

DEPARTMENT OF FORESTRY ACT, 1989**[21st December, 1989]**

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DEPARTMENT OF FORESTRY ACT, 1989**[21st December, 1989]**

An Act to establish the Department of Forestry, to amend the Forestry Development and Research Act and to make related amendments to other Acts. Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. Short title :-

This Act may be cited as the Department of Forestry Act.

2. Definitions :-

In this Act, "Minister" means the Minister of Forestry; "sustainable development" means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

3. Department of Forestry :-

(1) There is hereby established a department of the Government of Canada called the Department of Forestry over which the Minister of Forestry, appointed by commission under the Great Seal, shall preside. (2) Minister of Forestry--The Minister holds office during pleasure and has the management and direction of the Department of Forestry.

4. Deputy Minister :-

The Governor in Council may appoint an officer called the Deputy Minister of Forestry to hold office during pleasure and to be the deputy head of the Department of Forestry.

5. Powers, duties and functions :-

The powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to forestry and the forest resources of Canada.

6. General duties :-

In exercising the powers and performing the duties and functions assigned to the Minister by Section 5, the Minister shall-- (a) coordinate the development and implementation of forestry and forest resources policy, and of programmes and practices established pursuant to that policy; (b) assist the development of Canadian scientific and technological capabilities in forest management; (c) monitor and promote the development and application of forest management codes and standards; (d) have regard to the integrated management and sustainable development of Canadas forest resources; and (e) seek to enhance the utilization of Canadas forest resources and the competitiveness of Canadas forest sector domestically and internationally.

7. Additional duties :-

In exercising the power and performing the duties and functions assigned to the Minister by Section 5, the Minister shall-- (a) promote cooperation, in relation to the forest resources of Canada,

with the government of the provinces and with non-governmental organizations in Canada, and participate in the promotion of such cooperation with the government of other countries and with international organizations; (b) gather, compile, analyse, coordinate and disseminate information respecting scientific, technological, industrial, managerial, marketing and related activities and developments affecting the forest resources of Canada; and (c) enhance public awareness of the social, economic and environmental benefits derived from Canadas forest.

8. Committees :-

The Minister may, with the approval of the Governor in Council, establish committees to advise or assist the Minister and fix the remuneration and expenses to be paid to the members of committees so established.

9. Agreements :-

The Minister may, with the approval of the Governor in Council, enter into an agreement or arrangement with any person, body or government respecting any matter related to the powers, duties and functions of the Minister.

10. Annual report :-

(1) The Minister shall cause to be laid before each House of Parliament, not later than the fifth sitting day of that House after January 31 next following the end of each fiscal year, a report showing the operations of the Department of Forestry for that fiscal year. (2) Contents of report.-Each report laid before Parliament under sub-section (1) shall include an account of the condition of the forest resources of Canada and their contribution to the Canadian economy. (3) Idem.-The report shall include but not be restricted to information on forest employment, an inventory of Canadas forest lands, a review of new forestry-related products, a survey of environmental standards being applied by the forest industry, trade issues and figures and the integrated use of our forests.

11. Employment continued :-

(1) Each person employed in a position in the Canadian Forestry Service on the day preceding the day on which this Act comes into force assumes, on the day on which this Act comes into force, a position in the Department of Forestry of the same occupational nature and at the same level as the position occupied by the person on that preceding day. (2) Deemed appointment.--A person

referred to in sub-section (1) shall be deemed to have been appointed to the position assumed by that person, on the day on which it is assumed, in accordance with the Public Service Employment Act. (3) Probation.-Notwithstanding sub-section (2) and Section 28 of the Public Service Employment Act, no person deemed under sub-section (2) to have been appointed is subject to probation unless the person was subject to probation on the day preceding the day of the deemed appointment, and any person who was so subject to probation continues subject thereto only for as long as would have been the case but for this section.

12. Transfer of appropriations :-

This provisions by any appropriation Act for the fiscal year in which this Act comes into force, based on the Estimates for that year, to defray the charges and expenses of the public service of Canada within the Canadian Forestry Service shall be applied to defray the charges and expenses of the public service of Canada within the Department of Forestry.

