

1999 BILL 31

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 31

**AGRICULTURAL DISPOSITIONS
STATUTES AMENDMENT ACT, 1999**

MR. THURBER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 31
Mr. Thurber

BILL 31

1999

AGRICULTURAL DISPOSITIONS STATUTES AMENDMENT ACT, 1999

(Assented to , 1999)

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

Municipal Government Act

Amends SA
1994 cM-26.1

1(1) The *Municipal Government Act* is amended by this section.

(2) Section 290(3) is repealed and the following is substituted:

(3) Any area of land that is

- (a) owned by the Crown in right of Canada and is the subject of a grazing lease or grazing permit granted by the Crown in right of Canada, or**
- (b) owned by the Crown in right of Alberta and is the subject of an agricultural disposition issued under the *Public Lands Act***

must be assessed as if it were a parcel of land.

(3) Section 304(1) is amended

(a) in clause (c) by adding “subject to clause (c.1),” before “a parcel of land, an improvement”;

(b) by adding the following after clause (c):

Explanatory Notes

Municipal Government Act

1(1) Amends chapter M-26.1 of the Statutes of Alberta, 1994.

(2) Section 290(3) presently reads:

(3) Any area of land that is owned by the Crown in right of Alberta or Canada and is the subject of a grazing lease or grazing permit granted by either Crown must be assessed as if it is a parcel of land.

(3) Section 304(1)(c) presently reads:

304(1) The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.

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| <p>(c.1) a parcel of land, an improvement or a parcel of land and the improvements to it held under an agricultural disposition issued under the <i>Public Lands Act</i>;</p> | <p>(c.1) the Crown in right of Alberta;</p> |
|---|---|

(4) Section 416(2.3) is repealed and the following is substituted:

(2.3) In the case of a parcel of land described in section 304(1)(c) that is held under a lease, licence or permit from the Crown in right of Alberta, or a parcel of land described in section 304(1)(c.1),

- (a) the Crown must, on a quarterly basis, notify the municipality in which the parcel is located of any changes in the status of the lease, licence, permit or agricultural disposition, as the case may be, and
- (b) the municipality must send to the Crown that portion of the tax arrears list showing the parcels of land described in section 304(1)(c) or (c.1) that are held by the Crown.

Occupiers' Liability Act

Amends RSA
1980 cO-3

2(1) The *Occupiers' Liability Act* is amended by this section.

(2) Section 8(1) is amended by adding "in respect of a visitor" after "Act".

(3) The following is added before section 12:

Liability of
agricultural
disposition
holder

11.1 The liability of a holder of an agricultural disposition issued under the *Public Lands Act* in respect of a person who, under section 59.1 of the *Public Lands Act* and the applicable regulations, enters and uses the land that is subject to the agricultural disposition shall be determined as if the person entering the land were a trespasser.

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|--|--|
| <p>(c) a parcel of land, an improvement or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Alberta or Canada or a municipality;</p> | <p>(c) the holder of the lease, licence or permit or, in the case of a parcel of land or a parcel of land and the improvements to it, the person who occupies the land with the consent of that holder or, if the land that was the subject of a lease, licence or permit has been sold under an agreement for sale, the purchaser under that agreement;</p> |
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(4) Section 416(2.3) presently reads:

(2.3) Where a parcel of land described in section 304(1)(c) is held under a lease, licence or permit from the Crown in right of Alberta,

- (a) the Crown must, on a quarterly basis, notify the municipality in which the parcel is located of any changes in the status of the lease, licence or permit, as the case may be, and*
- (b) the municipality must send to the Crown that portion of the tax arrears list showing the parcels of land described in section 304(1)(c) that are held by the Crown.*

Occupiers' Liability Act

2(1) Amends chapter O-3 of the Revised Statutes of Alberta 1980.

(2) Section 8(1) presently reads:

8(1) The liability of an occupier under this Act may be extended, restricted, modified or excluded by express agreement or express notice but no restriction, modification or exclusion of that liability is effective unless reasonable steps were taken to bring it to the attention of the visitor.

(3) Limited liability of holder of agricultural disposition under the Public Lands Act.

Petty Trespass Act

Amends RSA
1980 cP-6

3(1) The *Petty Trespass Act* is amended by this section.

(2) Section 1(1)(b) is amended by striking out “a grazing lease or a grazing permit” and substituting “an agricultural disposition issued under that Act”.

Public Lands Act

Amends RSA
1980 cP-30

4(1) The *Public Lands Act* is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (a):

(a.1) “agricultural disposition” means a disposition under this Act that is made for agricultural purposes, but does not include a conveyance, assurance, sale or agreement for sale;

(a.2) “agricultural purposes” means agricultural purposes within the meaning of the regulations;

(b) by adding the following after clause (c):

(c.1) “conservation” means the planning, management and implementation of an activity with the objective of protecting the essential physical, chemical and biological characteristics of the environment against degradation;

(c) in clause (e) by adding “authorization,” after “permit,”;

(d) by adding the following after clause (e):

(e.1) “exploration” means exploration within the meaning of the regulations;

Petty Trespass Act

3(1) Amends chapter P-6 of the Revised Statutes of Alberta 1980.

