

2009 Bill 36

Second Session, 27th Legislature, 58 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 36

ALBERTA LAND STEWARDSHIP ACT

THE MINISTER OF SUSTAINABLE RESOURCE DEVELOPMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 36

2009

ALBERTA LAND STEWARDSHIP ACT

(Assented to , 2009)

Table of Contents

- 1 Purposes of Act
- 2 Definitions

Part 1 Regional Plans

Division 1 Making, Amending and Reviewing Regional Plans

- 3 Integrated planning regions
- 4 How regional plans are made and amended
- 5 Lieutenant Governor in Council not constrained
- 6 Review of regional plans

Division 2 Contents of Regional Plans

- 7 State of the planning region statements
- 8 Elements of a regional plan
- 9 Implementing regional plans
- 10 Subregional plans, issue-specific plans and other arrangements
- 11 Statutory consents may be affected
- 12 Application of law under a regional plan

**Part 2
Nature and Effect of Regional
Plans and Compliance Declarations**

**Division 1
Nature and Effect of Regional Plans**

- 13 Legal nature of regional plans
- 14 Application of the Regulations Act
- 15 Binding nature of regional plans
- 16 Public health, safety, property protection and emergencies
- 17 Resolution of conflicting provisions

**Division 2
The Court and Compensation**

- 18 Court orders
- 19 Compensation limited

**Division 3
Compliance Declarations**

- 20 Local government bodies
- 21 Decision-making bodies
- 22 Amendments, subregional and issue-specific plans

**Part 3
Conservation and Stewardship Tools**

**Division 1
Research and Development**

- 23 Market-based instruments
- 24 Programs and measures to support regional plans
- 25 Funding to support conservation, environmental and agricultural values
- 26 Delegation to Stewardship Minister

**Division 2
Conservation Easements**

- 27 Definitions
- 28 Purpose of conservation easements
- 29 Enforcement of conservation easements
- 30 Modification or termination of conservation easement

- 31 Nature of conservation easements
- 32 Registration of conservation easement
- 33 Effect of registration
- 34 Conservation easement regulations

**Division 3
Conservation Directives**

- 35 Right to compensation
- 36 Conservation directives
- 37 Notice to title holders
- 38 Right to compensation for a conservation directive
- 39 Crown pays compensation
- 40 Land Compensation Board to resolve disputes
- 41 Appeal
- 42 Conservation directive regulations
- 43 Municipal authority unaffected

**Division 4
The Exchange, Stewardship Units
and Conservation Off-set Programs**

- 44 The exchange
- 45 Stewardship units
- 46 Conservation off-set programs

**Division 5
Transfer of Development Credit Schemes**

- 47 Establishing a TDC scheme
- 48 Components of a TDC scheme
- 49 TDC regulations

**Part 4
Regional Planning Process
and its Administration**

**Division 1
Regional Planning Process**

- 50 Commencement

**Division 2
Regional Advisory Councils**

- 51 Establishment and appointment
- 52 Terms of reference
- 53 Exemption from liability
- 54 Resources for regional advisory councils
- 55 Terms of reference may vary

**Division 3
Land Use Secretariat**

- 56 Land Use Secretariat
- 57 Regional plans
- 58 Regional plan implementation
- 59 Co-ordination of information systems
- 60 Monitoring and reporting functions
- 61 Complaint review
- 62 Other functions and responsibilities

**Division 4
Other Administrative Matters**

- 63 Interpretation bulletins
- 64 Fees for services
- 65 General regulation-making authority
- 66 Incentives and programs

**Part 5
Transitional Provisions, Related
Amendments and Coming into Force**

- 67 Conservation easement transition
- 68-94 Related amendments
- 95 Coming into force

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

Purposes of Act

- 1 The purposes of this Act are

- (a) to provide a means by which the Government can give direction and provide leadership in identifying the objectives of the Province of Alberta, including economic, environmental and social objectives;
- (b) to provide a means to plan for the future, recognizing the need to manage activity to meet the reasonably foreseeable needs of current and future generations of Albertans, including aboriginal peoples;
- (c) to create legislation and policy that enable sustainable development by taking account of and responding to the cumulative effect of human endeavour and other events.

Definitions

2 In this Act,

- (a) “activity” means
 - (i) anything that requires a statutory consent, and
 - (ii) anything that, under an enactment, must comply with a rule, code of practice, guideline, directive or instrument;
- (b) “conservation directive” means a conservation directive expressly declared to be established in a regional plan under section 36;
- (c) “conservation easement” means a conservation easement granted by agreement under Part 3;
- (d) “decision-maker” means a person who, under an enactment or regulatory instrument, has authority to grant a statutory consent, and includes a decision-making body;
- (e) “decision-making body” means, subject to any regulations made under section 65, an entity established by or under an enactment, all or a majority of whose members are appointed or designated
 - (i) by their personal names or by their names of office by an enactment,
 - (ii) by an order of the Lieutenant Governor in Council,

- (iii) by an order of a Minister, or
 - (iv) by any combination of the methods described in subclauses (i) to (iii);
- (f) “Designated Minister” means, as the case requires,
- (i) a Minister designated as responsible for a provision of this Act under section 16 of the *Government Organization Act*, or
 - (ii) a Minister named in a regional plan as the Minister responsible for an element or provision of a regional plan or any component of a regional plan,
- and may include the Stewardship Minister if the Stewardship Minister is named as the Designated Minister;
- (g) “effect” includes
- (i) any effect on the environment, human health or safety, a species or an objective in a regional plan, regardless of the scale, nature, intensity, duration, frequency, probability or potential of the effect, and
 - (ii) a cumulative effect that arises over time or in combination with other effects;
- (h) “enactment” means an Act or a regulation, as defined in section 1(1)(f) of the *Regulations Act*, including an Act or regulation passed after this Act comes into force;
- (i) “environment” means the components of the earth and includes
- (i) air, land and water,
 - (ii) all layers of the atmosphere,
 - (iii) all organic and inorganic matter and living organisms, and
 - (iv) the interacting natural systems that include components referred to in subclauses (i) to (iii);

- (j) “exchange” means the person or government department established or designated as the exchange by any regulations made under section 44;
- (k) “General Council” means the Metis Settlements General Council under the *Metis Settlements Act*;
- (l) “General Council Policy” means a General Council Policy made under section 222 of the *Metis Settlements Act*;
- (m) “government department” means department as defined in section 1(1)(f) of the *Financial Administration Act*;
- (n) “land” includes everything in, on or under land;
- (o) “local authority” means the council of a municipality or the council of a Metis settlement;
- (p) “local government body” means, subject to any regulations made under section 65,
 - (i) the governing body of a municipal authority as defined in the *Municipal Government Act*;
 - (ii) the board of directors of a regional services commission under the *Municipal Government Act*;
 - (iii) the council of a Metis settlement and the General Council;
 - (iv) a board of directors established under the *Irrigation Districts Act*;
 - (v) a board of trustees established under the *Drainage Districts Act*;
 - (vi) a management body established under the *Alberta Housing Act*;
 - (vii) any person or entity designated as a local government body by any regulations made under section 65;
- (q) “manage” includes prohibit or regulate and control;

- (r) “planning region” means an integrated planning region established under section 3 or by a regional plan, as amended from time to time;
- (s) “policy” includes a strategy, plan, scheme, program or initiative;
- (t) “regional advisory council” means a regional advisory council established under section 51;
- (u) “regional plan” means
 - (i) a regional plan made under section 4, as amended from time to time;
 - (ii) anything made, approved, adopted or incorporated as part of a regional plan under section 10, as amended from time to time;
- (v) “regulatory instrument” means, subject to any regulations made under section 65,
 - (i) a bylaw of a local government body;
 - (ii) a rule, code of practice, guideline, directive or instrument having binding, guiding or recommending effect that is enacted under or used for the purpose of administering an enactment;
 - (iii) any of the following instruments of a government department, local government body or decision-making body:
 - (A) policies, plans, objectives or procedures;
 - (B) rules, directions or administrative regulations to guide or direct administrative conduct;
 - (C) instruments used to administer, guide or direct the exercise of regulatory, administrative or decision-making discretion or authority;
 - (D) instruments that manage, authorize, permit or allow an activity, other than a statutory consent or a regulation made under an enactment;

- (iv) any instrument designated as a regulatory instrument by any regulations made under section 65;
- (w) “secretariat” means the Land Use Secretariat established by section 56;
- (x) “settlement patented land” means patented land as defined in section 1(1)(c) of the *Metis Settlements Land Protection Act*;
- (y) “species” means a species or subspecies or variety of animal or fish as defined in the *Fisheries Act* (Canada);
- (z) “statutory consent” means a permit, licence, registration, approval, authorization, disposition, certificate, allocation, agreement or instrument issued under or authorized by an enactment or regulatory instrument;
- (aa) “stewardship commissioner” means the person appointed to the position of stewardship commissioner under section 56(2);
- (bb) “Stewardship Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Stewardship Minister responsible for all or part of this Act;
- (cc) “stewardship unit” means a unit created or authorized under section 45;
- (dd) “TDC scheme” means a scheme for the transfer of development credits established in accordance with Part 3, Division 5;
- (ee) “threshold” has the meaning given to it in a regional plan and may include a limit, target, trigger, range, measure, index or unit of measurement;
- (ff) “title holder” means
 - (i) in respect of land other than settlement patented land,
 - (A) a person registered in the land titles office as the owner of an estate in fee simple in the land,

- (B) a person who is shown by the records of the land titles office as having an estate or interest in the land,
- (C) any other person who is in possession or occupation of the land, or
- (D) in the case of Crown land, a person shown on the records of the department administering the land as having an estate or interest in the land,

and

- (ii) in respect of settlement patented land, the person named or described in the regulations made under section 42,

but does not include the holder of

- (iii) a disposition as defined in the *Mines and Minerals Act*,
- (iv) a unit agreement as defined in the *Mines and Minerals Act*, or
- (v) a contract under section 9(a) of the *Mines and Minerals Act*.

Part 1 Regional Plans

Division 1 Making, Amending and Reviewing Regional Plans

Integrated planning regions

3(1) The Lieutenant Governor in Council may establish integrated planning regions under this section or as part of a regional plan, describe their boundaries and give them names.

(2) The Lieutenant Governor in Council may amend the boundaries and names of planning regions.

How regional plans are made and amended

4(1) The Lieutenant Governor in Council may make or amend regional plans for planning regions.

(2) The Lieutenant Governor in Council may make regulations

- (a) classifying amendments to regional plans;
- (b) prescribing the process, procedure or criteria, if any, for all or any class of amendments to regional plans;
- (c) respecting the notice or consultation, or both, required for amendments to regional plans or for a class of amendment;
- (d) respecting the conditions or criteria to be met in applying for an amendment to a regional plan, who may apply for an amendment to a regional plan and to whom the application must be made, and the procedure for verifying that any conditions or criteria have been met;
- (e) respecting the role and function of the secretariat, government departments and other persons in reviewing, preparing or developing amendments to regional plans for consideration by the Lieutenant Governor in Council;
- (f) appointing or designating a person or entity to perform any function with respect to a proposed amendment to a regional plan and, if required, appointing a person as a commissioner under the *Public Inquiries Act* for the purposes described in the regulation.

(3) A regulation under subsection (2) may be made with respect to all or one or more regional plans.

(4) If a regulation is made under subsection (2) about how a regional plan is to be amended, an amendment to the regional plan may be made by the Lieutenant Governor in Council only in accordance with the regulation.

Lieutenant Governor in Council not constrained

5(1) A regional plan may be made or amended whether or not

- (a) a regional advisory council has been appointed for a planning region to which a regional plan or an amendment to a regional plan applies;

- (b) a regional advisory council or other person has provided advice about a proposed regional plan or an amendment to a regional plan and irrespective of the advice given and irrespective of whether or not the advice was considered or followed;
 - (c) the secretariat has provided advice with respect to a regional plan or an amendment to a regional plan and irrespective of the advice given and irrespective of whether or not the advice was considered or followed.
- (2) The Lieutenant Governor in Council may repeal a regional plan.

Review of regional plans

- 6(1)** At least once every 10 years, the secretariat must review each regional plan and report to the Stewardship Minister on its ongoing relevancy and effectiveness.
- (2) The extent and nature of each review of a regional plan is in the discretion of the secretariat, subject to any terms of reference set by the Lieutenant Governor in Council under section 50.
- (3) A regional plan expires if a review of the regional plan is not started within 10 years of the date the regional plan is made.
- (4) If a regional plan expires or is repealed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may make regulations
- (a) respecting the transition of any matter in the expired or repealed regional plan;
 - (b) to remedy any confusion, difficulty, inconsistency, impossibility or other circumstance resulting from the expiry or repeal of the regional plan.
- (5) A regulation may not be made under subsection (4) after the expiration of one year from the date the regional plan expires or is repealed.

Division 2 Contents of Regional Plans

State of the planning region statements

7 A regional plan may contain

- (a) information relevant to the history of the planning region, its geography, its demographics and its economic, environmental and social characteristics;
- (b) a description of the state of the planning region describing matters of particular importance in or to the planning region, and the trends and the opportunities and challenges for the planning region, including the economic, environmental and social opportunities and challenges.

Elements of a regional plan

8(1) A regional plan must

- (a) describe a vision for the planning region, and
- (b) state one or more objectives for the planning region.

(2) A regional plan may

- (a) include policies designed to achieve or maintain the objectives for the planning region;
- (b) set or provide for one or more thresholds for the purpose of achieving or maintaining an objective for the planning region;
- (c) name, describe or specify indicators to determine or to assist in determining whether an objective or policy in the regional plan has been, is being or will be achieved or maintained and whether policies in the regional plan are working;
- (d) describe or specify the monitoring required of thresholds, indicators and policies, who will do the monitoring and when, and to whom the monitoring will be reported;
- (e) describe or specify the times and means by which, and by whom, an assessment or analysis will be conducted to

determine if the objectives or policies for the planning region have been, are being or will be achieved or maintained;

- (f) describe or specify the actions or measures or the nature of the actions or measures to be taken to achieve or maintain the objectives and policies in the regional plan, and by whom they are to be taken or co-ordinated, if
 - (i) an adverse trend or an adverse effect occurs;
 - (ii) an objective or policy is or might be in jeopardy or a threshold is or might be exceeded or jeopardized;
 - (iii) an objective or policy has not been achieved or maintained, is not being achieved or maintained, or might not be achieved or maintained;
- (g) describe and convey to a person named in the regional plan authority to achieve or maintain an objective or policy, which may include delegating authority under any enactment or regulatory instrument to the person named.

Implementing regional plans

9(1) A regional plan may contain provisions that the Lieutenant Governor in Council considers necessary or appropriate to advance or implement, or to both advance and implement, the purposes of this Act.

(2) Without limiting subsection (1), a regional plan may

- (a) include or adopt statements of provincial policy for one, all or some planning regions to inform, guide or direct;
- (b) adopt, as part of the regional plan, regulations made under Part 3 or 4 for the purpose of achieving or maintaining an objective or policy in the regional plan;
- (c) whether or not another enactment deals with the same, similar or associated matters, make, as part of the regional plan, law on any matter within the legislative authority of the Legislature that is designed to advance or implement, or to both advance and implement, the purposes of this Act;

- (d) make, as part of the regional plan, law that may be made as a regulation under this Act, or as a regulation under any other Act, and also make, amend or repeal regulations under any other Act whether
 - (i) the other Act is enacted before or after this Act comes into force, or
 - (ii) the authority to make regulations under the other Act is given to the Lieutenant Governor in Council, a Minister, a board or agency, or any combination of those persons;
- (e) manage whatever is necessary to achieve or maintain an objective or policy, including managing all or part of the cause of an effect or those matters that affect or that might affect the economy, social objectives, the environment, human health or safety, a species or any element of any of them;
- (f) with respect to a planning region, make, as part of the regional plan, law about matters in respect of which a local government body may enact a regulatory instrument;
- (g) manage the surface or subsurface of land and any natural resource;
- (h) authorize expropriation by the Crown under the *Expropriation Act*, including expropriation of mines and minerals;
- (i) designate persons or existing entities, or establish a corporation or other entity, to perform any function under the regional plan;
- (j) establish conflict resolution processes for any dispute, conflict or matter requiring resolution, including mediation, facilitation, conciliation, regulatory negotiation or arbitration under the *Arbitration Act*;
- (k) authorize a Designated Minister to make an agreement or arrangement for the purpose of achieving or maintaining an objective or policy in the regional plan;
- (l) provide for transitional or bridging arrangements;

- (m) define, for the purposes of a regional plan, any term in this Act in a manner that is not inconsistent with this Act;
- (n) specify or describe a means to determine which local government bodies and decision-making bodies, if any, must file a compliance declaration with the secretariat under Part 2, Division 3 after an amendment is made to a regional plan or after a subregional or issue-specific plan comes into effect or a plan, agreement or arrangement is adopted or incorporated as part of a regional plan;
- (o) include any other matter that this Act or the regulations under this Act permit or authorize to be included in a regional plan.

(3) A regional plan may

- (a) specify those provisions of a regional plan the contravention of or non-compliance with which constitutes an offence or makes the person who contravenes or does not comply liable to an order, directive or administrative or other penalty under another enactment;
- (b) specify the fine, penalty or other enforcement mechanism in another enactment that applies to the contravention of or non-compliance with a regional plan;
- (c) name or describe an official or other person having authority under another enactment to enforce a contravention of or non-compliance with a regional plan under that other enactment;
- (d) provide that any appeal or review provisions under another enactment apply with respect to decisions made to enforce compliance with a regional plan.

Subregional plans, issue-specific plans and other arrangements

10(1) A regional plan may

- (a) authorize the preparation of a subregional plan or an issue-specific plan and specify or describe how it is to be approved as part of the regional plan;

- (b) make or authorize a Designated Minister to make, or authorize a Designated Minister to adopt by incorporation or reference, rules, a code of practice, guidelines, best practices or any other instrument on matters described in the regional plan for the purpose of advancing or implementing an objective or policy in the regional plan;
- (c) approve, as part of the regional plan, a plan made under the *Public Lands Act*, whether the plan is made before or after this Act comes into force, with or without modifications, as a subregional plan or an issue-specific plan of the regional plan;
- (d) adopt or incorporate, as part of the regional plan, a plan made under an enactment, or an agreement or arrangement, whether made before or after this Act comes into force, with or without modification to the plan, agreement or arrangement, as a subregional plan or an issue-specific plan of the regional plan.

(2) A subregional plan or an issue-specific plan approved by or in accordance with a regional plan, or a plan, agreement or arrangement adopted by or incorporated in a regional plan,

- (a) may contain anything that a regional plan may contain;
- (b) becomes effective in accordance with section 13(5).

(3) When a subregional plan or an issue-specific plan comes into effect, and when a Designated Minister makes or adopts rules, a code of practice, guidelines, best practices or any other instrument authorized by a regional plan, the subregional plan, issue-specific plan or rules, code of practice, guidelines, best practices or other instrument, as the case may be, becomes part of the regional plan that authorized it or them.

Statutory consents may be affected

11 A regional plan may, by express reference to a statutory consent or type or class of statutory consent, affect, amend or extinguish the statutory consent or the terms or conditions of the statutory consent.

Application of law under a regional plan

12(1) A regional plan

- (a) may make different provision for
 - (i) different parts of the planning region, or for different objectives, policies, activities or effects in a planning region;
 - (ii) different classes of effect arising from an activity in the planning region;
- (b) may manage an activity, effect, cause of an effect or person outside a planning region until a regional plan comes into force with respect to the matter or person;
- (c) applies all the time unless the regional plan says it applies for a stated or described period of time or provides for an exclusion, exception or exemption;
- (d) may be specific or general in its application.

(2) The Lieutenant Governor in Council may, in a regional plan, delegate and authorize subdelegation of any authority under the regional plan except authority

- (a) to make a regional plan or amend a regional plan, or to make or adopt rules under a regional plan, or
- (b) to approve, adopt or incorporate a subregional plan or issue-specific plan as part of a regional plan, or to adopt or incorporate a plan, agreement or arrangement as part of a regional plan, or to amend any of them.

Part 2 Nature and Effect of Regional Plans and Compliance Declarations

Division 1 Nature and Effect of Regional Plans

Legal nature of regional plans

13(1) A regional plan is an expression of the public policy of the Government and therefore the Lieutenant Governor in Council has exclusive and final jurisdiction over its contents.

(2) Regional plans are legislative instruments and, for the purposes of any other enactment, are considered to be regulations.

(3) The meaning of a regional plan is to be ascertained from its text, in light of the objectives of the regional plan, and in the context in which the provision to be interpreted or applied appears.

(4) A regional plan and every amendment to a regional plan must

- (a) be published in Part I of The Alberta Gazette, and
- (b) be made publicly available by the secretariat in accordance with section 58(c).

(5) A regional plan and every amendment to a regional plan comes into effect when it is published in Part I of The Alberta Gazette or on any later date specified in the regional plan or amendment.

Application of the Regulations Act

14(1) Subject to subsection (2), the *Regulations Act* does not apply to a regional plan.

(2) The *Regulations Act* applies to the making, amending or repeal of regulations under any other Act pursuant to section 9(2)(d).

Binding nature of regional plans

15(1) Except to the extent that a regional plan provides otherwise, a regional plan binds

- (a) the Crown,
- (b) local government bodies,
- (c) decision-makers, and
- (d) all other persons.

(2) Subsection (1) is given effect, if at all, only

- (a) by the provisions of the regional plan itself,
- (b) in accordance with another enactment, or
- (c) as a result of an order of the Court of Queen's Bench under section 18.

(3) Subject to subsection (5), subsection (1) does not

- (a) create or provide any person with a cause of action or a right or ability to bring an application or proceeding in or before any court or in or before a decision-maker,
- (b) create any claim exercisable by any person, or
- (c) confer jurisdiction on any court or decision-maker to grant relief in respect of any claim.

(4) For the purposes of subsection (3), a claim includes any right, application, proceeding or request to a court for relief of any nature whatsoever and includes, without limitation,

- (a) any cause of action in law or equity,
- (b) any proceeding in the nature of certiorari, prohibition or mandamus, and
- (c) any application for a stay, injunctive relief or declaratory relief.

(5) Subsection (3) does not apply in respect of an application by the stewardship commissioner to the Court of Queen's Bench under section 18.

Public health, safety, property protection and emergencies

16 The Government, a Minister, a local government body, a decision-maker or any other person does not contravene a regional plan by reason only of

- (a) an action taken or an order made under or in accordance with an enactment or regulatory instrument for the purpose of protecting the public health or safety or protecting property, or
- (b) an action taken to respond to an emergency.

Resolution of conflicting provisions

17(1) Subject to subsection (2), if there is a conflict or inconsistency between

- (a) a regional plan and a regulation made under an Act, the regional plan prevails;

(b) a regional plan and a regulatory instrument, the regional plan prevails.

(2) A regional plan does not prevail over a General Council Policy made and approved under section 226 of the *Metis Settlements Act*.

(3) If there is a conflict or inconsistency between an Act and a regional plan, the Act prevails.

(4) If there is a conflict or inconsistency between this Act and any other enactment, this Act prevails.

Division 2 The Court and Compensation

Court orders

18(1) The stewardship commissioner may apply to the Court of Queen's Bench for an order under this section if, in the opinion of the stewardship commissioner, non-compliance with this Act, a regulation under this Act or a regional plan cannot be remedied or rectified under another enactment.

(2) On application by the stewardship commissioner, if the Court is satisfied that this Act, a regulation under this Act or a regional plan has not been or is not being complied with, the Court may make an order to remedy or rectify the non-compliance.

(3) The Court may make any interim or final order it thinks fit, including, without limitation, any or all of the following orders:

- (a) to stop something being done, to require something to be done or to change the way in which something is being done;
- (b) to manage the conduct of a person;
- (c) declaring that any regulatory instrument of a local government body does or does not comply with a regional plan and, if necessary, ordering compliance;
- (d) to take any action or measure necessary to remedy or rectify non-compliance with a regional plan and, if necessary, an order to prevent a reoccurrence of the contravention;

- (e) to amend or repeal a regulatory instrument of a local government body that does not comply with a regional plan.

Compensation limited

19 No person has a right to compensation by reason of this Act, a regulation under this Act, a regional plan or anything done in or under a regional plan except either

- (a) as expressly provided for under Part 3, Division 3, or
- (b) as provided for under another enactment.

**Division 3
Compliance Declarations**

Local government bodies

20(1) When a regional plan is made, every local government body affected by the regional plan must

- (a) review its regulatory instruments, and
- (b) decide what, if any, new regulatory instruments or changes to regulatory instruments are required for compliance with the regional plan.

(2) Every local government body affected by the regional plan must, within the time set in or under, or in accordance with, the regional plan,

- (a) make any necessary changes or implement new initiatives to comply with the regional plan, and
- (b) file a statutory declaration with the secretariat that the review required by this section is complete and that the local government body is in compliance with the regional plan.

Decision-making bodies

21(1) When a regional plan is made, every decision-making body affected by the regional plan must

- (a) review its regulatory instruments, and

- (b) decide what, if any, new regulatory instruments or changes to regulatory instruments are required for compliance with the regional plan.

(2) Every decision-making body affected by the regional plan must, within the time set in or under, or in accordance with, the regional plan,

- (a) make any necessary changes or implement new initiatives to comply with the regional plan, and
- (b) file a statutory declaration with the secretariat that the review required by this section is complete and that the decision-making body is in compliance with the regional plan.

Amendments, subregional and issue-specific plans

22(1) This section applies when

- (a) a subregional plan or an issue-specific plan is approved or adopted by or is incorporated in a regional plan as part of the regional plan,
- (b) an agreement or arrangement is adopted by or is incorporated in a regional plan as part of the regional plan, or
- (c) a regional plan is amended.

(2) A local government body or decision-making body affected by a change to a regional plan described in subsection (1) must, if so directed by or under the regional plan, file with the secretariat a declaration described in section 20(2) or 21(2), as the case requires, with respect to a matter described in subsection (1).

**Part 3
Conservation and
Stewardship Tools**

**Division 1
Research and Development**

Market-based instruments

23 The Lieutenant Governor in Council may

- (a) support or advance research and development into the creation, application and implementation of instruments, including market-based instruments, to support, enhance and implement the purposes of this Act and objectives and policies in or proposed for a regional plan;
- (b) establish, support or encourage pilot projects to investigate or test instruments, including market-based instruments, to advance or implement the purposes of this Act and objectives and policies in or proposed for a regional plan.

Programs and measures to support regional plans

24 The Lieutenant Governor in Council may establish, support or participate in programs and other measures to carry out the purposes of this Act and the objectives and policies of regional plans.

Funding to support conservation, environmental and agricultural values

25 The Lieutenant Governor in Council is responsible for establishing, supporting or facilitating funding and cost-sharing initiatives, mechanisms and instruments to support or enhance any one or more of the following:

- (a) conservation easements;
- (b) conservation directives;
- (c) instruments, including market-based instruments, designed or intended to support, encourage or enhance all or any of the following:
 - (i) the protection, conservation and enhancement of the environment;
 - (ii) the protection, conservation and enhancement of natural scenic or esthetic values;
 - (iii) the protection, conservation and enhancement of agricultural land or land for agricultural purposes.

Delegation to Stewardship Minister

26 The Lieutenant Governor in Council may delegate any or all of its powers, duties or functions under sections 23 to 25 to the Stewardship Minister subject to any terms and conditions that the Lieutenant Governor in Council imposes.

