

BILL 16

2003

AGRICULTURAL DISPOSITIONS STATUTES AMENDMENT ACT, 2003

(Assented to _____, 2003)

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

Occupiers' Liability Act

Amends RSA 2000 cO-4

1(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 62.1 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.

Petty Trespass Act

Amends RSA 2000 cP-11

2(1) The *Petty Trespass Act* is amended by this section.

(2) Section 1(1)(b) is amended by striking out "except a grazing lease or a grazing permit,".

(3) The following is added after section 1:

Non-application of Act

1.1 This Act does not apply in respect of a person who, for recreational purposes within the meaning of the regulations under section 62.1 of the *Public Lands Act*, enters Crown land that is the subject of a grazing lease, grazing permit, farm development lease, cultivation permit, grazing licence, authorization to harvest hay or head tax grazing permit issued under that Act, whether or not the entry is in accordance with that Act and the regulations.

Public Lands Act

Amends RSA 2000 cP-40

3(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 an agricultural disposition 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;

(3) The following is added after section 1:

Incorporation of documents by reference

1.1 A regulation under this Act may adopt or incorporate in whole or in part or with modifications documents that set out standards, codes, objectives, guidelines or other bodies of rules that relate to any matter in respect of which a regulation may be made under this Act if the standards, codes, objectives, guidelines or other bodies of rules have been published and copies are available.

(4) 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.

(5) 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) defining “agricultural disposition”;
- (e) defining “exploration” for the purposes of section 9(b.2);
- (f) defining “animal unit” and establishing zones for the purposes of section 114.1;
- (g) respecting associated corporations and what constitutes a change in beneficial ownership for the purposes of section 114.1;
- (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 or the regulations, 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).

(6) Section 9 is amended

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

- (b.1) providing for one or more means of settling disputes in respect of any matter under the regulations 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;
 - (ii) between the holder of an agricultural disposition and a person who wishes to exercise or exercises a right of reasonable access under section 62.1;
- (b.2) without limiting clause (b.1), providing for one or more means of settling disputes between the holder of an agricultural disposition and a person who wishes to carry out exploration on the land that is the subject of the agricultural disposition, including but not limited to
 - (i) authorizing the Surface Rights Board to hear matters related to compensation and damage resulting from exploration, and to issue orders for compensation and right of entry orders,
 - (ii) making provisions of the *Surface Rights Act* applicable, with any modifications that are necessary, for the purposes of subclause (i),
 - (iii) generally, governing proceedings before the Surface Rights Board for the purposes of subclause (i),
 - (iv) authorizing an appeal or review body to hear or review matters related to operational and land use concerns in connection with the disputes, and
 - (v) generally, governing proceedings before an appeal or review body for the purposes of subclause (iv);
- (b.3) providing for appeals from enforcement orders issued under section 59.1;

- (b) in clause (d) by striking out “, prescribing the form and content of applications”;
- (c) in clause (e) by striking out “, prescribing their form and manner of execution” and substituting “and prescribing the manner of execution of assignments”;
- (d) by repealing clause (i).

(7) The following is added after section 9:

Rent, fees and other charges

9.1(1) Subject to sections 103(1)(a) and 114.1 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) the fees and other charges to be paid in connection with the submission of anything to the Crown or for any service or thing provided by the Crown under this Act, and
 - (iii) the fees and costs that are payable in respect of any mechanism for settling disputes that is established under the regulations;
- (b) provide for a lesser charge than would otherwise be payable under section 114.1 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).

(8) The following is added after section 11:

Conservation and resource management

11.1 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 15 is repealed and the following is substituted:

Terms and conditions of disposition

15(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 18(d) is repealed and the following is substituted:

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

(11) Section 20 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 repealed and the following is substituted:

Withdrawal and overlapping dispositions

25 The Minister may

- (a) by agreement with the holder and without limitation to the Minister's power under any other provision of this Act to withdraw land, withdraw from the disposition any part of the land contained in it, and

- (b) make more than one disposition in respect of the same land.

(13) Section 26 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 27(1), (2) and (3) apply in respect of the proposed withdrawal.

(14) The following is added after section 47:

Order to vacate

47.1 Where a person unlawfully occupies public land the Minister may order the person to vacate the public land, subject to any terms and conditions the Minister considers appropriate.

(15) Section 48(1)(b) is repealed and the following is substituted:

- (b) as a holder of a disposition or of an authorization under section 20, without the consent of the Minister makes use of the public land contained in that disposition or authorization for any purpose other than that for which the disposition or authorization was granted,

(16) Section 49(1) is repealed and the following is substituted:

Recovery of penalty

49(1) The Minister may require a person who

- (a) contravenes a term or condition of a disposition or of an authorization under section 20,
- (b) contravenes a decision or order made pursuant to regulations under section 9(b.1) or (b.2),

- (c) contravenes section 62.1 or a regulation under that section, or
- (d) fails to notify the Minister of a transfer, redemption or allotment of shares to which section 114.1(4) applies,

to pay to the Minister a penalty in an amount prescribed by the Minister, not to exceed \$5000.