(2) Section 1(1) presently reads:

1(1) No person shall trespass on

- (a) privately owned land,*
- (b) Crown land subject to any disposition granted under the Public Lands Act, except a grazing lease or a grazing permit, or*
- (c) a garden or lawn,*

with respect to which he has had notice by word of mouth, or in writing, or by posters or signboards, not to trespass.

Public Lands Act

4(1) Amends chapter P-30 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads in part:

1 In this Act,

- (e) "disposition" means every instrument executed pursuant to this Act, the former Act, The Provincial Lands Act or the Dominion Lands Act (Canada) whereby*
 - (i) any estate or interest in land of the Crown, or*
 - (ii) any other right or privilege in respect of land of the Crown that is not an estate or interest in land,*

is or has been granted or conveyed by the Crown to any person and, without derogating from the generality of subclauses (i) and (ii), includes a conveyance, assurance, sale, lease, licence, permit, contract or agreement made, entered into or issued pursuant to any of those Acts, but does not include a grant;

(e) by adding the following after clause (i):

- (i.1) “industrial or commercial purposes” means industrial or commercial purposes within the meaning of the regulations;

(f) by adding the following after clause (o):

- (o.1) “provincial or municipal infrastructure purposes” means provincial or municipal infrastructure purposes within the meaning of the regulations;

(3) Section 6 is repealed and the following is substituted:

Forms

6 The Minister may prescribe forms to be used for the purposes of this Act.

(4) Section 8 is amended

(a) by repealing subsection (1) and substituting the following:

Regulations

8(1) The Lieutenant Governor in Council may make regulations authorizing and governing dispositions of public land including, without limitation, regulations

- (a) restricting the use to be made of land that is the subject of a disposition;
- (b) respecting the rights, duties and obligations of disposition holders in respect of their use and occupation of the land that is the subject of a disposition;
- (c) respecting the terms for which dispositions may be granted and the renewal of dispositions;
- (d) respecting what constitutes an operational concern and respecting damage and payment for damage for the purposes of section 79.3;
- (e) defining “agricultural purposes”, “exploration”, “industrial or commercial purposes” and “provincial or municipal infrastructure purposes”;
- (f) defining “animal unit” and establishing zones for the purposes of section 119.1;

(3) Section 6 presently reads:

6 Except when a form is prescribed by regulation, the Minister may prescribe any forms to be used under this Act that he considers necessary in connection with its administration, or he may prescribe any other form that he considers applicable to any special case.

(4) Section 8 presently reads in part:

8(1) The Lieutenant Governor in Council may make regulations authorizing and governing dispositions of public land not expressly provided for by this Act and, without restricting the generality of the foregoing, the regulations may, with respect to the dispositions so authorized,

- (a) restrict the use to be made of land that is the subject of the dispositions;*
- (b) prescribe the duties and obligations of the persons to whom the dispositions are made in relation to the use and occupation of the land by them;*
- (c) provide for the enforcement of compliance with the regulations and remedies for the recovery of money payable by virtue of dispositions;*
- (d) vary, make inapplicable or authorize the waiver of compliance with any of the provisions of Part 2;*
- (e) prescribe the form of any disposition and any other documents or forms used in connection with the regulations;*
- (f) provide for the arbitration and settlement of any matter relating to the regulations or the dispositions made under them;*
- (h) provide for any other procedure or matter that relates to the dispositions.*

- (g) respecting associated corporations and what constitutes a change in beneficial ownership for the purposes of section 119.1;
- (h) providing for the enforcement of compliance with the regulations in respect of dispositions and for the recovery of money payable under or in respect of dispositions including, without limitation, the recovery of amounts owing by disposition holders to other persons by virtue of the operation of this Act, an order of the Minister or a term or condition of a disposition;
- (i) varying, making inapplicable or authorizing the waiver of compliance with any of the provisions of Part 2;
- (j) providing for any other matter or procedure related to dispositions.

(b) by repealing subsection (3)(c).

(5) Section 9 is amended

(a) in clause (a) by striking out “as defined in Part 10 of the *Mines and Minerals Act*”;

(b) by adding the following after clause (a.1):

- (a.2) providing for one or more means of settling disputes in respect of any matter under the regulations or in respect of dispositions, including, without limitation, disputes
 - (i) among holders of dispositions, applicants for dispositions and persons who are or may be affected by operations under a disposition, and
 - (ii) between the holder of an agricultural disposition and a person who wishes to exercise or exercises a right of reasonable access under section 59.1;
- (a.3) providing for appeals from enforcement orders issued under section 56.1;

(c) in clause (c) by striking out “, prescribing the form and content of applications”;

(3) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to sell public land by public auction, private sale or tender on the terms and conditions prescribed by the Minister and at a price not less than the fair value of the land and, for that purpose, the Minister may take into consideration the purposes for which the land will be used;*
- (b) authorizing the Minister to exchange public land for other land, when in the opinion of the Minister adequate compensation is obtained for the public land;*
- (c) authorizing the Minister to prescribe the rent, rates and royalties payable under any disposition.*