13. Transfer of powers, duties and functions :-

Wherever under any Act, order, rule or regulation, or any contract, lease, licence or other document, any power, duty or function is vested in or exercisable by the Minister of Agriculture, the Deputy Minister of Agriculture or any officer of the Department of Agriculture, in relation to forestry or, forest resources, the power, duty or function is vested in and shall be exercised by the Minister of Forestry, the Deputy Minister of Forestry or the appropriate officer of the Department of Forestry, as the case may be, unless the Governor in Council by order designates another Minister, Deputy Minister or officer of the public service of Canada to exercise that power, duty or function. -

14. Section 14 :-

Section 1 of the Forestry Development and Research Act is repealed and the following substituted therefor : "1. Short title. This Act may be cited as the Forestry Act."

15. Section 15 :-

Section 2 of the said Act is repealed and the following substituted therefor : "2. Definition of "Minister". In this Act, "Minister" means "the Minister of Forestry."

16. Section 16 :-

(1) All that portion of sub-section (3) (1) of the said Act preceding

paragraph (a) thereof is repealed and the following substituted therefor : "3. Function of Minister. (1) In exercising the powers and performing the duties and functions assigned to the Minister by the Department of Forestry Act, the Minister" (2) Paragraph 2 (1) (d) of the French version of the said Act is repealed and the following substituted therefor : (3) Paragraph 3 (1) (e) of the said Act is repealed and the following substituted therefor : (4) Sub-section 3 (4) of the said Act repealed."

17. Section 17 :-

Section 4 of the French version of the said Act is repealed and the following substituted therefor :

18. Section 18 :-

Sections 5 and 6 of the said Act are repealed and the following substituted therefor : "5. Powers of Minister. Subject to any regulations made under Section 6, the Minister may, on lands comprised in any Forest Experimental Area or in respect of which the Minister has assumed responsibility under paragraph 3 (1) (e), do such acts and construct such works as the Minister considers necessary for forestry research and forest protection and management, including the disposal of timber and grass and the granting of rights to the natural produce of the forest. "6. Regulations. The Governor in Council may make regulations for the protection, care and management of lands comprised in Forest Experimental Areas and lands in respect of which the Minister has assumed responsibility under paragraph 3 (1) (e), including regulations respecting-- (a) the cutting, removal and disposal of timber, the establishment and use of reservoirs, water power sites, power transmission lines and communication lines and any other use of those lands, and the granting of leases and permits therefor; (b) the protection of the flora and fauna; (c) the prevention and extinguishing of fires; (d) the regulation and prohibition of traffic, the carrying on of businesses and other activities and the abatement and prevention of nuisances; (e) the removal and exclusion of trespassers and of persons failing to comply with the regulations; and (f) the prevention of trespass to property, the mutilation or destruction of trees and the destruction or damaging of buildings, materials or notices used in connection with the administration or management of those lands."

19. RELATED AMENDMENTS :-

Access to Information Act (R.S., c.A-1) 19. Schedule I to the Access

to Information Act is amended by adding thereto, in alphabetical order under the heading "Departments and Ministries of State", the following : "Department of Forestry" Department of Agriculture Act

20. XXX XXX XXX :-

Section 4 of Department of Agriculture Act is amended by adding the word "and" at the end of paragraph (b) thereof, by striking out the word "and" at the end of paragraph (c) thereof and by repealing paragraph (d) thereof. Financial Administration Act (R.S., c.F-11)

21. XXX XXX XXX :-

Schedule I to the Financial Administration Act is amended by adding thereto, in alphabetical order, the following : "Department of Forestry" Privacy Act (R.S., c.P-21)

22. XXX XXX XXX :-

The schedule to the Privacy Act is amended by adding thereto, in alphabetical order under the heading "Department and Ministries of State", the following : "Department of Forestry" Salaries Act (R.S., c.S-3)

23. XXX XXX XXX :-

Section 4 of the Salaries Act is amended by adding thereto the following : "The Minister of Forestry 30, 800" Surplus Crown Assets Act (R.S., c.S-27)

24. XXX XXX XXX :-

Paragraph 3 (2) (d) of the Surplus Crown Assets Act is repealed and the following substituted therefor: "(d) lands under the control, management or administration of the Minister of Mines and Resources on December 31, 1949, or under the control, management or administration of a Minister by virtue of the Indian Act, the National Parks Act or the Forestry Act," COMING INTO FORCE

25. Coming into force :-

This Act shall come into force on a day to be fixed by order of the Governor in Council.