

DOC. 324

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY
SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

COURSE TITLE: FORESTRY LAW

CODE NO.: FOR 211-3 SEMESTER: IV

PROGRAM: FORESTRY TECHNICIAN, NATIVE RESOURCES TECH. PROGRAM

AUTHOR: H.A. COOPER

DATE: SEPTEMBER 1992 PREVIOUS OUTLINE DATED: NOVEMBER 1991

APPROVED: [Signature]
DEAN

Sept 22/92
DATE

FORESTRY LAW

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TOTAL CREDIT HOURS: 48

PREREQUISITE(S): None

I. PHILOSOPHY/GOALS:

This course will acquaint students with the Canadian and Ontario justice systems and how forest related Acts and regulations are formulated and implemented.

The students will be required to have a working knowledge of the content of the major Acts that affect forest resource use, as well as the role and powers of officers under these acts.

II. STUDENT PERFORMANCE OBJECTIVES:

Upon successful completion of this course the student will:

1. Discuss the origin and jurisdiction of Natural Resource legislation.
2. Describe the history and current status of Native Rights legislation in Ontario.
3. Describe the Levels of Court in Ontario.
4. Distinguish between Provincial and Federal powers and procedures in enforcement.
5. Discuss the importance of major legislation that affects Natural Resources.
6. Discuss the role of enforcement officers in Integration Field Monitoring (I.F.M.).

III. TOPICS TO BE COVERED:

1. i) The History of Natural Resource Law
ii) The application of Native Legislation in the context of the BNA and the Constitution Act 1982.
2. Laws and Their Application in General.
3. Statutes and Regulations That Protect Our Forests.
4. Statutes and Regulations That Protect Our Parks and Public Lands.
5. Statutes and Regulations That Protect the Environment.
6. Statutes and Regulations That Protect our Fish and Wildlife.
7. Statutes and Regulations That Protect People (Related to Natural Resources).
8. Integrated Field Monitoring

IV. LEARNING ACTIVITIES:

STUDENT REQUIRED RESOURCES:

1.0 The History of Natural Resources Law

Upon successful completion of this unit, the student will be able to:

Read the summation of the "Charter of Rights and Freedoms".

1.1 Draw a chart showing the levels of court and the responsibilities of each level.

Assigned Readings:
Students will be asked to read some of the following:

1.2 Distinguish between Federal, Provincial and Municipal jurisdiction and legislation.

1. Assorted newspaper clippings.

1.3 Describe how the Charter of Rights and Freedoms may affect Natural Resource law.

2. "Native Use of Wildlife" - Canadian Wildlife Federation

1.4 Distinguish between 'treaty rights' and 'aboriginal rights' as they apply to Native nations.

3. "Self-Government and the Aboriginal and Treaty Food Harvesting Rights of the Aboriginal Peoples of Ontario" - Chris Reid

1.5 State the hierarchy of the above rights compared to provincial laws, federal laws, and the Constitution.

4. Alternatives Vol. 18 No. 2 1991 - "Aboriginal Peoples and Resource Development".

2.0 Laws and Their Applications

2.1 Describe the sources of law used in Ontario.

Students will do a short written assignment based on a courtroom visit.

2.2 Distinguish between a tort and an offence.

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IV. LEARNING ACTIVITIES: (cont'd)

STUDENT REQUIRED RESOURCES:

2.3 Describe significant differences between Federal and Provincial offences and procedures in their enforcement.

2.4 State the powers that officers and citizens have to arrest and search/seizure under pertinent legislation.

2.5 Describe significant examples of case law that are used to define Native food harvesting rights.

3.0 Statutes and Regulations That Protect Our Forests

3.1 State the intent of legislation that protects Forests.

3.2 Solve case studies and problems related to this type of legislation.

4.0 Statutes that Protect Our Parks and Public Lands

4.1 State the intent of legislation that protect our parks and public lands.

4.2 Solve case studies and problems related to this type of legislation.

Review key sections of:

- The Provincial Offences Act
- The Criminal Code of Canada
- The Young Offenders Act
- The Crown Timber Act
- The Woodlands Improvement Act
- The Forestry Act
- The Trees Act
- The Forest Fire Prevention Act
- The Forest Tree Pest Control Act

Review key sections of:

- The Provincial Parks Act and Regulations
- The Wilderness Areas Act
- The Beds of Navigable Waters Act
- The Public Lands Act
- The Navigable Water Protection Act
- The Lakes & Rivers Improvement Act
- The Wild Rice Harvesting Act
- The Conservation Authorities Act
- The Aggregate Resources Act

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IV. LEARNING ACTIVITIES: (cont'd)

STUDENT REQUIRED RESOURCES:

5.0 Statutes That Protect the Environment

Review key sections of:

5.1 State the intent of legislation designed to protect our environment (Listed under "required resources").

The Environmental Protection Act
The Environmental Assessment Act
Public Health Act
The Ontario Water Resources Act
The Drainage Act
The Canada Waters Act
Public Lands Act
The Lakes & Rivers Improvement Act
The Fisheries Act
The Pesticides Act

5.2 Solve case studies and problems related to this legislation.

6.0 Statutes that Protect Our Fish and Wildlife

Review key sections of:

6.1 State the intent of legislation designed to protect fish and wildlife (Listed under "Required Resources").

The Fisheries Act
The Ontario Fishery Regulations
The Migratory Birds Convention Act and Regulations
The Game and Fish Act and Regulations
The Endangered Species Act
The Criminal Code of Canada

6.2 Solve case studies and problems related to this legislation.

7.0 Statutes That Protect People Related to Natural Resources

Review key sections of:

7.1 State the intent of legislation (listed under "Required Resources") designed to protect people.

The Indian Act
The Trespass to Property Act
The Occupiers Liability Act
The Dog Licensing and Livestock and Poultry Protection Act
The Wolf Damage to Livestock Compensation Act
The Hunter Damage Compensation Act
The Game and Fish Act
The Public Health Act
The Environmental Protection Act
The Off-Road Vehicles Act
The Motorized Snow Vehicles Act

7.2 Solve case studies and problems related to this legislation.

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IV. LEARNING ACTIVITIES:(cont'd) STUDENT REQUIRED RESOURCES:

8.0 Integrated Field Monitoring

8.1 Describe the need and use of work permits on Crown Land.

8.2 Explain what legislation is monitored under the work permit system.

8.3 Describe the steps in compliance monitoring

90%	=	A+
80 - 89%	=	A
70 - 79%	=	B
60 - 69%	=	C

VI. REQUIRED STUDENT RESOURCES:

Office Consolidations of Acts (available in the bookstore)
Highlights of key sections of other legislation (hand-out)
Schedules of Offences and Out-of-Court Settlements - Bookstore
"Alternatives", Vol. 18, No. 2 1991.

VII. SPECIAL NOTES:

Students with an overall average of more than 55% may have an opportunity to rewrite the course material in a final examination, providing their attendance and demonstrated effort are satisfactory.

Students with special needs (e.g. physical limitations, visual impairments, hearing impairments, learning disabilities) are encouraged to discuss required accommodations confidentially with the instructor.

Your instructor reserves the right to modify the course as he/she deems necessary to meet the needs of students.

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V. EVALUATION METHODS: (INCLUDES ASSIGNMENTS, ATTENDANCE REQUIREMENTS ETC.)

Three term tests based on theory, case studies	-	70%
Short reports based on reading assignments and courthouse visit	-	30%

		100%

<u>Grading</u>	-	A+	=	90%+
		A	=	80 - 89%
		B	=	70 - 79%
		C	=	60 - 69%

VI. REQUIRED STUDENT RESOURCES:

Office Consolidations of Acts (available in the Bookstore)
 Reprints of key section of other legislation (hand-out)
 "Schedule of Offences and Out-of-Court Settlements" - Bookstore
 "Alternatives", Vol. 18, No. 2 1991.

VII. SPECIAL NOTES:

Rewrites - Students with an overall average of more than 55% may have an opportunity to rewrite the course material in a final examination, providing their attendance and demonstrated effort are satisfactory.

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