(5) Section 9 presently reads in part:

9 The Lieutenant Governor in Council may make regulations

- (a) prescribing the terms and conditions on which any persons may use public land for the purpose of exploration as defined in Part 10 of the Mines and Minerals Act and governing the conduct of the exploration in relation to the use of public land;*
- (c) establishing the procedure for the submission of applications for dispositions, prescribing the form and content of applications and the requirements to be met by applicants to render them eligible to obtain the disposition;*
- (d) requiring or prohibiting the registration of assignments of any dispositions, prescribing their form and manner of execution and the conditions on which the assignment of a particular disposition may be accepted for registration;*
- (h) establishing a tariff of fees*
 - (i) for all applications, dispositions, renewals or reinstatements,*
 - (ii) for copies of maps, plans, field notes, documents, papers, certificates or other records of the Department,*

(d) in clause (d) by striking out “, prescribing their form and manner of execution” and substituting “and prescribing the manner of execution of assignments”;

(e) by repealing clause (h).

(6) The following is added after section 9:

Rent, fees

9.01(1) Subject to sections 107(1)(a) and 119.1 and the regulations under subsection (3), the Minister may, by order,

- (a) prescribe or provide for the manner of prescribing
 - (i) the rent or other amounts to be paid to the Crown in respect of dispositions,
 - (ii) amounts to be paid by holders of and applicants for dispositions to other persons in respect of the impact or potential impact on those other persons resulting from the operations of the applicant or disposition holder,
 - (iii) the fees and other charges to be paid in connection with the submission of any thing to the Crown or for any service or thing provided by the Crown under this Act, and
 - (iv) the fees and costs that are payable in respect of any mechanism for the resolution of disputes established under the regulations;
- (b) provide for a lesser charge than would otherwise be payable under section 119.1 in the case of an assignment or share transaction involving next-of-kin or the beneficiaries of an estate.

(2) The *Regulations Act* does not apply to an order under this section.

(3) The Lieutenant Governor in Council may make regulations

- (a) imposing terms and conditions on the exercising by the Minister of the Minister’s power under subsection (1);
- (b) setting out matters that the Minister may or must consider in exercising the Minister’s power under subsection (1).

(iii) for the registration of assignments and transfers under Part 5, and

(iv) for any other service provided by the Department;

(6) Powers of Minister and Lieutenant Governor in Council in respect of regulations governing defined terms and fees and charges.

(7) Section 9.1 is repealed and the following is substituted:

Variation of
rentals under
right of entry
orders

9.1(1) Notwithstanding the *Surface Rights Act*, where a new right of entry order is granted under the *Surface Rights Act* with respect to public land, whether or not the land is occupied, the compensation payable to the Crown under the order is an amount equal to the appropriate rental or other amount prescribed in a ministerial order under section 9.01.

(2) Notwithstanding the *Surface Rights Act*, the Minister may, within 180 days after each 5th anniversary date of the order, vary the amount of the compensation payable to the Crown under a right of entry order as defined in the *Surface Rights Act* in respect of public land that is the subject of the order to an amount not exceeding the appropriate rental or other amount prescribed in a ministerial order under section 9.01.

(3) Subsection (2) applies to right of entry orders granted before or after this section comes into force.

(8) The following is added after section 10:

Conservation
and resources
management

10.01 The Minister may establish and support programs and initiatives for the purpose of conservation and resource management including, without limitation, programs and initiatives

- (a) to assist in resource protection and enhancement,
- (b) for the purposes of education and research, and
- (c) to assist in the resolution of multiple use concerns.

(9) Section 14 is repealed and the following is substituted:

Terms and
conditions of
disposition

14(1) Subject to the regulations, the Minister may make and renew a disposition for any term the Minister considers appropriate.

(2) The Minister may, in a disposition or renewal, prescribe terms and conditions to which the disposition is subject.

(10) Section 17(e) is repealed and the following is substituted:

- (e) promote good farm culture practices and require proper range management efforts and the adoption of farming and grazing practices by disposition holders for conservation purposes.

(7) Section 9.1 presently reads:

9.1(1) Notwithstanding the Surface Rights Act, where a new right of entry order is granted under the Surface Rights Act with respect to public land, whether or not the land is occupied, the compensation payable to the Crown under the order is to be an amount equal to the current charges payable under this Act for a new mineral surface lease.

(2) Notwithstanding the Surface Rights Act, the Minister may, within 180 days after each 5th anniversary date of the order, vary the amount of the compensation payable to the Crown under a right of entry order as defined in the Surface Rights Act in respect of public land that is the subject of the order to an amount not exceeding the current rental payable under this Act for a mineral surface lease.

(3) Subsection (2) applies to right of entry orders granted before or after this section comes into force.

(8) Minister may promote conservation and resource management programs.

