

BILL 23

2006

PROVINCIAL PARKS AMENDMENT ACT, 2006

(Assented to _____, 2006)

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

Amends RSA 2000 cP-35

1 The *Provincial Parks Act* is amended by this Act.

2 Section 1 is repealed and the following is substituted:

Interpretation

1(1) In this statute,

- (a) “aircraft” means a device that is designed to carry one or more persons or objects through the air in powered or powerless flight;
- (b) “conservation officer” means an individual who is a conservation officer by virtue of Schedule 3.1 to the *Government Organization Act*;
- (c) “Crown” means the Crown in right of Alberta;
- (d) “disposition” means an instrument by which an estate or interest or any other substantial right in or to Crown land, including access to any land, is or was conveyed by or on behalf of the Crown, with conditions attached, to a person other than the Crown;
- (e) “highway” means a highway within the meaning of section 1(1) of the *Traffic Safety Act*;

- (f) “land” means
 - (i) an estate or interest in land, or
 - (ii) physical land, including improvements and other attached fixtures and any body of water on or flowing through physical land,

depending on the context in which it is used;
- (g) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this statute;
- (h) “motor vehicle” means a motor vehicle within the meaning of section 1(1) of the *Traffic Safety Act*;
- (i) “natural heritage” means natural landscapes and features and the ecosystems, ecological processes and biological diversity and the related cultural attributes that those landscapes and features include;
- (j) “offence” means an offence against this statute;
- (k) “pack animal” means a mule, donkey, llama, alpaca, goat or any other prescribed animal, but does not include a horse;
- (l) “park” means land designated as a provincial park, as increased or decreased where applicable, under section 6(1) and includes a provincial park referred to in section 6(2);
- (m) “park administrative officer” means a person who occupies that office by virtue of section 2;
- (n) “permission” means any form of permission, including a permit, licence, approval, authorization, consent or other form of concurrence that is or may be issued or otherwise given pursuant to this Act, but does not include a disposition;
- (o) “prescribed” means prescribed or otherwise provided for by regulations made by the Minister;

(p) “recreation area” means land designated as a provincial recreation area, as increased or decreased where applicable, under section 6(1);

(q) “vehicle” means a vehicle within the meaning of section 1(1) or section 117, as the case may be, of the *Traffic Safety Act*.

(2) A reference in this Act to “this Act” or to any other statute is to be treated as including a reference to regulations made under it.

(3) A reference in this Act generally to the performing of any act is to be treated as including a reference to an omission so to act.

(4) The Minister may, for the purposes of this statute or specified provisions of this statute, by regulation define any expression used but not defined in this statute, in which case the expression has the meaning so defined.

(5) Subject to this Act, a reference in this Act to any permission is to be treated as referring to such a permission in writing.

3 Sections 2, 3 and 4 are repealed and the following is substituted:

Park administrative officers

2(1) The Minister may appoint an individual employed by the Crown in the Minister’s Department as a park administrative officer for the purpose of administering this Act in accordance with this Act.

(2) An individual appointed as a conservation officer under section 1 of Schedule 3.1 to the *Government Organization Act* is a park administrative officer by virtue of that appointment.

Purposes of parks

3 Parks are established, and are to be maintained,

- (a) for the preservation of Alberta’s natural heritage,
- (b) for the conservation and management of flora and fauna,

- (c) for the preservation of specified areas, landscapes and natural features and objects in them that are of geological, cultural, historical, archeological, anthropological, paleontological, ethnological, ecological or other scientific interest or importance,
- (d) to facilitate their use and enjoyment for outdoor recreation, education and the appreciation and experiencing of Alberta's natural heritage, and
- (e) to ensure their lasting protection for the benefit of present and future generations.

Purposes of recreation areas

4 Recreation areas are established, and are to be maintained, to facilitate their use and enjoyment for outdoor recreation by present and future generations.

General responsibilities of the Minister

4.1 The Minister has the overall responsibility, in accordance with this Act, for

- (a) the management, protection, planning and control of parks and recreation areas, and
- (b) the establishment and maintenance of programs designed to fulfil the purposes set out in sections 3 and 4 respectively.

4 Section 5 is amended

- (a) in subsection (1) by striking out “or buildings or other fixtures on land”;
- (b) by repealing subsection (2).

5 The following is added after section 5:

Land under the Minister's administration

5.1 Land purchased, expropriated or otherwise acquired (including land leased to the Crown as represented by the Minister) for the purposes of this Act, or that is in a park or

recreation area by virtue of section 6, is under the administration of the Minister.

