e) conduct a program or activity respecting the management of forests; (f) operate a mill; or (g) scale timber.	5       10
Issuers	(2) The Supervisor may authorize any person to issue, on his behalf, the permits or licences that he specifies.	15
Permits and licences	12. Every permit and licence is subject to this Act and the regulations and to the terms and conditions that apply to the permit or licence.	
Fees	13. Every application for a permit or licence shall be accompanied by the prescribed fee.	20
Charges	14. The calculation of charges under a licence shall be based on the measurement of timber by a person holding a licence to scale timber.	
Form of permit	15. Every permit, licence, application, report and notice for use under this Act or the regulations shall be in the form approved by the Supervisor.	25
Assignment of permits	16. A permit or licence may not be assigned or transferred.	
Terms and conditions	17. The Supervisor may, in addition to any term or condition prescribed by regulation, impose on any permit or licence, terms or conditions that he deems necessary for the proper management of forests.	30
Suspension		
Non-payment of fees	18.(1) The Supervisor may suspend a permit or licence where fees or charges in respect of the permit or licence are owing and have not been paid for thirty days.	35

Period of suspension	(2) The Supervisor may suspend a permit or licence referred to in subsection (1) until he receives the fees or charges that are owing.	
Refund of fees and charges	19. The Supervisor shall, in accordance with the regulations, refund to a holder of a permit or licence a portion of the fees and charges paid by the holder in respect of his permit or licence where the control, management and administration of all or any of the forests to which the permit or licence applies have been transferred pursuant to section 9.	5 10
Violation of Act	20.(1) The Supervisor may suspend a permit or licence for such period as he thinks fit where he believes on reasonable grounds that the person holding the permit or licence, his employees or agents have violated a provision of this Act or the regulations.	15
Restriction on suspension	(2) Where a justice of the peace refrains from suspending or cancelling the permit or licence of a person who is found guilty of an offence against this Act or the regulations pursuant to subsection 53(1), the Supervisor shall not suspend the permit or licence of that person in respect of that violation.	20
Reinstatement	(3) Where the Supervisor suspends the permit or licence of a person for a violation of a provision of this Act or the regulations and a justice of the peace acquits the person of the charge of violating that provision, the Supervisor shall reinstate the permit or licence.	25 30

#### APPEALS

##### Right to Written Reasons

Request for written reasons	21.(1) A person whose application for a permit or licence is refused may request the Supervisor to provide him with written reasons for the decision to refuse the application.	35
Service of reasons	(2) Within ten days of receiving a request made under subsection (1), the Supervisor shall <ul style="list-style-type: none"> <li>(a) personally serve the person making the request with the written reasons; or</li> <li>(b) send the written reasons by double registered mail to the address contained in the application of the person making the request.</li> </ul>	40



Duty to provide written reasons	22.(1) Where the Supervisor (a) suspends a permit or licence, or (b) imposes terms or conditions on a permit or licence, he shall provide the holder of the permit or licence with written reasons for the decision.	5
Duty to provide an accounting	(2) Where an officer seizes timber for the non-payment of fees or charges, the officer shall provide the holder of the permit or licence whose timber has been seized with a written accounting showing the calculation of fees or charges owing.	10
Service of reasons	(3) The written reasons referred to in subsection (1) and the accounting referred to in subsection (2) must be (a) personally served upon the holder of the permit or licence, or (b) sent by double registered mail to the address of the holder of the permit or licence contained in his application within five days of the decision or seizure being made.	15 20
Receipt of reasons	(4) Where written reasons or an accounting have been sent by double registered mail pursuant to paragraph (3)(b), the written reasons or accounting shall be deemed to have been received seven days after the written reasons or accounting were mailed.	25

Right to Appeal

Right to appeal refusal	23.(1) Subject to subsection (2), a person whose application for a permit or licence is refused, may, within thirty days of receiving notice of the refusal, send a notice of appeal from this decision to the Minister.	30
Designation of permits and licences	(2) This section applies only to the classes of permits and licences designated in the regulations.	35
Other rights of appeal	24. A person (a) whose permit or licence has been suspended pursuant to section 18 or 20; (b) whose permit or licence has been made subject to terms and conditions pursuant to section 17; or	40

