

Bill No. 75 of 1951.

A BILL RESPECTING PROVINCIAL PARKS.

NOTE.

This Bill repeals *The Provincial Parks and Protected Areas Act* and enacts a new Act in its stead to be known as "*The Provincial Parks Act*".

The administration of this Act is being transferred from the Department of Public Works to the Department of Lands and Forests so the definitions of "Department" and "Minister", etc., in the interpretation section are amended accordingly.

The Lieutenant Governor in Council is empowered to constitute any area of land as a provincial park by the publication of an order in *The Alberta Gazette*. Existing provincial parks are continued as such. The Minister, with the approval of the Lieutenant Governor in Council, may purchase, expropriate or otherwise acquire land for a public park. Lands within a park are withdrawn from sale and permanent occupation. All provincial parks are constituted game preserves and bird sanctuaries and hunting and shooting within a park are prohibited.

A Provincial Parks Board is constituted to administer the parks. The Board consists of not more than three members appointed by the Lieutenant Governor in Council. Board members hold office during pleasure and receive such remuneration as may be fixed by the Lieutenant Governor in Council.

Provision is made for the appointment of an advisory committee of not more than three members for any particular park. The Board may consult with any such committee with respect to the administration of that park. The members of advisory committees serve without compensation but they are entitled to receive their actual disbursements for expenses in visiting or inspecting parks at the request of the Board.

The Minister is given wide powers with respect to parks which are set out in detail in the Act. The Minister may delegate any of his duties to the Board. The Lieutenant Governor in Council also has broad power to make regulations under the Act. All regulations or orders are required to be published in *The Alberta Gazette*.

The Bill contains several provisions relating to roads in provincial parks. These provisions deal, among other things, with the power of the Minister to open and close them, and to maintain and repair them.

The Minister is empowered to prohibit all travelling or camping in a park without a special permit.

The grazing of stock within a park is prohibited unless the owner has a permit from the Minister. Stock found grazing within a park may be seized and sold at public auction. The proceeds of the sale are to be paid over to the Minister.

Any lease, license or permit issued under this Act and held by any person convicted of an offence against this Act is automatically deemed to be cancelled. Other penalty provisions for violation of various provisions of the Act are also included.

This Bill comes into force upon assent.

KENNETH A. MCKENZIE,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 75 of 1951.

An Act respecting Provincial Parks.

(Assented to _____, 1951.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short Title.

1. This Act may be cited as "*The Provincial Parks Act*". Short title

Interpretation.

2. In this Act, unless the context otherwise requires,—
- (a) "Board" means the Provincial Parks Board appointed under the provisions of this Act; Interpretation "Board"
 - (b) "Department" means the Department of Lands and Forests; "Department"
 - (c) "freehold lands" means lands held in fee simple; "freehold lands"
 - (d) "local road" or "road" means any road built or operated by the Board; "local road" or "road"
 - (e) "Minister" means the Minister of Lands and Forests; "Minister"
 - (f) "officer" means any officer appointed under the provisions of *The Public Service Act, 1947*, and such other persons as may be appointed by the Minister and the Board to perform any function incidental to the administration of provincial parks; "officer"
 - (g) "park" means any area comprising lands for the time being set aside as a provincial park pursuant to this Act; "park"
 - (h) "public lands" means all real property of whatsoever nature or kind to which this Act applies, and all trees and timbers thereon and the beds of rivers, lakes and streams. "public lands"

Application of Act.

3. (1) This Act and the regulations made thereunder shall apply to all lands within the boundaries of any park established pursuant to this Act. Application of Act

(2) In case any conflict arises between any of the provisions of this Act and any of the provisions of any other Act, the provisions of this Act shall prevail.

Establishment of Parks.