6 Section 6(1) is amended

- (a) **in clause (a) by adding** “and, if applicable, the prescribed class into which the park or recreation area falls” **after** “known”;
- (b) **in clause (b) by striking out** “land designated as a park or” **and substituting** “a provincial park or provincial”.

7 Section 7 is amended

- (a) **by adding** “or included in” **after** “designated as”;
- (b) **in clause (a)**
 - (i) **by striking out** “or the regulations”;
 - (ii) **by adding** “or were part of” **after** “were”;
- (c) **in clause (b) by striking out** “or its regulations”.

8 Sections 8, 9 and 10 are repealed and the following is substituted:

Grant, renewal, withdrawal, etc., of dispositions

8 Subject to this Act, the Minister may

- (a) grant and renew dispositions in a park or recreation area,
- (b) amend any such dispositions,
- (c) withdraw, cancel and suspend such dispositions, and
- (d) reinstate dispositions so withdrawn, cancelled and suspended.

Existing dispositions at time of designation, etc.

8.1 When land in relation to which there is a subsisting disposition under and within the meaning of the *Public Lands Act* becomes part of a park or recreation area,

- (a) then, except as provided for in regulations under section 12(1)(b), that disposition, if under another Minister's administration, immediately ceases to be under that Minister's administration and comes under the Minister's administration, and
- (b) subject to that Act, that disposition remains a disposition under that Act until it expires or is terminated, at which time the Minister may grant a new disposition under this Act in substitution for it.

Activities for which disposition or permission required

8.2 A person shall not, in a park or recreation area, engage in an activity

- (a) with respect to which the Minister is allowed by this Act to issue a disposition, or
- (b) for which any permission is required by or under this Act,

unless that person holds such a disposition or permission, as the case may be, specifically allowing that activity.

Unauthorized land use

9(1) Without limiting the effect of any other provisions of this Act or any other law, a person who occupies land in a park or recreation area and does not hold a disposition or have a permission that allows that person lawfully to do so is a trespasser, and any improvement, structure or work effected by or under the auspices of that person becomes the property of the Crown.

(2) If anything becomes the property of the Crown by virtue of subsection (1),

- (a) all the rights of the person referred to in subsection (1) and of all other persons deriving any purported rights through that person to or in the thing are terminated, and

- (b) the Minister may order the thing to be removed, demolished, sold or otherwise disposed of on the Crown's behalf.

Land use prohibitions

9.1(1) A person shall not

- (a) construct, reconstruct, maintain or add to an improvement, structure or work on,
- (b) do anything that will or might alter or disturb the surface of, or
- (c) store, cache or otherwise leave any equipment, supplies or other material on,

any land in a park or recreation area, except to the extent that is prescribed or is allowed by a disposition or by a permission of the Minister.

(2) Where a person contravenes subsection (1)(a) or (c), then, without limiting the effect of any other provisions of this Act or any other law, the real or personal property referred to in that clause becomes the property of the Crown, whereupon section 9(2)(a) and (b) apply with respect to it.

Protection of natural and cultural resources

9.2 A person shall not, without the permission of the Minister or except to the extent prescribed,

- (a) collect, destroy, damage, remove or move any plant life or animal life (including bird, reptile or amphibian eggs),
- (b) excavate, remove or move an object of geological, cultural, historical, archeological, anthropological, paleontological, ethnological, ecological or other scientific interest or importance, or
- (c) introduce any plant, animal or insect species that has the potential to alter the ecological integrity,

in, from or into a park or recreation area, as the case may be.

Protection of land

10(1) A person shall not destroy or damage any land in a park or recreation area.

(2) Subsection (1) does not apply to work that is

- (a) undertaken by or on behalf of the Minister, or
- (b) specifically allowed by a disposition or a permission of the Minister.

Removal of natural resources

10.1 A person shall not remove or move timber, soil, sand, rock or other natural materials in or from a park or recreation area unless that activity is specifically allowed as part of work being undertaken under a disposition.

Roads, rights of way and undeveloped allowances

10.2 If a road, including the road's right of way or undeveloped road allowance, passes through but does not form part of a park or recreation area and is bordered, either continuously or discontinuously, on both sides by land that forms part of a park or recreation area, the Minister may make regulations applying specified provisions of this Act to that road, including that right of way or allowance.

9 Section 11 is amended

(a) in subsection (1)

- (i) in clause (b) by striking out** “written authorization” **and substituting** “specific permission”;
- (ii) in clause (c) by striking out** “authorized to do so under” **and substituting** “specifically allowed to do so by”;

(b) in subsection (2) by striking out “permitted to do so under” **and substituting** “allowed to do so by or under”.