Division 2 Conservation Easements

Definitions

27 In this Division,

- (a) “grantee” means the recipient of a conservation easement and includes a successor, assignee, executor, administrator, receiver, receiver manager, liquidator and trustee of the grantee;
- (b) “grantor” means the person who grants a conservation easement and includes a successor, assignee, executor, administrator, receiver, receiver manager, liquidator and trustee of the grantor;
- (c) “qualified organization” means
 - (i) the Government,
 - (ii) a Government agency,
 - (iii) a local government body, or
 - (iv) a corporation that
 - (A) has as one of its objects the acquisition and holding of interests in land for purposes that are substantially the same as any of the purposes for which a conservation easement may be granted,
 - (B) has in its constating instrument a requirement that, on or in contemplation of the winding-up of the corporation, all conservation easements that the corporation holds are to be transferred to another qualified organization, and
 - (C) is a registered charity within the meaning of the *Income Tax Act* (Canada).

Purpose of conservation easements

28(1) A registered owner of land may, by agreement, grant to a qualified organization a conservation easement in respect of all or part of the land for one or more of the following purposes:

- (a) the protection, conservation and enhancement of the environment;
- (b) the protection, conservation and enhancement of natural scenic or esthetic values;
- (c) the protection, conservation and enhancement of agricultural land or land for agricultural purposes;
- (d) providing for any or all of the following uses of the land that are consistent with the purposes set out in clause (a), (b) or (c):
 - (i) recreational use;
 - (ii) open space use;
 - (iii) environmental education use;
 - (iv) use for research and scientific studies of natural ecosystems.

(2) In subsection (1), “registered owner of land” means

- (a) the person registered in a land titles office as the owner of the fee simple in the land, and
- (b) in the case of settlement patented land, a person registered as the owner in the Metis Settlements Land Registry established under the *Metis Settlements Act*, subject to any General Council Policy with respect to who is to be considered the registered owner of land for the purposes of this Division.

Enforcement of conservation easements

29(1) A conservation easement may be enforced by

- (a) the grantee, or

- (b) a qualified organization, other than the grantee, that the grantor has designated in writing as having the power to enforce the conservation easement,

or by both the grantee and the qualified organization.

(2) A grantor may not designate more than one qualified organization at a time to enforce the conservation easement.

(3) A grantee may assign a conservation easement to another qualified organization.

(4) A grantee who assigns a conservation easement must immediately notify the grantor of that assignment.

Modification or termination of conservation easement

30 A conservation easement may be modified or terminated

- (a) by agreement between the grantor and the grantee, or
- (b) by order of a Designated Minister, whether or not the Designated Minister is a grantor or grantee, if the Designated Minister considers that it is in the public interest to modify or terminate the conservation easement.

Nature of conservation easements

31(1) A conservation easement constitutes an interest in land in the grantee.

(2) A conservation easement does not lapse by reason only of

- (a) non-enforcement of it,
- (b) the use of the land that is the subject of the conservation easement for a purpose that is inconsistent with the purposes of the conservation easement, or
- (c) a change in the use of land that surrounds or is adjacent to the land that is the subject of the conservation easement.

(3) With respect to settlement patented land, subsection (1) is subject to any General Council Policy.

Registration of conservation easement

32(1) A conservation easement may be registered

- (a) under the *Land Titles Act* with the Registrar of Titles, or
- (b) under the regulations under the *Metis Settlements Act* with the Registrar of the Metis Settlements Land Registry, subject to any General Council Policy.

(2) A person intending to register a conservation easement must give prior notice of the registration in accordance with the regulations to

- (a) the Minister responsible for the *Municipal Government Act*, if the land that is the subject of the conservation easement is located in an improvement district,
- (b) the Special Areas Board, if the land that is the subject of the conservation easement is located in a special area, or
- (c) the council of the municipality or the council of the Metis settlement in which the land that is the subject of the conservation easement is located.

(3) When a conservation easement is presented for registration, the appropriate Registrar must endorse a memorandum of the conservation easement on the certificate of title to the estate or interest in land that is the subject of the conservation easement.

(4) If a conservation easement is modified or is terminated, one of the parties to the agreement, or a Designated Minister in the case of a modification or termination of the conservation easement under section 30(b), must register a copy of the document effecting the modification or termination with the appropriate Registrar, and the Registrar must endorse a memorandum on the certificate of title to the estate or interest in land noting the modification or discharging the registration, as the case may be.

(5) If a conservation easement expires, one of the parties to the agreement must notify the appropriate Registrar, and the Registrar must endorse a memorandum on the certificate of title to the estate or interest in land discharging the registration.

Effect of registration

33(1) A conservation easement that is registered under section 32 runs with the land and may be enforced whether it is positive or negative in nature and notwithstanding that the person wishing to enforce the conservation easement does not have an interest in any land that would be accommodated or benefited by the conservation easement.

(2) Subject to subsection (3), this Division applies notwithstanding section 48 of the *Land Titles Act*.

(3) A conservation easement is deemed to be a condition or covenant for the purpose of section 48(4) and (6) of the *Land Titles Act*.

(4) With respect to settlement patented land, subsection (1) is subject to any General Council Policy.

Conservation easement regulations

34 A Designated Minister may make regulations for the purpose of this Division.

Division 3 Conservation Directives

Right to compensation

35 A title holder whose estate or interest in land is the subject of a conservation directive has a right to apply for compensation in accordance with this Division.

Conservation directives

36(1) A regional plan may permanently protect, conserve, manage and enhance environmental, natural scenic, esthetic or agricultural values by means of a conservation directive expressly declared in the regional plan.

(2) A conservation directive must

- (a) describe the precise nature of the conservation directive, its intended purpose and the protection, conservation, management or enhancement that is the subject of the conservation directive;

(b) identify or prescribe a means of identifying the parcels of land that are the subject of the conservation directive.

(3) A conservation directive does not constitute an estate or interest in land.

Notice to title holders

37(1) A title holder whose estate or interest in land is the subject of a conservation directive must be given notice of the conservation directive.

(2) The notice must

- (a) identify the estate or interest in land affected,
- (b) describe or include a copy of the conservation directive and describe its purpose,
- (c) notify the title holder of the title holder's right to apply for compensation to the Land Compensation Board if the title holder considers the market value of the estate or interest in land that is the subject of the conservation directive has decreased as a result of the conservation directive,
- (d) describe how to make an application to the Land Compensation Board, and
- (e) specify that the title holder has a right to apply to the Court of Queen's Bench to determine any compensation payable instead of the Land Compensation Board.

(3) A notice of the conservation directive may only be served on the title holder by personal service or by any other method provided for in the regulations.

Right to compensation for a conservation directive

38(1) If a conservation directive is expressly declared to be established in a regional plan, the title holder whose estate or interest in land is the subject of the conservation directive has the right, subject to the regulations made under section 42, to apply for compensation.

(2) An application for compensation under subsection (1) may be made no later than 12 months after notice of the conservation directive is served on the title holder.

(3) Subject to the regulations made under section 42, if a title holder referred to in subsection (1) is entitled to compensation, the compensation to which the title holder is entitled is

- (a) the amount of the decrease in the market value of the estate or interest in land
 - (i) resulting solely from the express declaration of the conservation directive, and
 - (ii) determined as of the date the conservation directive became effective,
- (b) damages for injurious affection as a result of the conservation directive, and
- (c) damages for any other loss specified in the regulations as a result of the conservation directive.

(4) For the purposes of this section, “market value”, in respect of an estate or interest in land, is the amount that the estate or interest might be expected to realize if sold in the open market by a willing seller to a willing buyer.

Crown pays compensation

39 The Crown is liable to pay any compensation payable under this Division as a result of a conservation directive.

Land Compensation Board to resolve disputes

40(1) Subject to subsection (2), if the Crown and a title holder referred to in section 38(3) cannot agree on the compensation payable as a result of a conservation directive, the Land Compensation Board must, in accordance with this Act and the regulations, determine the compensation payable and, if necessary, to whom it is payable.

(2) Notwithstanding subsection (1), the title holder may elect to have the compensation fixed by the Court of Queen’s Bench and in that case the provisions of this Act and the regulations relating to determination of compensation by the Land Compensation Board

apply with all necessary modifications to the proceedings before the Court.

Appeal

41(1) An appeal lies to the Court of Appeal from any determination of the Land Compensation Board.

(2) An appeal under subsection (1) may be made on questions of law or fact, or both, and the Court of Appeal may

- (a) refer any matter back to the Land Compensation Board, or
- (b) make any decision or order that the Land Compensation Board has power to make.

Conservation directive regulations

42(1) The Lieutenant Governor in Council may make regulations

- (a) defining “injurious affection” for the purpose of section 38(3)(b);
- (b) respecting applications by title holders to the Land Compensation Board to determine compensation claims as a result of a conservation directive;
- (c) governing the process for considering claims for compensation;
- (d) respecting any process or procedure as a condition of an application to or as a condition of considering of an application by the Land Compensation Board;
- (e) respecting who is to pay the costs of an application or authorizing the Land Compensation Board to make that decision;
- (f) respecting the criteria the Land Compensation Board must take into consideration when making a decision and matters that it may not take into consideration;
- (g) modifying anything in the regulations or making special provision for the application of the regulations to settlement patented land;

- (h) authorizing the Land Compensation Board to exercise any powers given to it under any other enactment, with or without modifications, with respect to an application under this Division;
 - (i) prescribing a period within which an appeal to the Court of Appeal may be made under section 41;
 - (j) specifying losses as a result of conservation directive for the purposes of section 38(3)(c);
 - (k) respecting the deduction from compensation, or the consideration to be given, of any amount received by the title holder as compensation or payment for loss in respect of an estate or interest in land for which the title holder claims compensation
 - (i) under another enactment,
 - (ii) as a result of the terms of an agreement,
 - (iii) under the terms or conditions of a statutory consent, or
 - (iv) as a result of any other provision of a regional plan or regulations providing for compensation for a decrease in the market value of an estate or interest in land;
 - (l) providing for additional methods of service of a notice under section 37.
- (2)** The Lieutenant Governor in Council may make regulations
- (a) respecting the person who must give notice of a conservation directive to title holders of an estate or interest in land that is the subject of the conservation directive;
 - (b) respecting the terms and conditions that must be incorporated in or that attach to a conservation directive or any class or type of conservation directive;
 - (c) respecting the enforcement of conservation directives, including

- (i) the appointment of a person, Designated Minister, government department or local government body or a qualified organization as defined in Division 2 to enforce conservation directives, and
 - (ii) the terms, conditions and duration of the appointment and the powers respecting enforcement;
- (d) respecting the registration, recording or filing of notice of a conservation directive under the *Land Titles Act*, the persons to whom notice of the registration, recording or filing must be given, by whom the notice is to be given, and the terms and conditions of that registration, recording or filing and of any subsequent amendment, termination or repeal of the conservation directive;
 - (e) respecting the regulation or control of amendments to, or the termination or repeal of, conservation directives or of any particular conservation directives or class or type of conservation directive;
 - (f) respecting the duties and responsibilities of the Registrar of Titles respecting the registration, recording, filing, amendment, termination or repeal of a conservation directive;
 - (g) applying any regulation made under this subsection despite anything in the *Land Titles Act*;
 - (h) naming or describing a person as a title holder for the purpose of section 2(ff)(ii);
 - (i) modifying anything in the regulations or making special provision for settlement patented land.

Municipal authority unaffected

43 Nothing in this Division affects

- (a) the authority of a municipal authority under Part 17 of the *Municipal Government Act*, or
- (b) the operation or application of any provisions of that Part.

Division 4
The Exchange, Stewardship Units and
Conservation Off-set Programs

The exchange

- 44** The Lieutenant Governor in Council may make regulations
- (a) establishing or designating a person or government department as the exchange and naming the exchange;
 - (b) conferring on the exchange, by agreement or by regulation, or both, all or any of the following:
 - (i) the authority, subject to the regulations under this Part, to create, hold, issue, approve, verify, authenticate, distribute, modify, suspend or extinguish all or part of a stewardship unit;
 - (ii) the authority to establish, administer or manage one or more programs, schemes or systems to register, record and administer stewardship units;
 - (c) providing for the manner and method of reporting by the exchange on matters required by the regulations under this Part;
 - (d) delegating to the exchange the authority described by the regulations under this Part or under a regional plan;
 - (e) requiring the exchange to provide education and information about the services it provides.

Stewardship units

- 45(1)** The Lieutenant Governor in Council may make regulations
- (a) respecting the creation, holding, issuance, approval, verification, authentication, distribution, modification, suspension or extinguishment of stewardship units;
 - (b) respecting how a stewardship unit is created and by whom;
 - (c) establishing or authorizing different types or classes of stewardship unit and the name or names of the types or classes and the terms, conditions and restrictions with

respect to each type or class of stewardship unit, including development credits that are the subject of a TDC scheme;

- (d) respecting the attributes of each type or class of stewardship unit, including, without limitation, regulations
 - (i) describing what the type or class of stewardship unit represents;
 - (ii) describing the nature of the type or class of stewardship unit, in particular, whether the type or class of stewardship unit is one of benefit or obligation, or both;
 - (iii) whether the stewardship unit is irrevocable, and if not, its term or any other conditions applying to it;
- (e) for managing the holding, use, sale, trading, exchange, lease, assignment and disposition, including disposition by will or on death without a will, of stewardship units, and if regulation or control is required, including, without limitation, regulations
 - (i) respecting the establishment of a registry and a system for the recording of stewardship units;
 - (ii) respecting the powers, duties and functions of the exchange, including as a registry operator;
 - (iii) respecting the establishment, operation and closing of trading accounts for stewardship units;
 - (iv) respecting the recording of transactions or use of stewardship units;
 - (v) respecting the collection of information and the use of information and records kept by the exchange and records in respect of trading in stewardship units;
 - (vi) respecting, authorizing and prohibiting the disclosure of information and records kept by the exchange with respect to the registry and otherwise;
 - (vii) respecting the records to be kept by persons holding stewardship units or participating in the trading of stewardship units;

- (viii) authorizing a person to prescribe forms for the purposes of the regulations;
 - (f) delegating to a Designated Minister, a local government body or a decision-maker any authority, function or requirement under the regulations made under this Part with respect to the use, imposition or extinguishment of a stewardship unit;
 - (g) applying or exempting all or any provisions of the *Securities Act* or any regulations or rules under the *Securities Act* with respect to any provision of this Act or the regulations concerning a stewardship unit or a type or class of stewardship unit;
 - (h) respecting the compatibility of regulations under this section with similar regulatory schemes in other jurisdictions, inside and outside Canada.
- (2) A stewardship unit is not and may not be created as an interest in land.

Conservation off-set programs

- 46(1)** The Lieutenant Governor in Council may make regulations to counterbalance the effect of an activity.
- (2) In this section, “counterbalance” includes
- (a) avoiding, limiting or mitigating the adverse effect of an activity;
 - (b) minimizing the impact of an activity by limiting the magnitude or degree of the activity;
 - (c) rectifying or reducing an adverse effect by repairing, rehabilitating, restoring or reclaiming;
 - (d) reducing or eliminating an adverse effect over time by conservation and maintenance operations;
 - (e) compensating for an activity by replacing, providing, acquiring, using or extinguishing stewardship units as described in regulations made under this Part;
 - (f) requiring any or all of the counterbalancing requirements described in this subsection to be increased by a ratio or

factor prescribed by regulations under this section as a result of the effect of the activity;

- (g) encouraging voluntary measures to offset an activity by committing, without limitation, to additional restoration, reclamation or mitigation, the acquisition of land, the establishment of a conservation easement or the donation of actual or in-kind, financial or other resources;
- (h) requiring any action described in this subsection to be taken before or after an activity starts or before or after an activity ends.

(3) Regulations under this section may

- (a) require a decision-maker, in the circumstances described in the regulations, to impose terms and conditions on an existing or proposed statutory consent to counterbalance the effect of an activity or proposed activity;
- (b) set a limit or restriction on the maximum effect of an activity in respect of human health or safety, a species or the environment within a period of time specified in the regulations, and for that purpose may
 - (i) describe or specify a stewardship unit that is to counterbalance the effect of an activity;
 - (ii) specify the period of time within which the stewardship unit must be used or extinguished;
 - (iii) prohibit an activity without the extinguishment of all or part of a stewardship unit;
- (c) establish, certify, credit or accredit anything that is suitable as a stewardship unit to counterbalance an activity;
- (d) provide a means of assigning to a stewardship unit an attribute with respect to an investment or project indicating its benefit or obligation measured against the effect of an activity;
- (e) establish a program to certify an activity as a stewardship unit, including providing for
 - (i) who is to issue the certification;

- (ii) how and when and under what terms and conditions a person may be certified and how and by whom a certification may be terminated;
- (iii) what a certification entitles the holder of the certification to do;
- (f) adopt or prescribe one or more guidelines or best practices with respect to counterbalancing the effect of an activity;
- (g) provide for the management, monitoring and enforcement of a stewardship unit, including
 - (i) how monitoring is to be conducted and by whom;
 - (ii) requiring periodic or special reports, specifying with whom a report must be filed and requiring its availability for public inspection;
 - (iii) the inspection of an activity and the monitoring and reports on the effect of the activity to determine compliance with a stewardship unit;
 - (iv) testing anything related to an activity at a time or times and at a frequency specified by the regulations;
 - (v) an audit of compliance with a stewardship unit and the regulations;
 - (vi) security for performance of an obligation under a stewardship unit and compliance with its terms and conditions, including, without limitation, insurance, a bond, certification or audit by a third party agency or other person specified by the regulations.

**Division 5
Transfer of Development
Credit Schemes**

Establishing a TDC scheme

47(1) A TDC scheme may be established only in accordance with this Division.

- (2) A TDC scheme may be established by
- (a) a regional plan,
 - (b) a local authority if the scheme is first approved by the Lieutenant Governor in Council, or
 - (c) 2 or more local authorities in accordance with an agreement or arrangement among them, with or without other persons, if the agreement or arrangement is first approved by the Lieutenant Governor in Council.

Components of a TDC scheme

48(1) Unless regulations under section 49 provide otherwise, every TDC scheme must include the following components:

- (a) the designation of an area or areas of land as a conservation area with one or more of the following purposes:
 - (i) the protection, conservation and enhancement of the environment;
 - (ii) the protection, conservation and enhancement of natural scenic or esthetic values;
 - (iii) the protection, conservation and enhancement of agricultural land or land for agricultural purposes;
 - (iv) providing for all or any of the following uses of the land that are consistent with the purposes set out in subclause (i), (ii) or (iii):
 - (A) recreational use;
 - (B) open space use;
 - (C) environmental education use;
 - (D) use for research and scientific studies of natural ecosystems;
 - (v) designation as a Provincial Historic Resource or a Municipal Historic Resource under the *Historical Resources Act*;

- (b) identification or provision for the identification of every parcel of land in the conservation area and the title holder of each parcel of land or a means of identifying them;
- (c) the attributes of the one or more stewardship units established by the TDC scheme in accordance with regulations made under section 45;
- (d) the terms and conditions under which a stewardship unit may be realized or used, or both, by a title holder in the conservation area;
- (e) the designation of an area or areas of land as a development area and any terms and conditions of that designation;
- (f) any other matter required to be included in a TDC scheme by the regulations under section 49.

(2) If a local authority or 2 or more local authorities establish a TDC scheme, the scheme must include

- (a) in the case of a TDC scheme established by a single local authority, provisions to adopt or amend a municipal development plan, area structure plan, land use bylaw, intermunicipal development plan or other bylaw to implement the TDC scheme;
- (b) in the case of a TDC scheme between 2 or more local authorities,
 - (i) a written arrangement or agreement between the local authorities with respect to the scheme, with or without other persons, and
 - (ii) provisions to adopt or amend municipal development plans, area structure plans, land use bylaws, intermunicipal development plans or other bylaws to implement the scheme;
- (c) any other provision considered necessary or desirable by the Lieutenant Governor in Council or required by the regulations made under section 49.

TDC regulations

49(1) The Lieutenant Governor in Council may make regulations

- (a) respecting any additional components of or modification to the components of a TDC scheme required by section 48;
- (b) respecting what a stewardship unit may or may not be used for in a TDC scheme and the terms and conditions on the use of stewardship units;
- (c) managing the realization, sale, assignment or disposition of stewardship units and the conditions under which a realization, sale, assignment or disposition of a stewardship unit may occur, including, without limitation, if the title holder
 - (i) enters into a conservation easement satisfactory to the Stewardship Minister or the local authority or local authorities, as the case requires, and the conservation easement is registered in a land titles office,
 - (ii) consents to a Provincial Historic Resource or a Municipal Historic Resource designation under the *Historical Resources Act* with respect to a parcel of land or an aspect of it, or
 - (iii) provides a form of conservation or protection with respect to a parcel of land that is designated as part of a conservation area that, in the opinion of the Stewardship Minister or the local authority or local authorities, as the case may be, provides a satisfactory means of conservation;
- (d) respecting the functions and responsibilities of the exchange in a TDC scheme;
- (e) respecting the amendment or repeal of a bylaw designating a conservation area or development area, or both, and the conditions that must be met before a bylaw designating a conservation area or development area is amended or repealed.

(2) Nothing in regulations made under subsection (1) limits or restricts the regulation-making authority of the Lieutenant Governor in Council under section 45.

Part 4
Regional Planning Process
and its Administration

Division 1
Regional Planning Process

Commencement

50(1) The Lieutenant Governor in Council may

- (a) authorize the commencement of a regional planning process, a process to amend a regional plan or a process to review a regional plan;
- (b) set the terms of reference under which a process authorized under clause (a) is to be conducted and by whom;
- (c) describe the public and stakeholder communication and consultation required;
- (d) describe the role and function of regional advisory councils, government departments and the secretariat in respect of a process;
- (e) direct recognition, consideration or development of provincial policies and provide guidance on how they are to be respected, prioritized, balanced, incorporated or integrated in the development of a regional plan, amendment to a regional plan or review of a regional plan;
- (f) require a list to be prepared of areas that are candidates for a conservation directive for the protection, conservation, management or enhancement of environmental, natural scenic, esthetic or agricultural values;
- (g) describe the consideration to be given to any matter, including economic, environmental and social issues;
- (h) set out the expectations of and timeframe for the process of developing a regional plan or amendments to a regional plan or for the review of a regional plan.

(2) Nothing in this Act requires an order to be made under subsection (1) before the Lieutenant Governor in Council makes or amends a regional plan.

Division 2 Regional Advisory Councils

Establishment and appointment

51(1) The Lieutenant Governor in Council may establish a regional advisory council for a planning region.

(2) The Lieutenant Governor in Council may

- (a) appoint members of a regional advisory council, including individuals who are members of aboriginal peoples;
- (b) provide for the payment of expenses and remuneration for some or all members of a regional advisory council;
- (c) provide or authorize the provision of information, data and other materials to assist regional advisory councils in their work.

(3) The Lieutenant Governor in Council may establish a date on which the mandate of a regional advisory council terminates unless the mandate and terms of office of one or more members is extended.

(4) The Lieutenant Governor in Council may delegate to the Stewardship Minister any of the functions of the Lieutenant Governor in Council under this section.

Terms of reference

52(1) For each regional advisory council, the Lieutenant Governor in Council may establish terms of reference, which may include

- (a) roles and responsibilities of members of the regional advisory council;
- (b) designation of a chair and vice-chair and their responsibilities or delegating that responsibility to the regional advisory council;
- (c) rules governing the calling and conduct of meetings;

- (d) a means or method for resolving disputes;
- (e) a code of ethics for members of the regional advisory council;
- (f) a description of the nature or kind of advice to be given by the regional advisory council and to whom it is to be given.

(2) The Lieutenant Governor in Council may delegate to the Stewardship Minister any of the functions of the Lieutenant Governor in Council under this section, including authority to delegate to a regional advisory council any of the functions described in subsection (1)(b) and (c).

Exemption from liability

53 No action lies against a member of a regional advisory council for anything done or omitted to be done by the member in good faith while acting as a member of the regional advisory council and carrying out the functions of a member.

Resources for regional advisory councils

54(1) The secretariat is responsible, in accordance with any terms of reference established by the Lieutenant Governor in Council,

- (a) for providing or co-ordinating the provision of the human and financial resources, information, data and other material that the secretariat considers to be necessary or appropriate for use by a regional advisory council;
- (b) for establishing and co-ordinating the conduct of a project team to advise and assist a regional advisory council.

(2) The resources provided under subsection (1) may be provided subject to terms and conditions.

Terms of reference may vary

55 The terms of reference established by the Lieutenant Governor in Council for regional advisory councils may vary from one regional advisory council to another.

Division 3 Land Use Secretariat

Land Use Secretariat

56(1) There is established, as part of the public service of Alberta but not as part of a government department, a secretariat to be known as the Land Use Secretariat, headed by the stewardship commissioner.

(2) In accordance with the *Public Service Act*, there must be appointed a person to the position of stewardship commissioner and other employees as are required to administer the business and affairs of the secretariat.

(3) The stewardship commissioner has, with respect to the secretariat, all the authority and responsibility of a deputy head under

- (a) the *Public Service Act*,
- (b) the *Financial Administration Act*, and
- (c) every other enactment under which a deputy head has a power, duty or responsibility.

Regional plans

57 The secretariat has the following mandate with respect to regional plans and proposed regional plans:

- (a) to prepare or direct the preparation of regional plans and amendments to regional plans for consideration by the Lieutenant Governor in Council;
- (b) to prepare, direct, participate in or co-ordinate the preparation of subregional or issue-specific plans, or amendments to either of them, for approval, adoption or incorporation in a regional plan and to review proposed subregional plans, issue-specific plans and plans, agreements and arrangements proposed for adoption by or incorporation in a regional plan;
- (c) to identify the need for policies and the integration or co-ordination of policy for consideration by the Lieutenant Governor in Council for incorporation in a

regional plan and, if required, to facilitate, co-ordinate or assist in the preparation of that policy;

- (d) to make recommendations to keep or facilitate keeping regional plans up-to-date;
- (e) to conduct a review of regional plans at least once every 10 years in accordance with section 6 or earlier as required by the Lieutenant Governor in Council.

Regional plan implementation

58 The secretariat, with respect to a regional plan or an amendment to a regional plan,

- (a) may facilitate and co-ordinate the implementation of the regional plan or the amendment to the regional plan and assist those affected by the regional plan to understand and implement the regional plan or the amendment to the regional plan;
- (b) may facilitate and encourage co-operation between government departments and agencies and co-operative relationships between government departments and local government bodies;
- (c) must maintain regional plans as a public record with the capacity to determine the contents of a regional plan at any given point in time, which may include
 - (i) electronic versions of regional plans;
 - (ii) loose-leaf and other hard-copy versions of regional plans;
- (d) must maintain a public record of planning regions, their boundaries and any interpretation bulletins issued under section 63.

Co-ordination of information systems

59 The secretariat is responsible for co-ordinating or supporting the co-ordination of integrated information systems, including data collection, monitoring, analysis and reporting, that are capable of providing any information required to develop, maintain, monitor,

analyze, assess and implement regional plan objectives and policies.

Monitoring and reporting functions

60 The secretariat

- (a) must periodically monitor progress on achieving or maintaining objectives in regional plans and the effectiveness of policies to achieve or maintain those objectives, and to issue reports as the secretariat considers necessary;
- (b) may make recommendations to a local government body or government department to encourage or ensure regional plan objectives and policies are achieved or maintained.

Complaint review

61(1) A person may make a written complaint to the secretariat that a regional plan is not being complied with.

(2) The secretariat may investigate a complaint if the stewardship commissioner is satisfied that

- (a) the complaint has or may have sufficient merit to warrant an investigation,
- (b) the matter complained of is not the subject or part of the subject of an application, process, decision or appeal governed by an enactment or regulatory instrument, or that there is not an adequate remedy under the law or existing administrative practices, and
- (c) no other person should investigate the matter complained of.