(9) Section 14 presently reads:

14 The Minister may, in a disposition, prescribe terms and conditions to which the disposition is subject.

(10) Section 17(e) presently reads:

17 The Minister may

(e) promote good farm cultural practices and require efficient range management community efforts and enterprise and the adoption of farming and grazing

(11) Section 19 is amended by adding the following after subsection (1):

(1.1) The Minister may act under subsection (1) whether or not the public land to which the authorization relates is the subject of a disposition at the time the authorization is given.

(12) Section 25 is amended

(a) in subsection (1) by adding the following after clause (a):

(a.1) in the case of a holder that is a corporation, the holder ceases to be incorporated or registered under the appropriate Act of Alberta regulating the carrying on of business by the corporation in Alberta,

(b) by adding the following after subsection (1):

(1.1) Where the Minister is authorized to cancel a disposition under subsection (1)(a) or (c), the Minister may instead withdraw part of the land from the disposition, and in that case, section 26(1), (2) and (3) apply in respect of the proposed withdrawal.

(13) Section 47.1(1) is repealed and the following is substituted:

Recovery of
penalty

47.1(1) The Minister may require

(a) a person who holds a disposition and contravenes a term or condition of the disposition to pay to the Minister a penalty in an amount not to exceed \$5000 for each day or part of a day on which the contravention occurs or continues, and

practices by lessees for the purpose of preventing soil drifting or overgrazing.

(11) Section 19(1) presently reads:

19(1) The Minister may authorize any person

- (a) to enter and occupy public land for a stated period for the purpose of*
 - (i) conducting appraisals, inspections, analyses, inventories or other investigations of the natural resources which may exist on the land, or*
 - (ii) exploring for or excavating fossil remains or objects of geological, ethnological, historical or scientific interest,*
- (b) to enter and immediately occupy any public land mentioned in any application he has submitted for a disposition of that land, or*
- (c) to enter and occupy public land for a stated purpose.*

(12) Section 25(1) presently reads:

25(1) The Minister may cancel a disposition when

- (a) the holder of the disposition fails to comply with this Act, the regulations or the disposition, or fails to comply with a notice given under this Act,*
- (b) the holder acquired the disposition in error or through fraud, misrepresentation, personation or improvidence, or*
- (c) the holder of the disposition is convicted of an offence against this Act or the regulations that relates to the use of the land contained in his disposition.*

(13) Section 47.1(1) presently reads:

47.1(1) The Minister may require a person who holds a disposition or an authorization under section 19(1) and who contravenes a term or condition of the disposition or authorization to pay to the Minister a penalty in an amount prescribed by him, not to exceed \$5000.

- (b) a person who holds an agricultural disposition and fails to allow reasonable access to a person as required under section 59.1 and the regulations to pay to the Minister a penalty in an amount not to exceed \$1000.

(14) Section 47.2(b) is amended by striking out “an authorization or”.

(15) Section 51 is amended

(a) in subsection (1)

- (i) in clause (b) by striking out “in the Minister’s opinion”;**
- (ii) in clauses (c) and (e) by striking out “, in the opinion of the Minister,”;**
- (iii) in clause (f) by striking out “, in the Minister’s opinion,”;**

(b) in subsection (1.1) by striking out “industrial”;

(c) by repealing subsections (2) and (3).

(14) Section 47.2 presently reads:

47.2 If a person

- (a) is required to make payment under section 47 for an unauthorized use of public land, or*
- (b) has been served with a notice under section 47.1 with respect to a contravention of an authorization or a disposition,*

the Minister must disclose to the public the name of the person, the municipality in which the person resides, a description of the unauthorized use or contravention and the amount of the payment or penalty, as the case may be.

(15) Section 51 presently reads:

51(1) No person shall cause, permit or suffer

- (a) the accumulation of waste material, debris, refuse or garbage on public land,*
- (b) the existence on public land of any structure or excavation of any kind that is undesirable in the Minister's opinion,*
- (c) the existence on public land of any condition which, in the opinion of the Minister, may cause danger by fire to life, property or forest growth,*
- (d) the doing of any act on public land that may injuriously affect watershed capacity,*
- (e) the disturbance of any public land in any manner that results or, in the opinion of the Minister, is likely to result in injury to the bed or shore of any river, stream, watercourse, lake or other body of water or land in the vicinity of that public land, or*
- (f) the creation of any condition on public land which, in the Minister's opinion, is likely to result in soil erosion.*

(1.1) A person lawfully carrying out any industrial activity on public land in accordance with

(16) Section 52 is repealed and the following is substituted:

Offence

52 A person who is unlawfully occupying public land and fails to comply with an order of the Minister in respect of that occupation is guilty of an offence.

(17) Section 53 is amended

(a) by adding the following after clause (a):

(a.1) occupies public land and is not the holder of a disposition authorizing the person to do so or otherwise authorized to do so under this Act and the regulations,

(b) by striking out “or” at the end of clause (b) and by adding the following after clause (b):

(b.1) contravenes an enforcement order issued under section 56.1,

(b.2) being the holder of an agricultural disposition, contravenes section 59.1(1), the regulations under section 59.1(2) or an order of the Minister under section 59.1(2)(e)(ii),

(b.3) enters land that is the subject of an agricultural disposition in contravention of the regulations under section 59.1(2) or an order of the Minister under section 59.1(2)(e)(ii), or

(a) the terms and conditions of a disposition or authorization issued under this Act, and

(b) any other applicable Acts and regulations

shall not, by reason of that fact alone, be considered to have contravened this section.

