

CHAPTER 8

AN ORDINANCE RESPECTING WILDLIFE

(Assented to October 27, 1978)

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

SHORT TITLE

- 1. This Ordinance may be cited as the *Wildlife Ordinance*. Short title

INTERPRETATION

- 2. (1) In this Ordinance Definitions
 - (a) "big game" means wildlife of a genus mentioned in Item 1 of Schedule A; "big game"
 - (b) "camp" means "camp"
 - (i) a tourist establishment, other than a boat, within the meaning of the *Travel and Outdoor Recreation Ordinance*, or a tent, cabin, mobile unit or other accommodation outside the limits of a settlement or municipality used to house any person who is engaged in construction, exploration, scientific research, logging, mining, surveying, education or commercial fishing,
 - (ii) the area immediately surrounding any place mentioned in subparagraph (i), and
 - (iii) any area serving any such place as a place where refuse is disposed of,
 - but does not include an outfitter's camp;
 - (c) "Executive Member" means the member of the Executive Committee of the Government of the Northwest Territories who is assigned the responsibility for wildlife; "Executive Member"
 - (d) "firearm" includes any device that fires missiles by means of explosives, compressed air or springs; "firearm"
 - (e) "fur-bearing animal" means wildlife of a genus mentioned in Item 3 of Schedule A; "fur-bearing animal"

"game"	(f) "game" means big game, fur-bearing animals and small game, but does not include skin, with or without the pelage, that has been processed or dressed by using a tanning agent and then worked into a soft and pliable leather condition;
"habitat"	(g) "habitat" means air, soil, water, food, cover and all the other components of the natural environment of wildlife or, as the case may be, of a species of wildlife;
"hunt"	(h) "hunt", subject to section 32, means to worry, lie in wait for, flush, follow on the trail of, chase, shoot at, capture, trap or kill or attempt to capture, wound, trap or kill;
"Hunters' and Trappers' Association"	(i) "Hunters' and Trappers' Association" means the Hunters' and Trappers' Association, or, if there is no such Association, the council of a band, within the meaning of the <i>Indian Act</i> (Canada), or another local organization, recognized by the Superintendent to represent the normal hunting area in which the relevant activity is or is to be conducted;
"licence"	(j) "licence" means a valid and subsisting licence issued under this Ordinance or the regulations or a class or category of licence fixed pursuant to subsection 8(2), but does not include a suspended licence;
"manufactured product"	(k) "manufactured product" means wildlife <ul style="list-style-type: none"> (i) prepared for use as or in an article to be sold or a garment, or (ii) preserved or prepared by a tanning or taxidermy process;
"municipality"	(l) "municipality" means a municipality within the meaning in the <i>Municipal Ordinance</i> ;
"non-resident"	(m) "non-resident" means a Canadian citizen or landed immigrant who is not a resident;
"non-resident alien"	(n) "non-resident alien" means an individual who is neither a resident nor a non-resident;
"officer"	(o) "officer" means a person holding office under subsection 4(1) or an <i>ex officio</i> officer within the meaning of subsection 4(3);
"open season"	(p) "open season" means the prescribed season during which game of the relevant species may be lawfully hunted under a licence in a particular region;
"permit"	(q) "permit" means a valid and subsisting permit issued under this Ordinance or the regulations or a class or category of permit fixed pursuant to subsection 8(2) but does not include a suspended permit;
"prescribed"	(r) "prescribed" means prescribed by regulations made by the Commissioner;

(s) "raw hide" means the skin, with or without the pelage, of big game that is in an unprocessed, whether it be a green, dry or salted condition and includes any part of such skin;	"raw hide"
(t) "raw pelt" means the skin, with or without the pelage, of a fur-bearing animal or small game that is in an unprocessed, whether it be a green, dry or salted condition and includes any part of such skin;	"raw pelt"
(u) "resident" means a Canadian citizen or landed immigrant living in the Territories at the relevant date and who lived there continuously for the two years immediately preceding that date;	"resident"
(v) "sealed firearm" means a firearm sealed or secured in the prescribed manner;	"sealed firearm"
(w) "small game" means wildlife of a genus mentioned in Item 4 of Schedule A;	"small game"
(x) "Superintendent" means the Superintendent of Wildlife appointed under section 3;	"Superintendent"
(y) "upland game bird" means wildlife of a genus mentioned in Item 5 of Schedule A;	"upland game bird"
(z) "vehicle" means a conveyance that is propelled by means other than the muscular power of humans or animals but excludes any prescribed conveyance;	"vehicle"
(z.1) "vendor" means any officer or other person who may issue a licence or permit pursuant to section 7;	"vendor"
(z.2) "wildlife" means a vertebrate except a fish as defined in the <i>Fisheries Act</i> (Canada) <ul style="list-style-type: none"> (i) that in its natural range is found wild in nature and is naturally occurring in the Territories, or (ii) any part of such a vertebrate; and 	"wildlife"
(z.3) "wildlife management" means the regulation of wildlife populations in their habitats for the purpose of sustaining them for human use or enjoyment in perpetuity.	"wildlife management"
(2) Nothing in this Ordinance shall be construed as restricting any rights protected by subsection 14(3) of the <i>Northwest Territories Act</i> (Canada).	Interpretation
(3) Except where specified or where the context otherwise requires references in this Ordinance to wildlife or any genus, species or class shall be construed as references to the wildlife whether it be alive or dead.	Interpretation
(4) Any reference in this Ordinance to a genus of wildlife includes a reference to an order or family thereof.	Genus

Wildlife

Part I

ADMINISTRATION

ADMINISTRATION OF THE ORDINANCE AND REGULATIONS

Commissioner

3. (1) The Commissioner is responsible for the administration of this Ordinance and the regulations and may exercise any or all of the powers given thereby to the Executive Member.

Executive Member

(2) The Executive Member has the powers conferred and shall perform the duties imposed upon him by this Ordinance and the regulations and may delegate any such powers or duties to the Superintendent.

Superintendent

(3) The Executive Member shall appoint a public officer to be the Superintendent of Wildlife.

Superintendent's functions

(4) The Superintendent has the powers conferred and shall perform the duties imposed upon him by this Ordinance and the regulations and such duties may be performed and such powers exercised by the Executive Member.

OFFICERS AND GUARDIANS

Wildlife officers

4. (1) The Executive Member may appoint persons to act as wildlife officers.

Powers and duties

(2) Officers shall have such powers and duties as are provided by this Ordinance or the regulations and such duties as are instructed by the Superintendent.

Ex officio officers

(3) The following persons are, for the purposes of this Ordinance and the regulations, ex officio officers, namely:

- (a) all members of the Royal Canadian Mounted Police,
- (b) all fishery officers appointed under subsection 5(1) of the Fisheries Act (Canada), and
- (c) the Superintendent.

Wildlife guardians

5. (1) The Executive Member may appoint, from persons residing within any region, wildlife guardians who hold office during pleasure and whose duties shall be restricted to that region and be such as are instructed by the Superintendent.

Remuneration of persons assisting in management

(2) The Superintendent may authorize a payment in the prescribed amount and manner to any person in consideration for his transporting or handling wildlife

Wildlife

- (a) that has been lawfully killed to preserve his or another person's life;
- (b) that the person reasonably believes to be diseased; or
- (c) that the person finds dead in the absence of anyone purporting to have lawful possession of it.

6. Every officer and guardian, other than an ex officio officer, shall, before acting as such, take and subscribe an oath or affirmation in the following form, translated, where applicable, into his native language, namely:

Oath or affirmation

"I, , do solemnly swear/affirm that I will diligently, impartially and to the best of my ability, execute and perform the duties required of me as a wildlife officer/guardian, and will follow all lawful instructions that I receive as such, without fear, favour or affection of, or toward, any person. So help me God/I so affirm."

VENDORS

7. (1) Every officer may, subject to this section and any instructions by the Superintendent, issue any licence or permit.