(3) If the secretariat decides a complaint should not be investigated by the secretariat, the stewardship commissioner must notify the complainant accordingly.

(4) Subject to subsection (2), the secretariat may conduct or authorize a person to conduct any investigation or inquiry as is considered necessary or appropriate in the circumstances and provide a report to the stewardship commissioner.

(5) A government department or local government body must co-operate with an investigation or inquiry conducted by the secretariat or a person authorized by the secretariat.

(6) If the secretariat is satisfied that there is clearly non-compliance with a regional plan, the stewardship commissioner may refer the matter, with or without a report or recommendations, to either or both of the following who have jurisdiction or authority with respect to the matter:

- (a) a Minister or government department, or
- (b) a local government body.

(7) The stewardship commissioner may delegate the secretariat's authority to conduct an investigation or inquiry under this section to one or more other persons, with or without conditions, but may not delegate authority to decide whether an investigation or inquiry should be conducted.

Other functions and responsibilities

62(1) In addition to its mandate under this Act and any other enactment, the secretariat must perform the duties imposed or conferred on it by a regional plan or by the Lieutenant Governor in Council.

(2) If a regional plan does not contain provisions respecting how to respond to the failure of a policy or to the lack of progress in achieving or maintaining an objective or policy in a regional plan, the secretariat is responsible for co-ordinating an effective response.

(3) In fulfilling the mandate of the secretariat, subject to the prior approval of the Stewardship Minister,

- (a) the stewardship commissioner may appoint experts to provide advice or assistance;
- (b) the stewardship commissioner may appoint a committee for particular purposes and prescribe the committee's responsibilities and the timeframe for completing them;
- (c) the stewardship commissioner may enter into agreements or arrangements with any other person.

(4) The secretariat may develop, co-ordinate or assist in the development of programs, schemes, services and research to support its mandate and the objectives and policies in a regional plan.

(5) The secretariat must comply with any protocols established by the Lieutenant Governor in Council for the secretariat to ensure appropriate consultation with government departments or local government bodies that have an interest in or are affected by the secretariat's mandate.

(6) The stewardship commissioner may delegate to another person, or designate another person to perform, all or any of the secretariat's functions, with or without conditions.

Division 4 Other Administrative Matters

Interpretation bulletins

63(1) The Lieutenant Governor in Council may make regulations

- (a) authorizing the secretariat or any other person named in the regulations to issue interpretation bulletins on the interpretation, application, compliance, non-compliance and intended purpose, application or implementation of a regional plan;
- (b) authorizing interpretation bulletins to be issued on the initiative of the secretariat or any other person named in the regulations, and prescribing conditions on the issuance of the interpretation bulletins;
- (c) describing any process required or conditions to be met before an interpretation bulletin is issued;
- (d) stating the binding, advisory, persuasive or informational character of interpretation bulletins, including, if so stated in the regulations, that an interpretation bulletin has the same effect as if it had been included in a regional plan.

(2) The *Regulations Act* does not apply to interpretation bulletins.

(3) Interpretation bulletins must be published in Part I of The Alberta Gazette.

Fees for services

64 The Stewardship Minister may, by regulation, prescribe fees or describe how they are to be calculated for any service or function provided, action taken or matter considered under this Act, regulations made under this Act or a regional plan.

General regulation-making authority

65 The Lieutenant Governor in Council may make regulations

- (a) designating a person or entity as a local government body, or exempting a local government body, for the purposes of the definition of local government body;
- (b) exempting an entity from the definition of decision-making body;
- (c) designating an instrument as a regulatory instrument for the purposes of the definition of regulatory instrument or exempting an instrument described in that definition from the definition;
- (d) prescribing or authorizing the stewardship commissioner to prescribe the form of statutory declarations required under this Act or the regulations and the nature and contents of other forms that may be required;
- (e) respecting matters that may be included in a regional plan;
- (f) designating an order establishing a regional advisory council under section 7 of the *Government Organization Act* before this section comes into force as an order in council establishing a regional advisory council under section 51, with or without modifications;
- (g) defining any word or expression used but not defined in this Act.

Incentives and programs

66(1) The Lieutenant Governor in Council may make regulations providing for financial and other incentives to support the purposes of this Act and the objectives and policies of regional plans.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations

- (a) respecting grants or conditional grants and describing their purposes;
- (b) respecting the human, financial and technical services to support or advance the objectives and policies of regional plans;
- (c) respecting eligibility for and terms and conditions of grants, conditional grants and other support or services;
- (d) promoting research, best practices and management programs to advance the purposes of this Act and to advance and implement the objectives and policies of regional plans;
- (e) respecting recognition programs, awards or rewards;
- (f) establishing best or beneficial practices, ethical use and management for the purposes of attaining regional plan objectives and implementing regional plan policies;
- (g) respecting education, information and resources to support programs and policies to advance and implement regional plan objectives and policies.

(3) The Lieutenant Governor in Council may designate a government department, local government body, the secretariat or any other person as responsible for any provision of the regulations made under this section.

Part 5 Transitional Provisions, Related Amendments and Coming into Force

Conservation easement transition

67(1) A conservation easement granted or registered, or granted and registered, under the *Environmental Protection and Enhancement Act* before the coming into force of this section is deemed for all purposes to have been granted or registered or granted and registered, as the case may be, under this Act and continues with the same effect under this Act.

(2) The *Conservation Easement Registration Regulation* (AR 215/96) made under the *Environmental Protection and*

Enhancement Act remains in force and is deemed to have been made under this Act.

Amends SA 2002 c4 and SA 2003 c11

68(1) The *Administrative Penalties and Related Matters Statutes Amendment Act, 2002* is amended by repealing sections 2 and 4

(2) The *Agricultural Dispositions Statutes Amendment Act, 2003* is amended by repealing section 4.

Explanatory Notes

68 Amends chapter 4 of the Statutes of Alberta, 2002 and chapter 11 of the Statutes of Alberta, 2003. Sections 2 and 4 of SA 2002 c4 and section 4 of SA 2003 c11 presently read:

2(1) The Forests Act is amended by this section.

(2) Section 1(n) is amended by adding “or volume” after “area”.

(3) Section 4 is amended

(a) in clause (l) by striking out “prescribing” and substituting “respecting the determination of administrative”;

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

(1.1) providing, with respect to any provision of the regulations, that its contravention constitutes an offence;

(1.2) prescribing penalties, including imprisonment, in respect of offences created under clause (1.1);

(4) Section 25 is amended

(a) by repealing subsection (2)(c);

(b) by adding the following after subsection (4):

(4.1) The Minister may cancel or suspend a timber disposition or timber quota where the holder of the timber disposition or timber quota is indebted to the Crown.

(5) Section 50 is amended by striking out “\$1000” and substituting “\$5000”.

(6) Sections 53 to 57 are repealed and the following is substituted:

53(1) Where the Minister is of the opinion that a person has contravened a provision of this Act or the regulations, the Minister may, subject to the regulations, by notice in writing served on the person personally or by mail require that person to pay to the Government an administrative penalty in the amount set out in the notice for each contravention.

(2) A person who contravenes a provision referred to in subsection (1) is liable for the administrative penalty for each day or part of a day on which the contravention occurs and continues.

(3) A person who pays an administrative penalty in respect of a contravention may not be charged under this Act with an offence in respect of that contravention.

(4) A notice under subsection (2) may not be issued more than 2 years after

(a) the date on which the contravention occurred, or

(b) the date on which evidence of the contravention first came to the attention of a forest officer,

whichever occurs later.

54 A person who has been served with a notice of administrative penalty pursuant to section 53 shall pay the amount of the penalty within 30 days from the date of service of the notice.

55 Subject to the right to appeal a notice of administrative penalty, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

56 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.

57 For the purposes of this Act, an act or thing done or omitted to be done by a director, officer, official, employee or agent of a corporation in the course of that person's employment or in the exercise of that person's powers or the performance of that person's duties is deemed also to be an act or thing done or omitted to be done by the corporation.

58 Subject to the regulations, the Minister shall publish particulars of enforcement action taken under this Act.

59 *The Minister may make regulations*

- (a) *respecting the publication of particulars of enforcement action for the purposes of section 58 including, without limitation, what information must or may be published and the times at which and the manner in which it is to be published;*
- (b) *respecting appeals from notices of administrative penalty issued under section 53 including, without limitation, regulations respecting*
 - (i) *the composition and manner of appointment of the appeal body;*
 - (ii) *the evidence to be considered by the appeal body and the factors that the appeal body is to consider in reaching its decision;*
 - (iii) *the powers of the appeal body to confirm or reverse a notice of administrative penalty and to vary the amount of an administrative penalty;*
 - (iv) *the procedure to be followed in the appeal and the procedure before the appeal body.*

(7) *This section comes into force on Proclamation.*

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

(2) *Section 9 is amended by adding the following after clause (j):*

- (j.1) *respecting appeals from notices of administrative penalty issued under section 49 including, without limitation, regulations respecting*
 - (i) *the composition and manner of appointment of the appeal body;*
 - (ii) *the evidence to be considered by the appeal body and the factors that the appeal body is to consider in reaching its decision;*
 - (iii) *the powers of the appeal body to confirm or reverse a notice of administrative penalty and to vary the amount of an administrative penalty;*

- (iv) *the procedure to be followed in the appeal and the procedure before the appeal body;*
- (j.2) *respecting the publication of particulars of enforcement action for the purposes of section 50.4 including, without limitation, what information must or may be published and the times at which and the manner in which it is to be published;*
- (3) *The following is added after section 15:*
 - 15.1 *The Minister may refuse to issue or renew a disposition where the applicant is indebted to the Crown.*
- (4) *Section 26 is amended by adding the following after subsection (2):*
 - (2.1) *The Minister may cancel or suspend a disposition where the holder of the disposition is indebted to the Crown.*
- (5) *Sections 48 to 50 are repealed and the following is substituted:*
 - 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.

(2) The amount of an administrative penalty in a case referred to in subsection (1)(c) may not exceed \$5000.

49(1) Where the Minister requires a person to pay an administrative penalty under this Act, the Minister shall serve on the person personally or by mail a notice of administrative penalty demanding payment of the penalty within 30 days of the date of service of the notice.

(2) The notice of administrative penalty must state the grounds on which the penalty was assessed.

50 A person is liable for an administrative penalty for each day or part of a day on which the contravention occurs and continues, and where this Act prescribes the maximum amount of an administrative penalty, the maximum is the maximum for each day or part of a day on which the contravention occurs and continues.

50.1 A person who pays an administrative penalty in respect of a contravention may not be charged under this Act with an offence in respect of that contravention.

50.2 A notice of administrative penalty may not be issued more than 2 years after the later of

- (a) the date on which the contravention to which the notice relates occurred, or*
- (b) the date on which evidence of the contravention first came to the notice of the Minister.*

50.3 Subject to the right to appeal a notice of administrative penalty, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

50.4 Subject to the regulations, the Minister shall publish particulars of enforcement action taken under this Act.

(6) The following is added before section 55:

54.1 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the

commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.

54.2 For the purposes of this Act, an act or thing done or omitted to be done by a director, officer, official, employee or agent of a corporation in the course of employment or in the exercise of powers or the performance of duties is deemed also to be an act or thing done or omitted to be done by the corporation.

(7) This section comes into force on Proclamation.

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:

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.

Amends RSA 2000 cA-7

69(1) The *Agricultural Operation Practices Act* is amended by this section.

(2) Section 1(a.1) is amended by striking out “or” at the end of subclause (i), adding “or” at the end of subclause (ii) and adding the following after subclause (ii):

- (iii) land described in an ALSA regional plan, or in a conservation easement, conservation directive or TDC scheme as those terms are defined in the *Alberta Land Stewardship Act*, that is protected, conserved or enhanced as agricultural land or land for agricultural purposes;

(3) Section 20 is amended by adding the following after subsection (9):

(10) Despite anything in this section, in considering an application for an approval or an amendment of an approval, an approval officer must act in accordance with, and ensure that the application complies with, any applicable ALSA regional plan.

(4) Section 22 is amended by adding the following after subsection (8):

(9) Despite anything in this section, in considering an application for a registration or an amendment to a registration, an approval officer must act in accordance with, and ensure that the application complies with, any applicable ALSA regional plan.

(5) Section 44(1) is amended by adding the following after clause (b):

- (b.1) respecting compliance with and the enforcement of ALSA regional plans;

69 Amends chapter A-7 of the Revised Statutes of Alberta.
Sections 1, 20, 22 and 44 presently read in part:

1 In this Act,

(a.1) “agricultural land” means

- (i) land the use of which for agriculture is either a permitted or discretionary use under the land use bylaw of the municipality or Metis settlement in which the land is situated or is permitted pursuant to section 643 of the Municipal Government Act, or*
- (ii) land that is subject to an approval, registration or authorization;*

20(1) In considering an application for an approval or an amendment of an approval, an approval officer must consider whether the applicant meets the requirements of this Part and the regulations and whether the application is consistent with the municipal development plan land use provisions, and if in the opinion of the approval officer,

- (a) the requirements are not met or there is an inconsistency with the municipal development plan land use provisions, the approval officer must deny the application, or*
- (b) there is no inconsistency with the municipal development plan land use provisions and the requirements are met or a variance may be granted under section 17 and compliance with the variance meets the requirements of the regulations, the approval officer*
 - (i) must consider matters that would normally be considered if a development permit were being issued,*
 - (ii) may make, or require the applicant to make, inquiries and investigations and prepare studies and reports,*
 - (iii) must give directly affected parties a reasonable opportunity to review the information relevant to the application that is submitted to the approval officer and a reasonable opportunity to furnish evidence and written submissions relevant to the application,*

- (iv) *may hold meetings and other proceedings with respect to the applications,*
- (v) *may provide or facilitate mediation among directly affected parties,*
- (vi) *must consider the effects the proposed approval or amended approval may have on natural resources administered by ministries,*
- (vii) *must consider the following if available when the application for approval is considered: any applicable statement of concern submitted under section 73 of the Environmental Protection and Enhancement Act or under section 109 of the Water Act and any written decision of the Environmental Appeals Board or the Director under the Water Act in respect of the subject-matter of the approval,*
- (viii) *may consider any evidence that was before the Environmental Appeals Board or the Director under the Water Act in relation to the written decision referred to in subclause (vii), and*
- (ix) *must consider the effects on the environment, the economy and the community and the appropriate use of land.*

(1.1) In considering under subsection (1) whether an application is consistent with the municipal development plan land use provisions, an approval officer shall not consider any provisions respecting tests or conditions related to the construction of or the site for a confined feeding operation or manure storage facility nor any provisions respecting the application of manure, composting materials or compost.

(1.2) In considering whether an application for an amendment to an approval meets the requirements of the regulations, an approval officer

- (a) shall not consider whether the existing buildings and structures meet the requirements of the regulations unless in the opinion of the approval officer the existing buildings and structures may cause a risk to the environment, but*
- (b) must consider whether the proposed expansion or alteration of an existing building or structure or any proposed new*

building or structure meets the requirements of the regulations.

(2) A Director under the Environmental Protection and Enhancement Act and the Director under the Water Act may disclose the statements of concern referred to in subsection (1)(b)(vii) to an approval officer and the approval officer may use the information in the statements of concern for the purposes of this Part.

(3) The approval officer may, under subsection (1)(b),

(a) deny the application, or

(b) grant an approval or an amendment of an approval and impose terms and conditions on the approval or amendment including the terms and conditions that a municipality could impose if the municipality were issuing a development permit.

(4) The approval officer must provide a written copy of the decision under subsection (1)(a) or (3) to the directly affected parties and the persons and organizations who were determined, under section 19, not to be directly affected parties.

(5) A directly affected party may, within 10 working days of receipt of the decision under subsection (4), apply to the Board in accordance with the regulations for a review of the decision.

(6) A person or organization that was determined under section 19 not to be a directly affected party may, with written reasons,

(a) within 10 working days of receipt of the decision under subsection (4), apply to the Board, with written reasons, for a review of whether the person or organization is a directly affected party, and

(b) apply to the Board, in accordance with the regulations, for a review of the decision under subsection (4).

(7) An applicant under subsection (6)(a) must provide, on the request of the Board, further information relevant to the application.

(8) The Board must notify the applicant under subsection (6)(a) in writing of the Board's determination whether the applicant is a directly affected party.

(9) If a person is determined under subsection (8) to be a directly affected party, the Board must consider the person's application, if any, for a review of the decision under subsection (5).

22(1) In considering an application for a registration or an amendment of a registration, the approval officer must determine whether the applicant meets the requirements of this Part and the regulations and whether the application is inconsistent with the municipal development plan land use provisions, and if, in the opinion of the approval officer,

- (a) the requirements are not met or there is an inconsistency with the municipal development plan land use provisions, the approval officer must deny the application, or*
- (b) the requirements are met and there is no inconsistency with the municipal development plan land use provisions, the approval officer may grant a registration or an amendment of a registration and may impose terms and conditions on the registration or amendment, including the terms and conditions that a municipality could impose if the municipality were issuing a development permit.*

(2) In considering an application for an authorization or an amendment of an authorization, the approval officer must determine whether there is an inconsistency with the municipal development plan land use provisions and determine whether the applicant meets the requirements of this Part and the regulations and if, in the opinion of the approval officer,

- (a) there is an inconsistency or the requirements are not met, the approval officer must deny the application, or*
- (b) there is no inconsistency with the municipal development plan land use provisions and the requirements are met, or a variance may be granted under section 17 and compliance with the variance meets the requirements of the regulations, the approval officer may grant an authorization or an amendment of an authorization, may include a variance and may impose terms and conditions on the authorization or amendment including the terms and conditions that a municipality could impose if the municipality were issuing a development permit.*

(2.1) In considering, under subsection (1) or (2), whether an application is consistent with the municipal development plan land

use provisions, an approval officer shall not consider any provisions respecting tests or conditions related to the construction of or the site for a confined feeding operation or manure storage facility nor any provisions respecting the application of manure, composting materials or compost.

(2.2) In considering whether an application for an amendment to a registration or authorization meets the requirements of the regulations, an approval officer

(a) shall not consider whether the existing buildings and structures meet the requirements of the regulations unless in the opinion of the approval officer the existing buildings and structures may cause a risk to the environment, but

(b) must consider whether the proposed expansion or alteration of an existing building or structure or any proposed new building or structure meets the requirements of the regulations.

(3) The approval officer must provide a written copy of a decision under subsection (1) or (2) to the directly affected parties.

(3.1) The approval officer must provide a written copy of a decision under subsection (1) or (2) to the affected persons described in section 21(3).

(4) A directly affected party may, within 10 working days of receipt under subsection (3), of a copy of a decision, apply to the Board, in accordance with the regulations, for a review of the decision.

(5) An affected person who was determined under section 21(5) not to be a directly affected party may, with written reasons,

(a) within 10 working days of receipt of the decision under subsection (3.1), apply to the Board for a review of whether the affected person is a directly affected party, and

(b) apply to the Board, in accordance with the regulations, for a review of the decision under subsection (1) or (2).

(6) An applicant under subsection (5)(a) must provide further information relevant to the application on the request of the Board.

(7) The Board must determine whether an applicant under subsection (5) is a directly affected party and notify the applicant in writing of the Board's determination.

Amends RSA 2000 cA-8

70(1) The *Agricultural Pests Act* is amended by this section.

(2) Section 21 is amended by adding the following after clause (q):

- (r) respecting compliance with and enforcement of ALSA regional plans.

Amends SA 2007 cA-37.2

71(1) The *Alberta Utilities Commission Act* is amended by this section.

(2) The following is added after section 8:

ALSA regional plans

8.1 In carrying out its powers, duties and functions under this Act and other enactments, the Commission shall act in accordance with any applicable ALSA regional plan.

(3) Section 23(1) is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following after clause (b):

- (c) to comply with a provision of an ALSA regional plan.

(8) If an applicant is determined under this section to be a directly affected party, the Board must consider the applicant's application under subsection (5)(b), if any, for a review of the decision.

44(1) The Lieutenant Governor in Council may make regulations

- (a) respecting whether the construction or expansion of a confined feeding operation requires an approval or registration;*
- (b) respecting whether the construction, expansion or modification of a manure storage facility requires an authorization;*
- (c) determining which persons and municipalities are affected persons for the purposes of Part 2.*

70 Amends chapter A-8 of the Revised Statutes of Alberta 2000. Section 21 presently reads in part:

21 The Minister may make regulations

- (q) governing, prohibiting or restricting the use of any poison, insecticide, compound, device, vehicle, control technique or equipment for the purposes of this Act and the regulations.*

71 Amends chapter A-37.1 of the Statutes of Alberta, 2007. Adds provisions dealing with compliance with regional plans under the Alberta Land Stewardship Act. Sections 23 and 76 presently read in part:

23(1) The Commission may order any person

- (a) to do any act, matter or thing, forthwith or within or at a specified time and in any manner directed by the Commission, that the person is or may be required to do under this Act or any other enactment or pursuant to any decision, order or rule of the Commission, and*
- (b) to cease doing any act, matter or thing, forthwith or within or at a specified time, that is in contravention of this Act or any other enactment or any decision, order or rule of the Commission.*

(4) Section 76(1) is amended by striking out “and” at the end of clause (g), adding “and” at the end of clause (h) and adding the following after clause (h):

- (i) respecting compliance with and enforcement of ALSA regional plans.

Amends RSA 2000 cC-17

72(1) The *Coal Conservation Act* is amended by this section.

(2) Section 9(1) is amended by adding the following after clause (u):

- (v) respecting compliance with and enforcement of ALSA regional plans.

76(1) The Commission may make rules governing any matter or person within its jurisdiction, including

- (a) the procedures and processes applicable to locating, building, constructing and operating facilities or infrastructure over which the Commission has jurisdiction,*
- (b) when and how sufficient notice is given where the Commission receives an application relating to the development of facilities or infrastructure,*
- (c) appropriate levels, amounts or other criteria that may be used to determine when abbreviated needs identification documents for transmission facility projects will be used under the Electric Utilities Act and associated regulations under that Act,*
- (d) the procedures and processes for establishing terms and conditions of service and rates of water utilities,*
- (e) rules of practice governing the Commission's procedure and hearings,*
- (f) any matter necessary for the administration of the system of administrative penalties under section 63,*
- (g) the requirements that must be met by an applicant to satisfy the Commission under section 9(3)(b) that a hearing is not necessary, and*
- (h) respecting the costs of an investigation under section 66.*

72 Amends chapter C-17 of the Revised Statutes of Alberta 2000. Section 9(1) presently reads in part:

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

- (u) generally, prescribing measures to conserve coal or to prevent its waste or improvident disposition, and stipulating any other provisions reasonably incidental to the efficient development of mines, mine sites and coal processing plants, and to production from them.*

Amends SA 2003 cE-5.1

73(1) The *Electric Utilities Act* is amended by this section.

(2) The following is added after section 16:

ALSA regional plans

16.1 In carrying out its mandate under this Act and other enactments, the Independent System Operator must act in accordance with any applicable ALSA regional plan.

Amends RSA 2000 cE-10

74(1) The *Energy Resources Conservation Act* is amended by this section.

(2) The following is added after section 3:

ALSA regional plans

3.1 In carrying out its mandate under this Act and other enactments, the Board must act in accordance with any applicable ALSA regional plan.

(3) The following is added after section 16:

Order to comply with ALSA regional plans

16.1(1) The Board may, in making an order that it is authorized to make under this Act or other enactments, direct a person who is the subject of the order to comply with a provision of an ALSA regional plan.

(2) The Board may enforce a direction under subsection (1) by any means provided for by this Act or any other enactment providing for the enforcement of Board orders.

(4) Section 51 is repealed and the following is substituted:

Lieutenant Governor in Council regulations

51 The Lieutenant Governor in Council may make regulations

- (a) prohibiting the delegation of any powers, duties and functions of the Board under section 14;
- (b) respecting compliance with and enforcement of ALSA regional plans.

73 Amends chapter E-5.1 of the Statutes of Alberta, 2003. Adds section dealing with compliance with regional plans under the Alberta Land Stewardship Act.

74 Amends chapter E-10 of the Revised Statutes of Alberta 2000. Adds sections dealing with compliance with regional plans under the Alberta Land Stewardship Act and authorizing the Board to direct a person to comply with an ALSA regional plan. Section 51 presently reads:

51 The Lieutenant Governor in Council may make regulations prohibiting the delegation of any powers, duties and functions of the Board under section 14.

Amends RSA 2000 cE-12

75(1) The *Environmental Protection and Enhancement Act* is amended by this section.

(2) The following is added after section 3:

ALSA regional plans

3.1 Where the Minister or a Director is empowered or directed to take any action under this Act, the Minister or the Director, as the case requires, must act in accordance with any applicable ALSA regional plan.

(3) Section 22 is repealed.

(4) Section 23 is repealed and the following is substituted:

Registration of agreements

23(1) An agreement referred to in section 21 may be registered

- (a) under the *Land Titles Act* with the Registrar of Land Titles, or
- (b) under the regulations under the *Metis Settlements Act* with the Registrar of the Metis Settlements Land Registry in accordance with any General Council Policy made under section 222 of the *Metis Settlements Act*.

(2) When an agreement referred to in section 21 is presented for registration, the Registrar shall endorse a memorandum of the agreement on the certificate of title to the land that is the subject of the agreement.

(3) If an agreement referred to in section 21 is modified or is terminated, one of the parties to the agreement shall register a copy of the document effecting the modification or termination with the appropriate Registrar, and the Registrar shall endorse a memorandum on the certificate of title to the land noting the modification or discharging the registration, as the case may be.

(4) If an agreement referred to in section 21 expires, one of the parties to the agreement shall notify the appropriate Registrar and the Registrar shall endorse a memorandum on the certificate of title to the land discharging the registration.

75 Amends chapter E-12 of the Revised Statutes of Alberta 2000. Section added dealing with compliance with regional plans under the Alberta Land Stewardship Act. Sections 22, 23 and 24 presently read:

22(1) In this section and in sections 23 and 24,

- (a) “biological diversity” means the variability among living organisms and the ecological complexes of which they are a part, and includes diversity within and between species and ecosystems;*
- (b) “conservation easement” means a conservation easement granted under this section;*
- (c) “grantee” means the recipient of a conservation easement, and includes a successor, assignee, executor, administrator, receiver, receiver-manager, liquidator and trustee of the grantee;*
- (d) “grantor” means the person who grants a conservation easement, and includes a successor, assignee, executor, administrator, receiver, receiver-manager, liquidator and trustee of the grantor;*
- (e) “qualified organization” means*
 - (i) the Government,*
 - (ii) a Government agency,*
 - (iii) a local authority, or*
 - (iv) a body corporate that*
 - (A) has as one of its objects the acquisition and holding of interests in land for purposes that are substantially the same as any of the purposes listed in subsection (2),*
 - (B) has in its constating instrument a requirement that, on or in contemplation of the winding-up of the body corporate, all conservation easements that the body corporate holds are to be transferred to another qualified organization, and*

(5) Section 24 is repealed and the following is substituted:

Effect of registration

24(1) An agreement referred to in section 21 that is registered under section 23 runs with the land and may be enforced whether it is positive or negative in nature and notwithstanding that the person wishing to enforce the agreement does not have an interest in any land that would be accommodated or benefitted by the agreement.

(2) Section 21 applies notwithstanding section 48 of the *Land Titles Act*.

(3) This section is, with respect to patented land as defined in section 1(1)(c) of the *Metis Settlements Land Protection Act*, subject to any General Council Policy made under section 222 of the *Metis Settlements Act*.

(C) is a registered charity within the meaning of the Income Tax Act (Canada).

