

No. 75

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2nd Session, 14th Legislature, Alberta  
9 Elizabeth II

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## **BILL 75**

A Bill to amend The Provincial Parks Act

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HON. MR. WILLMORE

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## **Explanatory Note**

### **2. Sections 2 to 11 are revised. These sections presently read:**

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

#### **Application of Act**

3. (1) This Act and the regulations apply to lands within the boundaries of a park established pursuant to this Act.
- (2) If a conflict arises between a provision of this Act and a provision of another Act, the provision of this Act prevails.

#### **Establishment of Parks**

4. (1) The Lieutenant Governor in Council may
- (a) constitute any area of land a provincial park,
  - (b) accept a gift of land for the purpose of a park, and
  - (c) declare the name by which a park shall be known.
- (2) On the publication of the order of the Lieutenant Governor in Council in The Alberta Gazette the area described in the order is constituted a provincial park within the meaning of this Act.
5. Every park constituted pursuant to The Provincial Parks and Protected Areas Act is continued as a provincial park.
6. (1) The Minister with the approval of the Lieutenant Governor in Council may
- (a) purchase, expropriate or otherwise acquire
    - (i) land within a park, or
    - (ii) land that adjoins and is surrounded on three sides by a park, the title to which is not vested in the Crown in the right of the Province, or

# BILL

No. 75 of 1961

An Act to amend The Provincial Parks Act

(Assented to \_\_\_\_\_, 1961)

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

**1.** *The Provincial Parks Act*, being chapter 249 of the Revised Statutes, is hereby amended.

**2.** Sections 2 to 11 are struck out and the following are substituted:

**2.** In this Act,

- (a) "Board" means the Provincial Parks Board appointed under this Act;
- (b) "Commissioner" means the Provincial Parks Commissioner of the Department of Lands and Forests or an officer appointed to perform any of the duties of the Commissioner;
- (c) "concession permit" means a licence to conduct a business pursuant to the provisions of this Act;
- (d) "Department" means the Department of Lands and Forests;
- (e) "disposition" means every instrument executed pursuant to the provisions of this Act by which any estate, right or interest in any public lands is granted to any person;
- (f) "historical site" means an area comprised of lands constituted as a historical site pursuant to this Act;
- (g) "land" means lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every nature and description, and every estate or interest therein, whether such estate or interest is legal or equitable, together with paths, passages, ways, watercourses, liberties, privileges and easements appertaining thereto and trees and timber thereon, but does not include mines and minerals;
- (h) "lease" means any form of terminable grant issued pursuant to the provisions of this Act;
- (i) "lessee" means any person who is a party to any lease or other form of terminable grant issued pursuant to this Act;

- (b) exchange for land referred to in clause (a) any available public lands situated outside the boundaries of the park, and make compensation where necessary on the exchange.
- (2) On the vesting of title to lands referred to in subsection (1) in the Crown in the right of the Province, such lands shall thereupon be deemed to be a part of the park for all purposes.
- 7. The Lieutenant Governor in Council may
  - (a) increase a park by the addition of lands,
  - (b) decrease a park by the withdrawal of lands, or
  - (c) declare lands previously constituted as a park to be no longer a park within the meaning of this Act.
- 8. (1) A park shall be used
  - (a) for the pleasure, recreation and general benefit of the inhabitants of the Province,
  - (b) for the conservation, maintenance and protection of animal, bird and fish life therein, and
  - (c) for the preservation of all areas and objects therein of geological, ethnological, historical or other scientific interest.
- (2) The land constituting a park shall not be sold or open to permanent occupation by any person.
- 9. (1) A park constituted pursuant to this Act is hereby declared to be a game preserve and a bird sanctuary.
- (2) No person shall hunt, shoot at, take or kill an animal or bird within a park unless that person is especially authorized to do so by the Minister on the recommendation of the Board.
- 10. (1) Notwithstanding the provisions of any other Act, public lands within the boundaries of a park established by this Act are hereby withdrawn from disposition under the provisions of any other Act or regulation made thereunder, unless the Minister consents in writing to such disposition.
- (2) Except under the authority of this Act or the regulations
  - (a) no public lands within the boundaries of a park shall be leased or otherwise disposed of, and
  - (b) no person shall settle upon, use or occupy any part of public lands within the boundaries of a park.
- 11. (1) An area of land that the Lieutenant Governor in Council constitutes a park shall be deemed to be a public work within the meaning of The Surveys and Expropriation Act.
- (2) The provisions of The Surveys and Expropriation Act relating to the expropriation of lands for public works, the compensation therefor, and arbitration with respect thereto, and such other provisions of that Act as are applicable in view of the provisions of this Act, apply to a park.
- (3) The powers conferred by The Surveys and Expropriation Act on the Minister referred to in that Act are exercisable by the Minister.