Officers as vendors

(2) The Superintendent may

Other vendors

- (a) appoint any employee of the Government of the Territories or Canada as a vendor for the purpose of issuing such licences or permits as the Superintendent in writing directs, and
- (b) appoint other suitable persons not falling within subsection (1) or paragraph (a) to act as vendors to issue such licences or permits as the Superintendent in writing directs and such vendors shall be remunerated in the prescribed manner and amounts.

(3) No person other than one falling within paragraph (2)(b) shall be remunerated for acting as a vendor.

Remuneration

(4) No person other than the Superintendent shall issue a general hunting licence.

Specific licences

Part II

LICENCES AND PERMITS

8. (1) The licences and permits set out in the first column of Schedule B entitle the holder, subject to subsection (3), to do the things mentioned in the second column of the Schedule.

Licences and permits

Classes and other categories

(2) The Commissioner may sub-divide licences and permits into such classes, with the sub-divisions being based upon such criteria, as he thinks fit and the Commissioner may by regulation establish such other licences and permits as he considers necessary for the proper administration of this Ordinance and the regulations, but the Commissioner shall not sub-divide general hunting licences issued under paragraph 17(1)(a) or (b).

Conditions attached

(3) The rights attaching to a licence or permit shall be subject to such terms and conditions applicable thereto as may be provided, whether before or after its issue, by this Ordinance or the regulations or, except in the case of a general hunting licence issued under paragraph 17(1)(a) or (b), as may be endorsed thereon.

Form, composition, fees and qualifications

(4) The form, component parts and the system of issue or renewal of, the fees to be charged for and the qualifications required for the holding of, any licence or permit shall be such as are prescribed or hereby provided.

Terms and conditions

(5) No person shall contravene any of the terms or conditions of a licence or permit.

Application

9. (1) Every application for a licence or permit shall

- (a) be in the form prescribed therefor,
- (b) set out such information as the Executive Member may reasonably require, and
- (c) be accompanied by the prescribed fee.

Further information

(2) The applicant shall furnish such further information as the vendor considering the application may reasonably request to enable him to determine the application.

Onus on applicant

(3) In an application for a licence or permit the onus is upon the applicant to prove that he is eligible to hold it.

Security

(4) The Executive Member may require an applicant to furnish a bond or other form of security to ensure due observance of the provisions of this Ordinance and the regulations and any terms and conditions of the licence or permit.

Prohibition of duality

(5) Except where a licence is lost and a replacement issued, no person is eligible to hold at any time more than one licence to hunt of the same category or class and except as aforementioned no person shall apply therefor, whether in the same name or otherwise.

Issue of licence or permit

10. (1) Subject to this Ordinance and the regulations, a vendor shall issue a licence or permit to an applicant who has proved to the satisfaction of the vendor that he is entitled to hold it.

(2) An applicant whose application is refused by a vendor other than the Superintendent may appeal in the prescribed manner against the refusal to the Superintendent whose decision shall be final.

Appeal against refusal

(3) An applicant for a general hunting licence under paragraph 17(1)(a) or (b) whose application is refused by the Superintendent may appeal the refusal to a judge of the Supreme Court who may confirm the decision of the Superintendent or order the Superintendent to issue the licence.

Appeal by certain applicants

(4) Subject to the regulations, a fee paid for a licence or permit shall in no case be refunded unless the application for the licence or permit is refused.

Fee non-refundable

(5) Nothing in this Ordinance gives an applicant a right to appeal

No appeal in certain cases

(a) against a refusal to grant a general hunting licence mentioned in paragraph 17(1)(c), or

(b) against a refusal under subsection 17(3) to renew such a licence.

11. (1) A vendor shall not issue, and no person, other than a vendor, shall have in his possession, a licence or permit on which the holder's name does not appear.

Blank licence forms

(2) Every person to whom a licence or permit is issued shall, forthwith after receiving it, sign his name in the space thereon provided for that purpose, and no licence or permit is valid until and unless so signed.

Holder to sign licence or permit

12. A licence to hunt a species of wildlife has effect subject to subsection 8(3) and is valid only

Validity of licence

(a) to hunt wildlife of that species,

(b) during the open season and in any case until the date of expiry of the licence which date shall, unless otherwise specified in the licence, be the 30th day of June following the date of issue,

(c) in the geographical area where that species may be lawfully hunted,

(d) to enable the licence holder to hunt, and

(e) if it is issued to a person eligible to hold it.

13. (1) Subject to this Ordinance and the regulations, no person who holds a licence or permit or any part thereof shall assign, transfer or attempt or purport to assign or transfer it or any rights or privileges that it carries, to any other person.

Transfer

Taking of transfer

(2) Subject to this Ordinance and the regulations, a person who solicits, takes or attempts or purports to take an assignment or transfer of a licence or permit or any rights or privileges that it carries is guilty of an offence.

Examination of licence or permit

14. Upon being requested by an officer so to do, a licence or permit holder shall forthwith produce his licence or permit to the officer for examination or, if it is not then available, then, within forty-eight hours after the request, either

- (a) produce it to the officer or to such other person as the officer may designate, or
- (b) prove to the satisfaction of that officer or person that he then held such a licence or permit.

Cancellation, suspension, and prohibition of renewal

15. (1) Where the Superintendent has reasonable cause to believe that a person has contravened any of the terms and conditions of his licence or permit or any of the provisions of this Ordinance or the regulations he may

- (a) cancel any licence or permit held by that person or suspend it for such period as he thinks fit, and
- (b) prohibit the issue or renewal of any licence or permit to that person within such period of time not exceeding five years as he may direct.

Appeal

(2) The person referred to in subsection (1) may appeal to a judge of the Supreme Court who may direct the Superintendent to lift the cancellation, suspension or prohibition if the Superintendent fails to establish that there was any such contravention or to reduce the period of any such suspension or prohibition.

General cancellation, suspension or prohibition

(3) Where the Executive Member considers that a species of wildlife is in danger of becoming extinct or otherwise considers that it is necessary for wildlife management he may by order

- (a) cancel or suspend all or any licences or permits so far as they relate to the endangered species or to any other affected species and in the case of suspension for such period as the Executive Member thinks fit,
- (b) prohibit the issue or renewal of such licences or permits as relate exclusively to the species, until such time as he directs otherwise, or
- (c) attach such terms and conditions as he thinks necessary for the preservation or wildlife management of the species to licences or permits that relate but do not relate exclusively to that species,

but this subsection does not apply to general hunting licences.

(4) Where a person is convicted of an offence against this Ordinance or the regulations, the justice making the conviction may cancel a licence or permit held by that person. Justice's power to cancel

(5) A person whose licence or permit is cancelled under subsection (4) may appeal against the cancellation to a judge of the Supreme Court who may direct the Superintendent to lift the cancellation where he considers that the offence committed was not sufficiently serious to warrant cancellation or that it would seriously affect his livelihood and the Superintendent shall in any case lift the cancellation if the conviction is quashed on appeal. Appeal

(6) The Superintendent shall not, in respect of an offence, cancel under subsection (1) a licence or permit referred to in subsection (4) which the justice making the conviction has refrained from cancelling. Restriction on cancellation

(7) Where a licence or permit is cancelled or suspended under subsection (1) or (3), the holder shall forthwith surrender it to the Superintendent who shall, in the event of any cancellation or suspension being lifted under this section, forthwith return it to the holder or furnish him with a new one. Surrender to Superintendent

(8) Where a licence or permit is cancelled under subsection (4), the holder shall forthwith surrender it to the justice making the conviction and that justice shall mark it cancelled and transmit it to the Superintendent. Transmittal to Superintendent

(9) The Superintendent may require any person whose licence is suspended or cancelled under this section to furnish him with a true statement of the number and species of wildlife killed or captured under the authority or purported authority of the licence. Statement of licence holder

16. (1) The holder of a licence to hunt shall, before or forthwith after its expiry, transmit the licence or expired licence to an officer together with a true statement of the number and species of wildlife killed or captured under the authority or purported authority of the licence. Transmittal and statement

(2) Where a person is unable so to transmit the licence or expired licence he shall nevertheless send such a statement to an officer. Statement

GENERAL HUNTING AND REINDEER RESERVE CARIBOU LICENCES

17. (1) A general hunting licence shall not be issued to any person except a person who Eligibility

- (a) immediately prior to the commencement of this Ordinance held or was eligible or was eligible except only for underage to hold a general hunting licence under Item 1 contained in Column II of Schedule A to the *Game Ordinance*.