(2) A registered owner of land may by way of agreement grant to a qualified organization a conservation easement in respect of all or part of the land for one or more of the following purposes:

- (a) the protection, conservation and enhancement of the environment, including, without limitation, the protection, conservation and enhancement of biological diversity;*
- (b) the protection, conservation and enhancement of natural scenic or esthetic values;*
- (c) providing for any or all of the following uses of the land that are consistent with purposes set out in clause (a) or (b):*
 - (i) recreational use;*
 - (ii) open space use;*
 - (iii) environmental education use;*
 - (iv) use for research and scientific studies of natural ecosystems.*

(3) A conservation easement may be enforced by

- (a) the grantee, or*
- (b) a qualified organization, other than the grantee, that the grantor has designated in writing as having the power to enforce the conservation easement,*

or by both the grantee and the qualified organization.

(4) A grantor may not designate more than one qualified organization under subsection (3)(b) at the same time.

(5) A grantee may assign a conservation easement to another qualified organization.

(6) A grantee who assigns a conservation easement shall forthwith notify the grantor of that fact.

(7) An agreement granting a conservation easement may be modified or terminated

- (a) *by agreement between the grantor and the grantee, or*
 - (b) *by order of the Minister, whether or not the Minister is a grantor or grantee, if the Minister considers that it is in the public interest to modify or terminate the agreement.*
- (8) *A conservation easement constitutes an interest in land in the grantee.*
- (9) *A conservation easement does not lapse by reason only of*
- (a) *non-enforcement of it,*
 - (b) *the use of the land that is the subject of the conservation easement for a purpose that is inconsistent with the purposes of the conservation easement, or*
 - (c) *a change in the use of land that surrounds or is adjacent to the land that is the subject of the conservation easement.*
- 23(1) *An agreement referred to in section 21 or 22 may be registered*
- (a) *under the Land Titles Act with the Registrar of Land Titles, or*
 - (b) *under the regulations under the Metis Settlements Act with the Registrar of the Metis Settlements Land Registry.*
- (2) *A person intending to register an agreement referred to in section 22 shall give prior notice of the registration in accordance with the regulations to*
- (a) *the Minister responsible for the Municipal Government Act, where the land that is the subject of the conservation easement is located in an improvement district,*
 - (b) *the Special Areas Board, where the land that is the subject of the conservation easement is located in a special area, or*
 - (c) *the local authority of the municipality in which the land that is the subject of the conservation easement is located, in any other case.*
- (3) *When an agreement referred to in section 21 or 22 is presented for registration, the Registrar shall endorse a memorandum of the*

Amends RSA 2000 cF-22

76(1) The *Forests Act* is amended by this section.

(2) Section 1 is amended

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

(c.1) “director” means, except in sections 66 and 67, a person designated as a director under section 2.1;

(b) by repealing clauses (f) and (g);

(c) in clause (n) by adding “or volume” after “area”.

agreement on the certificate of title to the land that is the subject of the agreement.

(4) If an agreement referred to in section 21 or 22 is modified or is terminated, one of the parties to the agreement, or the Minister in the case of a modification or termination under section 22(7)(b), shall register a copy of the document effecting the modification or termination with the appropriate Registrar, and the Registrar shall endorse a memorandum on the certificate of title to the land noting the modification or discharging the registration, as the case may be.

(5) If an agreement referred to in section 21 or 22 expires, one of the parties to the agreement shall notify the appropriate Registrar and the Registrar shall endorse a memorandum on the certificate of title to the land discharging the registration.

24(1) An agreement referred to in section 21 that is registered under section 23 and a conservation easement in an agreement that is registered under section 23 run with the land and may be enforced whether they are positive or negative in nature and notwithstanding that the person wishing to enforce the agreement or conservation easement does not have an interest in any land that would be accommodated or benefitted by the agreement or conservation easement.

(2) Subject to subsection (3), sections 21 to 23 apply notwithstanding section 48 of the Land Titles Act.

(3) A conservation easement granted under section 22 is deemed to be a condition or covenant for the purpose of section 48(4) and (6) of the Land Titles Act.

76 Amends chapter F-22 of the Revised Statutes of Alberta 2000. Provisions added dealing with designation of directors, incorporation of documents, compliance with regional plans under the Alberta Land Stewardship Act, enforcement powers and appeal procedures. Sections 1, 3, 4, 6, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 31, 39, 40, 43 and 44 and Parts 3 and 4 presently read in part:

1 In this Act,

(c) "Crown timber" means timber grown on public land, except timber harvested pursuant to a timber disposition;

(3) The following is added after section 2:

Designation of directors

2.1(1) The Minister may by order designate any person as a director for the purposes of all or part of this Act and the regulations.

(2) The Minister may, with respect to any director, and a director may, with respect to that director personally, designate any person as an acting director to act in the director's place in the event of the director's absence or inability to act.

(3) A designation under this section may direct that the authority conferred by the designation is to be exercised subject to any terms and conditions prescribed in the designation, including limitations on the scope of the designation.

(4) Section 3 is amended by striking out "and" at the end of clause (b) and adding the following after clause (c):

- (d) members of a police service other than the Royal Canadian Mounted Police whom the director may instruct in writing to act in respect of this Act and the regulations,
- (e) a peace officer under the *Peace Officer Act* authorized by the peace officer's appointment under that Act to enforce all or part of this Act and the regulations, and
- (f) officers appointed under section 5 of the *Public Lands Act*.

(5) Section 4(l) is repealed and the following is substituted:

- (l) prescribing contraventions of an ALSA regional plan, this Act or the regulations in respect of which an administrative penalty may be imposed;
- (l.1) prescribing the form and contents of notices of administrative penalties for the purposes of section 60;
- (l.2) prescribing the amounts, or respecting the manner of determining the amounts, of administrative penalties that may be imposed under section 59;
- (l.3) respecting any other matter necessary for the administration of the system of administrative penalties;

- (f) “forest recreation area” means an area of forest land declared by the regulations to be a forest recreation area;
- (g) “forest recreation trail” means an area of forest land declared by the regulations to be a forest recreation trail;
- (n) “timber quota” means a share of the allowable cut of coniferous timber within a forest management unit and may also include an allocation by area of deciduous timber within a forest management unit.

3 The following individuals are forest officers by virtue of their appointments to the offices respectively referred to, namely individuals appointed as

- (a) members of the Royal Canadian Mounted Police,
- (b) conservation officers, under section 1 of Schedule 3.1 to the Government Organization Act, and
- (c) wildlife officers, under section 1.1(1) of the Wildlife Act.

4 The Lieutenant Governor in Council may make regulations

- (l) prescribing penalties for contraventions of the provisions of this Act or the regulations;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purposes of this Act.

6 If the member of the Executive Council charged with the administration of the Public Lands Act is a person other than the Minister,

- (a) the Minister has the administration of all public land that is contained in or subject to timber dispositions, forest land use zones, forest recreation areas or forest recreation trails for the purposes of this Act, and

9 Unless authorized by the Minister, no person shall use except in an emergency, damage, destroy or remove any sign, tool, equipment, material or structure left, situated or erected on forest land by the Minister or any officer.

10 Except as may be authorized by the Minister, no person shall

- (a) cut, damage or destroy, or

- (1.4) prescribing the form and manner of publication of information respecting any enforcement action taken under this Act or the regulations for the purpose of section 65;
- (1.5) prescribing provisions of this Act or the regulations as provisions the contravention of which is an offence for the purposes of section 50;
- (1.6) prescribing provisions of this Act or the regulations as provisions the contravention of which is an offence to which section 54(3) applies;
- (1.7) providing for the recovery of proceeds and economic benefits derived from a contravention of this Act or the regulations;

(6) The following is added after section 5:

Adoption or incorporation of rules, directives, etc.

5.1 A regulation under this Act may adopt or incorporate, in whole or in part, with or without modification, any rule, directive, code, standard or guideline that relates to any matter in respect of which a regulation may be made under this Act.

(7) Section 6(a) is amended by striking out “, forest land use zones, forest recreation areas or forest recreation trails”.

(8) Section 9 is amended by striking out “Minister” wherever it occurs and substituting “director”.

(9) Section 10 is amended by striking out “by the Minister” and substituting “under this Act or the regulations”.

(10) Section 11 is repealed.

(11) Section 12 is amended

(a) by striking out “Minister” wherever it occurs and substituting “director”;

(b) in subsection (2)(b) by striking out “Minister’s” and substituting “director’s”.

(12) Section 14 is amended by striking out “Minister” wherever it occurs and substituting “director”.

(b) cause to be cut, damaged or destroyed

any forest growth on forest land.

11 The Minister may construct and maintain forest recreation areas and forest recreation trails.

12(1) When, on reasonable and probable grounds, the Minister believes that a person is contravening this Act or the regulations, the Minister may order that person to do or discontinue doing any act, as the case may be.

(2) When a person fails to comply with an order of the Minister under subsection (1), the Minister or any person authorized by the Minister may apply to a Court of Queen's Bench judge sitting in chambers for an order

(a) restraining the person, the person's employees or agents from continuing the contravention, or

(b) requiring the person, the person's employees or agents to comply with the provisions of this Act or the regulations referred to in the Minister's order.

14(1) For the purposes of administration of this Part, the Minister may divide forest land into forest management units.

(2) The Minister may determine the annual allowable cut of timber with respect to each forest management unit.

15 Crown timber may be disposed of by the Minister in one or more of the following ways:

(a) pursuant to a forest management agreement;

(b) pursuant to the sale of timber quota certificates and the issue of timber licences to timber quota holders;

(c) pursuant to a timber permit.

16(1) The Minister, with the approval of the Lieutenant Governor in Council, may enter into a forest management agreement with any person to enable that person to enter on forest land for the purpose of establishing, growing and harvesting timber in a manner designed to provide a perpetual sustained yield.

(13) Section 15 is amended by striking out “by the Minister” and substituting “under this Act or the regulations”.

(14) Section 16 is amended

(a) in subsection (1) by striking out “perpetual sustained yield” and substituting “yield consistent with sustainable forest management principles and practices”;

(b) by repealing subsection (4) and substituting the following:

(4) An assignment of the whole or part of the area or volume comprising a forest management agreement must be an unconditional assignment of the entire interest of the assignor in the whole or part of the forest management agreement.

(15) Section 17 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

Quotas

17(1) When a forest management unit has been established and an annual allowable cut of timber specified, the director may allocate timber quotas.

(2) A coniferous timber quota shall allocate the volume or area of coniferous timber that the quota holder may harvest.

(b) in subsection (4) by striking out “Minister” and substituting “director”.

(16) Section 18 is amended

(a) by striking out “Minister” wherever it occurs and substituting “director”;

(b) in subsection (2) by striking out “Minister’s” and substituting “director’s”.

(17) Section 19(1) is amended by striking out “Minister” and substituting “director”.

(18) Section 20 is amended

(4) An assignment of a forest management agreement must be an unconditional assignment of the entire interest of the assignor in the forest management agreement.

17(1) When a forest management unit has been established and an annual allowable cut of timber specified, the Minister may divide the annual allowable cut into coniferous timber quotas and may also allocate deciduous timber quotas.

(2) A coniferous timber quota shall specify the percentage of the volume of the annual allowable cut as it relates to coniferous timber that the quota holder may harvest.

(4) Notwithstanding that a quota is issued for coniferous timber or deciduous timber, the Minister may

(a) with respect to a coniferous timber quota authorize the holder to harvest a limited amount of deciduous timber as incidental to the holder's main harvesting, and

(b) with respect to a deciduous timber quota authorize the holder to harvest a limited amount of coniferous timber as incidental to the holder's main harvesting

but in either case the authorization shall specify the location, time and the amount of forest land on which the timber may be so harvested or the volume of timber that may be so harvested in addition to the quota held.

18(1) Subject to compliance with the regulations and with any terms and conditions the Minister may prescribe, the purchase of a timber quota entitles the holder to harvest timber in accordance with the quota for a specified period not exceeding 20 years.

(2) When a timber quota certificate has been issued, the quota holder shall prepare, at the request of the Minister, a general development plan for the Minister's approval with respect to the forest land for which the quota was issued.

19(1) In order to attain within a forest management unit a proper balance between growth and depletion of timber, the Minister may from time to time fix or alter the volume of timber that may be harvested or the amount of forest land on which the timber may be harvested by a timber quota holder during each quadrant.

(a) by striking out “Minister’s” and substituting “director’s”;

(b) by striking out “Minister” and substituting “director”.

(19) Section 21(2), (3) and (5) are amended by striking out “Minister” and substituting “director”.

(20) Section 22(1), (2), (3) and (5) are amended by striking out “Minister” wherever it occurs and substituting “director”.

(21) Section 23 is amended by striking out “Minister” and substituting “director”.

(22) Section 25 is amended

(a) in subsections (1) and (2) by striking out “The Minister” and substituting “The director”;

(b) in subsections (2)(g) and (4)(c) by striking out “of the Minister”;

(c) by adding the following after subsection (4):

(4.1) The director may cancel or suspend a timber disposition or timber quota if the holder of the timber disposition or timber quota is indebted to the Crown.

(23) Section 26 is amended

(a) by striking out “Minister” wherever it occurs and substituting “director”;

(b) by striking out “Minister’s” and substituting “director’s”.

(24) Section 27 is amended by striking out “by the Minister” and substituting “by the director”.

(25) Section 28 is amended

(a) in subsection (2) by striking out “Minister” wherever it occurs and substituting “director”;

(b) by repealing subsection (3) and substituting the following:

20 If a timber quota holder is not and has not been in default or in breach of this Act or the regulations either during the term or at the expiration of the quota holder's quota and in the Minister's opinion there is adequate timber available in the forest management unit to justify the renewal of the quota, the quota holder is entitled to have the quota holder's quota renewed, subject to any modifications or conditions that the Minister considers necessary.

21(2) An applicant for a timber licence shall

- (a) deposit with the Minister security in a form and an amount prescribed by the regulations to ensure the performance of the applicant's obligations as a licensee,*
- (b) comply with all other requirements of the regulations, and*
- (c) pay the assessed fees and costs in relation to cruising and the issue of the licence.*

(3) A holder of a timber licence shall prepare an operating plan for each year of operations and have the plan approved by the Minister.

(5) Subject to the regulations, a holder of a timber licence shall pay timber dues as prescribed by the licence, the Act or the regulations on the timber cut by the holder and

- (a) pay a reforestation levy based on the volume of timber cut, or*
- (b) progressively reforest any land where the holder has harvested or an equivalent amount of forest land within the management unit, whichever the Minister directs.*

22(1) The Minister may grant or sell timber permits in accordance with the regulations.

(2) An applicant for a timber permit shall

- (a) deposit with the Minister security in a form and in an amount prescribed by the regulations to ensure the performance of the applicant's obligations as a permittee,*
- (b) comply with all other requirements of the regulations, and*
- (c) pay the fees and costs as specified in the regulations.*

(3) An assignment of the whole or part of the area or volume comprising a timber quota, timber licence or timber permit must be an unconditional assignment of the entire interest of the assignor in the whole or part of the timber quota, timber licence or timber permit.

(26) The following is added after section 28:

Prohibition

28.1 No person shall directly or indirectly buy, sell, trade or barter or offer to buy, sell, trade or barter access to any forest land for the purpose of establishing, growing, harvesting or removing timber on or from any forest land.

(27) Section 29 is repealed and the following is substituted:

Records

29(1) The holder of a timber licence or timber permit or a party to a forest management agreement shall in accordance with the regulations keep complete and accurate records of the quantity of timber harvested, manufactured and disposed of by the holder or party and shall produce the records at the request of a forest officer.

(2) The holder of a timber licence or timber permit or a party to a forest management agreement shall in accordance with the regulations keep complete and accurate records of the holder's or party's reforestation operations and shall produce the records at the request of a forest officer.

(3) A purchaser shall keep an accurate record of all timber and primary timber products purchased by the purchaser and shall produce the records at the request of a forest officer.

(28) The following section is added after section 29:

Minister or director to determine compliance

29.1(1) The Minister or director, in the exercise of the Minister's or director's respective powers and duties under this Act or the regulations, or under any applicable ALSA regional plan, may determine whether the terms and conditions of a timber disposition or timber quota are being performed, observed or complied with, and the Minister's or the director's decision, as the case may be, is final and binding on the holder of the timber disposition or timber quota.

(3) A holder of a timber permit shall, if requested by the Minister, prepare an operating plan for the holder's first and each subsequent year of operation and have the plan approved by the Minister.

(5) Subject to the regulations, a holder of a timber permit shall pay timber dues as prescribed by the permit, the Act or the regulations on the timber cut by the holder and

- (a) pay a reforestation levy based on the volume of timber cut, or*
- (b) progressively reforest any land where the holder has harvested or an equivalent amount of forest land within the management unit, whichever the Minister directs.*

23 No timber licence or timber permit, except for non-commercial use, may be issued until the applicant has satisfied the Minister that the applicant has complied with the Workers' Compensation Act.

25(1) The Minister may, with respect to a timber quota, timber licence or timber permit,

- (a) suspend it indefinitely or for a fixed period,*
- (b) cancel it,*
- (c) reduce its term, or*
- (d) realize on the security deposited by the holder,*

if the holder of the quota, licence or permit does any of the things referred to in subsection (2).

(2) The Minister may act under subsection (1) if the holder of a timber quota, timber licence or timber permit

- (a) fails to cut the authorized volume of timber or the timber on the authorized amount of forest land during a quadrant,*
- (b) harvests more timber than is authorized during a quadrant,*
- (c) fails to pay Crown charges as they become due,*
- (d) fails to comply with any term or condition of the quota, licence or permit,*
- (e) fails to carry on operations in accordance with the holder's approved operating plan,*

(2) At a time and in a form required by the Minister or the director, as the case may be, the holder of a timber disposition or timber quota shall furnish proof by declaration or otherwise that the holder has complied with any or all of the provisions of the holder's timber disposition or timber quota.

(29) Section 31(2) is amended by striking out “Minister” and substituting “director”.

(30) Section 39(1) and (2) are amended by striking out “Minister” wherever it occurs and substituting “director”.

(31) Section 40 is amended by striking out “Minister” wherever it occurs and substituting “director”.

(32) Section 43 is repealed and the following is substituted:

Right of entry

43(1) In this section and sections 44, 44.1, 44.2 and 44.4,

- (a) “civil enforcement bailiff” has the same meaning as it has in the *Civil Enforcement Act*;
- (b) “computing device” includes a personal computer, telephone and any other device capable of creating or storing electronic records whether or not the device is wireless or connected by wires to a computer system;
- (c) “conveyance” includes a motor vehicle, off-highway vehicle, trailer, watercraft, aircraft, bicycle, animal and tack when used as a conveyance, and any other means of conveyance pulled by animals or people, but does not include any conveyance used as a private dwelling;
- (d) “justice” has the same meaning as it has in the *Provincial Offences Procedure Act*;
- (e) “order to enter and inspect” means an order issued under section 44.1;
- (f) “peace officer” has the same meaning as it has in the *Peace Officer Act*;
- (g) “record” means a record of information in any form and includes notes, images, audiovisual recordings,

- (f) contravenes this Act or the regulations, or*
- (g) fails to comply with an order of the Minister made pursuant to this Act, the Forest and Prairie Protection Act or the Public Lands Act.*

(4) The Minister may act under subsection (3) if the holder

- (a) contravenes this Act or the regulations,*
- (b) fails to comply with any term or condition of the agreement, or*
- (c) fails to comply with any order of the Minister authorized by this Act or the Forest and Prairie Protection Act.*

(5) The Minister may reinstate

- (a) a suspended or cancelled timber quota, or*
- (b) with the approval of the Lieutenant Governor in Council, a suspended or cancelled forest management agreement,*

on application by the holder within 6 months after the date of suspension or cancellation if the Minister is satisfied that the holder has reasonably complied with any order that the Minister has made for the purpose of reinstating the quota or agreement.

26 When in the opinion of the Minister it is in the public interest to change any provision or condition or the area of a timber quota, timber licence or timber permit, the Minister may

- (a) alter or vary any provision, condition or area of, or*
- (b) cancel*

the quota, licence or permit 30 days after serving a notice of the Minister's intention to do so by registered mail on the holder of the quota, licence or permit.

27 When

- (a) a timber quota holder,*
- (b) the holder of a timber licence, or*
- (c) the holder of a timber permit*

x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records;

- (h) “warrant” means a search warrant issued by reason of the operation of section 3 of the *Provincial Offences Procedure Act*.

(2) For the purpose of the administration of this Act and the regulations, a forest officer may, subject to subsection (3), without warrant or order at any time do one or more of the following:

- (a) enter on any land and in any thing on land to conduct an inspection, investigation or survey;
- (b) enter on and inspect any land and any thing on land on or in which the forest officer on reasonable grounds believes an offence under this Act or the regulations has been, is being or is about to be committed;
- (c) enter on any land and in any thing on land that the forest officer on reasonable grounds believes contains records relevant and material to any timber disposition, timber quota, order or offence under this Act or the regulations for the purpose of reviewing and obtaining copies of the records;
- (d) require the production of any records that are required to be kept under any applicable ALSA regional plan, this Act or the regulations, or any other records that are related to the purpose for which the officer is exercising any power under clauses (a) to (c) or section 44(1).

(3) A forest officer may not enter a private dwelling or any part of a place that is designed to be used and, in the opinion of the forest officer based on reasonable grounds, is being used as a permanent or temporary private dwelling place except

- (a) with the consent of the occupant, or

has the holder's quota, licence or permit altered or varied in any manner other than under section 19 or cancelled by the Minister, if the alteration, variation or cancellation was not due to any default of the holder, the Minister may pay compensation to the holder in an amount that the Minister considers just.

28(1) A timber quota holder, whether or not the quota holder holds a timber licence, and a holder of a timber permit do not acquire any right or interest in the forest land that is the subject of the quota, licence or permit, but may enter on the land for the purpose of doing or complying with those things specified in the licence or permit or in this Act or the regulations.

(2) No person shall assign a timber quota, timber licence or timber permit without the prior consent in writing of the Minister and any assignment without the consent of the Minister is void.

(3) An assignment of a timber quota, timber licence or timber permit must be an unconditional assignment of the entire interest of the assignor in the timber quota, timber licence or timber permit.

(4) The holder of a timber licence or timber permit becomes the owner of timber authorized to be cut pursuant to the licence or permit when the timber is actually cut by the holder or on the holder's behalf, but is nonetheless entitled, except as against the Crown, to compensation from any person who deprives the holder of the holder's right to cut and recover any timber.

29(1) The holder of a timber licence or timber permit or a party to a forest management agreement shall keep complete and accurate records in accordance with the regulations of the quantity of timber harvested, manufactured and disposed of by the holder or party and shall produce the records or information concerning the holder's or party's reforestation operations at the request of a forest officer.

(2) A purchaser shall keep an accurate record of all timber and primary timber products purchased by the purchaser and shall produce the records at the request of a forest officer.

31(1) No person shall transport or cause to be transported logs, trees or wood chips, except dry pulpwood or Christmas trees, to any destination outside Alberta from any forest land.

(2) Notwithstanding subsection (1), the Minister may

- (b) under the authority of an order to enter and inspect or a warrant.

(33) Section 44(1) is repealed and the following is substituted:

Right of search

44(1) A forest officer may at any time do one or both of the following:

- (a) stop, enter and inspect any conveyance that the forest officer on reasonable grounds believes is being operated in contravention of this Act or the regulations or is being used in the commission of an offence under this Act or the regulations;
- (b) stop, enter and inspect any conveyance to ascertain whether it or the manner in which it is being operated is in compliance with this Act and the regulations.

(34) The following is added after section 44:

Order to enter and inspect

44.1(1) Where a justice is satisfied on evidence under oath by a forest officer

- (a) that there are reasonable grounds for believing that it is material to the administration of this Act or the regulations for the forest officer to do anything set out in section 43 or 44(1), and
- (b) one or more of the following applies:
 - (i) no person is present to grant access to land, or a thing on the land, that is locked or otherwise inaccessible;
 - (ii) a person has denied the forest officer access to land or a thing on the land or there are reasonable grounds for believing that a person will deny the forest officer access to land or a thing on the land;
 - (iii) a person has interfered with the forest officer or prevented the forest officer from doing anything set out in section 43 or 44(1) or denied the forest officer access to any thing, as a result of which

- (a) *authorize any person to transport logs, trees or wood chips to be used for research or experimental purposes to any destination outside Alberta from any forest land, or*
- (b) *exempt any logs, trees or wood chips from any specified forest land from the application of this subsection for a period not to exceed one year.*

39(1) If the timber seized is of a perishable nature or of a seasonal value, the Minister may dispose of the timber at any time prior to its release from seizure or confiscation to the Crown in order to prevent or minimize any loss in value of the timber and the Minister is not liable for any loss resulting from that disposition.

(2) When the Minister disposes of timber pursuant to this section, the proceeds of the sale or, when the goods are put to public use instead of a sale, the fair market value at that time, must be dealt with as the subject-matter in dispute under section 38.

40 When bids or tenders are received by the Minister for any purpose related to this Act or the regulations, the Minister is not obliged to accept the highest or any bid or tender.

43 A forest officer while acting in the performance of the forest officer's duties has the right to enter without warrant into and on any land and premises other than a private dwelling, store or office.

44(1) A forest officer may without warrant stop and search any vehicle for the purpose of enforcing this Act.

(2) Every person using or travelling on forest land shall, on request, provide a forest officer with any information as to the person's name, address, routes to be followed, location of camps and any other information requested by the forest officer pertaining to the forest officer's duties and to forest management.

Part 3 Forest Land Uses

46 The Lieutenant Governor in Council may make regulations

- (a) *declaring any area of forest land to be a forest land use zone;*
- (b) *permitting, prohibiting, regulating or controlling uses of land in forest land use zones;*

the forest officer is unable to do anything set out in section 43 or 44(1);

- (iv) there are reasonable grounds for believing that a person will prevent a forest officer from doing anything set out in section 43 or 44(1), or will deny the forest officer access to any thing, as a result of which the forest officer may be unable to do anything set out in section 43 or 44(1);
- (v) it is convenient, because of the remoteness of the land or thing on the land to be inspected or any other reason, for the forest officer to obtain an order under this section without delay in the event access might be denied;
- (vi) there are reasonable grounds for believing that an attempt by the forest officer to do anything set out in section 43 or 44(1) without an order might defeat the purpose of this Act or the regulations or present a reasonable apprehension of harm to the forest officer or any person,

the justice may issue an order to enter and inspect authorizing the forest officer to do anything set out in section 43 or 44(1) that is specified in the order for the period of time set out in the order.

(2) The period of time referred to in subsection (1) may not extend beyond 30 days after the date on which the order is made, but the order may be renewed on application for any reason set out in subsection (1) for one or more periods each of which is not more than 30 days.

(3) An application under subsection (2) may be made before or after the expiry of the period.

(4) An order under this section may be issued or renewed on application without notice.

(5) A forest officer exercising powers under this section must do so at a reasonable time unless otherwise authorized in an order granted under this section.

- (c) *declaring any area of forest land to be a forest recreation area or forest recreation trail;*
- (d) *governing the use of forest recreation areas or forest recreation trails and prohibiting, regulating or controlling activities in them;*
- (e) *establishing fees payable to the Minister for the use of forest recreation areas or forest recreation trails.*

47 Notwithstanding any regulations made pursuant to section 46(d), the Minister may by order

- (a) *prohibit or restrict entry to all or any part of a forest recreation area or forest recreation trail, or*
- (b) *prohibit any use or activity in all or any part of a forest recreation area or forest recreation trail.*

48 A forest officer may order a person in a forest recreation area or on a forest recreation trail to refrain from doing anything that, in the opinion of the forest officer, is dangerous to life or property or detrimental to the management or use of the forest recreation area or forest recreation trail.