(2) In respect of an act prohibited by this section, the Minister may

(a) order the person responsible for doing the act to take the remedial action the Minister directs within the time the Minister considers reasonable, and

(b) if that person fails to comply with the order of the Minister, cause any remedial action to be taken that the Minister considers necessary and recover any costs so incurred as a debt owing to the Crown.

(3) The Crown has, in addition to any cause of action under subsection (2), a right of action against the person to whom an order is given under this section for exemplary damages by reason of the doing of an act prohibited by subsection (1) or the failure to comply with the order or both.

(16) Section 52 presently reads:

52 A person who is unlawfully occupying public land and fails to comply with an order by the Minister requiring him to vacate the land forthwith after its service on him is guilty of an offence.

(17) Section 53 presently reads:

53 A person who

(a) removes any property belonging to the Government from public land without authority,

(b) without lawful authority destroys, defaces or removes a notice posted up under the authority of the Act, or

(c) contravenes section 50 or 51,

is guilty of an offence.

(18) Section 56 is repealed and the following is substituted:

General
penalty

56(1) A person who is guilty of an offence referred to in section 53(b.3) is liable to a fine of not more than \$1000.

(2) A person who is guilty of an offence under this Act or the regulations for which no other penalty is provided is liable to a fine of not more than \$5000 for each day or part of a day on which the offence occurs or continues.

(3) No person may be convicted of an offence under this Act or the regulations if the person establishes on a balance of probabilities that he took all reasonable steps to prevent its commission.

(19) The following is added after section 56:

Enforcement
order

56.1(1) Where the Minister is of the opinion that a person has contravened a provision of this Act or the regulations, the Minister may issue an enforcement order under this section, whether or not the person has been charged with or convicted of an offence in respect of the contravention.

(2) The Minister shall serve the enforcement order on the person to whom it is directed personally or by ordinary mail addressed to the person at the person's address according to the Minister's records.

(3) In an enforcement order the Minister may

(a) require the person to whom the order is directed

(i) to do or refrain from doing any thing in connection with the contravention;

(ii) to carry out the measures specified in the order to effect compliance with this Act and the regulations;

(iii) to remedy the effects of the contravention;

(iv) to keep records and report to the Minister in respect of the contravention of or the compliance with this Act, the regulations or the order;

(b) specify the manner or method of, or the procedures to be used in, carrying out the measures required by the order;

(18) Section 56 presently reads:

56 Every person who is guilty of an offence under this Act or the regulations for which no penalty is provided is liable to a fine not exceeding \$1000 and in default of payment to imprisonment for a term not exceeding 90 days.

(19) Enforcement order for contravention of Act or regulations.

(c) specify the time within which any measure required by the order is to be commenced and the time within which the order or any portion of the order is to be complied with.

(4) An enforcement order must contain the reasons for making it.

(5) The Minister may

(a) amend a term or condition of, add a term or condition to or delete a term or condition from an enforcement order, or

(b) cancel an enforcement order.

(6) A copy of an enforcement order under subsection (5) must be served on the person to whom it is directed in the manner set out in subsection (2).

(7) If the person to whom an enforcement order is directed fails to comply with the enforcement order, the Minister may take whatever action the Minister considers necessary to carry out the enforcement order.

(8) Costs incurred by the Minister under this section are recoverable by the Government in an action in debt against the person to whom the enforcement order was directed.

(9) For the purposes of this section the costs referred to in subsection (8) include without limitation any costs incurred in investigating and responding to

(a) any matter to which the enforcement order relates, or

(b) the failure to comply with the enforcement order.

(10) If an enforcement order is issued to more than one person, all persons named in the order are jointly responsible for carrying out the enforcement order and are jointly and severally liable for payment of the costs of doing so, including any costs incurred by the Minister under this section.

(20) The following is added after section 59:

Access for
recreational
purposes

59.1(1) The holder of an agricultural disposition shall, in accordance with the regulations, allow reasonable access to the land that is the subject of the disposition to persons who wish to use the land for recreational purposes.

(20) Right of access to agricultural disposition land for recreational purposes.

(2) The Minister may make regulations

- (a) classifying agricultural dispositions for the purposes of this section and the regulations;
- (b) respecting what constitutes reasonable access in respect of agricultural dispositions or classes of agricultural dispositions;
- (c) defining and classifying recreational purposes and setting out the nature and extent of the right of reasonable access with respect to specified recreational purposes on specified classes of agricultural disposition lands;
- (d) respecting terms and conditions applicable to the exercising of a right of reasonable access under this section;
- (e) governing rules and procedures for obtaining reasonable access for the purposes of this section and rules and procedures that apply where reasonable access is denied including, without limitation, regulations authorizing the Minister to
 - (i) refer the matter to a dispute resolution process established pursuant to regulations under section 9(a.2), and
 - (ii) make orders denying access or directing the agricultural disposition holder to permit reasonable access, subject to any terms and conditions the Minister considers appropriate.