10 Section 12 is amended

- (a) by renumbering it as section 12(2) and adding the following before subsection (2):**

Regulations

12(1) The Lieutenant Governor in Council may make regulations

- (a) respecting dispositions under this Act, including, without limiting the generality of the foregoing, regulations
 - (i) respecting any prohibitions and restrictions on their grant and renewal and otherwise respecting the bases on which the Minister may grant, renew, withdraw or reinstate them;
 - (ii) respecting administrative penalties related to such dispositions;
- (b) respecting the continuation, withdrawal, cancellation, renewal and administration of dispositions referred to in section 8.1 or permits allowing grazing under the *Forest Reserves Act*.

(b) in subsection (2)

- (i) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):**

- (a) respecting their management, operation, use, protection and preservation and the administration of this Act;
- (ii) in clauses (a.1), (c), (d), (e), (f), (i), (j), (k), (l) and (o) by striking out “governing” and substituting “respecting”;**
- (iii) in clause (f) by striking out “off-highway vehicles,”;**
- (iv) in clauses (g) and (h) by striking out “governing standards”;**
- (v) in clause (l) by striking out “permits” and substituting “permissions”;**
- (vi) by repealing clause (n) and substituting the following:**

- (n) respecting the removal, storage and disposal of items under and referred to in section 17(2);

(vii) by repealing clause (p) and substituting the following:

- (p) respecting the planning and zoning of land;
- (q) respecting temporary prohibitions or restrictions on the possession and consumption of liquor;
- (r) respecting public safety, security and the preservation of order;
- (s) respecting the management of cottage subdivisions and townsites;
- (t) in order to protect rare or sensitive features, objects or species that are of geological, cultural, historical, archeological, anthropological, paleontological, ethnological, ecological or other scientific interest or importance and that are of such significance as to require special protection, designating any part of a park as a nature preserve and respecting the protection, preservation, control and management of nature preserves for any of those purposes;
- (u) respecting the procedures that must be adopted following seizures of items under section 20, including the storage, removal, detention, destruction and disposition of those items and, if applicable, the adoption by reference of procedures under other Acts and setting out the powers and duties of courts in relation to how seized items may or are to be dealt with and other related court processes;
- (v) classifying parks and recreation areas and stating the purposes of those classifications;
- (w) prescribing any matter or thing that by this statute may or is to be prescribed.

11 The following is added after section 12:

Scope of regulations

12.1 Regulations under section 12 may be general or particular and may apply in respect of all parks and recreation areas or in respect of either in general, to particular parks or recreation areas or categories of them or to particular parts of identified parks or recreation areas or categories of them.

Regulations Act - non-application

12.2 An order made under section 5, 13(1), 16(b) or (c) or 17(1) or (6) is exempt from the application of the *Regulations Act*.

12 Section 13 is amended

(a) in subsection (1)

(i) in clause (a.1) by striking out “or travel in” and substituting “, travel in or remaining in”;

(ii) by repealing clause (b) and substituting the following:

(b) establish a framework that provides a basis for zoning the whole or any part of a park or recreation area so as to manage, regulate or confine the various uses of land within the park or recreation area;

(b.1) set or provide mechanisms for setting, and otherwise provide for, fees relating to parks and recreation areas, including fees for

(i) their use and the use of facilities in them,

(ii) the carrying on of activities there,

(iii) dispositions and permissions or applications for them, and

(iv) the provision of goods, services and any other things in or relating to them;

(b) by repealing subsections (1.2) and (2);

(c) by adding the following after subsection (2):

(3) Where the Minister makes an order under subsection (1)(a), the Minister shall endeavour to give notice of the closure and the subsequent reopening by whatever method is considered most appropriate to all who may be affected.

(4) A person shall not, without permission from a conservation officer, enter or remain in an area that has been closed under subsection (1) but not yet reopened.

13 Section 15(2) is amended by striking out “prescribed” and substituting “set”.

14 Sections 16, 17, 18, 19 and 20 are repealed and the following is substituted:

Aircraft

16 A person shall not take off or land an aircraft in a park or recreation area except

- (a) where allowed to do so by a permission of the Minister and in accordance with any conditions set out in the permission,
- (b) on a body of water that is designated, and in accordance with any conditions established, by order of the Minister for float plane access,
- (c) in the case of a hang-glider, parasail or other non-powered aircraft, in a specific location that is designated, and in accordance with any conditions established, by order of the Minister for that purpose, or
- (d) in another prescribed location or situation.

