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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 70**

**THE PROVINCIAL PARKS AMENDMENT ACT, 1976**

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THE MINISTER OF RECREATION, PARKS AND WILDLIFE

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First Reading .....

Second Reading .....

Third Reading .....

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## BILL 70

1976

### THE PROVINCIAL PARKS AMENDMENT ACT, 1976

*(Assented to \_\_\_\_\_, 1976)*

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

1. *The Provincial Parks Act, 1974 is hereby amended.*
2. *Section 1 is amended by adding the following clause after clause (a):*
  - (a.1) "disposition" means an instrument entered into or issued by which any estate, right or interest in public land under the administration of the Minister by virtue of section 6.1 is conveyed by or on behalf of the Crown to any person;
3. *Section 4 is struck out and the following section substituted:*
4. The Minister may from time to time
  - (a) appoint persons to advisory committees for such terms as may be designated in their appointments for the purposes of advising the Minister in relation to any matter concerning a park, and
  - (b) authorize, fix and provide for the payment of remuneration and expenses to the members of a committee appointed pursuant to clause (a).
4. *The following sections are added after section 6:*

## Explanatory Notes

1. This Bill will amend chapter 51 of the Statutes of Alberta, 1974.

2. "Disposition" is defined for the purposes of the new section 6.1 below.

3. The Minister may pay remuneration and expenses to committee members. Section 4 presently reads as follows:

*4. The Minister may from time to time appoint persons to advisory committees for such periods as may be designated in their appointments for the purpose of advising in relation to any matter concerning a park or parks.*

4. Where authorized by the Regulations, the Minister may make dispositions of land under his administration.

**6.1 (1)** Land purchased, expropriated or otherwise acquired under section 5 or designated as a provincial park pursuant to section 6 is under the administration of the Minister.

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make dispositions;
- (b) restricting the use to be made of lands that are the subject of the dispositions;
- (c) prescribing the duties and obligations of the persons to whom the dispositions are made in relation to the use and occupation of the lands by them;
- (d) prescribing the terms and conditions to which dispositions are subject;
- (e) prescribing the conditions under which the Minister may cancel a disposition;
- (f) providing for the arbitration and settlement of any matter relating to the regulations or the dispositions made under them;
- (g) establishing the procedure for the submission of applications for dispositions and the requirements to be met by applicants to render them eligible to obtain the disposition;
- (h) prohibiting, or prohibiting without the consent of the Minister, assignments of any class of dispositions and, with respect to any class of dispositions that may not be assigned without the consent of the Minister, prescribing any conditions to be met before the consent may be given in a particular case;
- (i) prescribing the rate of interest payable on money owing under any disposition that is not paid within one month from the date it is due;
- (j) establishing a tariff of fees payable to the Minister
  - (i) for all applications, dispositions or renewals or reinstatements of dispositions;
  - (ii) for applications for the consent of the Minister to assignments of dispositions.



(3) The Minister may delegate to any employee of the Government the power to make dispositions or classes of dispositions under subsection (2) on his behalf.

(4) No disposition may be made under subsection (2) which grants an estate, right or interest in excess of 10 years in duration without the approval of the Lieutenant Governor in Council.

**6.2** Any disposition made by the Minister of Energy and Natural Resources or the Associate Minister of Energy and Natural Resources between April 16, 1975 and the date upon which this section comes into force is hereby declared to be valid for all purposes.

*5. Section 9 is amended by striking out subsections (2), (3) and (4).*

*6. The Public Lands Act is amended as to section 118, clause (b) by striking out subclause (ii).*

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

**5. Section 9, subsections (2), (3) and (4) presently read as follows:**

*(2) The Lieutenant Governor in Council may, with respect to parks, make regulations varying, substituting, adding to or making inapplicable thereto the provisions of any of the following Acts or regulations:*

*(a) The Public Lands Act and regulations thereunder, or*

*(b) The Forests Act, 1971 and regulations thereunder, or*

*(c) The Wildlife Act and regulations thereunder, or*

*(d) The Forest and Prairie Protection Act and regulations thereunder.*

*(3) Regulations under subsection (2) may be specific or general.*

*(4) A regulation under subsection (2) that varies, substitutes, adds to or makes inapplicable any provisions of any of the Acts listed in subsection (2) ceases to have any effect after the last day of the next ensuing session of the Legislature following the making of the regulation.*

**6. Consequential amendment to chapter 297 of the Revised Statutes of Alberta 1970. This amendment will remove the reference to The Provincial Parks Act in relation to the registration of assignments under The Public Lands Act. Section 118, clause (b) presently reads as follows:**

**118. In this Part,**

***(b) "disposition" includes any lease, permit or licence, or any instrument granting an estate or interest in public lands and made pursuant to***

***(i) The Forests Act, 1971 or its predecessors, or***

***(ii) The Provincial Parks Act or its predecessors;***