(b) is a resident, has at no time lived outside the Territories for a continuous period of five years or more and at least one of whose parents

(i) is a resident and eligible under this paragraph or paragraph (a) to hold a general hunting licence, or

(ii) immediately prior to death was a resident and then held or was then eligible to hold a general hunting licence other than one granted under paragraph (c) or Item 2 or 3 contained in Column II of Schedule A to the *Game Ordinance*; or

(c) (i) has lived in the Territories continuously for the five years immediately preceding his application for the licence, and

(ii) is a Canadian citizen or landed immigrant and whose application is recommended by a Hunters' and Trappers' Association and accepted by the Superintendent.

18. (1) Notwithstanding anything in this Ordinance but subject to this section, no licence shall be issued to any person who has not yet attained the age of sixteen years. Age qualification

(2) A general hunting licence may be issued to a person who has not yet attained the age of sixteen years if he qualifies under paragraph 17(1)(a) or (b) and if General hunting licence exception

(a) his parent or guardian endorses his application for the licence; or

(b) he satisfies the Superintendent that

(i) he needs to hunt to sustain himself or his family, and

(ii) he is sufficiently mature to hunt without assistance or supervision.

(3) A licence entitling him to hunt small game only may be issued to a person who has attained the age of fourteen years but not yet sixteen years if his parent or guardian Small game licence exception

(a) holds a licence that entitles him to hunt small game, and

(b) endorses the minor's application for the licence.

(4) It is a condition of any licence issued pursuant to subsection (2) or (3) that a parent or guardian who endorses the application accompany the minor at all times when the minor is hunting. Condition of minor's licence

(5) A parent or guardian who endorses an application for a licence under subsection (2) or (3) is responsible for ensuring that the minor complies in all respects with and does not contravene this Ordinance or the regulations and accordingly any offence committed thereunder by the minor shall be deemed to have been committed also by that parent or guardian, whether he is aware of the actual offence or not. Adult's liability

(6) A person who has not yet attained the age of sixteen years may, without any licence, hunt under the same conditions as if he held a general hunting licence, if he Hunting without licence

(a) qualifies under paragraph 17(1)(a) or (b), and

(b) is accompanied at all times while hunting by a parent or guardian of his who holds a general hunting licence

but he shall, upon being requested so to do by an officer, forthwith provide the officer with particulars of the parent or guardian's licence.

(7) The parent or guardian mentioned in paragraph (6)(b) has the same responsibilities and liabilities in respect of a minor hunting under subsection (6) that a parent or guardian has under subsection (5). Adult's liability

Interpretation

(2) For the purposes of subsection (1) a person is deemed to have lived in the Territories during any period spent outside the Territories as a student at a school, college or university or in the service of the Canadian Armed Forces or the Royal Canadian Mounted Police, provided that he lived in the Territories immediately prior to the commencement of that period.

Trappers' Association licence

(3) A person who has been issued a licence pursuant to paragraph (1)(c) is entitled upon application to have it renewed unless the Association that recommended the issue of the original licence, or its nearest equivalent, makes a recommendation to the Superintendent against its renewal and the Superintendent agrees not to renew it.

Restriction as to hunting area

(4) A licence issued under paragraph (1)(c) and any renewal of it entitles the holder to hunt only in the normal hunting area of that Association or its nearest equivalent.

Other Associations

(5) Where any area in the Territories is not within the normal hunting area of any Association, the Executive Member may designate another organization that comprises or substantially comprises hunters to exercise in respect of the area the powers that an Association has under this section.

Reindeer Reserve caribou licence

(6) A person is not entitled to a Reindeer Reserve caribou licence unless he holds a general hunting licence and is a member of a group named in a registered group trapping area licence issued in respect of an area within the reserve established pursuant to paragraph 2(1) of the *Northwest Territories Reindeer Regulations (Canada)*, in this Ordinance referred to as the "Reindeer Grazing Reserve".

Licence to institutions

19. (1) The Executive Member may, with the prior approval of the local Hunters' and Trappers' Association, issue to a person operating a school, correctional centre or similar institution a licence to conduct a hunting program subject to such terms and conditions as are prescribed or specified in the licence.

Courses where game is hunted

(2) No person shall, for money or money's worth, organize, establish or carry out any course of instruction in which wildlife is hunted unless he holds a licence issued under subsection (1).

Part III

MANAGEMENT AND MANAGEMENT REGIONS

WILDLIFE MANAGEMENT UNITS

Wildlife management units

20. (1) The Commissioner may, in order to facilitate wildlife management, by regulation divide the Territories into wildlife management units.

Wildlife management regions

(2) The Commissioner may by regulation designate a portion of one or more wildlife management units as

- (a) a wildlife management zone;
- (b) a wildlife sanctuary or a bison sanctuary, but no area shall be designated as such that was not a game sanctuary or a bison sanctuary before the commencement of this Ordinance;
- (c) a wildlife preserve;
- (d) a wildlife management area;
- (e) a critical wildlife area;
- (f) a special management area;

and a region designated under one paragraph may overlap with a region designated under another paragraph.

Regions

(3) The Commissioner may make regulations respecting wildlife management in any such region including the regulation or prohibition of access to a region other than a sanctuary.

Fur management

21. The Commissioner may by regulation designate

- (a) a region as a fur management unit;
- (b) any portion of a fur management unit as a fur management zone; and
- (c) any portion of one or more fur management zones as a fur management area

and may make regulations respecting wildlife management, so far as relates to fur-bearing animals, in such units, zones or areas.

22. Notwithstanding anything in this Ordinance or the regulations, the Superintendent may, for the purposes of wildlife management, wildlife research or the protection of life or property, authorize an officer or any person under the supervision of an officer to utilize hunting methods and scientific procedures and techniques that would otherwise be contrary to this Ordinance or the regulations.

Hunting for management or research purposes

23. The Commissioner may in the interests of wildlife management by regulation declare any species of wildlife within a prescribed region to be nuisance wildlife and may prescribe methods of controlling it that would otherwise be contrary to this Ordinance or the regulations.

Nuisance wildlife

24. No person, other than one acting on the instructions of the Superintendent or an officer, shall conduct any aerial, ground or aquatic census or survey of wildlife or wildlife behaviour, administer drugs, collect or purchase specimens or carry out any scientific research relating to wildlife without a permit from the Superintendent entitling him so to do.

Surveys and census

25. An officer or a person authorized in writing by an officer may kill or destroy wildlife at any time and by any means where

Dangerous wildlife

- (a) the wildlife is endangering property or public safety, or
- (b) the wildlife is or is reasonably believed to be wounded or diseased.

26. An officer or any person authorized in writing by an officer may use the meat of game for the purposes of wildlife management and such authorization shall specify the species and quantity of game that may be so used.

Meat of game

27. The Commissioner may enter into agreements with the Government of Canada respecting wildlife management, research or habitat.

Agreements

28. (1) Where by regulation the hunting of big game in a certain region is controlled by reference to age, species or species and sex, a person shall not remove from the hide, mutilate or destroy any of those prescribed parts that evidence the age, species or species and sex, as the case may be, of big game hunted in that region until he has transported the game to his residence or to the place where he intended that it be consumed

Evidence of age, sex and species

Possession
of parts

(2) It is an offence to possess big game that has been subjected to any act in contravention of subsection (1).

Sanctuaries

29. (1) No person shall

- (a) hunt in, commence to hunt in or continue to hunt into a wildlife sanctuary,
- (b) without the authority of the Superintendent, be in possession of wildlife, nests, eggs or parts of nests or eggs that were acquired in a wildlife sanctuary,
- (c) carry or have in his possession in a wildlife sanctuary a bow, crossbow or firearm other than a sealed firearm, or
- (d) except for the purpose of preserving his or another person's life, unseal a firearm in a wildlife sanctuary.