Powers of conservation officers

17(1) For the purposes of administering or enforcing this Act, a conservation officer may

- (a) enter on and inspect any land, road, highway, structure, improvement or work in a park or recreation area,

- (b) order the removal of any unauthorized improvement, structure, work or equipment in a park or recreation area,
- (c) order a person to cease or refrain from any activity that the officer considers is, or is potentially, dangerous to human life or health or public safety or detrimental to the environment or property in a park or recreation area or to the use and enjoyment of the park or recreation area by others,
- (d) close and evacuate the whole or any part of a park or recreation area on account of any imminent danger or other emergency and subsequently reopen it,
- (e) order a person not to enter into or remain in a park or recreation area or an area in it that is considered hazardous or that has been closed,
- (f) order the removal from a park or recreation area, or from a particular part of it, of any person who is
 - (i) making a use of it that is not allowed,
 - (ii) contravening any provision of this Act or of any other Act or any order under another Act,
 - (iii) creating a nuisance or disturbance or committing a trespass or other act deserving of censure, or
 - (iv) present at a location that is considered dangerous,

and enforce any restriction or prohibition on that person's right to re-enter the park or recreation area or that part of it, as the case may be,
- (g) order a person in motion to stop or slow down,
- (h) if a person in motion is operating a vehicle or boat or riding or leading a horse or pack animal, order that person, after the vehicle, boat or animal has stopped or slowed down, to move to a particular place and then stop it, and not to proceed until the end of any period of time necessary to enable the officer to conduct any lawful inquiries,

- (i) order a person to inform the officer of that person's name and address and of any fact or intention relating to that person's use of the park or recreation area or any part of it, and to provide proof of that person's identity, and
- (j) order a person engaging in an activity for which a permission is required to produce the required permission.

(2) A conservation officer may remove, store and dispose of, in accordance with this Act, any motor vehicle, aircraft, boat, trailer, equipment or any other thing that the officer believes, on reasonable and probable grounds, to be

- (a) lost or abandoned in a park or recreation area,
- (b) remaining in a park or recreation area or at a specific location in it when the item is no longer allowed to be there, or
- (c) situated at a location in a park or recreation area where its presence is prohibited.

(3) An order under subsection (1) may be given in writing, orally or, to the extent practicable, by signal.

(4) Conservation officers, without limiting their other powers, have all powers that are required for, that are incidental to or that form part of

- (a) the performance of their duties, whether or not those duties are specifically referred to in this Act, or
- (b) any enforcement, investigation, administration or process under or relating to this Act or any directions, requirements, orders or prosecution or other legal proceeding under or relating to this Act.

(5) If the person to whom an order given by a conservation officer under this Act is directed does not comply with the order, a conservation officer may take any measures reasonably considered to be necessary to carry out the order.

(6) The Minister may by order, subject to any conditions set out in the order, exempt a conservation officer from any provision of this Act.

Entry and search without warrant

18(1) If distance, urgency, the likelihood of removal or destruction of evidence or other relevant factors do not reasonably allow the obtaining of a warrant, a conservation officer may, without obtaining a warrant,

- (a) enter into and search a place, building, tent or other structure in a park or recreation area, or
- (b) search any aircraft, motor vehicle, horse, pack animal or other conveyance or a pack or container,
 - (i) in a park or recreation area, or
 - (ii) located outside of a park or recreation area but believed, on reasonable and probable grounds, to have been involved in an offence in a park or recreation area,

if the officer believes on reasonable and probable grounds that there is in or on it any evidence of an offence.

(2) Notwithstanding subsection (1), a conservation officer shall not enter into or search a place of residence unless in immediate pursuit of a person who the officer believes, on reasonable and probable grounds, has committed an offence.

(3) A conservation officer may, without a warrant, enter on or pass over any land in the execution of the officer's duties, and while so engaged is liable only for damage that the officer wilfully causes.

Emergencies

19 If a conservation officer considers that a situation exists in a park or recreation area that is, or is potentially, dangerous to human life or health or public safety or that will be detrimental to the environment or property, an officer may take any emergency measures considered necessary to prevent such danger or detriment or any progression of it.

Seizures

20(1) A conservation officer may seize anything found in a park or recreation area that the officer believes, on reasonable and probable grounds, affords or may afford evidence of a contravention of this or any other Act.

(2) Following seizure, the prescribed processes with respect to the thing seized shall be followed.