- Lieutenant Governor in Council may constitute, accept gift of land for and declare name of provincial park
- 4.** (1) The Lieutenant Governor in Council may,—
- (a) constitute any area of land a provincial park; and
 - (b) accept a gift of land from any person for that purpose; and
 - (c) declare by what name a park shall be known.
- (2) Upon the publication of the order of the Lieutenant Governor in Council in *The Alberta Gazette* the area described in the order shall thereupon be constituted a provincial park within the meaning of this Act.
- Park constituted under *The Provincial Parks and Protected Areas Act* continued
- 5.** Every park constituted pursuant to *The Provincial Parks and Protected Areas Act*, being chapter 64 of the Revised Statutes of Alberta, 1942, is hereby continued as a provincial park.
- Minister may acquire land for park
- 6.** (1) The Minister, with the approval of the Lieutenant Governor in Council, may purchase, expropriate or otherwise acquire any land within a park or which adjoins and is surrounded on three sides by any park, the title to which is not vested in the Crown in the right of the Province, or may exchange therefor available public lands situated outside the boundaries of the park, and, where necessary, may make compensation upon an exchange.
- (2) Upon the vesting of title to such lands in the Crown in the right of the Province, such lands shall thereupon be deemed to be part of the park for all purposes.
- Vesting of title to park lands
- 7.** The Lieutenant Governor in Council may increase any park by the addition of lands or decrease any park by the withdrawal of lands or declare lands previously constituted as a park to be to no longer a park within the meaning of this Act.
- Addition to or withdrawal of park lands
- Use of park
- 8.** (1) Every park shall be used for the pleasure, recreation and general benefit of the inhabitants of the Province and for the conservation, maintenance and protection of animal, bird and fish life therein, and the preservation of geological, ethnological, historical or other scientific interest.
- (2) The land constituting a park shall be withdrawn from sale and permanent occupation.
- Game preserves and bird sanctuaries
- 9.** All parks constituted pursuant to this Act are hereby declared to be game preserves and bird sanctuaries and no person shall at any time hunt, shoot at, take or kill any animal or bird within any park unless he is expressly authorized to do so by the Minister upon the recommendation of the Board.

10. (1) Notwithstanding the provisions of any other Act, all public lands within the boundaries of any park established by this Act are hereby withdrawn from disposition under the provisions of any other Act or regulation made thereunder, except with the written consent of the Minister of Lands and Forests.

Disposition
of public
lands within
park
boundaries

(2) No public lands within the boundaries of a park shall be leased or otherwise disposed of, or be located or settled upon, and no person shall use or occupy any part of such public lands except under the authority of this Act or of the regulations made thereunder.

11. Any area of land which the Lieutenant Governor in Council constitutes a provincial park shall be deemed to be a public work within the meaning of *The Surveys and Expropriation Act*, and all the provisions of that Act relating in any way to the expropriation of lands for public works, the compensation therefor and arbitration with respect thereto, shall apply to such area, together with such other provisions of the Act as may be applicable in view of the provisions of this Act, save that the powers conferred upon the Minister by that Act shall be exercisable by the Minister of Lands and Forests.

Provincial
park deemed
public work

Organization and Constitution of Board.

12. In order to effect the intent, purpose and object of this Act there is hereby constituted a Board to be called the Provincial Parks Board.

Constitution
of
Provincial
Parks Board

13. (1) The Board shall consist of not more than three members to be appointed by the Lieutenant Governor in Council, one of whom shall be designated as chairman.

Number of
Board
members

(2) The secretary to the Board shall be a member of the Department appointed by the Minister, who shall hold office during the pleasure of the Minister.

Board
secretary

(3) Each of the members of the Board shall hold office during the pleasure of the Lieutenant Governor in Council.

Term of
office of
Board
members

(4) In the event of any vacancy occurring in the membership of the Board the Lieutenant Governor in Council may appoint a person to fill the vacancy.

Vacancies
on Board

(5) In case the office of chairman becomes vacant, the Lieutenant Governor in Council may appoint any person to fill the vacancy.

(6) The chairman and each other member of the Board shall receive such remuneration as may be fixed by the Lieutenant Governor in Council.

Remunera-
tion of Board
members

14. The Lieutenant Governor in Council, subject to the provisions of *The Public Service Act, 1947*, may appoint such officers and clerks as may be deemed necessary to ad-

Appointment
of officers
and clerks

minister and enforce the provisions of this Act and the regulations under the direction and control of the Minister.

Administration.