Evidence

(2) The possession of any article mentioned in paragraph (1)(b) in a wildlife sanctuary is *prima facie* proof that the article was acquired in that sanctuary.

Unsealing
of firearm

(3) A person who unseals a firearm in a wildlife sanctuary shall forthwith report the fact to an officer and provide that officer with such details as he may require respecting the reasons for unsealing the firearm.

Interpretation

(4) In this section "wildlife sanctuary" means a sanctuary designated as a wildlife sanctuary under paragraph 20(2)(b).

Hunting in
preserve

30. (1) Subject to this section, no person shall hunt wildlife in a wildlife preserve.

Exception
to prohibition

(2) The holder of a general hunting licence who is

- (a) the child, wife or widow of a person who is, or was immediately before his death, eligible to hunt in a wildlife preserve or in a game preserve, and
- (b) dependent for his livelihood on hunting

may hunt in that wildlife preserve or the wildlife preserve corresponding to that game preserve.

Further
exception

(3) The holder of a general hunting licence may hunt in a wildlife preserve such game, other than that prescribed, as is sufficient to feed himself and his dependants.

Officer

(4) The Superintendent may, in the interests of wildlife management, authorize an officer to hunt in a wildlife preserve.

Interpretation

(5) In this section "wildlife preserve" means a wildlife preserve designated under paragraph 20(2)(c) and "game preserve" means a preserve under the law applicable at the relevant date before the commencement of this Ordinance.

Part IV

HUNTING AND RELATED ACTIVITIES

GENERAL RULES FOR HUNTING

31. Subject to section 32, no person shall hunt wildlife of a genus mentioned in Schedule A unless he holds a licence authorizing him so to do and he hunts in accordance with this Ordinance, the regulations and the terms and conditions of his licence. Prohibited hunting

32. Notwithstanding anything in this Ordinance or the regulations, a person shall not be treated as hunting wildlife if at the relevant time he is unarmed or alternatively if any firearm that is in his possession is sealed and his activity is restricted to approaching that wildlife or luring or attempting to lure it into a specific location for the sole purpose of watching or photographing it. Activity not treated as hunting

33. (1) Subject to this Ordinance and the regulations, no person shall use or have in his possession while hunting Prohibited equipment

- (a) any drug, poison or other substance that is harmful or lethal to wildlife if brought in contact with, consumed or absorbed by the wildlife and is of a kind that can be used in any manner for hunting;
- (b) a set gun or other mechanism designed to discharge missiles by mechanical means;
- (c) a four or eight gauge shotgun;
- (d) an automatic firearm of any description that is capable of firing more than one missile during one pressure of the trigger;
- (e) any recorded game calls or sounds or any mechanically or electrically operated calling device of any description; or
- (f) any other prescribed equipment.

(2) The Superintendent, where he considers it necessary for proper wildlife management, may by permit authorize an officer or other person to hunt by means of any article mentioned in the permit that would otherwise be prohibited by subsection (1). Permitted use

34. (1) Subject to this Ordinance and the regulations, no person, other than the holder of a licence to hunt wildlife or a permit allowing the collection of wildlife specimens for scientific research, shall be in possession of an unsealed firearm in a camp. Firearms in camps

Wildlife

Manager's responsibility

(2) Where an unsealed firearm is found in a camp, and the person in possession of it cannot be determined, the manager or person in charge of the camp shall be deemed for the purposes of subsection (1) to be the person in possession of the firearm and guilty of an offence even though he is the holder of such a licence or permit.

Hunting from vehicle

35. (1) Subject to this section and subsection 39(3), no person shall hunt, or assist another person to hunt, from or with a vehicle.

Air to ground communication

(2) No person shall use or attempt to use an aircraft to communicate by any means from the air to a person on land or water information about the location of wildlife with the intention that it be used for the purpose of hunting wildlife.

Permitted activities

(3) Subsection (1) does not prohibit

(a) the use of a vehicle to transport lawfully obtained wildlife, or

(b) the use of an aircraft merely to search for wildlife in a manner that does not contravene subsection (2) or the regulations.

Dogs

36. (1) No person shall use a dog to hunt big game other than polar bear, wolverine or other prescribed big game or allow a dog under his ownership or control to run free and pursue such big game.

Transportation by dogs

(2) Subsection (1) does not prohibit the use of a dog solely for transportation.

Right to kill dogs

(3) Where there is a contravention of subsection (1) an officer may kill the dog in question if he is unable to capture it.

Discharge of firearm

37. No person shall

(a) discharge a firearm within or from a vehicle, or

(b) discharge a firearm from, or cause the missile from a firearm to pass along or across, the travelled portion of a road to which the public has a right of access and that is maintained by the expenditure of public funds, or

(c) have in or on a vehicle a firearm that has a live shell or cartridge in the barrel, breech or firing compartment.

Dangerous hunting

38. No person shall hunt wildlife without due regard for the safety of other persons and property.

Wildlife

39. (1) Subject to subsection (3), no person shall without a permit entitling him so to do Harassment of wildlife

(a) persistently or repeatedly chase, weary, harass or molest wildlife without intending to capture or kill it;

(b) engage in any activity that is likely to result in a significant disturbance to a substantial number of wildlife animals;

(c) break into, destroy or damage any den, beaver dam or lodge or muskrat push-up outside any municipality or other prescribed area, unless authorized so to do by the regulations or any other law; or

(d) destroy, disturb or take the eggs or nests of any birds mentioned in Schedule A.

(2) The Commissioner has a right of action against any person who wilfully or negligently and without legal justification destroys or damages any habitat, and he may recover damages for any costs that the Government of the Northwest Territories may be required to expend to restore the habitat to or near to its original state. Commissioner's right of action

(3) A person may chase a bear away from a municipality, camp or settlement or its immediate vicinity where such action is necessary to defend life or property and obviates any need to kill the bear, and a vehicle may be used in any such chase. Bears

40. (1) Notwithstanding anything in this Ordinance, a person may wound or kill wildlife if it is necessary to Self-defence

(a) preserve his or another person's life, or

(b) protect his property.

(2) Every person who wounds or kills wildlife pursuant to subsection (1) shall forthwith report the wounding or killing to an officer and Report to an officer

(a) give the wildlife to the officer, or

(b) advise the officer where the wildlife is located

and the officer shall dispose of the wildlife in the prescribed manner.

41. (1) Notwithstanding anything in this Ordinance, a person may hunt wildlife and take the eggs of birds for food where it is necessary to prevent his or another person's starvation. Prevention of starvation

(2) A person commits an offence who through mismanagement or poor planning requires to invoke subsection (1). Mismanagement

42. A person who wounds wildlife shall make every reasonable effort to retrieve it. Wounded

RULES FOR HUNTING PARTICULAR CLASSES OF WILDLIFE

43. (1) No person shall, unless authorized by the regulations,

- (a) hunt big game except with a firearm, a bow and arrow that comply with subsection (3) or a crossbow; or
- (b) use for the purpose of hunting big game
- (i) rim-fire ammunition,
 - (ii) ammunition of less than 0.23 calibre,
 - (iii) ammunition with an empty cartridge case measuring less than 44 millimetres in length,
 - (iv) ammunition containing non-expanding or steel-jacketed bullets, or
 - (v) ammunition known as tracer.

(2) No person shall, without a permit entitling him so to do, set out bait for big game other than fur-bearing animals.

(3) A bow referred to in paragraph (1)(a) must have at least 20 kilograms' draw weight at 700 millimetres' draw and the arrow for it must have a broadhead point width of at least 25 millimetres at its widest point or an unbarbed three bladed bodkin head and must not contain any explosive material.

44. Except as authorized by this Ordinance or the regulations, no person shall

- (a) hunt big game or upland game birds in the course of his employment or otherwise for money or money's worth, or
- (b) employ, pay or offer to employ or pay another person to hunt big game or upland game birds.

