

**Proposed Amendments to Fines and Penalties under the Wild Life Act (WLA)  
and Endangered Species Act (ESA)**

<b>Proposed Sections/ Definitions Current Fines/ Penalties under the WLA</b>	<b>Proposed changes to section/fines/penalties under the WLA</b>
<b>Add definition “Dwelling and/or established dwelling”</b>	<p>The current wildlife regulations prohibits the discharge of a firearm within 1000 meters of a school, playground, athletic field or within 300 meters of a dwelling.</p> <p><b>Proposed Change:</b> Add definition of “dwelling.” Government is currently developing a definition of a dwelling which will primarily include residences within municipalities and local service districts. Government may also consider including industrial work camps where there are occupants living there for more than three (3) consecutive months throughout the year.</p>
<p><b>Section 18: Resisting or obstructing a wild life officer</b> Obstructs or resists a wild life officer. Fine not exceeding \$500 and in default of payment to imprisonment for a period not exceeding six months.</p>	<p><b>Proposed Change:</b> The fine be changed to \$500 ≥ \$25,000 and in default of payment to imprisonment for a period not exceeding nine months. The lower and upper limit was added to provide flexibility with issuing a fine, as well as ensuring that all violators are fined.</p> <p>The only province with a fine specific to resisting or obstructing a wild life officer is BC, with a starting fine of &gt; \$10,000. All other provinces have a base fine amount for convictions under the Act.</p>
<p><b>Section 19: Impersonating wild life officer</b> Fine not exceeding \$500 and in default of payment to imprisonment for a period not exceeding six months.</p>	<p><b>Proposed Change:</b> The fine be changed to \$500 ≥ \$25,000. Maintain period of imprisonment.</p>

<p><b>Section 21: Prohibition of waste</b></p> <p>Fine not exceeding \$200 and in default of payment to imprisonment for a period not exceeding three months.</p>	<p><b>Proposed Change:</b> The fine be changed to \$500 ≥ \$25,000 to keep consistent throughout the Act. Maintain period of imprisonment.</p>
<p><b>Section 27: Big Game Penalties</b></p> <p>A person found guilty of an offence related to moose or caribou is required to:</p> <p>First offence: pay a fine not less than \$1,000 and no more than \$5,000 or imprisonment for a term not less than one month or more than six months or to both a fine and imprisonment.</p> <p>Second or subsequent offence that occurs within five years of a previous conviction: to imprisonment for a term of not less than one month and no more than six months, and to a fine of not less than \$3,000 and no more than \$10,000.</p>	<p><b>Proposed Change:</b> Change the fine schedule to: First offence: \$2,000 ≥ \$25,000. Second or subsequent offence: \$6,000 ≥ \$25,000. Maintain periods of imprisonment.</p>
<p><b>Section 28: General Penalty</b></p> <p>The general penalty for a person found guilty of an offence that is not related to moose, caribou or fish is to pay a fine not exceeding \$500 and in default of payment, to imprisonment for a period not exceeding six months.</p>	<p><b>Proposed Change:</b> Increase fines to: \$500 ≥ \$25,000. Infractions should be divided into major and minor offences, including more ticketable offences.</p>
<p><b>Section 29: Prohibition Against Holding a Licence</b></p> <p>Prohibits a person who has been convicted of an offence under Section 27 from holding a moose or caribou licence for a period of five years.</p>	<p><b>Proposed Change:</b> Broaden the prohibition to include all hunting licences.</p>

<b>Wild Life Regulations</b>	
<p><b>Section 14 (3) Hunting and trapping</b></p> <p>A person shall not hunt, take or kill a fur bearing animal by means of firearms except that the holder of a trapper's licence who is also the holder of a permit to carry firearms may use that firearm to kill fur bearing animals that are alive in traps or snares.</p>	<p><b>Proposed Change:</b> Requirement for trap checks every 24 hours for live capture traps and snares.</p>
<p><b>Section 35 (7)(8) –Tagging and transportation of big game.</b></p>	<p><b>Proposed Change:</b> Update section to require the immediate affixing of tags to the big game animal after it has been shot and killed by the hunter.</p> <p>Similar to Section 6(3) for salmon.</p>
<p><b>Section 102 Dogs - Prohibition</b></p> <p>102. A person shall not take a dog to a place frequented by wildlife from April 1 to August 31 in any year.</p>	<p><b>Proposed Change:</b> Add language to be clear that dogs are permitted in places frequented by wildlife, but must remain under the control of the handler at all times and must not be permitted to harass wildlife during April 1 – August 31.</p>