49(1) A forest officer may impound a vehicle or other property and take it to a place designated by the Minister if

- (a) *the vehicle or other property, in the opinion of a forest officer, interferes with the management or use of a forest recreation area or forest recreation trail, or*
- (b) *the vehicle or other property was left unattended without the written permission of a forest officer for a period of more than 24 hours in a part of a forest recreation area or forest recreation trail not specifically designated for that purpose.*

(2) A forest officer who impounds a vehicle or other property pursuant to subsection (1) shall send a notice by registered mail to the person in whose name the vehicle or other property is registered, if known, and to the nearest detachment of the Royal Canadian Mounted Police, stating the location of the vehicle or other property and the cost of impounding and storage.

(3) All reasonable costs incidental to the impounding of a vehicle or other property pursuant to subsection (1) and to the storage of it, for a period not exceeding 6 months, constitute a debt owing to the

Seizure of evidence without order or warrant

44.2(1) A forest officer may, without order or warrant, seize any thing that is produced to the forest officer, or that is in plain view of the forest officer, during an inspection under section 43, 44(1) or 44.1 if the forest officer has reasonable grounds to believe that there has been an offence committed under this Act or the regulations and that the thing will afford evidence as to the commission of the offence.

(2) The forest officer may remove the thing seized or may detain it in the place where it is seized.

(3) The forest officer must inform the person from whom the thing is seized of the reason for the seizure and must give the person a receipt for it.

(4) A forest officer who seizes any thing under the authority of this section must deal with it in the same way as if it were seized under the authority of a warrant.

Disposal of things seized

44.3(1) Where a person is convicted of an offence under this Act or the regulations and any thing relating to the conviction that was seized under section 44.2 is then being detained, the thing must, on the expiration of the time for making an appeal from the conviction or on the final conclusion of the proceedings, as the case may be,

- (a) be forfeited to the Crown, if the court orders it, or
- (b) be restored to the person from whom it was seized or to any other person who is entitled to possession of it, subject to any terms and conditions imposed by the court.

(2) If a thing is forfeited to the Crown in accordance with subsection (1),

- (a) the director may dispose of or destroy the thing in any manner the director considers appropriate, and
- (b) the costs of the forfeiture and disposal or destruction are recoverable from the offender as a debt owing to the Crown.

Crown by the registered owner or any subsequent purchaser of the vehicle or by the owner of the other property.

(4) The owner of an impounded vehicle or property is entitled to it on producing proof of ownership of the vehicle or property and paying the costs owing under subsection (3).

(5) An impounded vehicle or property that remains unclaimed 60 days after it was impounded may be sold by public auction and the proceeds of the sale shall be disbursed in the following priority:

- (a) to pay the expenses of selling the vehicle or other property;*
- (b) to pay the debt owing to the Crown under subsection (3);*
- (c) to pay the amount remaining into the General Revenue Fund.*

(6) If no bid is received for an impounded vehicle or property at a public auction held under subsection (5), the vehicle or property may be disposed of in any convenient manner.

(7) The amount remaining under subsection (5)(c) shall be paid by the Minister to any person who, within one year of the date of sale of the vehicle or other property, produces evidence satisfactory to the Minister that the person is entitled to it.

(8) No liability attaches to a person

- (a) who sells a vehicle or property pursuant to subsection (5), or*
- (b) who disposes of a vehicle or property pursuant to subsection (6),*

and in the case of a sale that person passes good title as against the former owner or anyone claiming through the former owner.

Part 4 Offences and Penalties

50 A person who contravenes the regulations made pursuant to Part 3 is guilty of an offence and liable to a fine of not more than \$1000 and in default of payment to imprisonment for a term of not more than 60 days.

51 A person who unlawfully

- (a) obstructs a forest officer,*

Assistance by other officials

44.4 While exercising powers or carrying out duties under this Act or the regulations, a forest officer may be accompanied by any person authorized by the director, a peace officer, a civil enforcement bailiff or a member of a police service.

Assistance to forest officers

44.5 Every person found in any place in respect of which a forest officer is exercising powers or carrying out duties under this Act or the regulations shall

- (a) give the forest officer all reasonable assistance to enable the forest officer to exercise those powers and carry out those duties, and
- (b) furnish all information that the forest officer may reasonably require for the exercising of those powers and the carrying out of those duties.

Reporting programs

44.6 The Minister may establish programs to promote the reporting of contraventions under this Act and the regulations.

No review by court

44.7 Subject to a right of appeal under this Act or the regulations, where this Act or the regulations empower or compel the director or Minister, as the case may be, to do anything under this Act or the regulations, the director or Minister has exclusive and final jurisdiction to do that thing, and no decision, order, direction, ruling or proceeding of the director or the Minister shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the director or Minister from doing the thing.

(35) The following is added after section 45:

Part 2.1
ALSA Regional Plans

Relation to ALSA regional plans

45.1(1) In the event of a conflict between either a timber disposition or a timber quota and the provisions of any applicable ALSA regional plan, the ALSA regional plan prevails to the extent necessary to resolve the conflict.

- (b) destroys, tampers or meddles with any goods under seizure,*
- (c) destroys, tampers or meddles with a Notice of Seizure of Goods attached to any goods under seizure,*
- (d) fails to comply with an order of the Minister under section 12, or*
- (e) fails to comply with an order of a forest officer under section 48,*

is guilty of an offence and liable to a fine of not less than \$100 and not more than \$5000 and in default of payment to imprisonment for a term of not more than one year.

52 A prosecution in respect of an offence under this Act or the regulations may not be commenced later than 2 years after the date of the alleged commission of the offence.

53(1) Subject to sections 50 and 51, a person who contravenes any provision of this Act or the regulations is liable to a penalty in an amount prescribed by the regulations.

(2) Subject to subsection (3), the Minister shall determine the amount of the penalty that any person may be ordered to pay and shall serve on that person a notice demanding payment of the stated amount of the penalty and stating the grounds on which the penalty was assessed.

(3) A notice under subsection (2) may not be issued more than 2 years after

- (a) the date on which the contravention occurred, or*
- (b) the date on which evidence of the contravention first came to the attention of a forest officer,*

whichever occurs later.

54 A person who has been served by ordinary mail with a notice pursuant to section 53 shall pay to the Minister the amount of the penalty within 30 days from the date of service of the notice.

55 When a person fails to pay a penalty in accordance with a notice under section 54, the Minister may bring an action for the recovery of the penalty and in the action it is the duty of the court

(2) The provisions or conditions of timber dispositions or timber quotas issued under this Act must be in accordance with the provisions of any applicable ALSA regional plan.

(3) A general development plan or annual operating plan that is required to be approved under this Act must not be approved by the director unless it is, in the opinion of the director, consistent with any applicable ALSA regional plan.

(4) A timber disposition or timber quota must not be issued or renewed if in the director's opinion the issuance or renewal would be contrary to any applicable ALSA regional plan.

(5) If in the opinion of the director it is necessary to change any provision or condition, or the area, of a timber quota, timber licence or timber permit in order to comply with an ALSA regional plan, the director may

- (a) alter or vary the provision, condition or area, or
- (b) cancel the timber quota, timber licence or timber permit

30 days after serving by registered mail a notice of the director's intention to do so on the holder of the timber quota, timber licence or timber permit.

(6) When the director alters, varies or cancels a timber quota, timber licence or timber permit under subsection (5), the Minister may pay compensation to the holder of the timber quota, timber licence or timber permit in an amount the Minister considers just.

(36) Part 3 is repealed.

(37) Part 4 is repealed and the following is substituted:

Part 4 Offences and Penalties

Offences

50(1) A person who

- (a) wilfully destroys, tampers or meddles with any goods under seizure,

- (a) to determine whether that person is liable to a penalty under section 53(1),*
- (b) if it is determined that the person is liable to a penalty, to confirm or vary the amount claimed by the Minister,*
- (c) to give any judgment that it may decide, and*
- (d) to make any order as to costs or otherwise that it may decide.*

56(1) If a corporation

- (a) commits an offence under this Act, or*
- (b) contravenes any provision of this Act or the regulations,*

any officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the offence or contravention is guilty of the offence or liable under section 53 to a penalty for the contravention, as the case may be.

(2) Subsection (1) applies whether or not the corporation has been

- (a) prosecuted for or convicted of the offence, or*
- (b) assessed a penalty for the contravention.*

57 If a person has been served with a notice under section 53 respecting a contravention of this Act or the regulations, the Minister must disclose to the public the name of the person, the municipality in which the person resides, a description of the contravention and the amount of the penalty.

- (b) destroys, tampers or meddles with any goods under seizure,
- (c) destroys, tampers or meddles with a Notice of Seizure of Goods attached to any goods under seizure,
- (d) wilfully contravenes section 9,
- (e) contravenes section 9,
- (f) wilfully contravenes section 10,
- (g) contravenes section 10,
- (h) fails to comply with an order of the director under section 12,
- (i) contravenes section 28.1,
- (j) contravenes section 44.5,
- (k) contravenes section 52,
- (l) wilfully provides false or misleading information to a forest officer,
- (m) as the holder of a timber disposition or timber quota, wilfully contravenes a provision of the timber disposition or timber quota,
- (n) as the holder of a timber disposition or timber quota, contravenes a provision of the timber disposition or timber quota, or
- (o) contravenes a provision of this Act or the regulations that is prescribed in the regulations for the purposes of this section

is guilty of an offence.

(2) Every person who is guilty of an offence under this Act or the regulations is liable on conviction for each day or part of a day on which the offence occurs or continues.

Limitation period

51 A prosecution in respect of an offence under this Act or the regulations may not be commenced later than 2 years after

- (a) the date on which the offence was committed, or
- (b) the date on which evidence of the offence first came to the notice of the director,

whichever is later.

Interference

52 No person shall interfere with, or attempt to interfere with,

- (a) a forest officer who is exercising powers or carrying out duties, or attempting to do so, under this Act or the regulations, or
- (b) a person accompanying or assisting an officer under the authority of section 44.4 or 44.5.

Court order re interference

53 If a person interferes with another person contrary to section 52, the forest officer may apply to the Court of Queen's Bench for an order prohibiting the person from so interfering, and the Court may make any order it considers appropriate in the circumstances.

General penalty

54(1) A person who is guilty of an offence referred to in subsection (3) is liable

- (a) in the case of an individual, to a fine of not more than \$25 000, or
- (b) in the case of a corporation, to a fine of not more than \$100 000.

(2) Unless otherwise provided in this Act or the regulations, a person who is guilty of an offence under this Act or the regulations is liable

- (a) in the case of an individual, to a fine of not more than \$100 000, or

(b) in the case of a corporation, to a fine of not more than \$1 000 000.

(3) No person may be convicted of an offence under

(a) section 50(1)(b), (c), (e), (g), (h), (i), (j), (k), (n) or (o), or

(b) a provision of this Act or the regulations that is prescribed in the regulations for the purposes of this section,

if the person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

Court orders relating to penalty

55(1) Where a person is convicted of an offence under an ALSA regional plan, this Act or the regulations, in addition to any other penalty that may be imposed under this Act or the regulations, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order having any or all of the following effects:

- (a) prohibiting the offender from doing anything that might result in the continuation or repetition of the offence;
- (b) directing the offender to take any action the court considers appropriate to remedy or prevent any damage or destruction to timber that results or might result from the act or omission that constituted the offence;
- (c) directing the offender to publish, in the prescribed manner and at the offender's cost, the facts relating to the conviction;
- (d) directing the offender to notify any person aggrieved or affected by the offender's conduct of the facts relating to the conviction, in the prescribed manner and at the offender's cost;
- (e) directing the offender to post a bond or pay money into court in an amount that will ensure compliance with any order made under this section;

- (f) on application to the court by the Minister made within 3 years after the date of conviction, directing the offender to submit to the Minister any information with respect to the conduct of the offender as the court considers appropriate in the circumstances;
- (g) directing the offender to provide a full accounting of the proceeds derived directly or indirectly from the commission of the offence and to remit any proceeds to the Crown;
- (h) directing the offender to compensate the Minister, in whole or in part, for the cost of any remedial or preventive action that was carried out or caused to be carried out by the Crown and was made necessary by the act or omission that constituted the offence;
- (i) directing the offender to perform community service;
- (j) requiring the offender to comply with any other conditions the court considers appropriate in the circumstances for securing the offender's good conduct and for preventing the offender from repeating the same offence or committing other offences.

(2) If an offender contravenes an order made under subsection (1)(c), the Minister may publish the facts in compliance with the order.

(3) If the Minister incurs publication costs under subsection (2), the costs constitute a debt due to the Crown.

(4) An order made under subsection (1) comes into force on the day on which it is made or on any other day specified in the order and continues in force for the period specified in the order, not to exceed 3 years.

Compensation for loss of property

56(1) Where a person is convicted of an offence under an ALSA regional plan, this Act or the regulations, the court may, at the time sentence is imposed and on the application of the Crown or an aggrieved person, order the offender to pay to the Crown or aggrieved person an amount by way of satisfaction or compensation for loss of or damage to property

suffered by the Crown or that person as a result of the commission of the offence.

(2) The Crown or a person in whose favour an order is made under subsection (1) may file the order with the clerk of the Court of Queen's Bench and, on filing, the order may be enforced as if it were a judgment of the Court of Queen's Bench in civil proceedings.

Variation of court orders

57(1) Subject to subsection (2), where a court has made an order under section 55, the court may, on application by the offender or the Minister of Justice and Attorney General, require the offender to appear before it and, after hearing the offender and the Minister of Justice and Attorney General, may make any or all of the following orders if it considers that the circumstances of the offender have changed so as to warrant such an order:

- (a) an order changing the original order or the conditions specified in it;
- (b) an order relieving the offender absolutely or partially from compliance with any or all of the original order;
- (c) an order reducing the period for which the original order is to remain in effect;
- (d) an order extending the period for which the original order is to remain in effect for an additional period not to exceed one year.

(2) Before making an order under subsection (1), the court may direct that notice be given to any persons the court considers to be interested and the court may hear any of those persons.

(3) Where an application made under this section in respect of an offender has been heard by a court, no other application under this section may be made with respect to the offender except with leave of the court.

Proceeds of unauthorized harvest

58(1) The director may require a person who, without authority, harvests, cuts, damages or destroys timber from forest land to pay a sum of money that the director prescribes in addition to the regular rate prescribed for that use.

(2) The sum of money required by the director under subsection (1) is a debt payable to the Crown on demand by the director.

(3) The director may require a person who on reasonable grounds the director believes is in receipt of proceeds derived directly or indirectly from harvesting, cutting, damaging or destroying timber in contravention of this Act or the regulations to provide a full accounting of the proceeds believed by the director to have been received by the person.

(4) A person in receipt of proceeds derived directly or indirectly from harvesting, cutting, damaging or destroying timber in contravention of this Act or the regulations is deemed to hold the proceeds in trust for the Crown, and to hold such proceeds separate and apart from the person's property until the proceeds or an amount equal to the value of the proceeds is paid to the Crown.

Administrative penalty

59 The director may, in accordance with the regulations, require a person to pay an administrative penalty in an amount determined by the director if a person

- (a) contravenes a provision of an ALSA regional plan, this Act or the regulations that is prescribed in the regulations for the purposes of this section, or
- (b) contravenes a term or condition of a timber quota or timber disposition.

Notice of administrative penalty

60(1) If the director requires a person to pay an administrative penalty under section 59 or the regulations, the director shall serve by personal service or registered mail a notice of administrative penalty demanding payment of the penalty.

(2) A notice of administrative penalty must state the grounds on which the penalty was assessed.

(3) An administrative penalty to which a notice under subsection (1) relates must be paid within 30 days of the date of service of the notice.

(4) A notice of administrative penalty under this section may require one or more of the following:

- (a) payment of the penalty determined by the director under section 59;
- (b) any person who in the director's opinion is in receipt of proceeds derived directly or indirectly from harvesting, cutting, damaging or destroying timber in contravention of this Act or the regulations to provide an accounting of the proceeds believed by the director to have been received by that person;
- (c) payment by a person referred to in clause (b) of any proceeds referred to in that clause, or an amount equal to the value of the proceeds if the person has converted the proceeds.

Daily penalty

61 A person is liable for an administrative penalty for each day or part of a day on which the contravention occurs or continues, and where the regulations prescribe the maximum amount of an administrative penalty, the maximum is the maximum for each day or part of a day on which the contravention occurs or continues.

Protection from prosecution

62 A person who pays an administrative penalty in respect of a contravention by the person shall not be prosecuted under this Act for an offence in respect of the same contravention.

Limitation period

63 A notice of administrative penalty may not be issued more than 2 years after

- (a) the date on which the contravention to which the notice relates occurred, or
- (b) the date on which evidence of the contravention first came to the notice of the director,

whichever is later.

Enforcement in Court of Queen's Bench

64(1) Subject to any right to appeal the notice of administrative penalty, the director may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on filing, the notice may be enforced as though it were a judgment of the Court.

(2) On application by the director, the Court may make any order necessary to compel the person receiving a notice under section 60 to carry out the terms of the notice.

Publication of information

65 The director shall publish particulars of enforcement action taken under this Act in accordance with the regulations.

Liability of directors and officers

66 If a corporation commits an offence or is subject to an administrative penalty as a result of a contravention of this Act or the regulations, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence or contravention is guilty of the offence or contravention and is liable to the punishment provided for the offence or the administrative penalty, whether or not the corporation has been prosecuted for or convicted of the offence or has been given notice of the administrative penalty.

Vicarious responsibility

67 For the purposes of this Act and the regulations, an act or thing done or omitted to be done by a director, officer, official, employee or agent of a corporation in the course of employment or in the exercise of powers or the performance of duties is deemed also to be an act or thing done or omitted to be done by the corporation.

Protection of officials from legal suit

68 No action lies and no proceeding may be brought against the Crown, the Minister, the director or a forest officer, or any person acting under the direction of the Crown, the Minister, the director or a forest officer, for damages resulting from any order or decision under this Act or the regulations made or taken in good faith by the Crown, the Minister, the director, the forest officer or the person.

**Part 5
Appeals**

Regulations

69 The Lieutenant Governor in Council may make regulations respecting appeals from decisions made under this Act or the regulations, including, without limitation, regulations

- (a) establishing or designating an appeal body;
- (b) respecting the composition and manner of appointment of an appeal body, designation of a chair, convening of a panel to hear a particular appeal and provision for the remuneration and travelling and living expenses that are payable to members of an appeal body;
- (c) respecting the process for providing notice of
 - (i) a timber disposition or timber quota application, or
 - (ii) a timber disposition or timber quota application decision;
- (d) prescribing the decisions under this Act or the regulations from which an appeal is available;
- (e) respecting the persons or class of persons to whom an appeal is available;
- (f) respecting the form and contents of a notice of appeal;
- (g) respecting the extension of deadlines specified in this Act and the regulations regarding appeals;
- (h) respecting the conduct of proceedings before an appeal body;
- (i) respecting the evidence to be considered by an appeal body and the factors that the appeal body is to consider in reaching its decision;
- (j) respecting the awarding and review of costs;
- (k) generally, respecting the conduct and work of an appeal body with respect to proceedings;
- (l) authorizing an appeal body to charge fees for services or materials provided by an appeal body or things done by an appeal body under this Act or the regulations, and prescribing the amounts of those fees or the manner in which the amounts are to be determined;

- (m) generally for the carrying out of appeals according to the intent of this Act.

Appeal on the record

70 An appeal under this Act must be based on the decision and record of the decision-maker.

Notice of appeal

71(1) A notice of appeal of a prescribed decision may be submitted to the appeal body by a prescribed person in accordance with the regulations.

(2) A notice of appeal must contain the information, and be submitted, in a form and manner in accordance with the regulations.

(3) A notice of appeal submitted under subsection (2) initiates an appeal of the decision objected to.

(4) Submitting a notice of appeal does not operate to stay the decision objected to.

Hearing

72(1) On receipt of a notice of appeal under this Act and compliance with the applicable processes set out in this Act, the regulations and the rules established by the appeal body, the appeal body has jurisdiction to determine an appeal.

(2) In conducting a hearing of an appeal, the appeal body is not bound to hold an oral hearing but may instead make its decision on the basis of written submissions.

(3) The appeal body may, with the consent of the parties to the appeal, make its report to the Minister without conducting a hearing of the appeal.

Powers of appeal body

73(1) The appeal body may, on the application of a party to a proceeding before the appeal body, stay a decision in respect of which a notice of appeal has been submitted.

(2) Prior to conducting a hearing of an appeal, the appeal body may, in accordance with the regulations, determine which matters included in notices of appeal properly before it will be included in the hearing of the appeal.

- (3) Where the appeal body determines that a matter will not be included in the hearing of an appeal, no representations may be made on that matter at the hearing.
- (4) The appeal body may require the submission of additional information.
- (5) The appeal body may dismiss a notice of appeal if
- (a) it considers the notice of appeal to be frivolous or vexatious or without merit,
 - (b) for any other reason the appeal body considers that the notice of appeal is not properly before it, or
 - (c) the person who submitted the notice of appeal fails to provide further information required by the appeal body.
- (6) The appeal body shall dismiss a notice of appeal if a matter has been adequately dealt with through a hearing or review under any enactment.
- (7) The appeal body shall give the opportunity to make representations on the matter before the appeal body to any persons who the appeal body considers should be allowed to make representations.
- (8) The appeal body shall discontinue its proceedings in respect of a notice of appeal if the notice of appeal is withdrawn, once the appeal body is satisfied that all issues related to the appeal have been resolved.
- (9) Subject to the regulations, the appeal body may establish its own rules and procedures for dealing with matters before it.
- (10) The *Regulations Act* does not apply to rules made under this section.
- (11) The appeal body may award costs of and incidental to any proceedings before it on a final or interim basis and may, in accordance with the regulations, direct by whom and to whom any costs are to be paid.

Decisions of appeal body

74(1) The appeal body shall, within 30 days after the completion of the hearing of the appeal, submit a report to the Minister, including recommendations and the representations or a summary of the representations that were made to it.

(2) The report may recommend confirmation, reversal or variance of the decision appealed.

(3) On receiving the report of the appeal body, the Minister may, by order, confirm, reverse or vary the decision appealed and make any decision that the person whose decision was appealed could have made, and make any further order that the Minister considers necessary for the purpose of carrying out the decision.

(4) The Minister shall immediately give notice of any decision made under this section to the appeal body, and the appeal body shall immediately, on receipt of the notice of the decision, give notice of the decision to all persons who submitted notices of appeal or made representations or written submissions to the appeal body and to all the persons who the appeal body considers should receive notice of the decision.

(5) On complying with subsection (4), the appeal body shall publish or otherwise make available the appeal body's report, or a summary of it, and a notice of the Minister's decision in the manner the appeal body considers appropriate.

(6) An order of the Minister under subsection (3) may be filed with the clerk of the Court of Queen's Bench and, on filing, is enforceable as if it were a judgment of the Court.

Variation of decisions

75 The appeal body may reconsider, vary or revoke any report made by it.

No review by court

76 Where this Act empowers or compels the Minister to do anything respecting an appeal, the Minister has exclusive and final jurisdiction to do that thing, and no decision, order, direction, ruling, proceeding, report or recommendation of the Minister or the appeal body shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit

or restrain the Minister or the appeal body or any of its proceedings.

Amends SA 2004 cH-8.5

77(1) The *Highways Development and Protection Act* is amended by this section.

(2) Section 11(1) is amended by striking out “and” at the end of clause (a), repealing clause (b) and substituting the following:

- (b) does not have any right of easement, light or air to, from or over a controlled highway or controlled street, and
- (c) unless otherwise expressly provided in a conservation directive as defined in the *Alberta Land Stewardship Act*, does not have any right of view to, from or over a controlled highway or controlled street.

Amends RSA 2000 cH-9

78(1) The *Historical Resources Act* is amended by this section.

(2) Section 28 is amended by adding after subsection (4):

- (5) This section does not apply with respect to a Municipal Historic Resource that is designated as part of a TDC scheme under the *Alberta Land Stewardship Act*.**

77 Amends chapter H-8.5 of the Statutes of Alberta, 2004.

Section 11(1) presently reads:

11(1) A person

- (a) is not, of right, entitled to any direct access to or from a controlled highway or controlled street from or to any land adjacent to it, and*
- (b) does not have any right of easement, light, air or view to, from or over a controlled highway or controlled street.*

78 Amends chapter H-9 of the Revised Statutes of Alberta 2000.

Section 28 presently reads:

28(1) If a bylaw under section 26 or 27 decreases the economic value of a building, structure or land that is within the area designated by the bylaw, the council shall by bylaw provide the owner of that building, structure or land with compensation for the decrease in economic value.

(2) If the council and the owner can not agree on the compensation payable under subsection (1), the owner or the council may apply to the Land Compensation Board established under the Expropriation Act to determine the amount of compensation payable by the council to the owner for the decrease in economic value.

(3) When an application is made to the Land Compensation Board pursuant to subsection (2), the Expropriation Act and the regulations made under it respecting the determination of compensation, hearings and procedures, including interest, costs and appeals, apply to the application with all necessary modifications.

(4) The council may, with the agreement of the owner, provide the compensation under subsection (1) by grant, tax relief or any other means.

Amends RSA 2000 ci-8

79(1) The *Interpretation Act* is amended by this section.

(2) Section 28(1) is amended by adding the following after clause (b.2):

(b.3) “ALSA regional plan” means a regional plan as defined in the *Alberta Land Stewardship Act*;

Amends RSA 2000 ci-11

80(1) The *Irrigation Districts Act* is amended by this section.

(2) Section 6 is amended by adding the following after subsection (2):

(3) In carrying out its purposes, each district must act in accordance with any applicable ALSA regional plan.

(3) Section 15 is renumbered as section 15(1) and the following is added after subsection (1):

(2) Every agreement referred to in subsection (1) is subject to a condition that the parties must comply with any applicable ALSA regional plan.

Amends RSA 2000 cM-17

81(1) The *Mines and Minerals Act* is amended by this section.

(2) Section 16 is amended by adding “and any express provision in any applicable ALSA regional plan limiting mineral development within a geographic area” after “regulations”.

79 Amends chapter I-8 of the Revised Statutes of Alberta 2000.
Definition added.

80 Amends chapter I-11 of the Revised Statutes of Alberta 2000.
Sections 6 and 15 presently read:

6(1) The purpose of each district is

- (a) to convey and deliver water through the irrigation works of the district in accordance with this Act,*
- (b) to divert and use quantities of water in accordance with the terms and conditions of its licence under the Water Act,*
- (c) to construct, operate and maintain the irrigation works of the district, and*
- (d) to maintain and promote the economic viability of the district.*

(2) To carry out its purposes a district has the capacity and, subject to this Act, the regulations and the bylaws, the rights, powers and privileges of a natural person.

15 Where a district enters into an agreement for a purpose specified in section 16, 17, 19, 19.1, 20 or 21, the district must do so in accordance with that section.

81 Amends chapter M-17 of the Revised Statutes of Alberta 2000. Section 16 presently reads:

16 Subject to this Act and the regulations, the Minister may issue an agreement in respect of a mineral

- (a) on application, if the Minister considers the issuance of the agreement warranted in the circumstances,*

Amends RSA 2000 cM-26

82(1) The *Municipal Government Act* is amended by this section.

(2) The following is added after section 488:

ALSA regional plans

488.01 In carrying out its functions and in exercising its jurisdiction under this Act and other enactments, the Board must act in accordance with any applicable ALSA regional plan.