45. Subject to the regulations, no non-resident or non-resident alien, other than a person who holds or is eligible to hold a general hunting licence, shall hunt prescribed big game in prescribed regions unless

- (a) he first obtains the services of a licensed outfitter or guide in respect of the hunt, and
- (b) is accompanied while hunting by a licensed guide.

46. (1) No person shall, unless licensed so to do, for money or money's worth guide hunters while hunting big game or small game.

(2) A guide shall not act as such for any person who does not hold a licence to hunt big game or small game, as the case may be.

(3) Subject to subsection (4), a guide shall not kill or wound or attempt to kill or wound wildlife while guiding a hunter.

Prohibited equipment for big game hunting

Bait for big game

Bow and arrow

Hunting for gain

Non-resident hunters

Guide licence

Hunter's licence

Prohibition against hunting

(4) Where a hunter has lawfully wounded wildlife and it appears that the wildlife may escape, a guide may, if requested so to do by the hunter, assist the hunter in retrieving or kill the wildlife.

Guide's right to kill

47. No person shall for the purpose of hunting bison, and no person other than the holder of a general hunting licence shall for the purpose of hunting polar bear, use any ammunition that produces less than 2800 joules of energy at the muzzle of the firearm.

Weapon for hunting bison

48. Unless authorized by the regulations, no person shall

- (a) hunt small game by any means other than a firearm, not being one prohibited by section 33, or a bow, a net, or a snare, deadfall, trap or other similar contrivance, or
- (b) for the purpose of hunting small game, use or have in his possession a shotgun of any description that at the relevant time can hold more than three shells in the magazine and firing chamber combined.

Hunting small game

49. (1) No person shall hunt fur-bearing animals by any means other than a firearm, not being one prohibited by section 33, or a snare, deadfall, trap or other similar contrivance.

Fur-bearing animals

(2) No person shall, without a permit, set out or use the meat of big game suitable for human consumption, other than the meat of bear, wolf, wolverine or coyote, as bait for the purpose of hunting fur-bearing animals.

Bait

50. No person other than an officer shall remove, molest, spring or otherwise interfere with any contrivance lawfully set by another person for the purpose of hunting fur-bearing animals.

Interference with traps

51. A person who uses contrivances to hunt fur-bearing animals shall remove, spring or render harmless every contrivance used by him before or on the last day of each open season and shall not set them before the first day of an open season.

Removal and setting of traps

52. (1) No person shall be in possession of a bird of the order *falconiformes* or any part thereof without a licence or permit entitling him so to be.

Possession of falcons

(2) A person who is in possession contrary to subsection (1), or who hunts contrary to section 31, a peregrine falcon or gyrfalcon is guilty of an offence and liable on summary conviction to a fine of not less than two thousand dollars and not more than ten thousand dollars or to imprisonment for a term not exceeding twenty-four months or both.

Peregrine and gyrfalcons

Part V

POSSESSION AND USE OF WILDLIFE

Illegal possession

53. (1) No person shall be in possession of any wildlife in contravention of this Ordinance or the regulations.

Deemed possession

(2) For the purpose of subsection (1), a person is deemed to be in possession of wildlife who knowingly

- (a) has any interest in or right to that wildlife, regardless of where the wildlife is located or who actually possesses it, or
- (b) has dead wildlife or live wildlife confined in any place that he owns or uses either by himself or with another person.

Wildlife in camps or vehicles

(3) Where big game or upland game birds are found dead or in captivity or confinement in a camp or in a vehicle used wholly or partly in connection with the operation of a camp, the owner or person in charge of the camp or vehicle shall be deemed to be in possession of wildlife for the purposes of subsection (1).

Unauthorized acquisition

(4) A person who acquires any prescribed wildlife without the authority of a licence or permit shall forthwith report the acquisition to an officer and

- (a) give the officer the wildlife so acquired, or
- (b) advise the officer where the wildlife is located, and the officer shall certify and dispose of the wildlife in the prescribed manner.

Permitted possession

(5) Notwithstanding anything in this Ordinance, a person is not in unlawful possession of wildlife

- (a) if he acts in accordance with subsection (4) and while he is so acting;
- (b) if he gives wildlife to an officer or advises an officer where wildlife is located forthwith after finding such wildlife dead without an apparent owner or finding such wildlife appearing to be diseased;
- (c) if he is in possession of wildlife solely in order to preserve life; or
- (d) where this Ordinance, the regulations or a licence or permit entitle the holder to perform an act, if his possession is reasonably incidental to that act.

Capture

54. (1) No person shall capture live wildlife mentioned in Schedule A unless he is licensed so to do.

(2) No person shall, unless authorized so to do by a licence or permit, keep captive or feed for the purpose of keeping captive, any wildlife mentioned in Schedule A. Captive wildlife

(3) This section does not apply to non-game animals described in Item 7 of Schedule A hereto. Exception

55. (1) Subject to this Ordinance and the regulations, no person shall produce, buy, sell, trade, barter, gift or receive as a gift Trafficking in wildlife

- (a) a manufactured product;
- (b) the meat or any other part of wildlife; or
- (c) the nest, egg or part of the egg of any wildlife bird.

(2) Subject to subsections (3) and (4), where big game, small game or fur-bearing animals have been killed lawfully a person may produce, buy, sell, trade, barter, gift or receive as a gift the inedible parts of that wildlife. Inedible parts

(3) Where a person lawfully kills wildlife for food other than under the authority of a licence he shall not produce, sell, trade or barter such wildlife, but shall comply with subsection 53(4) with respect to such parts of it that are not eaten. Inedible parts of wildlife killed for food

(4) Where a person lawfully kills wildlife in defence of life or property as permitted by this Ordinance and other than under the authority of a licence, he shall not produce, sell, trade or barter such wildlife, but shall comply with subsection 53(4) with respect to it. Self-defence

(5) A person who holds or is eligible to hold a general hunting licence may buy, sell, barter, gift or receive as a gift the meat of game from or to another person who holds or is eligible to hold such a licence. General hunting licence

(6) A person who does not hold or is not eligible to hold a general hunting licence may receive as a gift from a person who does hold or is eligible to hold such a licence such quantity of meat of game, and over such period, as may be prescribed. Receipt of gift

56. Subject to the provisions of this Ordinance and the regulations, every party to a contract that provides directly or indirectly that wildlife is to be killed or captured for money or money's worth is guilty of an offence. Illegal contracts

57. Subject to the regulations, no person shall, without a permit entitling him so to do, whether or not for money or money's worth, serve as a meal or part of a meal big game or upland game birds at any place other than a private residence. Serving the meat of game

Prohibition of wastage

58. (1) Subject to the regulations, no person shall waste, destroy, abandon or allow to spoil

- (a) big game, other than bear, wolf, coyote or wolverine, or an upland game bird that has been killed by him and is fit for human consumption, or
- (b) any raw pelt or raw hide of a fur-bearing animal or bear.

Prohibition against feeding

(2) Subject to subsection (3), no person shall feed big game, other than bear, wolf, coyote or wolverine, or an upland game bird that is fit for human consumption to any domestic animal or captive wildlife held for commercial purposes.

Exception for certain dogs

(3) A person may feed big game or upland game birds to dogs used for transportation at a time when they are being so used and are at least eight kilometres from a municipality or settlement.

Transport within Territories

59. Subject to the regulations, no person shall transport wildlife within the Territories unless

- (a) the wildlife so transported was lawfully captured or killed under a licence that has not been invalid for a period of more than ten days;
- (b) he has a permit entitling him so to do;
- (c) the wildlife so transported consists wholly of hides or pelts of wildlife lawfully killed; or
- (d) the wildlife is a manufactured product.

Exportation

60. (1) No person shall export or receive for export any wildlife other than a manufactured product to a place outside the Territories unless the shipment has attached thereto an export permit issued under this Ordinance that contains a true statement of the species and quantities of wildlife being exported.

Importation

(2) No person shall import from outside the Territories any live vertebrate that in its natural range is found wild in nature anywhere, unless he has a permit entitling him so to do or the vertebrate is a prescribed animal.