	(c) who has had timber seized for the non-payment of fees or charges	
may	(d) with respect to a decision referred to in paragraph (a) or (b), send a notice of appeal from the decision to the Minister within thirty days of receiving the written reasons for the decision; or	5
	(e) with respect to a seizure referred to in paragraph (c), send a notice of appeal relating to the amount of the fees or charges alleged to be owing to the Minister within thirty days of receiving the written accounting relating to the seizure.	10
		15
Advisor	25.(1) Upon receiving a notice of appeal referred to in section 23 or 24, the Minister shall appoint an advisor to advise and make recommendations to him respecting the appeal.	
Restriction on appointment	(2) No person shall be appointed pursuant to subsection (1) who works in the department of the public service that administers this Act.	20
Submissions	26. Upon receiving a notice of appeal from the Minister, the advisor shall set a time and place when the appellant and Supervisor may make oral and written submissions and present evidence respecting the appeal to him, and he shall notify the appellant and Supervisor of that time and place.	25
Natural justice	27. The advisor shall be bound by the principles of natural justice when hearing the submissions and evidence of the appellant and Supervisor.	30
Report	28. The advisor shall prepare a report that contains a summary of the facts presented by the appellant and Supervisor, his recommendations respecting the appeal and his reasons for the recommendations, and he shall send that report to the Minister.	35
Powers of Minister	29.(1) The Minister may, after considering the report of the advisor,	
	(a) in respect of an appeal made pursuant to subsection 23(1), confirm the decision of the Supervisor or direct the Supervisor to issue the permit or licence applied for;	40

- (b) in respect of an appeal made pursuant to paragraph 24(d), confirm, vary or quash the decision of the Supervisor; and
- (c) in respect of an appeal made pursuant to paragraph 24(e), confirm or vary the amount of fees or charges owing or order that no fees or charges are owing. 5

Reasons (2) The reasons of the Minister for his decision shall be in writing and shall be provided to the appellants and the Supervisor. 10

Decision of Minister 30. The decision of the Minister is final.

#### ENFORCEMENT

Order of Supervisor 31.(1) Where, on reasonable grounds, the Supervisor believes that a person is violating this Act or the regulations, the Supervisor may order that person to comply with this Act or the regulations by doing or refraining from doing any act. 15

Order of judge (2) Where a person fails to comply with an order of the Supervisor under subsection (1), the Supervisor may apply to a judge of the Supreme Court for an order requiring the person, his employees or agents to comply with the provisions of this Act or the regulations referred to in the order of the Supervisor. 20  
25

Inspections 32.(1) Where an officer believes on reasonable grounds that  
 (a) timber, or  
 (b) books and records required to be maintained under the regulations  
 are located in a place, building or vehicle, other than a residence, he may, at any reasonable time, enter and inspect the place, building or vehicle for the purpose of determining if there is compliance with this Act and the regulations. 30  
35

Warrant required to enter residence (2) An officer may not enter a residence to conduct an inspection for the purpose of determining if there is compliance with this Act and the regulations without the consent of the occupant except under the authority of a warrant issued under subsection (3). 40

Authority to issue warrant

(3) Where on ex parte application a justice of the peace is satisfied by information on oath

(a) that there are reasonable grounds to believe that there is

(i) timber, or

(ii) books and records that are required to be maintained under the regulations

in a residence,

(b) that entry to the residence is necessary for any purpose relating to the administration or enforcement of this Act, and

(c) that entry to the residence has been refused or that there are reasonable grounds for believing that entry to the residence will be refused,

he may issue a warrant under his hand authorizing the officer named in the warrant to enter and inspect that residence for the purpose of determining if there is compliance with this Act and the regulations subject to such conditions as may be specified in the warrant.

Copies of books and records

(4) An officer may, in the performance of an inspection authorized by this section, make copies of books and records referred to in paragraph (1)(b) or subparagraph (3)(a)(i).

Search

33.(1) An officer may, with a warrant issued under subsection (2), search any place, building or vehicle that he believes on reasonable grounds contains evidence of a violation of this Act or the regulations.

Authority to issue warrant

(2) Where on ex parte application a justice of the peace is satisfied by information on oath that there are reasonable grounds to believe that there is in any place, building or vehicle

(a) anything on or in respect of which any violation of this Act or the regulations has been or is suspected to have been committed, or

(b) anything that there are reasonable grounds to believe will afford evidence with respect to the commission of any violation of this Act or the regulations,

he may issue a warrant under his hand authorizing the officer named in the warrant to enter and search that place, building or vehicle for any such thing subject to such conditions as may be specified in the warrant.

Where warrant not necessary	(3) An officer may exercise any of the powers referred to in subsection (1) without a warrant issued under subsection (2) if the conditions for obtaining the warrant exist but, by reason of exigent circumstances, it would not be practical to obtain the warrant.	5
Exigent circumstances	(4) For the purposes of subsection (3), exigent circumstances include circumstances in which the delay necessary to obtain a warrant under subsection (2) would result in danger to human life or safety or the loss or destruction of evidence.	10
Assistance to officers	34. The owner or the person in charge of a place, building or vehicle entered by an officer pursuant to section 32 or 33 and every person found in the place, building or vehicle shall give the officer all reasonable assistance in his power to enable the officer to carry out his duties under this Act and the regulations and shall furnish the officer with such information with respect to the administration of this Act and the regulations as the officer may reasonably require.	15 20
Power to cross lands	35.(1) An officer may, in the exercise of a duty or in the performance of a power, enter and pass over any public or private land without being liable for trespass.	25
Personal liability	(2) An officer who enters and passes over land under the authority of subsection (1) is liable for damages to the land caused by his wilful or negligent acts.	
Persons assisting officers	(3) Subsections (1) and (2) apply to any person who is assisting an officer.	30
Seizure of equipment and records	36. An officer may, in the performance of a search authorized by section 33, seize equipment, books, records or documents that he has reasonable grounds to believe are evidence of a violation of this Act or the regulations.	35
Definition	37.(1) For the purposes of this section and section 38, "timber" includes any product of timber.	
Seizure of timber	(2) An officer may, in the performance of an inspection or search authorized by this Act, seize timber that he has reasonable grounds to believe is the subject-matter of a violation of this Act or the regulations.	40