(3) The following is added after section 570:

Measures to ensure compliance with ALSA regional plans

570.01(1) If the Minister considers that a municipal authority or regional services commission has not complied with an ALSA regional plan, the Minister may take any necessary measures to ensure that the municipal authority or regional services commission, as the case may be, complies with the ALSA regional plan.

(2) In subsection (1), all necessary measures includes, without limitation, an order by the Minister

- (a) suspending the authority of a council to make bylaws in respect of any matter specified in the order;
- (b) exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
- (c) removing a suspension of bylaw-making authority, with or without conditions;
- (d) withholding money otherwise payable by the Government to the municipal authority or regional services commission pending compliance with an order of the Minister;

- (b) *by way of sale by public tender conducted in a manner determined by the Minister, or*
- (c) *pursuant to any other procedure determined by the Minister.*

82 Amends chapter M-26 of the Revised Statutes of Alberta 2000. Sections added dealing with compliance with regional plans under the Alberta Land Stewardship Act. Sections 557, 619, 622, 637, 639.1, 655, 680(2), 687(3), 690(5) and 692 presently read:

557 A person who contravenes or does not comply with

- (a) *a provision of this Division,*
- (a.1) *a provision of Part 17 or the regulations under Part 17,*
- (a.2) *a land use bylaw as defined in Part 17,*
- (a.3) *an order under section 645,*
- (a.4) *a development permit or subdivision approval or a condition of a permit or approval under Part 17,*
- (a.5) *a decision of a subdivision and development appeal board or the Municipal Government Board under Part 17,*
- (a.6) *section 436.24,*
- (b) *a direction or order of the Minister,*
- (c) *an order under section 545, 546, 551 or 567, or*
- (d) *section 436.05,*

or who obstructs or hinders any person in the exercise or performance of the person's powers under Part 17 or the regulations under Part 17, is guilty of an offence.

622(1) The Lieutenant Governor in Council may by order, on the recommendation of the Minister, establish land use policies.

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

(3) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning

- (e) repealing, amending and making policies and procedures with respect to the municipal authority or regional services commission;
- (f) suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;
- (g) requiring or prohibiting any other action as necessary to ensure an ALSA regional plan is complied with.

(4) The following is added after section 602.02:

Compliance with ALSA regional plans

602.021 In carrying out its functions and in exercising its jurisdiction under this Act and other enactments, a commission must act in accordance with any applicable ALSA regional plan.

(5) Section 619 is amended by adding after subsection (11):

(12) Despite any other provision of this section, every decision referred to or made and every instrument issued under this section must comply with any applicable ALSA regional plan.

(6) Section 622 is amended by adding the following after subsection (3):

(4) Land use policies do not apply in any planning region within the meaning of the *Alberta Land Stewardship Act* in respect of which there is an ALSA regional plan.

(7) The following is added after section 630.1:

Compliance with ALSA regional plans

630.2 A subdivision authority, a development authority, an entity to which authority is delegated under section 625, a municipal planning commission and a subdivision and development appeal board must each carry out its functions and exercise its jurisdiction in accordance with any applicable ALSA regional plan.

(8) The following is added after section 631:

Order for intermunicipal development plan

631.1(1) The Minister may make regulations

commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies.

637 The adoption by a council of a statutory plan does not require the municipality to undertake any of the projects referred to in it.

639.1 In preparing a land use bylaw, a municipality must consider the protection of agricultural operations.

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

- (a) any conditions to ensure that this Part and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;*

680(2) In determining an appeal, the board hearing the appeal

- (a) must have regard to any statutory plan;*
- (b) must conform with the uses of land referred to in a land use bylaw;*
- (c) must be consistent with the land use policies;*
- (d) must have regard to but is not bound by the subdivision and development regulations;*
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;*
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.*

687(3) In determining an appeal, the subdivision and development appeal board

- (a) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;*

- (a) requiring 2 or more municipal authorities to establish an intermunicipal development plan in accordance with any requirements contained in the regulations or in an ALSA regional plan;
- (b) respecting the matters to be included in an intermunicipal plan;
- (c) respecting the time within which an intermunicipal plan must be complete.

(2) If the municipal authorities to whom an ALSA regional plan applies or to whom a regulation under subsection (1) applies do not comply with the ALSA regional plan or the regulation, the Minister may establish an intermunicipal development plan that is binding on the municipal authorities.

(9) The following is added after section 638:

Conflict with ALSA regional plans

638.1 In the event of a conflict or inconsistency between

- (a) a statutory plan or a land use bylaw, and
- (b) an ALSA regional plan,

the ALSA regional plan prevails to the extent of the conflict or inconsistency.

(10) Section 639.1 is amended by adding “unless an ALSA regional plan requires agricultural operations to be protected or requires agricultural land or land for agricultural purposes to be protected, conserved or enhanced, in which case the municipality must comply with the ALSA regional plan” **after** “operations”.

(11) Section 655(1)(a) is amended by adding “, and any applicable ALSA regional plan,” **after** “under this Part”.

(12) Section 680(2)(a) is repealed and the following is substituted:

- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must have regard to any statutory plan;

- (b) *must have regard to but is not bound by the subdivision and development regulations;*
- (c) *may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
- (d) *may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*
 - (i) *the proposed development would not*
 - (A) *unduly interfere with the amenities of the neighbourhood, or*
 - (B) *materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*
 - and*
 - (ii) *the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

690(5) If the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1)(a), it must decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

- (a) *dismiss the appeal if it decides that the provision is not detrimental, or*
- (b) *order the adjacent municipality to amend or repeal the provision if it is of the opinion that the provision is detrimental.*

692(7) In this section,

- (a) *“adjacent land” means land that is contiguous to the parcel of land that is being redesignated and includes*
 - (i) *land that would be contiguous if not for a highway, road, river or stream, and*

(13) Section 687(3)(a) is repealed and the following is substituted:

- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

(14) Section 690(5) is amended by striking out “it must decide” and substituting “it must, subject to any applicable ALSA regional plan, decide”.

(15) Section 692 is amended by adding the following after subsection (7):

- (8)** If an ALSA regional plan requires a council to pass a bylaw referred to in this section, the council must
 - (a) consider whether, in view of the requirement in the ALSA regional plan, consultation is necessary, desirable or beneficial, and
 - (b) decide whether or not to proceed with consultation.
- (9)** If a council decides under subsection (8) that consultation is neither necessary nor desirable or would not be beneficial, subsections (1) to (7) do not apply to the council in respect of the bylaw concerned.

Amends RSA 2000 cN-3

83(1) The *Natural Resources Conservation Board Act* is amended by this section.

(2) The following is added after section 2:

ALSA regional plans

2.1 In carrying out its mandate under this Act and other enactments, the Board must act in accordance with any applicable ALSA regional plan.

(3) Section 44(2) is amended by adding the following after clause (e):

- (f) respecting compliance with and the enforcement of ALSA regional plans.

- (ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;*
- (b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.*

83 Amends chapter N-3 of the Revised Statutes of Alberta 2000. Provisions added dealing with compliance with regional plans under the Alberta Land Stewardship Act. Section 44 presently reads:

44(1) The Lieutenant Governor in Council may make regulations

- (a) prescribing types of projects that are reviewable projects;*
- (b) prohibiting the delegation of any powers and duties of the Board under section 26.*

(2) The Board may make regulations

Amends RSA 2000 cO-6

84(1) The *Oil and Gas Conservation Act* is amended by this section.

(2) Section 10(1) is amended by adding the following after clause (aaa):

(bbb) respecting compliance with and enforcement of ALSA regional plans.

Amends RSA 2000 cO-7

85(1) The *Oil Sands Conservation Act* is amended by this section.

(2) Section 20(1) is amended by adding the following after clause (u):

(v) respecting compliance with and enforcement of ALSA regional plans.

Amends RSA 2000 cP-15

86(1) The *Pipeline Act* is amended by this section.

(2) Section 3(1) is amended by adding the following after clause (gg):

- (a) *respecting the making of an application for a review under this Act;*
- (b) *respecting the information to be included in or to accompany any application to the Board and by whom the information is to be given in respect of a reviewable project;*
- (c) *respecting the giving of notice of an application for the purpose of section 8(1);*
- (d) *prescribing rules of practice governing the Board's procedure and hearings;*
- (e) *prescribing fees payable in respect of applications under this Act.*

84 Amends chapter O-6 of the Revised Statutes of Alberta 2000. Section 10(1)(aaa) presently reads:

10(1) The Board may make regulations

- (aaa) *generally to conserve oil and gas, and to prevent waste or improvident disposition of oil or gas, and to do any other matter reasonably incidental to the development and drilling of any oil or gas wells, the operation of them and the production from them.*

85 Amends chapter O-7 of the Revised Statutes of Alberta 2000. Section 20(1) presently reads in part:

20(1) The Board may make regulations

- (u) *generally, to conserve oil sands and crude bitumen and to prevent the waste or improvident disposition of oil sands, crude bitumen, derivatives of crude bitumen, declared oil sands or oil sands products.*

86 Amends chapter P-15 of the Revised Statutes of Alberta 2000. Section 3(1) presently reads in part:

3(1) The Board may make regulations

- (gg) *establishing a schedule of fees*

- (hh) respecting compliance with and enforcement of ALSA regional plans.

Amends SA 2003 cP-19.5

87(1) The *Post-secondary Learning Act* is amended by this section.

(2) Section 121 is amended

(a) in subsection (3) by striking out “subsections (4)” and substituting “subsections (3.1), (4)”;

(b) by adding the following after subsection (3):

(3.1) The board of a university must act in accordance with any applicable ALSA regional plan.

Amends RSA 2000 cP-35

88(1) The *Provincial Parks Act* is amended by this section.

(2) The following is added after section 12.2:

ALSA regional plans

12.3 When the Minister exercises discretion under any of the following provisions, the Minister shall act in accordance with any applicable ALSA regional plan:

- (a) section 7(c);
- (b) section 8;
- (c) section 8.1(b);
- (d) section 12(2)(d) or (p).

Amends RSA 2000 cP-38

89(1) The *Public Highways Development Act* is amended by this section.

- (i) *pertaining to applications, or*
- (ii) *for any other service provided by the Board.*

87 Amends chapter P-19.5 of the Statutes of Alberta, 2003.

Section 121(3) presently reads:

(3) Subject to subsections (4) and (5), the following do not apply to any use or development of real property owned by or leased to the board of a university:

- (a) an enactment that requires, in the use or development of land, compliance with any building code or similar bylaw, land use bylaw, statutory plan as defined in Part 17 of the Municipal Government Act or any similar resolution or regulation;*
- (b) an enactment that requires, in the use or development of land, approval or permission to be given by any municipal or other authority before that use or development is commenced.*

88 Amends chapter P-35 of the Revised Statutes of Alberta 2000. Provision added dealing with compliance with regional plans under the Alberta Land Stewardship Act.

89 Amends chapter P-38 of the Revised Statutes of Alberta 2000. Section 23 presently reads:

23(1) A person

(2) Section 23(1) is amended by striking out “and” at the end of clause (a) and by repealing clause (b) and substituting the following:

- (b) does not have any right of easement, light or air to, from or over a controlled highway or controlled street, and
- (c) unless otherwise expressly provided in a conservation directive as defined by the *Alberta Land Stewardship Act*, does not have any right of view to, from or over a controlled highway or controlled street.

Amends RSA 2000 cP-40

90(1) The *Public Lands Act* is amended by this section.

(2) Section 1 is amended

(a) in clause (a)(iii) by striking out “Minister” and substituting “director”;

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

(c.2) “conveyance” includes a motor vehicle, off-highway vehicle, trailer, watercraft, aircraft, bicycle, animal and tack when used as a conveyance, and any other means of conveyance pulled by animals or people, but does not include any conveyance used as a private dwelling;

(c.3) “corporation” means an incorporated body, with or without share capital and wherever and however incorporated or otherwise established, and includes

(i) a limited liability partnership, and

(ii) any other person or body or class of person or body designated as a corporation in the regulations;

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

(d.1) “director” means, except in references to a director of a corporation in sections 37, 59.91, 59.92 and 114.1(2), a person designated as a director under section 5;

- (a) *is not, of right, entitled to any direct access to or from a controlled highway or controlled street from or to any land adjacent to it, and*
 - (b) *does not have any right of easement, light, air or view to, from or over a controlled highway or controlled street.*
- (2) *No person is entitled as of right to any compensation solely by reason of the designation of a highway as a controlled highway or the designation of a street as a controlled street.*

90 Amends chapter P-40 of the Revised Statutes of Alberta 2000. Provisions added dealing with confirming the Crown is owner of public land, establishment of Land Stewardship Fund, refusal for non-compliance, compliance with regional plans under the Alberta Land Stewardship Act, enforcement powers and appeals. Sections 1, 2, 5, 7, 8, 9, 11, 15, 16, 18, 19, 20, 22, 23, 25, 26, 27, 28, 34, 35, 36, 39, 43, 44, 47(2), 48, 49, 50, 54.01(6), 51, 53(b), 54(1), 54.02, 55, 56, 57, 58, 59, 62.1, 68, 69, 70, 81, 82 and 104 presently read:

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;*
- (b) *“Assistant Deputy Minister” means the Assistant Deputy Minister designated by the Minister;*
- (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;*

(d) by repealing clause (e) and substituting the following:

(e) “disposition” means any instrument executed pursuant to this Act, the former Act, *The Provincial Lands Act*, RSA 1942 c62, or the *Dominion Lands Act* (Canada), RSC 1927 c113, 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, but does not include a grant;

(e) by repealing clause (j);

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

(l.1) “loss or damage”, concerning public land under the administration of the Minister, includes

- (i) with respect to employees, agents and contractors of the Crown in the exercise of their service to the Crown,
 - (A) personal injury to any of them, and
 - (B) loss of life of any of them,
- (ii) with respect to any real property, personal property and resources of the Crown, whether or not a disposition has been issued for them,
 - (A) loss of use or enjoyment of any property or resource,
 - (B) any unlawful conversion of any property or resource, and
 - (C) any unauthorized alteration of any property or resource,

- (d) *“Department” means the Department administered by the Minister;*
- (e) *“disposition” means every instrument executed pursuant to this Act, the former Act, The Provincial Lands Act, RSA 1942 c62, or the Dominion Lands Act (Canada), RSC 1927 c113, 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;
- (j) *“issue”, with reference to a disposition that is required to be executed by the holder, means to mail or deliver 2 or more copies of the disposition to the intended holder for execution by the intended holder;*
- (l) *“livestock” means horses, sheep, cattle and, to the extent permitted by the regulations, bison;*
- (o) *“officer” means the Assistant Deputy Minister, an inspector or an employee of the Department designated as an officer by the Minister;*
- (p) *“public land” means land of the Crown in right of Alberta;*
- (q) *“Registrar” means the Registrar within the meaning of the Land Titles Act;*
- (r) *“rent” includes royalties, dues, fees, rates, charges or other money payable by any person to the Crown in right of Alberta under and by virtue of any disposition, but does not include money payable as the whole or part of a purchase price;*

5 In accordance with the Public Service Act, there may be appointed an Assistant Deputy Minister, inspectors and any other employees necessary for the administration of this Act.

and

- (iii) any direct or indirect pecuniary loss of the Crown suffered in connection with matters listed in subclauses (i) and (ii), including costs;

(g) by repealing clause (o) and substituting the following:

- (o) “officer” means, except in sections 37, 59.91, 59.92 and 114.1(2),
 - (i) an officer appointed under section 5;
 - (ii) the Assistant Deputy Minister;
 - (iii) a director;
 - (iv) a member of the Royal Canadian Mounted Police;
 - (v) a member of a police service other than the Royal Canadian Mounted Police whom the director authorizes in writing to act in respect of one or more purposes under this Act or the regulations;
 - (vi) a conservation officer appointed under section 1 of Schedule 3.1 of the *Government Organization Act*;
 - (vii) a forest officer under the *Forests Act*;
 - (viii) a wildlife officer under the *Wildlife Act*;
 - (ix) a peace officer under the *Peace Officer Act* authorized by the peace officer’s appointment under that Act to enforce all or part of this Act and the regulations;

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

- (o.1) “person responsible”, when referring to an activity or use on public land, means
 - (i) the holder of a disposition issued for the public land,

7 *The Lieutenant Governor in Council may*

- (a) *authorize the Minister to sell public land to a municipal corporation or Metis settlement at a price to be determined by the Minister;*
- (b) *authorize the Minister to make any disposition or grant of public land in any special case for which no provision is made under this Act or the regulations;*
- (c) *set aside public land*
 - (i) *for use as a provincial park, historical site, natural area, ecological reserve, wilderness area, heritage rangeland, forest reserve, forest recreation area, wildlife sanctuary, habitat conservation area, public shooting ground or public resort or for the development of any natural resource, or*
 - (ii) *for the purposes of the Government of Canada, either with or without consideration;*
- (d) *transfer the administration of any public land from one Minister of the Crown or Crown corporation to any other Minister of the Crown or Crown corporation;*
- (e) *transfer the administration and control of any public land, whether the land is under the administration of the Minister or another Minister of the Crown, to the Crown in right of Canada on the terms and conditions and for the reasons set out in the order;*
- (f) *authorize the Minister to enter into agreements with the Government of Canada pertaining to the settlement and rehabilitation of veterans on public land, and order the payment out of the General Revenue Fund of any money payable by the Government of Alberta under such an agreement;*
- (g) *authorize the Minister to enter into an agreement with the Crown in right of Canada to transfer to Canada for national park purposes the right, title and interest of the Crown in right of Alberta to any public land;*
- (h) *make any orders that may be necessary*
 - (i) *to carry out this Act according to its intent,*

- (ii) the holder of an authorization issued under section 20,
- (iii) any person who has, or had, charge, management or control of the activity or use,
- (iv) any successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in subclause (i), (ii) or (iii), or
- (v) a principal or agent of a person referred to in subclause (i), (ii), (iii) or (iv) concerning the activity or use;

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

- (r.1) “resource” includes any naturally occurring or man-made thing on or concerning land;

(3) The following is added before section 3:

Crown as owner

2.1 The right, title and interest of the Crown as owner of public land is confirmed.

(4) Section 5 is repealed and the following is substituted:

Appointment of officials and designation of directors

5(1) In accordance with the *Public Service Act*, there may be appointed an Assistant Deputy Minister, officers and any other employees necessary for the administration of this Act.

(2) Without limiting the generality of subsection (1), the Minister may by order designate any person as a director for the purposes of all or part of this Act and the regulations.

(3) The Minister may, with respect to any director, and a director may, with respect to that director personally, designate any person as an acting director to act in the director’s place in the event of the director’s absence or inability to act.

(4) A designation under this section may direct that the authority conferred by the designation is to be exercised subject to any terms and conditions prescribed in the designation, including limitations on the scope of the designation.

- (ii) to carry out the Transfer Agreement, or*
- (iii) to meet cases that arise and for which no provision is made in this Act.*

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;*
- (a.1) limiting or restricting the areas of the province in respect of which the Minister may issue dispositions or certain kinds of dispositions;*
- (b) respecting the rights, duties and obligations of disposition holders;*
- (c) respecting the terms for which dispositions may be granted and the renewal of dispositions;*
- (f) defining “animal unit” and establishing zones for the purposes of section 114.1;*

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 8 of the Mines and Minerals Act and governing the conduct of the exploration in relation to the use of public land;*
- (b) permitting, prohibiting or regulating the use of any public land that is not the subject of a disposition;*
- (b.3) providing for appeals from enforcement orders issued under section 59.1;*
- (f) requiring the submission of agreements affecting dispositions for the consent of the Minister and prescribing the conditions on which the Minister may refuse the Minister’s consent;*
- (j) providing, as to any provision in any regulations under this Act, that its contravention constitutes an offence;*

(5) An officer in the performance of the officer's duties and in the exercise of the officer's powers under this Act or the regulations is a person employed for the preservation and maintenance of the public peace.

(5) Section 7(b) is repealed and the following is substituted:

- (b) authorize the director to make any disposition or authorize the Minister to make any grant of public land in any special case for which no provision is made in this Act or the regulations;

(6) Section 8(1) is amended

- (a) in clause (a.1) by striking out "Minister" and substituting "director";**

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

- (a.2) prescribing procedures, conditions and limits for the amendment and suspension of dispositions in whole or in part;

- (c) by adding the following after clause (c):**

- (c.1) adopting or incorporating, in whole or in part, with or without modification, any rule, directive, code, standard or guideline prescribed by the Minister in respect of any matter under this Act or the regulations concerning the rights, duties and obligations of disposition holders;

- (d) by adding the following after clause (f):**

- (f.1) defining "vacant disposition area";
 - (f.2) defining "vacant public land";
 - (f.3) permitting, prohibiting or regulating the use of, or activities on, any public land that is a vacant disposition area;
 - (f.4) prescribing dispositions, classes of dispositions or vacant disposition areas that are subject to section 62.1(1) and regulations made under section 9(b.1) and (b.2), in whole or in part, with or without

- (k) *generally for the carrying out of this Act according to its intent or to meet cases that may arise and for which no provision is made by this Act.*

Powers of the Minister

11 The Minister may by order classify public land and declare the use for which the Minister considers different classes to be adaptable.

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.

16(1) The Minister may

- (a) defer the Minister's approval of an application for a disposition until an investigation has been made of the land for which application is made, or*
- (b) refuse an application for a disposition at any time before the disposition is issued.*

(2) The Minister in the Minister's discretion may in any manner refuse to accept applications for any specific land or for land in any particular district, and the Minister may settle in any manner the Minister considers best all disputes that arise between persons applying for the same disposition and the Minister may require the several applicants to submit tenders.

18 The Minister may

- (a) within 2 years after a sale by public auction that did not find a purchaser, sell the land by private sale at a price not less than the upset price,*
- (b) sell the land contained in a homestead lease to the lessee on any terms and conditions that the Minister may prescribe if the lessee, in the opinion of the Minister, has faithfully and to the best of the lessee's ability endeavoured to perform the lessee's obligations under the homestead lease but from some unpreventable cause or mental or physical incapacity or through some technicality has failed in doing so and yet has an equitable claim entitling the lessee to favourable consideration,*

modification, in the same way as agricultural dispositions;

(7) Section 9 is amended

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

- (a.1) permitting, prohibiting or regulating the use of, or activity on, any public land that is vacant public land;

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

- (b) permitting, prohibiting or regulating the use of, or activities on, any public land that is not the subject of a disposition;

(c) by repealing clause (b.3);

(d) in clause (f)

- (i) by striking out “Minister” wherever it occurs and substituting “director”;**

- (ii) by striking out “Minister’s” and substituting “director’s”;**

(e) by repealing clause (j);

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

- (l) designating a person or body or class of person or body as a corporation for the purposes of section 1(c.3);
- (m) prescribing contraventions of an ALSA regional plan, this Act or the regulations in respect of which an administrative penalty may be imposed;
- (n) prescribing the form and contents of notices of administrative penalties for the purposes of section 59.4;
- (o) prescribing the amounts, or respecting the manner of determining the amounts, of administrative penalties that may be imposed under section 59.3;

- (c) *reserve public land for any reason and for any period and permit the use of that land for any period and subject to any terms and conditions that the Minister prescribes by the Crown in right of Canada, by any department of the Government or by any person, without executing a disposition for it, and*
- (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.*

19(1) The Minister may give public land

- (a) *to the board of trustees of a school district or school division in a rural area, when the land is required as a site for school purposes,*
- (b) *to a religious corporation or the trustees of a religious society or congregation, when the land is to be used as a site for a church or mission,*
- (c) *to a religious corporation, the trustees of a religious society or congregation, a municipal corporation, Metis settlement or cemetery company as a site for a burial ground, and*
- (d) *to a society as a site for a community hall.*

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.*

- (p) respecting any other matter necessary for the administration of the system of administrative penalties;
- (q) prescribing for the purposes of section 59.9 the form and manner of publication of information respecting any enforcement action taken under this Act or the regulations;
- (r) respecting the establishment, termination and regulation of delegated authorities and the delegation to one or more delegated authorities of the performance of any of the duties or functions or the exercise of any of the powers under this Act or the regulations;
- (s) prescribing time limits for orders made under section 59.2;
- (t) providing for the enforcement of compliance with this Act and the regulations concerning vacant public land and for the recovery of proceeds and economic benefits derived from contraventions of this Act and the regulations;
- (u) prescribing provisions of this Act or the regulations as provisions the contravention of which is an offence for the purposes of section 56;
- (v) prescribing provisions of this Act or the regulations as provisions the contravention of which is an offence to which section 59(3) applies.

(8) The heading preceding section 11 is amended by striking out “the Minister” and substituting “Officials”.

(9) Section 11 is amended by renumbering it as section 11(1) and adding the following after subsection (1):

(2) In the case of conflict between a declaration with respect to public land under subsection (1) and any applicable ALSA regional plan, the ALSA regional plan prevails to the extent necessary to resolve the conflict.

(10) The following is added after section 11.1:

(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.

(2) A person who is authorized to enter on and immediately occupy public land under subsection (1)(b) is bound by this Act from the time the authorization is given in the same manner and to the same extent as if the disposition for which the person applied had been granted to the person.

(3) The Minister may impose any conditions the Minister considers necessary on an authorization granted by the Minister pursuant to subsection (1).

(4) The Minister may, before or as a condition of granting an authorization under subsection (1), require the applicant to provide a security deposit in an amount and form acceptable to the Minister for any purpose that the Minister considers necessary.

22(1) The Minister shall not sell public land pursuant to section 18, the regulations or an order of the Lieutenant Governor in Council, or issue a notification in favour of the purchaser for that land, if the purchaser or one of the purchasers is

- (a) a person who is not a Canadian citizen or a permanent resident as defined in the Immigration Act (Canada),*
- (b) a corporation that is not a Canadian corporation, or*
- (c) a person or corporation acting as a trustee for a person who is not a Canadian citizen or a permanent resident as defined in the Immigration Act (Canada) or for a corporation that is not a Canadian corporation.*

(2) This section does not apply when the purchaser has entered into an agreement under section 21(1) or with respect to a sale made before May 10, 1973.

(3) In this section,

- (a) "Canadian corporation" means*
 - (i) in the case of a corporation with share capital, a corporation in which not less than 75% of the equity shares are registered in the name of and beneficially owned by*

Land Stewardship Fund

11.2(1) The Land Stewardship Fund is established.

- (2)** The Land Stewardship Fund may be used for the purposes of
- (a) purchasing any estate or interest in land and any personal property in conjunction with it under section 13;
 - (b) for any other purpose prescribed in the regulations.
- (3)** Proceeds from sales of public land where title becomes vested in the purchaser shall be paid into the Land Stewardship Fund.
- (4)** The Land Stewardship Fund is to be held and administered by the Minister in accordance with this Act and the regulations.
- (5)** The Minister must maintain a separate accounting record of the Land Stewardship Fund.
- (6)** The Lieutenant Governor in Council may make regulations
- (a) limiting, regulating and controlling the exercise of the Minister's discretion with respect to the Land Stewardship Fund;
 - (b) prescribing the types or classes of money, forfeited security, recovered economic benefits, proceeds, fees, levies, revenue, royalties, penalties, charges, dues, rents, gifts, donations, bequests, transfers and other sums to be paid into the Land Stewardship Fund;
 - (c) prescribing purposes for which the Land Stewardship Fund may be used;
 - (d) prescribing limits on the value of the Land Stewardship Fund to be held and administered by the Minister;
 - (e) prohibiting, limiting, controlling and requiring accounting in the acquisition of public land by agents of the Crown;

- (A) *one or more Canadian citizens or permanent residents as defined in the Immigration Act (Canada),*
- (B) *one or more corporations with share capital, if in each case not less than 75% of its equity shares are registered in the name of and beneficially owned by Canadian citizens or permanent residents as defined in the Immigration Act (Canada),*
- (C) *one or more corporations without share capital, if in each case not less than 75% of its members are Canadian citizens or permanent residents as defined in the Immigration Act (Canada), or*
- (D) *any combination of persons or corporations referred to in paragraphs (A), (B) and (C),*

or

- (ii) *in the case of a corporation without share capital, a corporation in which not less than 75% of the members are Canadian citizens or permanent residents as defined in the Immigration Act (Canada);*
- (b) *“equity share” means any share of any class of shares of a corporation carrying full or limited voting rights and any share of any class of shares of the corporation carrying voting rights by reason of a contingency that has occurred and is continuing.*

23(1) If for any reason the Minister considers it necessary or advisable to have a survey or re-survey made of the land contained in a disposition to determine its exact position, or in order to settle any dispute that may arise respecting it, the Minister may direct that the survey or re-survey be made by an Alberta land surveyor.