Export permit

61. (1) An export permit for the exportation of the meat of game

- (a) authorizes only the exportation of the prescribed quantities of meat, and
- (b) authorizes only the person who has lawfully killed that game to export it,

and no person shall export meat of game in excess of such quantities and unless he has lawfully killed the game.

(2) No person shall export meat of game that in accordance with the regulations has a commercial tag attached, unless authorized thereby. Commercially tagged meat

62. (1) Subject to this section, no person shall for money or money's worth or in the hope or expectation thereof acquire, trade, barter, sell, purchase, exchange, import, export, auction, tender, deal or traffic in or possess raw pelts or raw hides. Raw pelts and hides

(2) The following persons are exempted from subsection (1), namely Persons entitled to deal in fur

- (a) a person who is licensed to hunt big game, fur-bearing animals or small game, in respect of the raw pelts or hides of game lawfully hunted by himself;
- (b) a person who holds a fur dealer or a travelling fur dealer licence;
- (c) a licensed fur farmer, with respect to the raw pelts of fur-bearing animals lawfully raised on the farm specified in his licence.

(3) A person may acquire or purchase for the sole use of himself or his dependants and not for resale the prescribed quantities of raw pelts or raw hides and different quantities may be prescribed as between residents and other persons.

63. (1) Subject to this Ordinance and the regulations, no person shall for money or money's worth or in the hope or expectation thereof pluck, de-hair, dress, skin, flesh, tan, dye or preserve the pelt or hide of wildlife unless he holds a licence entitling him so to do. Tanners

(2) A person may pluck, de-hair, dress, skin, flesh, tan, dye or preserve the pelt or hide of wildlife that he has lawfully killed. Lawfully killed wildlife

(3) A licensed fur farmer may skin and flesh the pelts of fur-bearing animals lawfully raised on the fur farm specified in his licence. Licensed fur farmer

64. No person shall for money or money's worth or in the hope or expectation thereof prepare, preserve, stuff or mount wildlife unless he holds a licence entitling him so to do. Taxidermists

65. The licence of a tanner or taxidermist does not authorize the holder to trade, barter, sell, exchange, export, auction, tender, deal or traffic in raw pelts or raw hides until they have been preserved or prepared by processes used in their respective licensed businesses. Limitation

Outfitter
licence

66. (1) No person shall for money or money's worth or in the hope or expectation thereof provide or agree to provide guides or equipment to persons hunting or wishing to hunt big game or upland game birds unless he holds an outfitter licence and all such guides are licensed as such.

Hunter's
licence

(2) An outfitter shall not outfit a person unless the person is licensed to hunt game of a species in respect of which the outfitting is being done.

Game farm
licence

67. No person shall establish, own or operate a game farm unless licensed so to do.

Part VI

SEARCH, ARREST, SEIZURE AND PROSECUTION

Arrest

68. An officer may arrest without a warrant any person whom he finds committing an offence against this Ordinance or the regulations.

GENERAL POWERS OF OFFICERS

Search with
warrant

69. (1) Where an officer reasonably believes that a person is committing or has committed an offence against this Ordinance or the regulations he may

- (a) with a search warrant, enter into and search any premises, conveyance, camp, box, bale, pack, container or parcel in which he reasonably believes that he may find any wildlife or other article evidencing the commission of the offence;
- (b) where a justice empowered to issue the search warrant is not readily available, then without a warrant, enter and search therein; and
- (c) if in uniform signal or request any person operating a vehicle or other transport to stop and may search it or any container found in or on it.

Use of
force

(2) An officer making a search under this section may use such force as he reasonably considers necessary to facilitate the search, including the breaking of any lock or fastening.

Personal
liability

(3) An officer and persons assisting him may, in the discharge of their duties, enter upon and pass over any public or private lands without being liable for trespass, but the officer or person assisting him is liable for any damage that he wilfully or negligently does or causes.

(4) A person to whom a signal or request is given or made under paragraph (1)(c) shall forthwith stop the vehicle or transport, furnish the officer with such information as he may reasonably and lawfully require and remain stationary until permitted by the officer to proceed.

Operation
of transport

INSPECTION, SEIZURE AND PROSECUTION

70. (1) Where an officer, in making a search under this Ordinance, finds in any premises, conveyance, camp, box, bale, pack, container or parcel wildlife that he reasonably suspects has been unlawfully killed or captured, or is in unlawful possession contrary to this Ordinance, the regulations or the *Export and Import Permits Act* (Canada) he may seize

Seizure

- (a) the wildlife;
- (b) any container, box, bale, pack or parcel in which it is held;
- (c) where he considers it necessary, any conveyance in or on which it is held;
- (d) any firearms, ammunition, decoys, implements and appliances of a type used to hunt, found in or on any such premises, conveyance, camp, box, bale, pack, container or parcel;
- (e) any papers, books, documents or records in or on any such premises, conveyance, camp, box, bale, pack, container or parcel, or upon any person found therein which may afford evidence of the commission of such an offence; and
- (f) any wildlife, whether lawfully killed, captured or had in possession or not, that is so intermixed or annexed with or to wildlife falling within paragraph (a) that the latter wildlife cannot be seized without seizing it.

(2) Upon seizing anything mentioned in subsection (1) an officer shall

Procedure
following
seizure

- (a) give a receipt therefor to the person, if known, having possession or custody of the thing or from whom it was seized;
- (b) retain the thing seized under lock and key until
 - (i) returned to that person, or
 - (ii) disposed of on the direction of a justice; and
- (c) if the owner or person in possession was not known at the time the thing was seized, furnish a justice with an affidavit stating that he has reason to believe that an offence has been committed and the connection between the thing and the alleged offence.

Federal
offence

(3) Where an article seized under subsection (1) relates to a suspected offence under the *Export and Import Permits Act* (Canada) the officer shall turn it over to a member of the Royal Canadian Mounted Police or a Canada Customs official to be held pending investigation.

Disposition
of article
seized

71. (1) Anything that is seized under section 70 shall be taken by the officer before a justice who may order the thing to be forfeited to Her Majesty in right of Canada and upon the making of any such order it is so forfeited.

Hardship

(2) Where the justice is satisfied that the seizure of an article is causing undue hardship or injustice, he may direct that it be returned to the person from whom it was seized on such terms and conditions as he may order.

Perishable
items

(3) Where the justice considers that any wildlife or other article seized will or could rot, spoil or otherwise perish, he may order that it be sold or disposed of in such manner as he may order and that the proceeds of sale be paid in the manner directed in the order.

Government
not liable
for loss

72. No right of action lies and no right of compensation exists against the Crown or the Commissioner or any officer for loss or damage arising from the disposal of any wildlife or other article under this Ordinance or from the deterioration of any wildlife during any period when it is under seizure unless the officer was negligent in the care of the wildlife or article.

Inspection
in premises

73. The manager or owner of any premises where a licensed business is operated shall, upon demand being made by an officer between the hours of nine o'clock in the forenoon and six o'clock in the evening, forthwith produce to the officer for inspection

- (a) any prescribed statements, records or books that he is required to keep, and
- (b) all wildlife in his possession.

Seizure
of records

74. Where it appears to an officer that a person who is legally required to keep or forward prescribed books, records or statements

- (a) is not keeping them in the prescribed manner, or
- (b) has failed to forward them, at the times and in the manner prescribed,

then the officer may without a warrant seize them or any other books, records or statements found in his possession which relate or may relate to them.

Examination
for disease

75. (1) Where an officer has reasonable cause to believe that wildlife is diseased he may seize that wildlife for examination.

(2) Where an officer seizes hides or pelts pursuant to subsection (1), the Superintendent may, if he thinks fit, pay compensation to the person from whom they are seized. Compensation

(3) Where any wildlife seized under this Ordinance is found upon examination in a laboratory or by a veterinarian to be diseased, the Superintendent may direct that it be destroyed. Destruction

Part VII

EVIDENCE

76. In any proceedings under this Ordinance or the regulations wildlife found in the Territories shall be presumed, unless the contrary is proved, to have been hunted there. Proof of origin
of wildlife

77. (1) In any proceedings under this Ordinance or the regulations in which proof is required respecting Certificate
of Superintendent

- (a) the issue, suspension or cancellation of a licence or permit,
- (b) the person named in a licence or permit,
- (c) the appointment or authority of an officer, or
- (d) the delivery, service, mailing or giving of any notice or document by the Commissioner, the Executive Member or the Superintendent

a certificate signed by the Superintendent is admissible in evidence as *prima facie* proof of the facts stated therein without further proof of the appointment or signature of the Superintendent.