Timber mixed with other timber	(3) An officer may seize any timber that has been mixed with timber referred to in subsection (2) where it is impractical or difficult to distinguish or to separate that timber from the timber referred to in subsection (2).	5
Removal	(4) An officer may remove timber seized under subsection (2) or (3) to any place he considers necessary for the safekeeping of the timber.	
Timber in possession of a carrier	(5) If timber is seized when in the possession of a carrier, the timber shall be removed by the carrier to any place the officer directs.	10
Order of forfeiture	38.(1) Where a territorial judge finds a person guilty of an offence against this Act or the regulations, the territorial judge may, in addition to any other punishment that may be imposed, order that any timber forming the subject-matter of the offence and that has been seized pursuant to subsection 37(2) be forfeited to the Government of the Northwest Territories.	15
Considerations regarding forfeiture	(2) In deciding whether or not to order forfeiture pursuant to subsection (1), the territorial judge shall consider	20
	(a) the nature of the offence;	
	(b) whether the owner or, if there is no owner, the person in possession of the timber at the time of seizure, knew or ought to have known that the timber was the subject-matter of a violation of this Act or the regulations; and	25
	(c) the hardship that the forfeiture will cause to the owner or, if there is no owner, the person in possession of the timber at the time of seizure, in light of his connection to the offence.	30
Disposal of timber	(3) Subject to subsection (4), timber identified in an order referred to in subsection (1) may be disposed of in such manner and at such time and place as the Supervisor may direct.	35

Restriction in disposal	(4) Timber identified in an order referred to in subsection (1) shall not be disposed of pending an appeal against the conviction or before the time within which the appeal may be taken has expired.	
Seizure for unpaid fees or charges	39.(1) Where the holder of a permit or licence has not paid any fees or charges, an officer may seize so much of the timber in the possession of the holder of the permit or licence as, in his opinion, will secure	5
	(a) payment of those fees and charges; and	10
	(b) the expense of the seizure and any subsequent sale of the timber.	
Time limit before sale	(2) Where timber is seized pursuant to subsection (1) and the payment of the fees and charges is not made within sixty days from the date of the seizure, an officer may sell the timber that has been seized.	15
Distribution of proceeds	(3) The proceeds of the sale referred to in subsection (2) shall be applied	
	(a) firstly, to the cost of the seizure and sale; and	20
	(b) secondly, to the payment of the fees and charges owing under the permit or licence.	
Balance of proceeds	(4) The remainder of the proceeds of the sale shall be paid to the holder of the permit or licence.	25
Powers of arrest	40. An officer may arrest, without a warrant, a person whom he finds violating this Act or the regulations if the officer has reasonable and probable grounds to believe that the public interest, having regard to all the circumstances, including	30
	(a) the need to establish the identity of the person,	
	(b) the need to secure or preserve evidence of or relating to the violation,	35
	(c) the need to prevent the continuation or repetition of the violation or the commission of another violation, and	
	(d) the probability that the person will fail to attend in court in order to be dealt with according to law,	40
	requires that the person be arrested without a warrant.	





Offence against Act	49.(1) Every person who violates this Act is guilty of an offence and is liable on summary conviction to the punishment set out in this Act.	
Offence against regulations	(2) Every person who violates the regulations is guilty of an offence and is liable on summary conviction to the punishment set out in this Act or the regulations.	5
Continuing offence	50. A violation of this Act or the regulations that is of a continuing nature constitutes a separate offence for each day on which the violation continues.	10
General punishment	51. A person who is found guilty of an offence against this Act or the regulations for which no punishment is specifically provided is liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding twelve months or to both.	15
Additional penalty	52. In addition to any punishment imposed by this Act, a person who is found guilty of violating paragraph 41(a) is liable to a penalty in an amount of not less than the amount of the fees and charges for the timber cut unlawfully and not more than five times the amount of the fees and charges.	20
Power of justice of the peace	53.(1) In addition to any punishment imposed by this Act or the regulations, a justice of the peace who finds a person guilty of an offence against this Act or the regulations may (a) suspend any permit or licence held by that person for such period as he thinks fit; or (b) cancel any permit or licence held by that person.	25 30
Surrender of permit	(2) Where a permit or licence is suspended or cancelled pursuant to subsection (1), the holder of the permit or licence shall immediately surrender the permit or licence to the justice of the peace.	35
Transmittal to Supervisor	(3) The justice of the peace, upon receiving the permit or licence, shall mark the permit or licence suspended or cancelled, as the case may be, and send it to the Supervisor.	
Time limit	54. No information respecting a violation of this Act or the regulations shall be laid after the expiration of one year from the date of the violation.	40