Powers of park administrative officers

21(1) For the purposes of administering a disposition or permission respecting any activity or situation in a park or recreation area, a park administrative officer may

- (a) enter on and inspect any land, road, highway, structure, improvement or work;
- (b) order any unauthorized work to be stopped;
- (c) order the removal of any unauthorized improvement, structure, work or equipment;
- (d) order the repair, alteration, improvement or evacuation of any authorized structure or work considered in need of it;
- (e) order a person to cease or refrain from any activity that the officer considers is, or is potentially, dangerous to human life or property;
- (f) order a person to repair any damage to the environment or property caused by that person or by anyone for whom that person is responsible;
- (g) order the removal from a park or recreation area, or from a particular part of it, of any person who is
 - (i) making a use of it that is not allowed,
 - (ii) contravening any provision of this Act, or
 - (iii) committing a trespass;
- (h) do anything else that is prescribed.

(2) Where a park administrative officer considers that there is or has been a contravention of a disposition in a park or recreation area, the park administrative officer may

- (a) order the disposition holder to comply with the terms and conditions of the disposition and to rectify any contravention of the terms or conditions;
- (b) order any activity allowed by a disposition to be stopped, where there is a contravention of any of its terms or conditions, until the contravention is rectified;
- (c) order the alteration or removal of any work that is not allowed by a disposition.

(3) If the person to whom an order given by a park administrative officer under this Act is directed does not comply with the order, a park administrative officer may take any measures reasonably considered to be necessary to carry out the order.

(4) The Minister may by order, subject to any conditions set out in the order, exempt a park administrative officer from any provision of this Act.

Contravention of dispositions, permissions and orders

22 A person shall not contravene

- (a) any term or condition of a disposition of land in a park or recreation area or of a permission, or
- (b) an order made pursuant to this Act.

False or misleading information

23 A person shall not wilfully give false or misleading information to any person acting in the exercise or execution of that person's powers or duties relating to this Act.

Penalties

24(1) A person who contravenes this Act is guilty of an offence and liable

- (a) in the case of an individual, to a fine of not more than \$100 000 or to imprisonment for a term of not more than 12 months, or to both the fine and imprisonment, and
- (b) in the case of a corporation, to a fine of not more than \$500 000.

(2) Where an offence of a continuing nature continued beyond a single calendar day, the person who committed the offence is additionally liable to the applicable penalty under subsection (1) for each calendar day after the first one on which the offence is held to have continued.

(3) A person is not liable to any additional term of imprisonment solely as a result of the application of subsection (2) or to any term of imprisonment as a result of the application of section 26.

Limitation of time for prosecution

25 A prosecution for an offence may not be commenced later than 2 years after

- (a) the date when the act allegedly constituting the offence was committed, or
- (b) the date when evidence of the alleged offence first came to the attention of the Minister or a conservation officer,

whichever is the later.

Vicarious liability

26(1) In this section,

- (a) “owner” means the person who is the registered owner of the vehicle under the applicable registration system;
- (b) “registration system” means any official system that is maintained for registering a motor vehicle, cycle, aircraft, boat or trailer;
- (c) “vehicle” means a motor vehicle, cycle, aircraft, boat or trailer that is subject to a registration system.

(2) Where a vehicle is involved in any act or situation (in this section referred to as the “activity”) on the part of an individual

that either constitutes an offence or would, in the opinion of the court trying the case, have constituted an offence if that individual had been prosecuted for the activity, the owner is guilty of an offence.

(3) Subsection (2) does not apply if the owner establishes to the satisfaction of the court, on the balance of probabilities, that the activity was not actually performed by the owner or by any other person who had the owner's expressed or implied consent to have the use of the vehicle at the time of the activity.

(4) Any one person may not be charged both as the owner and as the individual personally involved in the activity.

Additional fine representing value of financial benefits

27 Where a person is convicted of an offence and the court trying the case is satisfied that as a result of the act constituting the offence financial benefits accrued directly or indirectly to the person, the court may order the person to pay an additional fine in an amount that does not exceed the amount that the court finds to be the value of those benefits.