(17) Section 54 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 (2) by striking out “industrial”;

(c) by repealing subsections (3) and (4).

(18) The heading “Offences and Penalties” preceding section 55 is repealed and the heading “Enforcement” is substituted.

(19) Section 55 is repealed and the following is substituted:

Offence

55 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.

(20) Section 56 is amended

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

- (a.1) occupies public land and is not the holder of a disposition or of an authorization under section 20 authorizing the person to do so or is not 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 59.1,
- (b.2) contravenes section 62.1(1), the regulations under section 62.1(2) or an order, decision or term or condition given or imposed under the regulations under section 62.1(2),
- (b.3) fails to comply with a notice under section 114.1(2), or

(21) Section 59 is repealed and the following is substituted:

General penalty

59(1) A person who is guilty of an offence referred to in section 56(b.2) is liable to a fine of not more than \$2000.

(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 the person took all reasonable steps to prevent its commission.

(22) The following is added after section 59:

Enforcement order

59.1(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 anything 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;
- (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) 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.

(5) A copy of an enforcement order under subsection (4) must be served on the person to whom it is directed in the manner set out in subsection (2).

(6) 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.

(7) 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.

(8) For the purposes of this section the costs referred to in subsection (7) 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.

(9) 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.

(23) The following is added after section 62:

Access for recreational purposes

62.1(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.

(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) authorizing an employee of the Government under the Minister's administration to make orders in respect of access for the purposes of this section, including the attachment of terms and conditions in respect of such an order;
- (f) 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

- (i) authorizing an employee of the Government under the Minister's administration to review the matters in dispute,
- (ii) governing the rules and procedures or the establishment of the rules and procedures that apply in respect of a review,
- (iii) respecting the powers and duties of the person conducting a review, and
- (iv) respecting the orders in respect of access that the person conducting a review may make;
- (g) respecting the enforcement of an order in respect of access;
- (h) respecting the establishment and operation of recreational management plans in respect of agricultural disposition lands.

(3) A person who enters land that is the subject of an agricultural disposition in contravention of the regulations under subsection (2) or of an order in respect of access and fails to leave when requested to do so may be apprehended without warrant by any peace officer.

(24) Section 63(d) is repealed and the following is substituted:

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

(25) Section 81 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".

(26) Section 108(a), (c), (d), (f) and (h) are repealed.

(27) Section 114(3)(e) is repealed and the following is substituted:

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

(28) The following is added after section 114:

Assignment charges

114.1(1) Where an assignment of a grazing lease or grazing licence is made, the assignee shall pay to the Minister a charge in an amount equal to \$100 or a charge determined in accordance with the following, whichever is greater:

- (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) 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.

(3) 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 corporation shall

- (a) notify the Minister of the transfer, redemption or allotment of shares within 30 days after the date it occurs, and

- (b) unless subsection (4) applies, pay to the Minister a charge or an amount determined by the Minister that
 - (i) is a percentage of the assignment charge that the corporation would have had to pay under subsection (1) 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.

(4) Where a transfer, redemption or allotment of shares described in subsection (3) occurs, the Minister may cancel the grazing lease or grazing licence if the Minister considers that it is in the public interest to do so.

Consequential Amendments, Repeals and Coming into Force

Consequential

4(1) The *Administrative Penalties and Related Matters Statutes Amendment Act, 2002* is amended by this section.

(2) Section 4(5) is amended by repealing the new section 48(1) and substituting the following:

Administrative penalty

48(1) Where a person

- (a) without proper legal authority makes use of public land,
- (b) as a holder of a disposition or of an authorization under section 20, without the consent of the Minister makes use of the public land that is the subject of the disposition or authorization for any purpose other than the purpose for which the disposition or authorization was granted,
- (c) contravenes a term or condition of a disposition or of an authorization under section 20,
- (d) contravenes a decision or order made pursuant to regulations under section 9(b.1) or (b.2),

- (e) contravenes section 62.1 or a regulation under that section, or
- (f) fails to notify the Minister of a transfer, redemption or allotment of shares to which section 114.1(4) applies,

the Minister may require the person to pay to the Government an administrative penalty in an amount prescribed by the Minister.

Repeals

5(1) The *Agricultural Dispositions Statutes Amendment Act*, RSA 2000 c1(Supp), is repealed.

(2) The *Public Lands Amendment Act*, RSA 2000 c28(Supp), is repealed.

Coming into force

6 This Act, except section 4, comes into force on Proclamation.

Explanatory Notes

Occupiers' Liability Act

1(1) Amends chapter O-4 of the Revised Statutes of Alberta 2000.