(3) A person who enters land that is the subject of an agricultural disposition in contravention of the regulations under subsection (2) or an order of the Minister referred to in subsection (2)(e)(ii) and fails to leave when requested to do so may be apprehended without warrant by

- (a) any peace officer, or
- (b) the holder of the agricultural disposition or an authorized representative of the holder.

(4) Where a person other than a peace officer apprehends a person under subsection (3), that person shall deliver the apprehended person to a peace officer as soon as practicable.

(21) Section 60(d) is repealed and the following is substituted:

- (d) use the land in a manner that promotes and implements conservation.

(22) Section 78 is amended

(a) by adding the following after subsection (1):

(1.1) Where the Minister is authorized to cancel a lease under subsection (1)(a), the Minister may instead withdraw part of the land from the lease.

(b) in subsection (2) by adding “or withdraws land from a lease pursuant to subsection (1.1)” after “subsection (1)”;

(c) in subsection (3) by adding “or part of the land is withdrawn from the lease” after “cancelled”.

(23) Section 79 is amended by renumbering subsection (1) as subsection (1.1) and by adding the following before subsection (1.1):

Withdrawal
from lease

79(1) The withdrawal of land from an agricultural disposition for purposes described in section 79.1 must be carried out under that section and may not be carried out under this section.

(21) Section 60(d) presently reads:

60 A holder of a disposition shall with respect to the land contained in his disposition

(d) use the land in a proper and husbandlike manner.

(22) Section 78 presently reads:

78(1) The Minister may cancel a lease if he is satisfied that

(a) the leased land is not being used for the purpose for which it is leased,

(b) when land is leased to 2 or more persons, one or more of them has ceased to use the land for the purpose for which it is leased,

(c) the lease was issued in error,

(d) the lease or the land described in it is not held by the lessee for his sole use and benefit,

(e) the lessee was ineligible to apply for or acquire the lease or is ineligible to hold it, or

(f) the lessee has failed to pay the rent, or any taxes, rates or assessments levied against his interest under the lease or any other money payable under the lease when it is due.

(2) Except as otherwise provided in the regulations, when the Minister cancels a lease pursuant to subsection (1), all payments made to the Crown in connection with it are forfeited and the lessee is not entitled to any compensation for any work performed on the leased land or for any expenditure made by him in respect of or incidental to his use of it.

(3) When a lease is cancelled, any unpaid rent may be recovered as a debt owing to the Crown.

(23) Section 79(1) presently reads:

79(1) Sixty days after the date on which the Minister mails a notice in writing to the last known address of the lessee, he may cancel a lease or withdraw any part of the land contained in a lease

(a) when, except in the case of a lease conveying rights to sand, silica sand, topsoil, peat, gravel, clay or marl, he is satisfied that the land contained in the lease or to be withdrawn from it contains sand, silica sand, topsoil, peat, gravel, marl or clay in commercial quantities,

(24) The following is added after section 79:

Withdrawal
from
agricultural
disposition

79.1(1) Where the Minister issues a disposition for industrial or commercial purposes or for provincial or municipal infrastructure purposes and the disposition is in respect of land that is the subject of an agricultural disposition, the Minister shall withdraw from the land that is the subject of the agricultural disposition the land that is necessary for the disposition for industrial or commercial or provincial or municipal infrastructure purposes.

(2) Subsection (1) does not apply where the disposition is for the purposes of a pipeline or for the purposes of exploration.

(3) Where the Minister withdraws land under this section,

(a) the Minister may reduce the rent payable under the agricultural disposition by an amount that is in proportion to the area of land withdrawn, and

(b) no compensation is payable by the Crown to the holder of the agricultural disposition.

Deemed
withdrawal
from
agricultural
disposition

79.2(1) Where on the coming into force of this section a disposition for industrial or commercial purposes or for provincial or municipal infrastructure purposes (referred to in this section and section 79.5 as the other disposition) is subsisting in respect of land that is also the subject of an agricultural disposition, the land that is the subject of the other disposition is withdrawn from the agricultural

- (b) when the land contained in the lease or to be withdrawn from it is to be subdivided or made the subject of a disposition that will authorize its use for industrial or commercial purposes,*
 - (c) when the land contained in the lease or to be withdrawn from it is to be designated as a park pursuant to the Provincial Parks Act or added to a park designated under that Act or its predecessors, or is to be set aside as a public resort or recreation area,*
 - (d) when the land contained in the lease or to be withdrawn from it is, in the opinion of the Minister, irrigable in whole or in part,*
 - (e) when the land contained in the lease or to be withdrawn from it is required to provide public access to a public resort or recreation area or to a river, stream, watercourse, lake or other body of water, or*
 - (f) when, in the opinion of the Minister, the land contained in the lease or to be withdrawn from it is required for a purpose that he considers to be in the public interest.*
- (24) Withdrawal of land from agricultural disposition for certain purposes.

disposition on the 10th anniversary of the coming into force of this section unless, before that date,

- (a) the other disposition expires or is cancelled, or
- (b) the activity under the other disposition ceases.