## REGULATIONS

### Regulations

- 55.(1) The Commissioner, upon the recommendation of the Minister, may make regulations
- (a) establishing classes of permits and licences that authorize a person to
    - (i) cut standing timber, 5
    - (ii) use timber,
    - (iii) transport timber,
    - (iv) conduct research respecting forests, or 10
    - (v) conduct a program or activity respecting the management of forests in a forest management unit, zone or area;
  - (b) respecting eligibility of applicants for a permit or licence and the information to be provided by an applicant for a permit or licence; 15
  - (c) respecting exemptions from the requirement to obtain a permit or licence;
  - (d) setting out terms and conditions that apply to classes of permits and licences; 20
  - (e) respecting fees for permits and licences;
  - (f) respecting charges for the cutting of standing timber or for transportation of timber under the authority of a permit or licence; 25
  - (g) respecting procedures for the suspension of permits and licences;
  - (h) respecting books and records that the holder of a permit or licence is to maintain; 30
  - (i) respecting reports and information to be sent to the Supervisor by the holder of a permit or licence;
  - (j) designating parts of the Territories as forest management units, zones or areas; 35
  - (k) setting out standards and methods for cutting standing timber;
  - (l) respecting the transportation of timber;
  - (m) setting out methods and standards for programs of silviculture, reforestation and afforestation; 40
  - (n) respecting permits and licences that authorize the operation of mills;
  - (o) respecting procedures relating to appeals authorized by this Act; 45
  - (p) designating the classes of permits and licences to which section 23 applies;
  - (q) prescribing the oath for officers;

- (r) respecting procedures for seizures authorized by this Act;
- (s) respecting buildings, equipment and materials brought into forests in relation to activities authorized by this Act or the regulations; 5
- (t) respecting the measurement of timber and licences to scale timber;
- (u) prescribing the punishment for a violation of the regulations; and 10
- (v) respecting any other matter that he considers necessary or advisable for carrying out the purposes and provisions of this Act.

Adoption of codes and standards (2) Where a code of rules or standards concerning the subject-matter of this Act has been promulgated by any association, person or body of persons and is available in printed form, the Commissioner may, upon the recommendation of the Minister, by regulation, adopt such code and upon adoption, the code shall be in force in the Territories either in whole or in part or with such variations as may be specified in the regulation. 15 20

TRANSITIONAL

Existing permits 56.(1) A timber permit issued under the Commissioner's Land Regulations made pursuant to The Commissioner's Land Act or a permit issued under the territorial timber Regulations made pursuant to the territorial Lands Act (Canada) that is in effect on the coming into force of this Act shall be deemed to be a permit or licence, as the case may be, under this Act. 25 30

Expiry of permit (2) A permit which is deemed to be a permit or licence under subsection (1) expires on the day it would have expired under the Act pursuant to which it was issued, unless it is sooner cancelled pursuant to this Act. 35

COMING INTO FORCE

Coming into force 57. This Act shall come into force on a day to be fixed by order of the Commissioner. 40

FOREST MANAGEMENT ACT (N)

መኖሪያ ለግብርና ለግብርና  
1986-ገ በብሔራዊ ግብርና ለግብርና

ለግብርና 16-86(1)

ለግብርና ለግብርና ለግብርና (በግብርና ለግብርና) ለግብርና

ለግብርና ለግብርና

ግብርና ለግብርና ለግብርና ለግብርና (በግብርና ለግብርና) ለግብርና ለግብርና  
ግብርና ለግብርና













ጊዜያዊ የግብር ልዩ ልዩ ስልጠናዎች ለግብር ባለሙያዎች  
(ግብር ልዩ ልዩ)

ለግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች  
ድምጽ ስልጠና

ግብር ባለሙያዎች  
ስልጠና  
ስልጠና  
ለግብር ባለሙያዎች

21. (1) የግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች  
ግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች  
ግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች

ድምጽ ስልጠና  
ለግብር ባለሙያዎች

(2) ለግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች  
ግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች  
ግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች

(a) ግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች  
ግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች

(b) ግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች  
ግብር ባለሙያዎች ስልጠናዎች ለግብር ባለሙያዎች



