(2) The Minister may require payment in advance of the costs of the survey or re-survey to be made by the holder of the disposition concerned in whole or in part, or the Minister may require any portion of the payment of the costs that seems to the Minister just.

(3) If the holder fails to make the required payment in advance, when required to do so by the Minister, the Minister in the Minister’s discretion may cancel the disposition.

- (f) directing that investment income earned on deposits of the Land Stewardship Fund accrues to and forms part of the Land Stewardship Fund;
- (g) permitting the Minister to be a participant under section 40 of the *Financial Administration Act* on behalf of the Land Stewardship Fund.

(11) Section 15 is amended by adding the following after subsection (2):

- (3)** The director may amend any disposition at any time if
 - (a) in the director's opinion, an amendment is necessary in order for the disposition to comply with any applicable ALSA regional plan,
 - (b) the director believes the amendment is necessary to prevent the continuation or occurrence of loss or damage not foreseen at the time of issuance of the disposition,
 - (c) the amendment provides a monitoring or reporting requirement with respect to an activity on, or use of, the public land under disposition,
 - (d) the amendment is consequential to an enforcement order or stop order issued under this Act or the regulations, whether the amendment is permanent or temporary in nature, or
 - (e) the amendment is a condition of the director's or any other director's consent to a mortgage, assignment, transfer or sublet of all or part of the public land under the disposition.

- (4)** If, in the opinion of the director, there is a conflict between the holder of a disposition and one or more other holders of a disposition concerning the whole or a part of the same parcel of land or adjoining land, the director may amend one or more of the relevant dispositions at any time if, in the opinion of the director, the amendment is necessary to resolve the conflict.

(4) The surveyor shall file with the Minister plans, notes and any other information that may be required to determine the exact position of the land and the Minister shall forward a copy of the information to the holder.

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.*

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,*
- (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) 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.*

(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.

(2) The Minister may cancel a disposition if the Minister is requested in writing by the holder to do so.

(3) The Minister may cancel a disposition containing a clerical error, misnomer or wrong or defective description of land and issue a correct disposition in its place.

27(1) Except in the case of cancellation under section 26(2) or (3) or section 82, 110 or 111, the Minister shall not cancel a disposition

(12) The following is added after section 15:

Refusal for non-compliance

15.1 The director may refuse to issue, mortgage, assign, transfer, sublet or renew a disposition if the applicant

- (a) is indebted to the Crown, or
- (b) is otherwise in non-compliance with this Act or the regulations.

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

Director's powers re application

16(1) The director may

- (a) defer the director's approval of an application for a disposition until an investigation has been made of the land in respect of which the application is made, or
- (b) refuse an application for a disposition at any time before the disposition is issued.

(2) The director may, in any manner the director considers necessary, refuse to accept an application in respect of any specific land or for land in any particular district.

(3) The director may settle in any manner the director considers appropriate all disputes that arise between persons applying for the same disposition, and the director may require all the applicants to submit tenders.

(4) The director shall, in accordance with the regulations, provide public notice of a disposition application and a disposition application decision.

(14) Section 18 is amended by adding “, if in the Minister's opinion doing so will not conflict or be inconsistent with any applicable ALSA regional plan,” **after** “The Minister may”.

(15) Section 19(1) is amended by adding “, if in the Minister's opinion doing so will not conflict or be inconsistent with any applicable ALSA regional plan,” **after** “The Minister may”.

under this Act or pursuant to the disposition itself unless this section has been complied with.

28 The Minister may by order reinstate a disposition that has been cancelled or forfeited if

- (a) the application for reinstatement is made within 6 months of the date on which the disposition was cancelled or forfeited,*
- (b) the land contained in the disposition is, at the time the application is made,*
 - (i) available so as to permit the reinstatement to be made, and*
 - (ii) classified as being adaptable for the same use as that permitted under the disposition,*

and

- (c) the applicant complies with any terms and conditions prescribed by the Minister on acceptance of the application.*

34 The Minister may refuse to issue a notification to a person who is liable to Her Majesty or the Minister for the payment of any money or the delivery of any crop share.

35(1) All mines and minerals and the right to work them are, by implication and without the necessity for any express words of exception, excepted from every disposition and notification made under this Act.

(2) The Minister in the case of any disposition or grant, or any kind of disposition, may direct that it shall be made subject to a reservation or exception that the Minister may prescribe.

36(1) Dispositions may be executed on behalf of the Crown by the Minister, the Deputy Minister, the Assistant Deputy Minister or by any other officer of the Department authorized to do so by the Minister, and no seal is necessary in connection with executions on behalf of the Crown.

(2) A permit may be issued by delivering it or mailing it to the holder and the signature of the person authorized to sign it on behalf of the Crown may be reproduced by any means on the permit.

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

Occupation of land

20(1) No person shall enter on and occupy public land for any purpose unless

- (a) the director has authorized that person to enter on and occupy the public land for a stated period for the purpose of
 - (i) conducting appraisals, inspections, analyses, inventories or other investigations of the natural resources that might exist on the land, or
 - (ii) exploring for or excavating fossil remains or objects of geological, ethnological, historical or scientific interest,
- (b) the director has authorized that person to enter on and immediately occupy the public land in respect of which the person has submitted an application for a disposition,
- (c) the person is the holder of a registered fur management agreement under the *Wildlife Act* respecting the public land,
- (d) the person is the holder of a timber disposition under the *Forests Act* respecting the public land,
- (e) the person is expressly authorized to enter on and occupy the public land for that purpose by the director or an officer, or
- (f) the person is otherwise authorized to enter on and occupy the public land under this Act or the regulations.

(2) The director or officer may grant an authorization 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.

(3) If there is a conflict between the terms and conditions of any authorization granted under subsection (1) and any applicable ALSA regional plan, the ALSA regional plan prevails to the extent necessary to resolve the conflict.

39(1) When a disposition required to be executed by the holder is issued, the person in whose favour it is made

(a) is, subject to subsection (2), deemed to be the holder of it as against the Crown and all other persons as of the date of the disposition, and

(b) is bound by the disposition to the same extent as if it were fully executed.

(2) When a disposition is issued and the intended holder fails to execute the disposition and return it to the Department at Edmonton within 60 days from the date the disposition is dated

(a) the Minister may cancel the disposition, and

(b) the intended holder is deemed to have been the holder of the disposition only as to any liability incurred by the holder under it.

43 The holder shall not mortgage, assign, transfer or sublet the land contained in the holder's disposition, or any part of it, without the consent of the Minister in writing.

44(1) The Minister shall determine whether the terms and conditions of a disposition are being performed, observed or complied with and the Minister's decision is final and binding on the holder of the disposition.

(2) At a time and in a form required by the Minister, the holder of a disposition shall furnish proof by declaration or otherwise that the holder has complied with any or all the provisions of the holder's disposition.

47(2) If an improvement becomes the property of the Crown under subsection (1),

(a) the right, title and interest of all other persons to or in the improvements is terminated, and

(b) the Minister may order the improvement to be removed, demolished, sold or otherwise disposed of.

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

(a) makes use of public land, or

(4) A person who is authorized to enter on and immediately occupy public land under subsection (1)(b) is bound by this Act from the time the authorization is granted in the same manner and to the same extent as if the disposition for which the person applied had been granted to the person.

(5) If, in the director's opinion, a disposition or authorization is necessary for the purposes of meeting the objectives of an ALSA regional plan, the director may send a notice in writing to a person referred to in subsection (1)(c) or (d) requiring the person to apply for a disposition or authorization within a reasonable time determined by the director.

(6) A person who receives a notice under subsection (5) is bound by this Act from the date of the notice.

(7) The director or officer may impose any conditions the director or officer considers necessary on an authorization granted by the director or officer pursuant to this section.

(8) The director may, before or as a condition of granting an authorization under subsection (1), require the person to provide security in an amount and form acceptable to the director for any purpose that the director considers necessary.

(9) Nothing in this section is to be construed as in any way derogating from or adding to the rights of aboriginal peoples recognized and affirmed under Part 2 of the *Constitution Act, 1982* or the rights of Indians under the Transfer Agreement.

(17) Section 23 is repealed and the following is substituted:

Surveys

23(1) If for any reason the director considers it necessary or advisable to have a survey or re-survey made of the land contained in a disposition, or in respect of which an application for a disposition has been made, to determine its exact position, or in order to settle any dispute that may arise respecting it, the director may direct that the survey or re-survey be made by an Alberta land surveyor.

(2) The director may require payment in advance of the costs of the survey or re-survey to be made by the holder of, or the applicant for, the disposition or may require any portion of the payment of the costs that the director considers just.

(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,

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

(2) The sum of money prescribed by the Minister pursuant to subsection (1) is a debt payable to the Crown on demand by the Minister.

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.

(2) The Minister shall serve on the person referred to in subsection (1) personally or by ordinary mail addressed to the person at the person's address according to the Minister's records, a notice demanding payment of the amount of the penalty within 30 days after the date of service of the notice.

(3) The notice shall state the grounds on which the penalty was assessed.

(4) If the person referred to in subsection (1) fails to pay the amount in accordance with the notice, the Minister has a cause of action for the recovery of it and, in such an action, the court

- (a) may make any order it considers just regarding the payment by that person of the amount or any of it, and*

(3) If the holder or the applicant fails to make the required payment in advance when required to do so by the director, the director in the director's discretion may cancel the disposition or the application, as the case may be.

(4) The surveyor shall file with the director plans, notes and any other information that may be required to determine the exact position of the land, and the director shall forward a copy of the information to the holder or the applicant, as the case may be.

(18) Sections 25 and 26 are repealed and the following is substituted:

Withdrawal and overlapping dispositions

25(1) The director may

- (a) by agreement with the holder and without limitation to the director's power under any provision of an applicable ALSA regional plan, this Act or the regulations 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.

(2) If no application has been submitted for a disposition made under subsection (1)(b), the director must, in accordance with the regulations, provide notice of a disposition made under subsection (1)(b).

Cancellation, suspension or amendment of disposition

26(1) The director may cancel, suspend or amend a disposition when

- (a) the holder of the disposition fails to comply with the disposition, this Act or the regulations, or fails to comply with a notice given under this Act or the regulations,
- (b) in the case of a holder that is a corporation, the holder ceases to be incorporated or registered under the appropriate enactment regulating the carrying on of business by the corporation in Alberta,

- (b) *may make any other order it considers appropriate, including an order respecting costs.*

50 If a person

- (a) *is required to make payment under section 48 for an unauthorized use of public land, or*
- (b) *has been served with a notice under section 49 with respect to a contravention of a disposition or an authorization,*

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.

54.01(6) A person who contravenes subsection (2), (3), (4) or (5) is guilty of an offence.

51 If a person without authority seeds a crop on public land, the Minister may

- (a) *authorize an officer to seize the crop either before or after it is harvested, and*
- (b) *order the crop to be disposed of as the Minister decides.*

52(1) When an officer believes on reasonable grounds that any clay, marl, sand, gravel, silica sand, topsoil or peat has been removed unlawfully from public land, the officer may seize it and any vehicle, tools or equipment used to remove or transport it.

(2) An officer making a seizure under this section shall make a written report to the Minister and shall retain any thing seized until the Minister instructs the officer how to dispose of it.

(3) When the Minister receives a report of a seizure, the Minister may

- (a) *order whatever is seized to be confiscated to the Crown in right of Alberta and may dispose of it in any way the Minister considers proper, or*
- (b) *order whatever is seized to be returned to the person from whom it was seized.*

- (c) the holder acquired the disposition in error or through fraud, misrepresentation, personation or improvidence,
- (d) the holder of the disposition is convicted of an offence under an ALSA regional plan, this Act or the regulations that relates to the use of the land contained in the holder's disposition, or
- (e) the holder of the disposition is indebted to the Crown.

(2) Where the director is authorized to cancel a disposition under subsection (1)(a) or (d), the director 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.

(3) The director may cancel a disposition if the director is requested in writing by the holder to do so.

(4) The director may cancel a disposition containing a clerical error, misnomer or wrong or defective description of land and issue a correct disposition in its place.

Procedure for suspension

26.1(1) When the director intends to suspend a disposition, the director shall send a written notice to the holder by mailing it to the holder's last known address according to the records of the Department.

(2) A suspension is effective from the date of the notice referred to in subsection (1).

(3) Where the director suspends a disposition under this Act or the regulations, the holder of the disposition remains bound by the terms and conditions of the disposition, including the payment of rents and other obligations, as though the disposition were not suspended.

(19) Section 27(1) is amended by striking out “26(2) or (3)” and substituting “26(3) or (4)”.

(20) Section 28 is amended

(a) by renumbering it as section 28(1);

53 The holder of a disposition shall not do any act or thing that injures or destroys, or that is likely to injure or destroy, the surface of the public land described in the disposition unless

- (a) the holder has obtained the authorization of the Minister, or*
- (b) the holder is authorized by the disposition to injure or destroy the surface.*

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,*

54.01(1) In this section, "closed road" means a road that was constructed pursuant to a licence of occupation issued under this Act and has been closed

- (a) by an order of the Minister, or*
- (b) in accordance with a term or condition of the licence of occupation.*

(2) No person shall

- (a) travel on or enter on a closed road,*
- (b) damage, destroy, remove or alter any posted notice or sign denoting a closed road,*
- (c) damage, destroy, remove or alter any barrier set up to prevent access to a closed road, or*
- (d) block, disrupt, hinder, impede, interfere with or otherwise obstruct access by a disposition holder or a commercial user to a closed road to which the disposition holder or commercial user is legally entitled to have access*

unless the person is authorized to do so by the Minister or under this Act or the regulations.

(3) No person shall block, disrupt, hinder, impede, interfere with or otherwise obstruct free access to or passage on and over, or use by any other person of, a highway, road or trail located on public land

(b) in subsection (1) by striking out “Minister” wherever it occurs and substituting “director”;

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

(2) The Minister may make regulations

- (a) classifying dispositions for the purposes of this section and the regulations;
- (b) respecting terms and conditions on which dispositions may be reinstated;
- (c) respecting rules and procedures for obtaining reinstatement of dispositions for the purposes of this section;
- (d) respecting any other procedural and substantive matters necessary for carrying out the Minister’s or director’s powers under this section.

(21) Section 34 is repealed and the following is substituted:

Refusal to issue notification

34 The Minister may refuse to issue a notification to a person who is liable to the Crown or the Minister for the payment of any money or the delivery of any royalty, share of production or crop share.

(22) Section 35(2) is repealed and the following is substituted:

(2) The director, in the case of any disposition, or the Minister, in the case of a grant or any kind of disposition, may direct that it shall be made subject to a reservation or exception that the director or the Minister, as the case may be, may prescribe.

(23) Section 36(1) is repealed and the following is substituted:

Execution of disposition by Crown

36(1) Dispositions may be executed on behalf of the Crown by the Minister, the Deputy Minister, the Assistant Deputy Minister, the director or any other officer of the Department authorized to do so by the Minister, and no seal is necessary in connection with executions on behalf of the Crown.

(24) Section 39 is repealed and the following is substituted:

unless that person is authorized to do so by the Minister or under this Act or the regulations.

(4) No person shall, directly or indirectly, induce or attempt to induce another person to provide money or other consideration for the purpose of gaining access to, passage on or over or use of public land unless

- (a) that person is the holder of a disposition or an authorization under section 20 and is entitled at law to request or receive money or other consideration for that purpose, and*
- (b) the desired access, passage or use is in respect of public land that is the subject of the disposition or authorization.*

(5) No person shall provide or receive money or other consideration for the purpose of gaining or allowing access to, passage on or over or use of public land unless

- (a) the person receiving the money or other consideration is the holder of a disposition or authorization under section 20 and is entitled at law to receive money or other consideration for that purpose, and*
- (b) the access, passage or use is in respect of public land that is the subject of the disposition or authorization.*

(6) A person who contravenes subsection (2), (3), (4) or (5) is guilty of an offence.

(7) If a police officer has reasonable grounds to believe that a person has contravened subsection (2) or (3), the police officer may remove or seize and remove any material, barrier, equipment, vehicle, structure or obstruction used in or during the commission of that offence.

54.02(1) Where a police officer seizes anything under section 54.01(7) the police officer shall, within a reasonable time,

- (a) provide a justice with an affidavit stating that the police officer has reasonable grounds to believe that a person named in the affidavit has contravened section 54.01(2) or (3) and that the thing seized was used in the commission of the offence, or*
- (b) return the thing seized to the person from whom it was seized.*

Rights of holder

39(1) In this section, “issue” means to mail or deliver 2 or more copies of the disposition to the intended holder for execution by the intended holder.

(2) When a disposition required to be executed by the holder is issued, the person in whose favour it is made

- (a) is, subject to subsection (3), deemed to be the holder of it as against the Crown and all other persons as of the date of the disposition, and
- (b) is bound by the disposition to the same extent as if it were fully executed.

(3) When a disposition is issued and the intended holder fails to execute the disposition and return it to the Department at Edmonton within 60 days from the date of the disposition,

- (a) the director may cancel the disposition, and
- (b) the intended holder is deemed to have been the holder of the disposition only as to any liability incurred by the holder under it.

(25) Section 43 is repealed and the following is substituted:

Consent to assignment, etc.

43(1) The holder shall not mortgage, assign, transfer or sublet the land contained in the holder’s disposition, or any part of it, without the written consent of the director.

(2) The Minister may make regulations

- (a) classifying dispositions for the purposes of this section and the regulations;
- (b) respecting the terms and conditions on which consent may be given for dispositions to be mortgaged, assigned, transferred or sublet;
- (c) respecting rules and procedures for obtaining consent to a mortgage, assignment, transfer or sublet of dispositions for the purposes of this section;

(2) On receipt of an affidavit under subsection (1), the justice may order that the affidavit be served on the person referred to in the affidavit, may set down a date to hear the matter and may order that the thing seized

- (a) be retained by the Crown until final disposition of the charge,*
- (b) be returned to the person from whom it was seized, or*
- (c) be returned to any other person who is entitled to possession of it.*

(3) If a thing that was seized is returned to the person from whom it was seized, the justice may order that person

- (a) to hold it as bailee for the Crown until final disposition of the charge, and*
- (b) to produce it if it is required with respect to proceedings related to the charge.*

(4) Where a person is convicted of an offence under section 54.01(2) or (3) and a thing that was seized under section 54.01(7) in respect of the offence is being detained under this section, the court may direct

- (a) that the thing seized be forfeited to the Crown on the expiration of the time for an appeal or on conclusion of the proceedings, as the case may be, or*
- (b) that the thing be returned to the person from whom it was seized or to any other person who is entitled to possession of it, subject to any terms and conditions the court considers appropriate.*

(5) Where a thing is forfeited to the Crown under this section, the Minister may destroy the thing or dispose of it in any manner the Minister considers appropriate.

(6) The Minister may, in an action in debt, recover from the person who was convicted of the offence the costs of forfeiture and destruction or disposal of a thing under this section.

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.

- (d) respecting any other procedural and substantive matters necessary for carrying out the Minister's or director's powers under this section.

(26) Section 44 is repealed and the following is substituted:

Minister or director to determine compliance

44(1) The Minister or the director, in the exercise of the Minister's or director's respective powers and duties under this Act or the regulations, or under any applicable ALSA regional plan, may determine whether the terms and conditions of a disposition are being performed, observed or complied with, and the Minister's or the director's decision, as the case may be, is final and binding on the holder of the disposition.

(2) At a time and in a form required by the Minister or the director, as the case may be, the holder of a disposition shall furnish proof by declaration or otherwise that the holder has complied with any or all of the provisions of the holder's disposition.

(27) Section 47(2)(b) is repealed and the following is substituted:

- (b) the improvement may be removed, demolished, sold or otherwise disposed of in any manner the director considers appropriate.

(28) Sections 48, 49 and 50 are repealed.

(29) Section 51 is repealed and the following is substituted:

Seizure of crops

51 If a person without authority seeds or places a crop on public land, the director may

- (a) authorize an officer to seize the crop either before or after it is harvested, and
- (b) direct the crop to be disposed of as the director considers appropriate.

(30) Section 52 is amended

- (a) by striking out "Minister" wherever it occurs and substituting "director";**

56 *A person who*

- (a) *removes any property belonging to the Government from public land without authority,*
- (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) *without lawful authority destroys, defaces or removes a notice posted under the authority of the Act,*
- (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*
- (c) *contravenes section 53 or 54,*

is guilty of an offence.

57 *A person who hinders, obstructs or impedes an officer in the performance of the officer's duty under this Act is guilty of an offence.*

58 *A person who, before or at the time of a public sale of public land, by intimidation, combination, unfair management or otherwise, hinders or prevents, or attempts to hinder or prevent, any other person from bidding on or purchasing any land offered for sale, is guilty of an offence.*

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.*

(b) in subsection (3)(b) by striking out “order” and substituting “direct”.

(31) Section 53(b) is amended by striking out “authorized” and substituting “expressly authorized”.

(32) Section 54(1) is amended

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

- (a.1) loss or damage to public land,
- (a.2) activities on, or the use of, public land that is likely to result in loss or damage to public land,

(b) by repealing clauses (b) and (c) and substituting the following:

- (b) the existence on public land of any structure or excavation of any kind that is undesirable or otherwise in contravention of this Act or the regulations,
- (c) the existence on public land of any condition that may cause loss or damage to the public land,

(33) Section 54.01(6) is repealed.

(34) Section 54.02(6) is repealed and the following is substituted:

(6) The costs of forfeiture and destruction or disposal of a thing under this section are a debt owing to the Crown payable by the person convicted of the offence.

(35) Section 55 is repealed.

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

Offences re Crown land, property, etc.

56(1) A person who

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

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

- (c) wilfully provides false or misleading information to an officer, the director or the Minister concerning public land, a disposition, this Act or the regulations,
- (d) occupies public land and is not the holder of a disposition or of an authorization under section 20 authorizing the person to do so and is not otherwise authorized to do so under this Act and the regulations,
- (e) wilfully and without lawful authority destroys, defaces or removes a notice posted under the authority of this Act,
- (f) fails to comply with an order of the director under section 47.1,
- (g) contravenes section 53, 54, 54.01(2), (3), (4) or (5), 57, 58 or 69.6,
- (h) wilfully contravenes an enforcement order issued under section 59.1,
- (i) wilfully 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),
- (j) contravenes regulations made under Part 1.1,
- (k) fails to comply with an order of an officer under section 71.3,
- (l) fails to comply with a notice under section 114.1(2),
- (m) as the holder of a disposition, wilfully contravenes a provision of the disposition,
- (n) as the holder of a disposition, contravenes a provision of the disposition,
- (o) unless otherwise provided in this Act or the regulations, fails to comply with a notice or order issued under an ALSA regional plan, this Act or the regulations, or

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.

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;

- (p) contravenes a provision of this Act or the regulations that is prescribed in the regulations for the purposes of this section,

is guilty of an offence.

(2) Every person who is guilty of an offence under this Act or the regulations is liable on conviction for each day or part of a day on which the offence occurs or continues.

Limitation period

56.1 A prosecution in respect of an offence under this Act or the regulations may not be commenced later than 2 years after

- (a) the date on which the offence was committed, or
- (b) the date on which evidence of the offence first came to the attention of the director,

whichever is later.

(37) Section 57 is repealed and the following is substituted:

Interference

57 No person shall interfere with or attempt to interfere with

- (a) an officer who is exercising powers or carrying out duties, or attempting to do so, under this Act or the regulations,
- (b) a person accompanying or assisting an officer under the authority of section 69.5 or 69.6,
- (c) a person who is conducting or attempting to conduct an inspection referred to in section 68 pursuant to an authorization given by the director, or
- (d) a person referred to in section 59.1(3) or 59.2(2) who is carrying out any work or doing anything pursuant to an enforcement order or stop order.

Court order re interference

57.1 If a person interferes with another person contrary to section 57,

- (a) the officer, in a case referred to in section 57(a) or (b), or

- (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.

68(1) When a disposition provides for payment of rent on a crop share basis, the Minister may authorize any person to inspect any storage ticket, book of account or other document or record relating to the possession, delivery, transportation, storage or other dealing with the crop, share of crop or portion of the crop grown on the land held under the disposition.

(2) A person authorized under this section may, for the purpose of inspection, enter during the hours of daylight the land and premises of the holder, or of any elevator, storage or transportation company, or of any other person, if on reasonable grounds the authorized person believes that any storage tickets, books of account or other documents or records are located there.

69 A person acting lawfully in the performance of duties assigned to the person under this Act or the regulations may enter on any land held under a disposition or buildings erected on that land for

- (b) the director, in a case referred to in section 57(c) or (d),

may apply to the Court of Queen's Bench for an order prohibiting the person from so interfering, and the Court may make any order it considers appropriate in the circumstances.

(38) Section 58 is repealed and the following is substituted:

Prohibited practices at sales

58 No person shall, before or at the time of a public sale of public land, by intimidation, combination, unfair management or otherwise, hinder, prevent or attempt to hinder or prevent any other person from bidding on or purchasing any land offered for sale.

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

General penalty

59(1) A person who is guilty of an offence referred to in subsection (3) is liable

- (a) in the case of an individual, to a fine of not more than \$25 000, or
- (b) in the case of a corporation, to a fine of not more than \$100 000.

(2) Unless otherwise provided in this Act or the regulations, a person who is guilty of offence under this Act or the regulations is liable

- (a) in the case of an individual, to a fine of not more than \$100 000, or
- (b) in the case of a corporation, to a fine of not more than \$1 000 000.

(3) No person may be convicted of an offence under

- (a) section 56(1)(b), (d), (g), (j), (k), (l), (n), (o) or (p), or
- (b) a provision of this Act or the regulations that is prescribed in the regulations for the purposes of this section,

the purpose of surveying or examining the state and condition of them.

70 Notwithstanding the provisions of any disposition, the demand or acceptance of rent payable under a disposition is not a waiver of the right of the Minister to enforce the observance of any provision of the disposition, the regulations or this Act, or of the right to cancel the disposition under this Act for any default or breach committed before the rent is demanded or accepted.

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,*
- (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 the lessee's 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 the lessee's interest under the lease or any other money payable under the lease when it is due.*

(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.