Minister
may appoint
advisory
committee

15. (1) The Minister may appoint an advisory committee of not more than three members for any park and the Board shall consult from time to time with such committee regarding the administration of the park for which the committee has been appointed.

(2) Every appointment to an advisory committee made by the Minister shall be published in *The Alberta Gazette*, and each member of any advisory committee shall continue in office at the pleasure of the Minister.

Expenses
of advisory
committee

(3) The members of every advisory committee shall serve without compensation, but each member shall be entitled to receive his actual disbursements for expenses in visiting or inspecting the park when the visit or inspection is made or rendered at the request of the Board.

Advisory
committee
member pro-
hibited from
having con-
tract with
Board

(4) No member of an advisory committee shall have any contract with the Board in respect to park improvement or development or be pecuniarily interested, directly or indirectly, in any contract or work relating to any park or park property.

Minister
to control,
manage and
maintain
park

16. The Minister shall control, manage and maintain the park for the objects specified in this Act, and for that purpose he shall utilize such moneys as may from time to time be appropriated by the Legislative Assembly for the purpose and other revenues acquired under the provisions of this Act.

Minister
may,—
construct
roads, etc.

17. The Minister within a park may,—

(a) construct roads, bridges, buildings, piers, fences sanitation works and improvements and in addition may carry out such other works as he may consider necessary for the purposes of the park;

take steps
to secure
animal and
vegetable life

(b) take such steps as will ensure the security of the animal and vegetable life in the park and the preservation of the park and the animals and vegetation therein in a natural state;

reserve park
area for
specific
purposes

(c) reserve or set aside any area of any park as a breeding place for animals, and as a nursery for trees, shrubs, plants and flowers;

exercise
conferred
powers
forbid
excavation

(d) exercise all such powers as may be conferred upon him by the Lieutenant Governor in Council;

(e) forbid the excavation of fossil remains or skeletons within a public park, or regulate the same;

declare
historic
object

(f) declare any structure or thing or any natural object existing within the Province to be an "historic object" and to prescribe penalties for any interference with that object;

- (g) make regulations for the prevention and extinguishment of fires; make regulations for fire prevention
- (h) regulate the cutting and removal of timber where it is considered necessary or advantageous in developing and improving the park or protecting and preserving the major forest values of the park for the enjoyment of the public; regulate cutting and removal of timber
- (i) regulate the removal of sand, gravel, earth, stone or any other material; regulate removal of sand, etc.
- (j) regulate the use of lands for agricultural products; regulate use of lands
- (k) regulate the establishment and use of reservoirs; regulate reservoirs
- (l) dispose of any animal, vegetable or other product of a park; dispose of animals etc.
- (m) regulate traffic in the park; regulate traffic
- (n) erect a museum in the park; erect museum
- (o) regulate the issuing of permits for the pasturage or grazing of stock; regulate issuing of permits
- (p) regulate the leasing of lands in a reserve for residential purposes, tourist cabins and service stations, or for any other specific purpose; regulate leasing of lands
- (q) do all such other things as may be necessary or proper for the equipment, maintenance or management of a park and the preservation of order therein and of the amenities thereof; preserve order in park
- (r) prescribe fees for services within a park; prescribe fees
- (s) exclude members of the public from any area or areas within a park; exclude public from park
- (t) let sites in the park for concessions for service to the public or for buildings for the accommodation of visitors, or for shops, or other undertakings, and set aside portions of the park for recreation grounds; let park sites
- (u) regulate the tariff of fees payable for all leases, licenses and permits; regulate tariff of fees
- (v) make regulations for the confiscation and disposal of things seized; make regulations governing confiscation
- (w) lease any part of the park in accordance with regulations to be prescribed by the Lieutenant Governor in Council; lease park
- (x) regulate any other use not inconsistent with the provisions of this Act; regulate use of park
- (y) regulate the control and operation of any vessel or craft whatsoever, including their equipment, upon any lake, river, stream or body of water; regulate lake or river vessels
- (z) establish toll rates for the commercial use of any local road, trail or bridge; establish toll rates
- (aa) make, subject to the approval of the Lieutenant Governor in Council, regulations not inconsistent with this Act, as to all or any of the matters men- regulate parks generally

tioned in this section and as to such other matters and things relating to any park as may be deemed necessary or expedient.