(2) Subsection (1) does not apply where the other disposition is for the purposes of a pipeline.

(3) Where land is withdrawn under this section,

- (a) the Minister may reduce the rent payable under the agricultural disposition by an amount that is in proportion to the area of land withdrawn, and
- (b) no compensation is payable by the Crown to the holder of the agricultural disposition.

(4) On and from the 10th anniversary date referred to in subsection (1),

- (a) the rights of the holder of the agricultural disposition to compensation in respect of the withdrawn land under a surface lease or a compensation order under the *Surface Rights Act* are terminated in accordance with section 26.1 of that Act,
- (b) the rights of the holder of the agricultural disposition to compensation in respect of the withdrawn land under any other agreement are terminated, and
- (c) the holder of the other disposition shall pay rent to the Crown in respect of the land that is the subject of the other disposition in accordance with a ministerial order under section 9.01.

Duties to
agricultural
disposition
holder

79.3 Where

- (a) a person applies for a disposition for industrial or commercial purposes or for provincial or municipal infrastructure purposes and land is, under section 79.1, withdrawn for those purposes from an agricultural disposition,
- (b) land is withdrawn from an agricultural disposition under section 79.2, or

- (c) a person applies for a disposition for the purposes of a pipeline or for the purposes of exploration in respect of land that is the subject of an agricultural disposition,

the applicant or the holder of the disposition, as the case may be,

- (d) shall make all reasonable efforts to address the operational concerns of the agricultural disposition holder, and

- (e) is liable to pay the agricultural disposition holder for damage to the agricultural operations of the agricultural disposition holder arising out of the operations of the applicant or the holder of the disposition.

No
compensation

79.4 Where the Minister issues a disposition for the purposes of a pipeline or for the purposes of exploration and the disposition is in respect of land that is already in whole or in part the subject of an agricultural disposition, no compensation is payable from the Crown to the holder of the agricultural disposition.

Return of
withdrawn
land

79.5 Where land is withdrawn from an agricultural disposition under section 79.1 or 79.2, the Minister shall return the withdrawn land to the agricultural disposition when the activity for which the other disposition was issued has been completed or abandoned and any required reclamation has been completed, unless the Minister considers that it would not be appropriate to return the withdrawn land to the agricultural disposition.

Withdrawal
operates
despite
agreements

79.6 The Minister's power to withdraw land from an agricultural disposition under section 79.1 and the withdrawal of land from an agricultural disposition under section 79.2 operate notwithstanding any provision in an agreement to which the Crown is a party that purports to abrogate, qualify, restrict or limit the exercise of the Minister's powers under this Act in respect of the agricultural disposition, and any such provision is inoperative.

(25) Section 112(a), (c), (d), (f) and (h) are repealed.

(25) Section 112 presently reads in part:

112 The Lieutenant Governor in Council may make regulations

*(a) governing applications for grazing leases and the
eligibility of applicants for grazing leases;*

(26) Section 119(3)(e) is repealed and the following is substituted:

- (e) all required charges and fees are paid.

(27) The following is added after section 119:

Assignment
charges

119.1(1) Where an assignment of a grazing lease or grazing licence is made, the assignee shall pay to the Minister a charge determined in accordance with the following:

- (a) \$50 for each animal unit month where the land that is the subject of the grazing lease or grazing licence is located in zone A1 or B;
- (b) \$100 for each animal unit month where the land that is the subject of the grazing lease or grazing licence is located in zone A2;
- (c) \$5 for each animal unit month where the land that is the subject of the grazing lease or grazing licence is located in zone C.

(2) Notwithstanding subsection (1), the minimum charge that is payable is \$100.

(3) The Minister may, when a grazing lease or grazing licence is issued or at any time during its term, by notice in writing sent by ordinary mail, require a corporation holding an interest in the grazing lease or grazing licence or any associated corporation to file with the Minister a statement certified by an officer or director of the corporation or associated corporation, as the case may be, showing the name, address, citizenship and occupation of, and the number of shares held by, each of the corporation's or associated corporation's shareholders.

(4) If a corporation holds a grazing lease or grazing licence and, as a result of a transfer, redemption or allotment of shares, the beneficial ownership of the issued and outstanding shares changes, the Minister may

- (c) prescribing the rights and obligations of grazing lessees in relation to the use and occupation of the land held by them under grazing leases;*
- (d) authorizing the Minister to prescribe additional rent payable by grazing lessees in respect of cultivated land contained in their grazing leases;*
- (f) varying, making inapplicable, or authorizing the waiver of compliance with, any of the provisions of Part 2;*
- (h) providing, as to any provision in the regulations, that its contravention constitutes an offence;*

(26) Section 119(3)(e) presently reads:

- (3) The Minister may refuse to register an assignment unless*
 - (e) the prescribed fee is paid.*

(27) Charges for assignment of interest in grazing leases.