(2) Where

- (a) a person is charged with a contravention of this Ordinance or the regulations, and
- (b) the person charged identifies himself as the person named in a licence, whether or not valid or subsisting, in his possession

Name of
person charged

the person laying an information or making a complaint in respect of the contravention may, in the information or complaint, name the person so charged by the name shown on the licence and no proceedings or conviction is defective on the ground that the person charged is not the person named in the licence, but for all purposes the conviction shall be treated as being made against the person charged and not the person named in the licence.

(3) In a prosecution under this Ordinance or the regulations, a certificate signed by the person in charge of a laboratory operated, maintained or supported by the Government of Canada, the Government of any province or the Royal Canadian Mounted Certificate
from laboratory

Police, or his assistant or any person acting in his place, is *prima facie* proof of the facts stated therein and of the authority of the person signing the certificate without further proof of his appointment or signature.

Certificate of Superintendent

(4) In any proceedings under this Ordinance or the regulations a certificate signed by the Superintendent stating that wildlife

(a) has been examined by a person qualified to judge and classify wildlife, and

(b) is of a certain species or sex or is in a certain condition is *prima facie* proof of the facts stated therein and of the authority of the Superintendent without further proof of his appointment or signature.

Onus re licence or permit

78. In any proceedings under this Ordinance or the regulations the onus is upon the person charged to prove that at the time of the act constituting the alleged offence he held a licence or permit that entitled him to perform that act.

Onus re possession

79. Where a person is found in possession of wildlife but does not have a licence or permit entitling that possession the onus in any proceedings under this Ordinance or the regulations is upon him to prove that he did not hunt or was not in possession of that wildlife in contravention of this Ordinance or the regulations.

Part VIII

OFFENCES AND PENALTIES

Impersonation of officer

80. (1) A person, not being an officer, who with intent to deceive

(a) wears the uniform of an officer,

(b) wears an officer's badge,

(c) carries an officer's identification or certificate of appointment, or

(d) impersonates an officer

is guilty of an offence.

Exercise of powers

(2) A person who without lawful authority exercises or purports or attempts to exercise any of the powers of an officer is guilty of an offence.

Obstructing officer

81. A person who obstructs, delays, hinders or interferes with an officer in the lawful execution of his duties under this Ordinance or the regulations is guilty of an offence.

82. A person who has physical possession of a licence or permit issued to another person and who

Use of another's licence

(a) claims to be that other person, or

(b) exercises or purports or attempts to exercise any rights or privileges carried by it which he would not otherwise have is guilty of an offence.

83. A person who knowingly induces, aids or abets or attempts to induce, aid or abet another person to commit an offence against this Ordinance or the regulations is himself guilty of an offence.

Inducement, aiding and abetting

84. (1) No person shall make or give false or misleading entry, statement, particulars or information in an application for a licence or permit or in any form, books, records or other documents required by this Ordinance or the regulations.

False information

(2) Every non-resident and non-resident alien shall, in making an application for a licence or permit and without prejudice to any requirement to give his temporary local address, state his permanent address or state directly or indirectly that he is a non-resident or a non-resident alien, as the case may be.

Non-residents

(3) A vendor who falsifies an application for a licence or permit on another person's behalf commits an offence.

Vendor's offence

85. (1) No person, other than an officer or a person authorized in writing by an officer, shall

Signs

(a) post any sign relating to this Ordinance or the regulations, or

(b) remove, deface, destroy or knock down any such sign, and any person so authorized shall act within the limits of his written authority.

(2) A person who posts a sign contrary to subsection (1) shall forthwith remove it upon being so ordered by an officer.

Order to remove sign

(3) An officer or a person authorized in writing by an officer may remove a sign posted contrary to subsection (1).

Removal by officer

86. Subject to this Ordinance and the regulations, no person shall obliterate, spoil, alter or duplicate

Obliterating marks

(a) any stamp, tag, brand or other identifying mark that has been placed on wildlife by an officer or a person authorized by an officer, or

(b) any signature placed on any document that relates to this Ordinance or the regulations.

Refuse

87. No person shall in any place outside a municipality or settlement store, dispose of or allow to accumulate any refuse in such a manner as

- (a) substantially alters the habitat in that place or its immediate vicinity, or
- (b) attracts or is likely to attract wildlife to that place or its vicinity,

but this section does not apply to a refuse dump situated in the vicinity of a municipality or settlement that serves the whole or a substantial part of that municipality or settlement.

Limitation of prosecution

88. A prosecution in respect of an offence under this Ordinance or the regulations may not be instituted later than six months after the commission or alleged commission of the offence.

Each specimen separate offence

89. (1) Where a contravention of this Ordinance or the regulations involves more than one wildlife animal a separate offence is committed with respect to each such animal.

Each day separate offence

(2) A contravention of this Ordinance or the regulations that is of a continuing nature constitutes a separate offence in respect of each day or part of a day during which it continues.

PENALTIES

General penalty

90. A person who contravenes a provision of this Ordinance or the regulations for which no other penalty is provided is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both.

Part IX

MISCELLANEOUS

REGULATIONS

Regulations

91. The Commissioner may make regulations for carrying the purposes and provisions of this Ordinance into effect and, without limiting the generality of the foregoing, may make regulations

- (a) respecting the remuneration and control of vendors and wildlife guardians;
- (b) restricting the maximum number, sex, age, species or size of wildlife that may be hunted during a prescribed period either generally or in a prescribed area;

- (c) fixing open and closed seasons;
- (d) respecting the books, records, forms, returns and other documents to be kept and furnished to the Superintendent and the returns to be made by licence or permit holders;
- (e) respecting the importation into, exportation from and transportation within the Territories of wildlife;
- (f) respecting the use and possession of weapons and equipment used in hunting and respecting falconry;
- (g) controlling or prohibiting the use of vehicles or other transport;
- (h) respecting uniforms, badges and other identifying materials for officers;
- (i) respecting the collection and disposition of wildlife or nests or eggs or parts thereof;
- (j) respecting the marking by wildlife tags or otherwise, of lawfully killed wildlife and the certification of wildlife killed other than under a licence;
- (k) respecting the preservation, maintenance and restoration of habitats;
- (l) respecting the serving of meat of game at any meal other than at a private residence;
- (m) respecting the licensing, control and regulation of the operations of fur dealers, tanners, taxidermists, outfitters, guides, fur farmers and game farmers and the permitting of tanning operations to be conducted in private residences;
- (n) respecting
 - (i) permits to carry out scientific research on and collect specimens of wildlife,
 - (ii) instruction courses on hunting, the registration of regions as registered trapping areas and the allocation to certain hunters of the exclusive rights to hunt and possess fur-bearing animals therein;
- (o) respecting wildlife stamps, wildlife certificates and other component parts of licences or permits;
- (p) respecting the imposition of royalties or fees on hides, pelts and other parts of wildlife;
- (q) respecting the sealing of firearms;
- (r) respecting the reimbursement by the Superintendent of persons who assist an officer;
- (s) respecting the suspension or cancellation of licences or permits;
- (t) respecting lost licences or permits, whether valid and subsisting or not;

Wildlife

- (u) for legalizing possession of wildlife at the commencement of this Ordinance which would otherwise be unlawful;
- (v) respecting appeals under sections 10 and 15 and the proceedings therein;
- (w) authorizing the Superintendent to exercise or perform, in such manner and subject to such terms and conditions as are contained in the regulations, any of the powers, functions or duties of the Commissioner or the Executive Member under this Ordinance, other than powers, functions and duties of the Commissioner in relation to the making of regulations under this section;
- (x) respecting the possession and capture of wildlife;
- (y) making additions to or deletions from Schedule B;
- (z) prescribing any matter or thing that by this Ordinance may or is to be prescribed;
- (z.1) delegating to individual Hunters' and Trappers' Associations who consent to the delegation any of the powers, duties or functions forming the subject-matter of regulations made under any other paragraph in this section;
- (z.2) prohibiting persons in prescribed regions or circumstances from hunting big game within a period of twelve hours following the termination of their flight in an aircraft; and
- (z.3) prohibiting the use of helicopters in prescribed regions or circumstances for transporting persons or things for hunting purposes or for transporting wildlife and providing for penalties for contravention of any such regulation of a fine not exceeding two thousand dollars or imprisonment for a term not exceeding fifteen months, or both.