Additional powers of court to make directions

28(1) Where a person is convicted of an offence, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order against the person containing any one or more of the following directions, which may contain any substance or conditions that the court considers appropriate:

- (a) to refrain from doing anything that may result in the continuation or a repetition of the offence;
- (b) to take action to remedy any harm that resulted, or to avoid any harm or prevent any further harm that may result, from the act that constituted the offence;
- (c) to pay money as compensation for the whole or part of the cost of any remedial or preventive action taken by or on behalf of the Minister (whether as a result of a direction under clause (b) or not) as a result of that act;
- (d) to compensate the Crown for any damage to land or other property;

- (e) to post a bond or pay money into court for the purpose of ensuring compliance with any direction under this section;
- (f) to comply with any other conditions that the court considers appropriate for securing the person's good conduct and for preventing the person from repeating the offence or committing other offences.

(2) Where the court makes an order under subsection (1) directing a person to pay money, the amount due and any interest payable by law on it constitute a debt due to the Crown and may be recovered as such.

Variation of order

29(1) A court that has made an order under section 28(1) may, on application to the court by the Crown or by the person to whom the order is directed, require the person to appear before it and, after hearing the person and the Minister of Justice and Attorney General, may vary the order in any of the following ways that the court considers appropriate having regard to a change in the person's circumstances since the order was made:

- (a) by changing any direction contained in it;
- (b) by relieving the person, either absolutely or partially or for any period that the court considers appropriate, from compliance with any such direction;
- (c) by extending or decreasing the period during which the order is to remain in force.

(2) Where an application has been heard by the court under subsection (1), no other application may be made in respect of the same order except with the leave of the court.

Contravention following conviction and order

30 Where a person is convicted of an offence, is made subject to an order under section 28(1) and subsequently contravenes that order, that person is guilty of an offence against this section and is liable, with respect to that offence, to an additional penalty not exceeding the maximum penalty to which the person was liable for the original offence.

Compensation in civil case

31 The Crown may, in an action in debt against a person convicted of an offence or an offence committed in a park or recreation area against any other Act, recover any costs incurred by the Crown in carrying out remedial or preventive action relating to the act respecting which the person was convicted.

Transitional provisions

32(1) Regulations in force immediately before the commencement of section 10(b)(vii) of the *Provincial Parks Amendment Act, 2006* that established or otherwise dealt with fees or other charges continue to apply, notwithstanding that enactment, for a period of 2 years after that commencement or until sooner replaced by an order under section 13(1)(b.1) of this statute, and any sub-delegation to the Minister in those regulations of the authority to set fees is hereby validated.

(2) References in dispositions, permissions, agreements and other documents to fees or other charges specified in regulations referred to in subsection (1) are deemed, after the order referred to in that subsection comes into force, to be to the corresponding fees or other charges under that order.

(3) References in dispositions, permissions, agreements and other documents to the repealed section 10(c) of this statute are deemed, with respect to any matter arising after the commencement of this subsection, to refer to section 10 of the *Government Organization Act*.

15 Section 14, to the extent that it repeals section 18 of and adds a new section 20 into the *Provincial Parks Act*, comes into force on Proclamation.

Explanatory Notes

1 Amends chapter P-35 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads:

1 In this Act,

- (a) "aircraft" includes any type of device designed to carry persons or objects through the air in powered or powerless flight;*
- (b) "disposition" means an instrument entered into or issued by which an estate, right or interest in public land under the administration of the Minister is conveyed by or on behalf of the Crown to any person;*
- (c) "highway" means a highway as defined in the Traffic Safety Act;*
- (d) "Minister" means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*
- (e) "motor vehicle" means a motor vehicle as defined in the Traffic Safety Act;*
- (f) "off-highway vehicle" means an off-highway vehicle as defined in the Traffic Safety Act;*
- (g) "park" means land designated as a provincial park pursuant to this Act and includes parks referred to in section 6(2);*
- (h) "recreation area" means land designated as a provincial recreation area pursuant to this Act;*
- (i) "regulation" includes an order made under this Act or the regulations.*

3 Sections 2, 3 and 4 presently read:

2 In accordance with the Public Service Act, there may be appointed persons necessary for the administration of this Act.

3 Parks shall be developed and maintained

- (a) *for the conservation and management of flora and fauna,*
- (b) *for the preservation of specified areas and objects in them that are of geological, cultural, ecological or other scientific interest, and*
- (c) *to facilitate their use and enjoyment for outdoor recreation.*

4 Recreation areas shall be developed and maintained to facilitate their use and enjoyment for outdoor recreation.

4 Section 5 presently reads:

5(1) The Lieutenant Governor in Council may by order authorize the purchase, expropriation or other acquisition of land or buildings or other fixtures on land by the Minister for the purpose of a park or recreation area.

(2) Land purchased, expropriated or otherwise acquired for the purposes of this Act or designated as a park or recreation area pursuant to section 6 is under the administration of the Minister.