(a) require the corporation to pay to the Minister a charge determined by the Minister that

(i) is a percentage of the assignment charge that the corporation would have had to pay under subsection (1) or (2) if the grazing lease or grazing licence had been assigned to it by another person, and

(ii) is based on the amount of change in beneficial ownership resulting from the transfer, redemption or allotment,

or

(b) if the Minister considers it in the public interest to do so, cancel the grazing lease or grazing licence.

(28) The *Expropriation Act* is amended in item 4 of the Schedule by adding “79.1, 79.2,” after “79.”.

Stray Animals Act

Amends RSA
1980 cS-23

5(1) The *Stray Animals Act* is amended by this section.

(2) The following is added after section 2:

Application

2.1 Where, under the *Public Lands Act*,

(a) a disposition for industrial or commercial purposes is issued in respect of land that is the subject of an agricultural disposition issued under that Act,

(b) the land is withdrawn from the agricultural disposition, and

(c) livestock that are owned by or were last in the possession of the agricultural disposition holder enter on the withdrawn land,

notwithstanding anything in this Act, the livestock shall not, for any of the purposes of this Act, be considered to be trespassing.

(3) Section 24(3)(b) is repealed and the following is substituted:

(b) within the boundaries of

(28) Consequential to amendments in subsections (23) and (24).

Stray Animals Act

5(1) Amends chapter S-23 of the Revised Statutes of Alberta 1980.

(2) Non-application of Act to certain livestock.

(3) Section 24 presently reads in part:

(2) No person shall permit or allow any livestock owned by him or in his possession to be on a highway unless it is in his or another person's direct and continuous charge and he or that other person is competent to control the livestock.

- (i) land held under a grazing lease or a grazing permit under the *Public Lands Act*,
- (ii) withdrawn land referred to in section 2.1,
- (iii) land established and operated as a community grazing reserve under the *Public Lands Act*, or
- (iv) land designated for grazing use under the *Forest Reserves Act*.

Surface Rights Act

Amends SA
1983 cS-27.1

6(1) The *Surface Rights Act* is amended by this section.

(2) Section 1(g) is repealed and the following is substituted:

- (g) “occupant” means
 - (i) a person, other than the owner, who is in actual possession of land,
 - (ii) a person who is shown on a certificate of title under the *Land Titles Act* as having an interest in land,
 - (iii) an operator granted right of entry in respect of land pursuant to a right of entry order, or
 - (iv) in the case of Crown land, a person shown on the records of the department or other body administering the land as having an interest in the land,

but, subject to sections 26.1 and 33.1, does not include the holder of an agricultural disposition issued under the *Public Lands Act*;

(3) The following is added after section 26:

Termination of
compensation

26.1(1) Where, on the coming into force of this section, a surface lease or compensation order obligates an operator to pay compensation to a person who is the holder of an agricultural disposition issued under the *Public Lands Act*, the compensation under the surface lease or compensation order continues to be reviewable under section 27 for a period of 10 years after the coming into force of this section unless the surface lease or compensation order sooner expires or is otherwise terminated, but on the expiry of that period the right of the holder of the agricultural disposition to compensation ceases.

(3) Subsection (2) does not apply to a highway, other than a primary highway,

(a) within the boundaries of land in an Indian reserve, or

(b) within the boundaries of land

(i) held under a grazing lease or a grazing permit under the Public Lands Act,

(ii) established and operated as a community grazing reserve under the Public Lands Act, or

(iii) designated for grazing use under the Forest Reserves Act.

Surface Rights Act

6(1) Amends chapter S-27.1 of the Statutes of Alberta, 1983.

(2) Section 1(g) presently reads:

1 In this Act,

(g) "occupant" means

(i) a person, other than the owner, who is in actual possession of land,

(ii) a person who is shown on a certificate of title under the Land Titles Act as having an interest in land,

(iii) an operator granted right of entry in respect of land pursuant to a right of entry order, or

(iv) in the case of Crown land, a person shown on the records of the department or other body administering the land as having an interest in the land;

(3) Termination of right to compensation in certain cases.

(2) In the case of a surface lease or compensation order referred to in subsection (1) where the compensation payable to the agricultural disposition holder relates partly to land that is in the agricultural disposition and partly to other land of the agricultural disposition holder that is not in the agricultural disposition, the agricultural disposition holder or the operator may apply to the Board for an order determining the percentage of the compensation payable under the surface lease or compensation order that is compensation to which subsection (1) applies, and the Board may make an order accordingly.

(3) An order of the Board under subsection (2) may be appealed under section 26 as if it were a compensation order.

(4) A provision in a surface lease or compensation order purporting to give a right to compensation where the right to compensation is terminated by reason of the operation of this section is unenforceable.

(4) The following is added after section 33:

Limited
application of
section 33

33.1 Where on the coming into force of this section a surface lease or right of entry order is subsisting between the holder of an agricultural disposition issued under the *Public Lands Act* and an operator, section 33 continues to apply in respect of the surface lease or right of entry order for a period of 10 years after the coming into force of this section, unless the surface lease or right of entry order sooner expires or is otherwise terminated.

Coming into Force

7 This Act comes into force on Proclamation.

(4) Limited application of dispute resolution section.

Coming into Force

7 Coming into force.