### Additional Legislative Amendments

<p>Extend Statue of Limitations</p>	<p><b>Proposed Change:</b> Add a similar provision as in the <b>ESA</b>; Liability of corporate directors and officers and extend for three years.</p> <p>42. (1) Where a corporation is convicted of an offence under this Act and a director or officer of the corporation failed to exercise the degree of care, diligence or skill to prevent the offence that a reasonably prudent person would have exercised in comparable circumstances, that director or officer is a party to and guilty of the offence and where convicted is subject to the punishment provided for that offence under subsection 38(2) whether or not the corporation has been prosecuted or convicted.</p> <p>(2) A proceeding in respect of an offence under this section may be instituted not later than two years after the subject matter of the proceedings is discovered.</p>
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<b>Endangered Species Act</b>	
<b>Current Enforcement-related Provisions under the ESA</b>	<b>Proposed Changes to Enforcement-related provisions under the ESA</b>
<p><b>Section 8 – Response to Recommendation</b></p> <p>The Lieutenant-Governor in Council shall within 90 days of the minister receiving a written recommendation from SSAC to designate a species or an assessment by COSEWIC of the status of a species described in section 3, give the minister approval to do one of the following:</p> <p>(a) designate the species under section 7 in the recommended or an equivalent category; or</p> <p>(b) designate the species under section 7 in a different category and release to the public the reason for using a different category; or</p> <p>(c) make no designation and release to the public the reason there will be no designation.</p>	<p><b>Proposed Change:</b> Increasing the timeframe would better enable government to meet the legislated timeline and consultation requirements. This time line is not a requirement from COSEWIC or SSAC, it is a legislative requirement by the Province.</p> <p>The timeframe in section 8 of 90 days should be extended to 180 days.</p>

<p><b>Subsection 38(2) – Offences</b></p> <p>A person convicted of an offence under subsection 38(1) of the Act:</p> <p>First conviction – pay a fine not less than \$1,000 and not more than \$50,000, or to imprisonment for a term of not more than three months, or to both.</p> <p>Second conviction – pay a fine of not less than \$2,000 and not more than \$100,000, or to imprisonment for a term of not more than six months, or to both.</p> <p>Third and subsequent convictions – pay a fine of not less than \$4,000 and not more than \$200,000, or to imprisonment for a term of not more than 12 months, or to both.</p>	<p><b>Proposed Change:</b> A person convicted of an offence under subsection 38(1) of the Act:</p> <p>First conviction – pay a fine of not less than \$3,000 and not more than \$50,000, or to imprisonment for a term of not more than three months, or to both.</p> <p>Second conviction – pay a fine of not less than \$6,000 and not more than \$100,000, or to imprisonment for a term of not more than six months, or to both.</p> <p>Third and subsequent convictions – pay a fine of not less than \$12,000 and not more than \$250,000, or to imprisonment for a term of not more than 12 months, or to both.</p>
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<p><b>Subsection 38(3) – Offences</b></p> <p>A corporation convicted of an offence under subsection 38 (1):</p> <p>First conviction – pay a fine not less than \$2,000 and no more than \$100,000</p> <p>Second conviction – pay a fine not less than \$4,000 and no more than \$200,000</p> <p>Third and subsequent convictions – pay a fine not less than \$8,000 and no more than \$400,000</p>	<p><b>Proposed Change:</b> This section should not be separated into first, second, third, and subsequent convictions but just be stated as a conviction and a scale to the fine amount for conviction.</p> <p>A corporation convicted of an offence under subsection 38(1), pay a fine not less than \$5,000 and no more than \$2,000,000.</p>
<p><b>Subsection 38(4)</b></p> <p>In addition to a fine imposed under subsection (2) or (3) the court may impose a fine not exceeding \$10,000 for each day the offence continues.</p>	<p><b>Proposed Change</b> Increase fines. Include upper and lower limit. Same fines should apply as federal legislation.</p>

<p><b>Section 41 – Obstructing an Officer</b> A person who obstructs or resists a wildlife officer while he or she is engaged in exercising the powers of discharging the duties conferred or imposed under this Act or the Regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 and to imprisonment for a period not exceeding six months.</p>	<p><b>Proposed Change:</b> The fine amount for obstructing an officer be increased, that there be a fine scale, and also separated into individual vs corporation amounts.</p> <p>The fine for an individual obstructing an officer be not less than \$500 and no more than \$25,000 and to imprisonment for a period not exceeding six months.</p> <p>The fine for a corporation obstructing an officer be not less than \$10,000 and no more than \$50,000.</p>
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