Powers and duties of Board

18. The Board shall perform such duties and exercise such powers pertaining to a park, which are imposed or conferred upon the Minister by this Act as may from time to time be assigned by the Minister to the Board.

Lieutenant Governor in Council may make regulations governing,—
protection of parks
preservation of animal life
unauthorized business
trespassers

19. (1) The Lieutenant Governor in Council may from time to time make regulations not inconsistent with this Act, governing,—

- (a) the protection, care and management of parks;
- (b) the preservation and destruction of fish, bird and animal life;
- (c) the prevention of unauthorized business and traffic;
- (d) the removal and exclusion of undesirable persons and trespassers, and of persons making any unauthorized use of any park or failing to comply with any regulation or order;
- (e) the use of land for roads, bridges, townsites, hospitals, places of worship, burying grounds, and schools and purposes connected therewith;
- (f) the exploration, excavation and searching of land for the purpose of obtaining fossil remains, or for other objects of geological, ethnological, historical or scientific interest;
- (g) generally as to any matter or thing the doing of which is permitted by this Act, or as to any case which may arise and for which no specific provision is made by this Act for the purposes of carrying out the provisions of this Act according to the true intent thereof;
- (h) the terms upon which land within a park may be subdivided and leased;
- (i) where no prohibition is contained herein, authorize the doing of such acts, matters and things relating to the administration of any park, as may be deemed essential and desirable.

use of land

exploration, etc.

general matters

subdivision and leasing of park lands
administration of park

Coming into force of regulation or order

20. (1) Each regulation or order made by the Minister or by the Lieutenant Governor in Council under the authority of this Act shall come into force on the day upon which it is approved or made, or on such later date as may be prescribed in the regulation or order, and every such regulation or order shall have the same force and effect as if it had been expressly enacted by this Act.

Copy of regulations or orders to be laid before the Legislative Assembly

(2) Every regulation or order shall be published in *The Alberta Gazette* and a copy thereof shall be laid before the Legislative Assembly within fifteen days after the opening of the next ensuing session of the Legislature.

21. (1) The revenue shall consist of voluntary subscriptions, donations and bequests received by the Minister from the public, fees or other moneys received under the provisions of this Act, fines paid or recovered in respect of contraventions of this Act or the regulations, and such money as may be appropriated by the Legislative Assembly. Revenue

(2) Any fine paid or recovered in respect of any contravention of this Act or the regulations committed within a park, shall be paid over to the Minister. Disposition of fines

(3) The Minister shall keep a full and correct account of all moneys received and expended by him under this Act, and shall annually lay before the Legislative Assembly, within fifteen days after the commencement of the first session in each year, a statement of any moneys received and expended by him, properly audited by the Provincial Auditor. Annual report by Minister to Legislative Assembly

Roads.

22. All road allowances, public travelled roads or trails, within any park constituted pursuant to the provisions of this Act, shall be and become a part of the park and be subject in all respects to the provisions of this Act. Road allowances

23. (1) The Minister, by order, may provide for the closing and reopening of any highway, local road, trail or bridge, or any specified part thereof, to all travel or use, or to any specified kind of travel or use. Minister may close highway

(2) The Minister, by order, may delegate the powers conferred upon him by this section to the Board or to any person or persons.

24. (1) The Minister, by engineers, agents, workmen, servants or officers, may enter into and upon and occupy any land which is contiguous to any local road and may erect snow fences upon any such land for the purpose of preventing the local road from becoming blocked by snow-drifts and may enter upon the land for the purpose of maintaining, repairing, removing or replacing any snow fence. Snow fences

(2) No person shall be entitled to any rent or any other compensation whatsoever in respect of any entry or occupation effected under this section.