- (j) "local road" or "road" means a road built or operated by the Board;
- (k) "Minister" means the Minister of Lands and Forests;
- (l) "officer" means
  - (i) an officer appointed under *The Public Service Act*, and
  - (ii) any such other person as may be appointed by the Minister and the Board to perform a function incidental to the administration of provincial parks;
- (m) "park" means an area comprised of lands constituted as a provincial park pursuant to this Act;
- (n) "public lands" means
  - (i) real property of any nature or kind to which this Act applies, and the trees and timbers thereon, and
  - (ii) the beds of rivers, lakes and streams;
- (o) "regulations" means regulations made under this Act.

#### **Application of Act**

**3.** This Act and the regulations apply to lands within the boundaries of a park or historical site established pursuant to this Act.

**4.** If a conflict arises between a provision of this Act and a provision of another Act, the provisions of this Act prevail.

#### **Establishment of Parks and Historical Sites**

**5.** The Minister with the approval of the Lieutenant Governor in Council may purchase, expropriate or otherwise acquire land for a park or historical site the title to which is not vested in the Crown in right of the Province.

**6.** (1) The provisions of *The Surveys and Expropriation Act* relating to the expropriation of lands for public works, the compensation therefor and arbitration with respect thereto, and other provisions shall apply to lands required for parks and historical sites except where they conflict with the provisions of this Act.

(2) The powers conferred on the Minister of Public Works and the Minister of Highways by *The Surveys and Expropriation Act* are exercisable by the Minister of Lands and Forests.

**7.** The Lieutenant Governor in Council may

- (a) constitute any area of land which is vested in the Crown or leased by the Crown as a park or historical site,



- (b) accept a gift of land for the purpose of a park or historical site,
- (c) declare the name by which a park or historical site shall be known,
- (d) increase a park or historical site by the addition of lands,
- (e) decrease a park or historical site by the withdrawal of lands,
- (f) declare lands previously constituted as a park or historical site to be no longer a park or historical site within the meaning of this Act, and
- (g) make regulations for the administration of historical sites.

**8.** On the publication of the order of the Lieutenant Governor in Council in *The Alberta Gazette* the area described in the order is constituted a provincial park or historical site within the meaning of this Act.

**9. (1)** A park shall be used

- (a) for the pleasure, recreation and general benefit of the inhabitants of the Province,
- (b) for the conservation, maintenance and protection of animal, bird and fish life therein, and
- (c) for the preservation of all areas and objects therein of geological, ethnological, historical or other scientific interest.

(2) The land constituting a park shall not be sold or open to permanent occupation by any person.

**10. (1)** A historical site shall be used

- (a) for the pleasure, recreation and general benefit of the inhabitants of the Province,
- (b) for the conservation, maintenance and protection of animal, bird and fish life therein, and
- (c) for the preservation of all areas and objects therein of geological, ethnological, historical or other scientific interest.

(2) The land constituting a historical site shall not be sold or open to permanent occupation by any person.

**11. (1)** Notwithstanding the provisions of any other Act, public lands within the boundaries of a park or historical site established by this Act are hereby withdrawn from disposition under the provisions of any other Act or regulation made thereunder, unless the Minister consents in writing to such disposition.

(2) Except under the authority of this Act or the regulations

- (a) no public lands within the boundaries of a park or

**3. Coming into force.**



historical site shall be leased or otherwise disposed of, and

- (b) no person shall settle upon, use or occupy any part of public lands within the boundaries of a park or historical site.

**3.** This Act comes into force on the day upon which it is assented to.

No. 75

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SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

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## **BILL**

An Act to amend The Provincial  
Parks Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. WILLMORE

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