(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) Liability re: recreational users of agricultural disposition land.

Petty Trespass Act

2(1) Amends chapter P-11 of the Revised Statutes of Alberta 2000.

(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 the person has had notice by word of mouth, or in writing, or by posters or signboards, not to trespass.

(3) Petty Trespass Act does not apply to entry on agricultural disposition land for recreational purposes.

Public Lands Act

3(1) Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(a) "adjoining land" means

(i) parcels of land that adjoin or corner,

(ii) parcels of land separated by a road allowance or a surveyed highway or road

that would adjoin or corner if they were not so separated, or

(iii) *parcels of land on either side of a correction line that are declared by the Minister to be adjoining land for the purposes of this Act;*

(c) *“certificate of title” means a certificate of title granted pursuant to the Land Titles Act in respect of an estate in fee simple;*

(3) Adoption of codes, standards, etc. by regulation.

(4) 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 the Minister considers necessary in connection with its administration, or the Minister may prescribe any other form that the Minister considers applicable to any special case.

(5) 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;*
- (g) *provide for any other procedure or matter that relates to the dispositions.*

(3) *The Lieutenant Governor in Council may make regulations*

- (c) *authorizing the Minister to prescribe the rent, rates and royalties payable under any disposition.*

(6) Section 9 presently reads in part:

9 The Lieutenant Governor in Council may make regulations

- (d) *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;*
- (e) *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;*

(i) *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,*

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

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

(7) Minister's power to prescribe fees, rent and other charges.

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

(9) Section 15 presently reads:

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

(10) Section 18(d) presently reads:

18 The Minister may

(d) promote good farm cultural practices and require efficient range management community efforts and enterprise and the adoption of farming and grazing practices by lessees for the purpose of preventing soil drifting or overgrazing.

(11) Section 20(1) presently reads:

20(1) *The Minister may authorize any person*

- (a) *to enter on 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 that 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 on and immediately occupy any public land mentioned in any application the person has submitted for a disposition of that land, or*
- (c) *to enter on and occupy public land for a stated purpose.*

(12) Section 25 presently reads:

25 *The Minister may, by agreement with the holder,*

- (a) *withdraw from the disposition any part of the land contained in it, or*
- (b) *make the Minister's disposition subject to another disposition that does not give the holder of that disposition any exclusive rights of possession.*

(13) Section 26 presently reads in part:

26(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 the holder's disposition.*

(14) Minister may order unlawful occupant of public land to vacate.

(15) Section 48(1)(b) presently reads:

48(1) The Minister may require a person who without authority

(b) *as a holder of a disposition, makes use of the public land contained in that disposition for any purpose other than that for which the disposition was granted without the consent of the Minister,*

to pay a sum of money that the Minister prescribes in addition to the regular rate prescribed for that use.

(16) Section 49(1) presently reads:

49(1) The Minister may require a person who holds a disposition or an authorization under section 20(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 the Minister, not to exceed \$5000.

(17) Section 54 presently reads:

54(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.*

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

- (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.

(3) *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.*

(4) *The Crown has, in addition to any cause of action under subsection (3), 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.*

(18) New heading to reflect addition of section 59.1.

(19) Section 55 presently reads:

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

(20) Section 56 presently reads:

56 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 under the authority of the Act, or

(c) contravenes section 53 or 54,

is guilty of an offence.

(21) Section 59 presently reads:

59 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.

(22) Minister may issue enforcement order.

(23) Access to agricultural disposition land for recreational purposes.

(24) Section 63(d) presently reads:

63 A holder of a disposition shall with respect to the land contained in the holder's disposition

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

(25) Section 81 presently reads in part:

81(1) The Minister may cancel a lease if the Minister is satisfied that

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

(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 the lessee in respect of or incidental to the lessee's use of it.

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

(26) Section 108 presently reads in part:

108 The Lieutenant Governor in Council may make regulations

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

(27) Section 114(3)(e) presently reads:

(3) The Minister may refuse to register an assignment unless

- (e) the prescribed fee is paid.*

(28) Assignment charges for grazing lease or grazing licence.

Consequential Amendments, Repeals and Coming into Force

4(1) Amends unproclaimed chapter 4 of the Statutes of Alberta, 2002.

(2) New section 48(1) reads as follows:

48(1) Where a person

- (a) without proper legal authority makes use of public land,*
- (b) as a holder of a disposition, without the consent of the Minister, makes use of the public land contained in the disposition for any purpose other than that for which the disposition was granted, or*
- (c) contravenes a term or condition of the disposition,*

the Minister may require the person to pay to the Government an administrative penalty in an amount prescribed by the Minister.

5 Repeals chapters 1(Supp) and 28(Supp) of the Revised Statutes of Alberta 2000.

6 Coming into force.