25. Any person who is found on a road, trail or bridge when traffic thereon has been prohibited, or a detour sign has been erected to direct traffic elsewhere, shall be guilty of an offence and liable upon summary conviction to a fine of not less than ten dollars and costs nor more than fifty dollars and costs and in default of payment, to imprisonment for a term not exceeding thirty days. Penalty for trespassing

26. Any person who wilfully defaces, knocks down, removes or otherwise renders illegible or injures any sign, Penalty for wilful damage

signal or obstruction erected for the direction or safety of traffic, or for any other purpose, shall be guilty of an offence and liable upon summary conviction to a penalty of not less than ten dollars and costs and not more than fifty dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.

Camping and Travelling in Provincial Parks.

Minister may prohibit travelling or camping in park **27.** (1) Whenever the Minister deems it advisable to do so, he may prohibit by order all travelling or camping in a park without a special permit, and a notice of such prohibition shall be posted at the point of registration.

Penalty for travelling or camping in park when prohibited (2) Any person who contravenes any provision of this section shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.

Stock.

Permit to graze stock on park land **28.** No person shall keep, maintain or graze any stock, or allow or permit any stock to run at large, in any park unless he has a permit from the Minister entitling him to do so.

Seizure of stock **29.** Any officer of the Department may round up, seize or detain any stock found grazing in any park for which no grazing permit has been issued.

Disposition of seized stock **30.** Upon any stock being so seized, if the owner thereof is unknown to the officer, he shall cause the stock to be offered for sale by public auction to be sold to the highest bidder.

Notice to owner of seized stock **31.** (1) Where the owner of such seized stock is known to the officer, he shall send to the owner by mail at his last known post office address, a notice in writing setting out,—
 (a) the date of the seizure;
 (b) a description of the animals seized;
 (c) a description of the place at which they are kept; and
 (d) the amount payable in respect thereof.

Sale of seized stock (2) Upon the expiration of fifteen days from the date of the mailing of the notice, unless the owner has sooner paid to him the costs of rounding up, seizing and detaining the stock, the Minister may cause the same to be offered for sale by public auction to be sold to the highest bidder.

Advertisement of sale of seized stock **32.** No sale by public auction shall take place until it has been advertised in two issues of a newspaper circulating in the area where the stock was seized.

33. Upon any stock being sold under the provisions of this Act, the property therein shall pass to the purchaser and all rights of property which existed therein immediately before the sale shall be extinguished.

Title to
stock vests
in purchaser

34. The proceeds of any sale held pursuant to section 30 or 31 shall be paid over to the Minister.

Disposition
of proceeds
of sale of
seized stock

General.

35. (1) Any lease, license or permit issued under the provisions of this Act and held by any person convicted of an offence against any of the provisions of this Act or the regulations shall be deemed to be cancelled without further action or notice upon such conviction.

Cancellation
of lease,
license or
permit upon
conviction

(2) Upon the conviction of any person for an offence against any of the provisions of this Act or the regulations, the justice of the peace shall order that any lease, license or permit held by the person so convicted be turned over to him to be forwarded forthwith to the Department.

(3) The Minister may authorize the reinstatement of any such lease, license or permit so cancelled, upon such terms as he may deem just.

Reinstatement
of
lease, license
or permit

36. No person shall fish in a provincial park unless he has in his possession a permit from the Minister.

Permit
to fish

37. A contravention of any provision of this Act or of the regulations shall constitute an offence against this Act.

Offence

38. Any person who contravenes any provision of this Act or the regulations for the infraction of which no specific penalty is provided, shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and costs, and in default of immediate payment to imprisonment with or without hard labour for a term not exceeding six months.

General
penalty
provision

39. In any prosecution or investigation under this Act or the regulations, the onus shall be upon the person charged or investigated to prove compliance with the provisions of this Act or the regulations.

Onus of
proof

40. No action shall lie against any officer or person having the management or control, pursuant to any of the provisions of this Act, of any park for the recovery of damages arising out of anything done or omitted to be done by any person in, on, or about any park or in relation thereto.

Right of
action

41. *The Provincial Parks and Protected Areas Act*, being chapter 64 of the Revised Statutes of Alberta, 1942, is hereby repealed.

Repeal

Coming
into force

42. This Act shall come into force on the day upon which it is assented to.

No. 75.

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act respecting Provincial Parks.

Received and read the

First time

Second time

Third time

HON. MR. TANNER.