5 Land under the Minister's administration.

6 Section 6(1) presently reads:

6(1) The Lieutenant Governor in Council may by order

- (a) *designate land that is owned by or leased to the Crown as a provincial park or provincial recreation area and declare the name by which it is to be known, and*
- (b) *increase or decrease the area of land designated as a park or recreation area.*

7 Section 7 presently reads:

7 Where land under the Minister's administration is not designated as a park or recreation area, the Minister may by regulation

- (a) declare any provision of this Act or the regulations to be applicable to that land as if it were a park or recreation area;*
- (b) declare that land to be included in any reference made to a park or recreation area that is contained in a provision of any other Act or its regulations;*
- (c) prescribe conditions under which any provision referred to in clause (a) or (b) applies to that land;*
- (d) prescribe periods of time during which any provision referred to in clause (a) or (b) applies to that land.*

8 Sections 8, 9 and 10 presently read:

8 The Lieutenant Governor in Council may by order transfer to any other Minister any powers and duties under this Act in relation to any land under the administration of the Minister responsible for this Act.

9(1) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make dispositions;*
- (b) restricting the use to be made of land that is the subject of the dispositions;*
- (c) prescribing or authorizing the Minister to 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;*

- (d) *prescribing or authorizing the Minister to prescribe 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) *governing tenders or proposals made in respect of dispositions.*

(2) The Minister may make regulations governing the fees payable in respect of dispositions.

(3) The Minister may delegate to any employee of the Government the power to make dispositions or classes of dispositions under subsection (1) on the Minister's behalf.

(4) 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 November 4, 1976 is hereby declared to be valid for all purposes.

10 The Minister

- (a) *may establish, develop and maintain a system and classification of parks and recreation areas,*
- (b) *is responsible for the administration, planning, development and maintenance of parks and recreation areas, and*
- (c) *may enter into agreements*
 - (i) *respecting the construction, operation and maintenance, or any one or more of them, of facilities located in or used in respect of parks or recreation areas, and*
 - (ii) *governing the provision of services to the public in respect of parks or recreation areas.*

9 Section 11 presently reads in part:

11(1) No person shall make or attempt to make a place of residence in a park or recreation area other than persons

- (a) *who are employed in the Department administered by the Minister and who are engaged in the development, maintenance or supervision of parks or recreation areas,*
- (b) *who have received written authorization from the Minister to do so, or*
- (c) *who are authorized to do so under a disposition.*

(2) If, in the opinion of the Minister, a person is making or attempting to make a place of residence in a park or recreation area, other than when permitted to do so under subsection (1), the Minister may by written notice served on that person require that person to cease making or attempting to make a place of residence on that land.

10 Section 12 presently reads:

12 The Minister may, in respect of parks and recreation areas, make regulations

- (a) governing the establishment of reservoirs and the use of water stored in them;*
- (b) controlling domestic or other animals not defined as wildlife under the Wildlife Act;*
- (c) governing the use of firearms, pellet, dart, arrow or other projectile shooting equipment, explosives, explosive devices and fireworks;*
- (d) governing uses of and activities on that land;*
- (e) governing commercial, scientific and research activities that may be carried on;*
- (f) governing the use of motor vehicles, off-highway vehicles, boats, trailers and equipment;*
- (g) governing standards respecting the provision or utilization of services in respect of the public;*
- (h) governing standards respecting buildings and other structures;*
- (i) governing the setting, use and extinguishing of fires;*
- (j) governing the treatment and feeding of wildlife;*
- (k) governing the dressing or hanging of big game;*
- (l) governing the issuing of permits allowing special activities to be carried on;*
- (m) controlling or prohibiting noise, unruly behaviour and nuisances;*

- (n) *governing the removal, storage and disposal under section 17(2) of motor vehicles, off-highway vehicles, aircraft, boats, trailers, equipment, appliances, articles or objects;*
- (o) *governing tenders or proposals made by persons wishing to carry on commercial activities;*
- (p) *governing the fees payable*
 - (i) *for the use of or the carrying out of an activity on the land or any part of it;*
 - (ii) *for the use of any facility provided under this Act;*
 - (iii) *for the provision of any goods or services provided under this Act.*

11 Scope of regulations. Regulations Act - non-application.

12 Section 13 presently reads:

13(1) The Minister may by order

- (a) *close all or any part of a park or recreation area for any periods the Minister considers necessary;*
- (a.1) *prohibit or restrict access to or travel in a park or recreation area, or a part of a park or recreation area, indicated in the order for the period or until the time specified in the order;*
- (b) *zone any portion of a park or recreation area so as to regulate or confine the various uses of land resources and water within the park or recreation area;*
- (c) *authorize the doing of any other acts, matters and things relating to the purpose and administration of this Act.*

(1.1) In the case of restrictions under subsection (1)(a.1), the Minister shall specify in the order what the restrictions are.