CONSEQUENTIAL AMENDMENTS

92. The *Scientists Ordinance* is amended by adding thereto, after section 1, the following heading and section:

Amendment of Scientists Ordinance

"APPLICATION

1A. This Ordinance does not apply to scientific research on wildlife or the collection of specimens of wildlife as defined in the *Wildlife Ordinance*."

93. (1) Subsection 183(2) of the *Municipal Ordinance* is amended by striking out the word "*Game*" and substituting the word "*Wildlife*".

Amendment of Municipal Ordinance

Wildlife

(2) Subsection 183(3) of the *Municipal Ordinance* is amended by striking out the expression "section 7 of the *Game Ordinance*" and substituting therefor "section 50 of the *Wildlife Ordinance*".

Ibid

94. Section 4 of the *Travel and Outdoor Recreation Ordinance* is amended by adding thereto, immediately after the words "Except as otherwise provided by this Ordinance or the regulations" the words "or the *Wildlife Ordinance* or the regulations thereunder,".

Amendment of Travel and Outdoor Recreation Ordinance

REPEALS

95. (1) The *Game Ordinance* is repealed.

Repeal

(2) The *Fur Export Ordinance* is repealed.

Ibid

COMMENCEMENT

96. This Ordinance shall come into force on the first day of July, 1979.

Commencement

Schedule A

GENERAL

References in this Schedule to specific animals included in a genus are deemed not to form part of this Schedule but are inserted for convenience of reference only.

ITEM 1. BIG GAME

- (1) *Bison* - including buffalo and bison
- (2) *Canis* - including coyotes and wolves
- (3) *Felis* - including mountain lions
- (4) *Gulo* - including wolverine
- (5) *Oreamnos* - including mountain goats
- (6) *Ovis* - including mountain sheep
- (7) *Ovibos* - including muskox
- (8) *Ursus* - including bears
- (9) *Cervidae* except *Rangifer tarandus tarandus* within the Mackenzie Reindeer Grazing Reserve - including caribou, moose and deer except reindeer in that preserve.

- ITEM 2. **BIRDS OF PREY**
 - (1) *Falconiformes* - including eagles, falcons, hawks, harriers and ospreys
 - (2) *Strigiformes* - including owls
- ITEM 3. **FUR-BEARING ANIMALS**
 - (1) *Castor* - including beaver
 - (2) *Alopex* - including white fox and arctic fox
 - (3) *Lutra* - including otter
 - (4) *Lynx* - including lynx
 - (5) *Martes* - including martens and fishers
 - (6) *Mephitis* - including skunk
 - (7) *Mustela* - including ermine, weasels, least weasels and mink
 - (8) *Ondatra* - including muskrat
 - (9) *Tamiasciurus* - including red squirrels
 - (10) *Vulpes* - including red, cross, black and silver fox
 - (11) *Gulo* - including wolverine
 - (12) *Canis* - including wolves and coyotes
- ITEM 4. **SMALL GAME**
 - (1) *Erethizon* - including porcupine
 - (2) *Lepus* - including hare
 - (3) *Marmota* - including marmots, wood chuck and ground hogs
 - (4) *Spermophilus* - including ground squirrels
 - (5) *Tamiasciurus* - including red squirrels
 - (6) Upland game birds
- ITEM 5. **UPLAND GAME BIRDS**
 - (1) *Galliformes* - including grouse and ptarmigan
- ITEM 6. **NON-GAME BIRDS**
 - (1) birds that are not upland game birds or migratory game birds but that in their natural habitat are found wild in nature and are naturally occurring in the Territories
 - (2) *Corvidae* - including crows, jays and ravens
 - (3) *Icteridae* - including blackbirds and orioles
 - (4) *Pelecanidae* - including pelicans
 - (5) *Alcedinidae* - including kingfishers
- ITEM 7. **NON-GAME ANIMALS**
 - (1) *Eutamias* - including chipmunks
 - (2) *Glaucomys* - including flying squirrels
 - (3) *Neotoma* - including wood rat
 - (4) *Chiroptera* - including bats

Schedule B

(Subsections 8(1) and (3))

COLUMN I

LICENCE OR PERMIT

COLUMN II

ENTITLEMENTS (SUBJECT TO SUBSECTION 8(3))

General hunting licence	Hunt game, other than in the Reindeer Grazing Reserve and except fur-bearing animals in fur management areas specified in registered and registered group trapping area licences.
Wildlife certificate with stamp	Hunt game of the species permitted by a wildlife stamp attached to the wildlife certificate.
Outfitter licence	Let out for money or money's worth equipment to be used in the hunting of game and provide guides to hunters of game in the areas designated in the licence.
Guide licence	Guide hunters for money or money's worth.
Fur dealer licence	Operate a business of trading and trafficking in the raw hides and raw pelts of fur-bearing animals and big game at the location specified in the licence.
Travelling fur dealer licence	Operate a business of trading and trafficking in the raw hides and raw pelts of fur-bearing animals and big game at any location where the hunting of fur-bearing animals or big game is permitted.
Fur farm licence	Operate a business of propagating, raising and selling fur-bearing animals at the location specified in the licence.
Game farm licence	Operate a business of keeping live game for the purposes of propagation, sale, profit or display.
Tanner licence	Operate a business of tanning raw hides and raw pelts of game at the location specified in the licence.

1. Taxidermist licence	Operate a business of preserving, preparing, stuffing or mounting wildlife at the location specified in the licence.
2. Special trapping licence	Hunt fur-bearing animals.
3. Registered trapping area licence	Exclusively to hunt fur-bearing animals in the fur management area specified in the licence.
4. Registered group trapping area licence	Exclusively to hunt fur-bearing animals in the fur management area specified in the licence, the right belonging solely to the group named in the licence.
5. Licence to capture or possess wildlife, or both	Capture or possess wildlife, or both, of the species, in the number and as otherwise specified in the licence.
6. Licence to export/import live wildlife	Export or import live wildlife specified in the licence.
7. Reindeer Reserve caribou licence	Hunt caribou in the portions of the Reindeer Grazing Reserve specified in the licence.
8. Wildlife export permit	Export dead wildlife specified in the permit.
9. Wildlife transport permit	Transport wildlife within the Northwest Territories of the species and in the number specified in the permit.
10. Wildlife research permit	Conduct scientific research on wildlife and, where specifically authorized by the permit, collect wildlife specimens.
11. Wildlife management permit	Conduct activity in the interests of wildlife management that is otherwise prohibited by this Ordinance or the regulations.

QUEEN'S PRINTER FOR CANADA
OTTAWA, 1978

CHAPTER 9

AN ORDINANCE TO AMEND THE WORKERS' COMPENSATION ORDINANCE

(Assented to October 27, 1978)

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

1. The *Workers' Compensation Ordinance* is amended by repealing paragraph 2(1)(z) and substituting the following:

"(z) "Year's Maximum Assessable Remuneration" means the maximum remuneration for any year for the purposes of determining the benefits payable in respect of an accident that occurs in the year and for determining the amount of the assessable payroll of an employer for the year, and is equal to sixteen thousand eight hundred dollars."

2. Subsection 1 shall come into force on the first day of January, 1979.

QUEEN'S PRINTER FOR CANADA
OTTAWA, 1978