(1.2) A person who contravenes an order made under this section contravenes this Act.

(2) The Regulations Act does not apply to an order made under subsection (1)(a) or (a.1).

13 Section 15(2) presently reads:

(2) When a vehicle is operated on a road or highway within a park or recreation area by or on behalf of a person for commercial purposes, the Minister may require the owner or operator of the vehicle or the person on whose behalf the vehicle is operated to deposit security in a form and an amount prescribed by the Minister.

14 Sections 16 to 20 presently read:

16 Unless authorized to do so by the Minister, no person shall take off or land an aircraft

- (a) in a park or recreation area, or*
- (b) on water that is located in or that comprises part of a park or recreation area.*

17(1) For the purposes of administering this Act and the regulations, a conservation officer may

- (a) enter on and inspect any land, road, highway, structure or work in a park or recreation area;*
- (b) order the repair, alteration, improvement, evacuation or removal of or addition to any unauthorized structure or work in a park or recreation area;*
- (c) order any person in a park or recreation area to cease or refrain from any action, omission*

or conduct that in the opinion of the conservation officer is dangerous to life or property or detrimental to the use and enjoyment of the park or recreation area by other persons;

- (d) require any person in a park or recreation area to inform the conservation officer of*
 - (i) the name, address and occupation of the person, and*
 - (ii) any fact or intention relating to the use by the person of the park or recreation area;*
- (e) remove from a park or recreation area*
 - (i) any person making an unauthorized use of the park,*
 - (ii) any person failing to comply with any provisions of this Act or the regulations, or*
 - (iii) any person creating a nuisance or disturbance or committing a trespass or any undesirable act.*

(2) If a motor vehicle, off-highway vehicle, aircraft, boat, trailer, equipment, appliance, article or object

- (a) is abandoned,*
- (b) remains in an area after the authorization to be in that area has expired, or*
- (c) is located in a prohibited area,*

a conservation officer may remove, store and dispose of that item in accordance with the regulations.

(3) The Minister may by order, subject to any conditions prescribed in the order, exempt a conservation officer from any provision of this Act or the regulations.

(4) A conservation officer in the exercise and discharge of the conservation officer's powers and duties is a person employed for the preservation and maintenance of the public peace.

18(1) A conservation officer may seize any motor vehicle, off-highway vehicle, aircraft, boat, trailer or any equipment, appliance or other article or object that is being used in a park or recreation area in contravention of this Act or the regulations, or in contravention of any other Act or the regulations made under that Act, whether it is found in the possession of the person alleged to have committed the contravention or not.

(2) The conservation officer shall, on seizing any thing under subsection (1),

(a) give a receipt for it to the person, if any, having possession or custody of the thing, and

(b) furnish a provincial judge with an affidavit

(i) stating that the conservation officer has reason to believe that an offence has been committed in respect of the thing seized, and

(ii) setting out the name of the person, if any, having possession or custody of the thing seized at the time it was seized.

(3) When a thing is seized under the authority of this section, the provincial judge may

(a) order the thing seized to be confiscated to the Crown in right of Alberta when the provincial judge is satisfied that its owner is unknown and that it has been used in connection with a contravention of this Act or the regulations,

(b) order the thing seized to be confiscated to the Crown in right of Alberta on a conviction for any offence under this Act or the regulations, or

(c) *return the thing seized to the person from whom it was seized.*

(4) *When a provincial judge returns something seized after a trial in which a not guilty plea was entered, the provincial judge may order the person to whom the thing is returned*

(a) *to hold the thing as bailee for the Crown during the time limited for appeal, or any extension of it, and*

(b) *to produce the thing if it is required in an appeal.*

19 *A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$2000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.*

20 *If a motor vehicle, off-highway vehicle, aircraft, boat or trailer is involved in a contravention of this Act or the regulations, the owner of that motor vehicle, off-highway vehicle, aircraft, boat or trailer is guilty of an offence and liable to a fine of not more than \$2000 unless the owner proves to the satisfaction of the court that at the time of the offence the motor vehicle, off-highway vehicle, aircraft, boat or trailer was not being operated or used by the owner.*

15 Coming into force.