(2) Except as otherwise provided in the regulations, when the Minister cancels a lease pursuant to subsection (1) or withdraws land from a lease pursuant to subsection (1.1), 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.

if the person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

Court orders relating to penalty

59.01(1) Where a person is convicted of an offence under an ALSA regional plan, this Act or the regulations, in addition to any other penalty that may be imposed under this Act or the regulations, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order having any or all of the following effects:

- (a) prohibiting the offender from doing anything that might result in the continuation or repetition of the offence;
- (b) directing the offender to take any action the court considers appropriate to remedy or prevent any loss or damage to public land that results or might result from the act or omission that constituted the offence;
- (c) directing the offender to publish, in the prescribed manner and at the offender's cost, the facts relating to the conviction;
- (d) directing the offender to notify any person aggrieved or affected by the offender's conduct of the facts relating to the conviction, in the prescribed manner and at the offender's cost;
- (e) directing the offender to post a bond or pay money into court in an amount that will ensure compliance with any order made pursuant to this section;
- (f) on application to the court by the Minister made within 3 years after the date of conviction, directing the offender to submit to the Minister any information with respect to the conduct of the offender as the court considers appropriate in the circumstances;
- (g) directing the offender to provide a full accounting of the proceeds derived directly or indirectly from the commission of the offence and to remit any proceeds to the Crown;

(3) When a lease is cancelled or part of the land is withdrawn from the lease, any unpaid rent may be recovered as a debt owing to the Crown.

82(1) Sixty days after the date on which the Minister mails a notice in writing to the last known address of the lessee, the Minister 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, the Minister is satisfied that the land contained in the lease or to be withdrawn from it contains sand, silica sand, topsoil, peat, gravel, clay or marl in commercial quantities,*
- (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 the Minister considers to be in the public interest.*

104(1) The Minister may establish from time to time the grazing capacity of all grazing land in Alberta and for this purpose may

- (a) divide Alberta into districts,*
- (b) establish the grazing capacity of grazing land in each district, and*
- (c) establish the grazing capacity of grazing land held under a grazing lease either above or below the grazing capacity of*

- (h) directing the offender to compensate the Minister, in whole or in part, for the cost of any remedial or preventive action that was carried out or caused to be carried out by the Crown and was made necessary by the act or omission that constituted the offence;
- (i) directing the offender to perform community service;
- (j) requiring the offender to comply with any other conditions the court considers appropriate in the circumstances for securing the offender's good conduct and for preventing the offender from repeating the same offence or committing other offences.

(2) Where an offender contravenes an order made under subsection (1)(c), the Minister may publish the facts in compliance with the order.

(3) Where the Minister incurs publication costs under subsection (2), the costs constitute a debt owing to the Crown.

(4) An order made under subsection (1) comes into force on the day on which it is made or on any other day specified in the order and continues in force for the period specified in the order, not to exceed 3 years.

Compensation for loss of property

59.02(1) Where a person is convicted of an offence under an ALSA regional plan, this Act or the regulations, the court may, at the time sentence is imposed and on the application of the Crown or an aggrieved person, order the offender to pay to the Crown or aggrieved person an amount by way of satisfaction or compensation for loss of or damage to property suffered by the Crown or that person as a result of the commission of the offence.

(2) The Crown or a person in whose favour an order is made under subsection (1) may file the order with the clerk of the Court of Queen's Bench and, on filing, the order may be enforced as if it were a judgment of the Court of Queen's Bench in civil proceedings.

Variation of court orders

59.03(1) Subject to subsection (2), where a court has made an order under section 59.01, the court may, on application by the

other grazing land in the district in which the leased land is situated.

(2) If the Minister does not establish the grazing capacity of land held under a particular grazing lease, the grazing capacity of that land is the same as the grazing capacity established for the district in which that land is situated.

(3) A cow of average weight with calf at foot shall be considered as one animal unit for the purpose of establishing the grazing capacity of grazing land, and any variations in the proportions of an animal unit due to age, weight and type of livestock shall be determined by the Minister.

offender or the Minister of Justice and Attorney General, require the offender to appear before it and, after hearing the offender and the Minister of Justice and Attorney General, may make any or all of the following orders if it considers that the circumstances of the offender have changed so as to warrant such an order:

- (a) an order changing the original order or the conditions specified in it;
- (b) an order relieving the offender absolutely or partially from compliance with any or all of the original order;
- (c) an order reducing the period for which the original order is to remain in effect;
- (d) an order extending the period for which the original order is to remain in effect for an additional period not to exceed one year.

(2) Before making an order under subsection (1), the court may direct that notice be given to any persons the court considers to be interested, and the court may hear any of those persons.

(3) Where an application made under this section in respect of an offender has been heard by a court, no other application under this section may be made with respect to the offender except with leave of the court.

(40) Section 59.1 is repealed and the following is substituted:

Enforcement order

59.1(1) Where, in the director's opinion, a person has contravened a provision of an ALSA regional plan, this Act or the regulations, the director may issue an enforcement order under this section to a person responsible, whether or not the person who contravened the provision has been charged with or convicted of an offence in respect of the contravention.

(2) The director 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 director's records.

(3) In an enforcement order the director 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 an ALSA regional plan, this Act or the regulations;
 - (iii) to remedy the effects of the contravention;
 - (iv) to keep records and report to the director in respect of the contravention of or the compliance with an ALSA regional plan, this Act, the regulations or the order;
 - (v) to suspend activities on, or the use of, public land, whether or not a disposition has been issued for the land;
 - (vi) to provide an accounting of, and remit to the Crown, any benefits and proceeds of benefits derived directly or indirectly from the contravention;
- (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;
 - (d) suspend the rights of a holder under a disposition;
 - (e) cancel a disposition.
- (4)** The director may, at any time,
- (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) Costs incurred by the director under this section are recoverable by the Crown as a debt owing to the Crown against the person to whom the enforcement order was directed.

(7) For the purposes of this section the costs referred to in subsection (6) 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.

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

(9) In an enforcement order the director may require any person who, in the director's opinion, is in receipt of proceeds derived directly or indirectly from any use of public land in contravention of an ALSA regional plan, this Act or the regulations to provide a full accounting of the proceeds believed by the director to have been received by the person and to remit the proceeds to the Crown.

Stop order

59.2(1) In addition to exercising other powers under this Act and the regulations, if in the opinion of a director or officer an activity or land use on public land is in contravention of one or more of

- (a) this Act,
- (b) the regulations under this Act,
- (c) a notice or order issued under this Act or the regulations, and
- (d) the terms and conditions of a disposition or an authorization under section 20,

the director or officer may act under subsection (2).

(2) If subsection (1) applies, the director or officer may, by written notice, order any person responsible for the contravention

- (a) to stop the activity or land use on the public land in whole or in part as directed by the notice,
- (b) to demolish, remove or replace any improvements made or in the process of being made, or
- (c) to carry out any other actions required by the notice so that the activity or land use on the public land complies with this Act or the regulations or the terms and conditions of a disposition or an authorization under section 20,

within the time set out in the notice.

(3) A person who receives a notice referred to in subsection (2) may appeal to an appeal body in accordance with the regulations.

(4) Costs incurred by the director or officer under this section are recoverable by the Crown as a debt owing to the Crown against the person to whom the stop order was directed.

(5) The director may, at any time,

- (a) amend a term or condition of, add a term or condition to or delete a term or condition from a stop order, or
- (b) cancel a stop order.

Enforcement of orders

59.21(1) If a person fails or refuses to comply with an order directed to the person under section 59.1 or 59.2, the director may

- (a) enter on the public land and take any action necessary to carry out the order, or
- (b) issue a further order as the director considers appropriate.

(2) Costs incurred by the director under this section are recoverable by the Crown as a debt owing to the Crown against the person to whom the order or orders were directed.

Protection of officials from legal suit

59.22 No action lies and no proceeding may be brought against the Crown, the Minister, the director or an officer or any person acting under the direction of the Crown, the Minister, the director or an officer for damages resulting from any order or decision under this Act or the regulations made or taken in good faith by the Crown, the Minister, the director, the officer or the person.

Administrative penalty

59.3 The director may, in accordance with the regulations, require a person to pay an administrative penalty in an amount determined by the director if the person

- (a) contravenes a provision of an ALSA regional plan, this Act or the regulations that is prescribed in the regulations for the purposes of this section,
- (b) without legal authority makes use of public land,
- (c) as a holder of a disposition or of an authorization under section 20, without the consent of the director, or a person authorized by the Minister to provide consent, 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 is granted,
- (d) contravenes a term or condition of a disposition or of an authorization under section 20,
- (e) contravenes a decision or order made under regulations made under section 9(b.1) or (b.2),
- (f) contravenes section 62.1 or a regulation made under that section, or
- (g) fails to notify the Minister of a transfer, redemption or allotment of shares to which section 114.1(4) applies.

Notice of administrative penalty

59.4(1) If the director requires a person to pay an administrative penalty under this Act or the regulations, the director shall serve by personal service or registered mail a

notice of administrative penalty demanding payment of the penalty.

- (2) A notice of administrative penalty must state the grounds on which the penalty was assessed.
- (3) An administrative penalty to which a notice under subsection (1) relates must be paid within 30 days of the date of service of the notice.
- (4) A notice of administrative penalty under this section may require one or more of the following:
 - (a) payment of the penalty determined by the director under section 59.3;
 - (b) any person who in the director's opinion is in receipt of proceeds derived directly or indirectly from any use of public land in contravention of this Act or the regulations to provide an accounting of the proceeds believed by the director to have been received by that person;
 - (c) payment by a person referred to in clause (b) of any proceeds referred to in that clause, or an amount equivalent to the value of the proceeds if the person has converted the proceeds.

Daily penalty

59.5 A person is liable for an administrative penalty for each day or part of a day on which the contravention occurs or continues, and where this Act or the regulations prescribe the maximum amount of an administrative penalty, the maximum is the maximum for each day or part of a day on which the contravention occurs or continues.

Protection from prosecution

59.6 A person who pays an administrative penalty in respect of a contravention by the person shall not be prosecuted under this Act for an offence in respect of the same contravention.

Limitation period

59.7 A notice of administrative penalty may not be issued more than 2 years after

- (a) the date on which the contravention to which the notice relates occurred, or

- (b) the date on which evidence of the contravention first came to the notice of the director,

whichever is later.

Enforcement in Court of Queen's Bench

59.8(1) Subject to any right to appeal the notice of administrative penalty, the director may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on filing, the notice may be enforced as a judgment of the Court.

(2) On application by the director, the Court may make any order necessary to compel the person receiving a notice under section 59.4 to carry out the terms of the notice.

Publication of information

59.9 The director shall, in accordance with the regulations, publish particulars of enforcement action taken under this Act.

Liability of directors and officers

59.91 If a corporation commits an offence or is subject to an administrative penalty as a result of a contravention of this Act or the regulations, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence or contravention is guilty of the offence or responsible for the contravention and is liable to the punishment provided for the offence or the administrative penalty, whether or not the corporation has been prosecuted for or convicted of the offence or has been given notice of the administrative penalty.

Vicarious responsibility

59.92 For the purposes of this Act and the regulations, an act or thing done or omitted to be done by a director, officer, official, employee or agent of a corporation in the course of employment or in the exercise of powers or the performance of duties is deemed also to be an act or thing done or omitted to be done by the corporation.

(41) Section 62.1 is amended

- (a) in subsection (2) by adding the following after clause (h):

- (i) prescribing matters referred to in clauses (a) to (h) concerning prescribed dispositions and vacant disposition areas.

(b) in subsection (3) by striking out “any peace officer” and substituting “an officer”.

(42) Section 68 is repealed and the following is substituted:

Inspection of records

68(1) When a disposition provides for payment of rent on a royalty, share of production or crop share basis, the director may authorize any person to inspect any storage ticket, book of account or other document or record relating to the possession, delivery, transportation, storage or other dealing with the material, production or crop, share of the material, production or crop or portion of the material, production or crop taken from or grown on the land held under the disposition.

(2) Unless otherwise authorized by a court, a person authorized under this section may, for the purpose of inspection, enter during business hours the land and premises of the holder, or of any elevator, storage or transportation company, or of any other person, if on reasonable grounds the authorized person believes that any storage tickets, books of account or other documents or records are located there.

(43) Section 69 is repealed and the following is substituted:

Investigations and inspections

69(1) In this section and in sections 69.1 to 69.6,

- (a) “civil enforcement bailiff” has the same meaning as it has in the *Civil Enforcement Act*;
- (b) “computing device” includes a personal computer, telephone and any other device capable of creating or storing electronic records whether or not the device is wireless or connected by wires to a computer system;
- (c) “justice” has the same meaning as it has in the *Provincial Offences Procedure Act*;
- (d) “order to enter and inspect” means an order issued under section 69.2;

- (e) “peace officer” has the same meaning as it has in the *Peace Officer Act*;
- (f) “record” means a record of information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records;
- (g) “warrant” means a search warrant issued by reason of the operation of section 3 of the *Provincial Offences Procedure Act*.

(2) For the purpose of the administration of this Act or the regulations, an officer may, subject to subsection (3), without warrant or order, at any time do one or more of the following:

- (a) enter on any land and in any thing on land to conduct an inspection, investigation or survey;
- (b) enter on and inspect any land and any thing on land on or in which the officer on reasonable grounds believes an offence under this Act or the regulations has been, is being or is about to be committed;
- (c) enter on any land and in any thing on land the officer on reasonable grounds believes contains records relevant and material to any disposition, order or offence under this Act or the regulations for the purpose of reviewing and obtaining copies of the records;
- (d) stop, enter and inspect any conveyance that the officer on reasonable grounds believes is being operated in contravention of this Act or the regulations, or is being used in the commission of an offence under this Act or the regulations;
- (e) stop and inspect any conveyance to ascertain whether it or the manner in which it is being operated is in compliance with this Act and the regulations;

- (f) where any thing, in the opinion of the officer, has caused, is causing or might cause loss or damage to land or any thing on the land,
 - (i) require the person having charge, management or control of the thing to detain the thing at the place where it is found,
 - (ii) require the person having charge, management or control of the thing to remove the thing, or
 - (iii) cause the thing to be removed from the place where it is found and give a receipt for it;
- (g) require the production of any records that are required to be kept under any applicable ALSA regional plan, this Act or the regulations or any other records that are related to the purpose for which the officer is exercising any power under clauses (a) to (f).

(3) An officer may not enter a private dwelling or any part of a place that is designed to be used and, in the opinion of the officer based on reasonable grounds, is being used as a permanent or temporary private dwelling place except

- (a) with the consent of the occupant, or
- (b) under the authority of an order to enter and inspect or a warrant.

(4) An officer may not detain or remove a thing under subsection (2)(f) for more than 5 days, excluding holidays, without the consent of the person having charge, management or control of it or the owner of it, except under the authority of an order issued under subsection (5).

(5) Where a justice is satisfied on evidence under oath by an officer that there are reasonable grounds to believe that a thing detained or removed under subsection (2)(f) should be detained or removed for longer than 5 days, excluding holidays, to protect or conserve public lands, the justice may issue or renew an order authorizing an officer to detain or remove the thing for the length of time set out in the order.

Reporting programs

69.1 The Minister may establish programs to promote the reporting of

- (a) acts or omissions that are causing or may cause loss or damage on public land, and
- (b) offences under this Act and the regulations.

Order to enter and inspect

69.2(1) Where a justice is satisfied on evidence under oath by an officer

- (a) that there are reasonable grounds for believing that it is material to the administration of this Act or the regulations for the officer to do anything set out in section 69, and
- (b) one or more of the following applies:
 - (i) no person is present to grant access to land, or a thing on the land, that is locked or otherwise inaccessible;
 - (ii) a person has denied the officer access to land or a thing on the land or there are reasonable grounds for believing that a person will deny the officer access to land or a thing on the land;
 - (iii) a person has interfered with the officer or prevented the officer from doing anything set out in section 69 or denied the officer access to any thing as a result of which the officer is unable to do anything set out in section 69;
 - (iv) there are reasonable grounds for believing that a person will prevent an officer from doing anything set out in section 69, or will deny the officer access to any thing, as a result of which the officer may be unable to do anything set out in section 69;
 - (v) it is convenient, because of the remoteness of the land or thing on the land to be inspected or any other reason, for the officer to obtain an

order under this section without delay in the event access might be denied;

- (vi) there are reasonable grounds for believing that an attempt by the officer to do anything set out in section 69 without an order might defeat the purpose of this Act or the regulations or present a reasonable apprehension of harm to the officer or any person,

the justice may issue an order to enter and inspect authorizing the officer to do anything set out in section 69 that is specified in the order for the period of time set out in the order.

(2) The period of time referred to in subsection (1) may not extend beyond 30 days after the date on which the order is made, but the order may be renewed on application for any reason set out in subsection (1) for one or more periods each of which is not more than 30 days.

(3) An application under subsection (2) may be made before or after the expiry of the period.

(4) An order under this section may be issued or renewed on application without notice.

(5) An officer exercising powers under this section must do so at a reasonable time unless otherwise authorized in an order granted under this section.

Seizure of evidence without order or warrant

69.3(1) An officer may, without order or warrant, seize any thing that is produced to the officer, or that is in plain view of the officer, during an inspection under section 69 or 69.2 if the officer has reasonable grounds to believe that there has been an offence committed under this Act or the regulations and that the thing will afford evidence as to the commission of the offence.

(2) The officer may remove the thing seized or may detain it in the place where it is seized.

(3) The officer must inform the person from whom the thing is seized of the reason for the seizure and must give the person a receipt for it.

(4) An officer who seizes any thing under the authority of this section must deal with it in the same way as if it were seized under the authority of a warrant.

Disposal of things seized

69.4(1) Where a person is convicted of an offence under this Act or the regulations and any thing relating to the conviction that was seized under section 69.3 is then being detained, the thing must, on the expiration of the time for taking an appeal from the conviction or on the final conclusion of the proceedings, as the case may be,

- (a) be forfeited to the Crown, if the court orders it, or
- (b) be restored to the person from whom it was seized or to any other person who is entitled to possession of it, subject to any terms and conditions imposed by the court.

(2) If a thing is forfeited to the Crown in accordance with subsection (1),

- (a) the director may dispose of or destroy the thing in any manner the director considers appropriate, and
- (b) the costs of the forfeiture and disposal or destruction are recoverable from the offender as a debt owing to the Crown.

Assistance by other officials

69.5 While exercising powers or carrying out duties under this Act or the regulations, an officer may be accompanied by any person authorized by the director, a peace officer, a civil enforcement bailiff or a member of a police service.

Assistance to officers

69.6 The disposition holder of, and every person found on, any land in respect of which an officer is exercising powers or carrying out duties under this Act or the regulations shall

- (a) give the officer all reasonable assistance to enable the officer to exercise those powers and carry out those duties, and
- (b) furnish all information that the officer may reasonably require for the exercising of those powers and the carrying out of those duties.

(44) Section 70 is repealed and the following is substituted:

Demand for rent

70 Notwithstanding the provisions of any disposition, the demand or acceptance of rent payable under a disposition is not a waiver of the right of the Crown to enforce the observance of any provision of the disposition, this Act or the regulations, or of the right to suspend or cancel the disposition under this Act or the regulations for any default or breach committed before the rent is demanded or accepted.

(45) The following is added after section 70:

Documents as evidence

70.1(1) In any proceeding under this Act or the regulations respecting an alleged offence or claim,

- (a) a certificate of title issued under the *Land Titles Act* in the name of the Crown as represented by the Minister, or
- (b) a certificate issued out of the office of the director bearing the director's signature and certifying the public land is under the administration of the Minister,

is sufficient evidence that this Act or the regulations apply to the public land where the offence or claim is alleged to have occurred.

(2) On filing with the court the evidence referred to in subsection (1), the onus to prove that this Act or the regulations do not apply to the public land where the offence or claim is alleged to have occurred is on the person claiming that this Act or the regulations do not apply to that public land.

Proceeds held in trust for Crown

70.2 A person in receipt of proceeds derived directly or indirectly from any use of public land in contravention of this Act or the regulations is deemed to hold the proceeds in trust for the Crown separate and apart from the person's property until the proceeds or an amount equal to the value of the proceeds is paid to the Crown.

No review by court

70.3 Subject to a right of appeal under this Act or the regulations, where this Act or the regulations empower or

compel the director or the Minister, as the case may be, to do anything under this Act or the regulations, the director or Minister has exclusive and final jurisdiction to do that thing and no decision, order, direction, ruling or proceeding of the director or the Minister shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the director or Minister from doing the thing.

(46) The following is added after section 71:

Part 1.1 Public Land Uses

Regulations

71.1(1) The Lieutenant Governor in Council may make regulations

- (a) declaring any area of land to be a public land use zone;
- (b) permitting, prohibiting, regulating or controlling activities on and uses of land in public land use zones;
- (c) declaring any area of land to be a public land recreation area or public land recreation trail;
- (d) governing the use of public land recreation areas or public land recreation trails and prohibiting, regulating or controlling activities in them;
- (e) establishing fees payable for the use of public land recreation areas or public land recreation trails.

(2) On the coming into force of this Part, the

- (a) *Castle Special Management Area Forest Land Use Zone Regulation* (AR 49/98),
- (b) *Forest Recreation Regulation* (AR 343/79), and
- (c) *Forest Land Use and Management Regulations* (AR 197/76),

are continued under this Act.

(3) In any enactment made before or after the coming into force of this Part, references to a forest land use zone, forest recreation area and forest recreation trail are deemed to be references to a public land use zone, public land recreation area and public land recreation trail, respectively.

(4) In the regulations listed in subsection (2), a reference to a forest officer is deemed to be a reference to an officer under this Act.

Order by director

71.2 Notwithstanding any regulations made under section 71.1(1)(d), the director may by order

- (a) prohibit or restrict entry to all or any part of a public land recreation area or public land recreation trail, or
- (b) prohibit any use or activity in all or any part of a public land recreation area or public land recreation trail.

Order by officer

71.3 In addition to exercising other powers under this Act and the regulations, an officer may order a person in a public land recreation area or on a public land recreation trail to refrain from doing anything that, in the opinion of the officer, may result in loss or damage or is detrimental to the management or use of the public land recreation area or public land recreation trail.

Impounding

71.4(1) In addition to exercising other powers under this Act and the regulations, an officer may impound a conveyance or other property and take it to a place designated by the director if the officer believes on reasonable grounds that

- (a) the operation of the conveyance or other property has caused, is causing or might cause loss or damage on public land,
- (b) the operation of the conveyance or other property has interfered with, is interfering with or might interfere with the management or use of a public land recreation area or public land recreation trail, or
- (c) the conveyance or other property was left unattended without the written permission of an officer for a

period of more than 24 hours in a part of a public land recreation area or public land recreation trail not specifically designated for that purpose.

(2) An officer who impounds a conveyance or other property pursuant to subsection (1) shall send a notice by registered mail to the person in whose name the conveyance or other property is registered, if known, and to the nearest detachment of the Royal Canadian Mounted Police, stating the location of the conveyance or other property and the cost of impounding and storage.

(3) All reasonable costs incidental to the impounding of a conveyance or other property under subsection (1) and to the storage of it for a period not exceeding 6 months constitute a debt owing to the Crown by the registered owner, or any subsequent purchaser, of the conveyance or other property.

(4) The owner of an impounded conveyance or other property is entitled to it on producing proof of ownership of the conveyance or property and paying the costs owing under subsection (3).

(5) An impounded conveyance or other property that remains unclaimed 60 days after it was impounded may be sold by public auction and the proceeds of the sale shall be disbursed in the following order of priority:

- (a) to pay the expenses of selling the conveyance or property;
- (b) to pay the debt owing to the Crown under subsection (3);
- (c) to pay any amount remaining into the General Revenue Fund.

(6) If no bid is received for an impounded conveyance or other property at a public auction held under subsection (5), the conveyance or property may be disposed of in any convenient manner.

(7) Any amount remaining under subsection (5)(c) shall be paid to any person who, within one year of the date of sale of the conveyance or other property, produces evidence satisfactory to the director that the person is entitled to it.

(8) No liability attaches to a person

- (a) who sells a conveyance or other property under subsection (5), or
- (b) who disposes of a conveyance or other property pursuant to subsection (6),

and, in the case of a sale, that person passes good title as against the former owner or anyone claiming through the former owner.

(47) Section 81 is amended

- (a) by striking out “cancel” wherever it occurs and substituting “cancel or amend”;**
- (b) in subsection (1) by adding the following after clause (a):**
 - (a.1) the lease is contrary to an applicable ALSA regional plan,

(48) Section 82(1) is amended by striking out “or” at the end of clause (e), adding “or” at the end of clause (f) and adding the following after clause (f):

- (g) when, in the opinion of the director, the land contained in the lease or to be withdrawn from it is required for the purposes of an applicable ALSA regional plan.

(49) Section 104 is amended

- (a) by adding the following after subsection (1):**
 - (1.1)** Notwithstanding subsection (1), the director may establish the grazing capacity of grazing land contained in a grazing lease for any period.
- (b) by repealing subsection (2) and substituting the following:**
 - (2)** If the director does not establish the grazing capacity of land held under a particular grazing lease, the grazing capacity of that land is the same as the grazing capacity established under subsection (1) for the district in which that land is situated.

(c) by adding the following after subsection (3):

(4) The Minister may make regulations

- (a) classifying grazing leases and grazing dispositions for the purposes of this section and the regulations;
- (b) respecting rules and procedures for calculating grazing capacity of land;
- (c) respecting any other procedural and substantive matters necessary for carrying out the Minister's or director's powers under this section.

(50) The following is added after section 118:

Part 7 Appeals

Regulations

119 The Lieutenant Governor in Council may make regulations respecting appeals from decisions made under this Act or the regulations, including, without limitation, regulations

- (a) establishing or designating an appeal body;
- (b) respecting the composition and manner of appointment of an appeal body, designation of a chair, convening of a panel to hear a particular appeal and providing for the remuneration and travelling and living expenses that are payable to members of an appeal body;
- (c) respecting the process for providing notice of a disposition application and notice of a disposition application decision;
- (d) prescribing the decisions under this Act or the regulations from which an appeal is available;
- (e) respecting the persons or class of persons to whom an appeal is available;
- (f) respecting the form and contents of a notice of appeal;

- (g) respecting the extension of deadlines specified in this Act and the regulations regarding appeals;
- (h) respecting the conduct of proceedings before an appeal body;
- (i) respecting the evidence to be considered by an appeal body and the factors that an appeal body is to consider in reaching its decision;
- (j) respecting the awarding and review of costs;
- (k) generally, respecting the conduct and work of an appeal body with respect to proceedings;
- (l) authorizing an appeal body to charge fees for services or materials provided by an appeal body or things done by an appeal body under this Act or the regulations, and prescribing the amounts of those fees or the manner in which the amounts are to be determined;
- (m) generally for the carrying out of appeals according to the intent of this Act.

Appeal on the record

120 An appeal under this Act must be based on the decision and the record of the decision-maker.

Notice of appeal

121(1) A notice of appeal of a prescribed decision may be submitted to an appeal body by a prescribed person in accordance with the regulations.

(2) A notice of appeal must contain the information, and be submitted, in a form and manner in accordance with the regulations.

(3) A notice of appeal submitted under subsection (2) initiates an appeal of the decision objected to.

(4) Submitting a notice of appeal does not operate to stay the decision objected to.

Hearing

122(1) On receipt of a notice of appeal under this Act and compliance with the applicable process set out in this Act, the

regulations and the rules established by the appeal body, the appeal body has jurisdiction to determine an appeal.

(2) In conducting a hearing of an appeal, the appeal body is not bound to hold an oral hearing but may instead make its decision on the basis of written submissions.

(3) The appeal body may, with the consent of the parties to the appeal, make its report to the Minister without conducting a hearing of the appeal.

Powers of appeal body

123(1) The appeal body may, on the application of a party to a proceeding before the appeal body, stay a decision in respect of which a notice of appeal has been submitted.

(2) Prior to conducting a hearing of an appeal, the appeal body may, in accordance with the regulations, determine which matters included in notices of appeal properly before it will be included in the hearing of the appeal.

(3) Where the appeal body determines that a matter will not be included in the hearing of an appeal, no representations may be made on that matter at the hearing.

(4) The appeal body may require the submission of additional information.

(5) The appeal body may dismiss a notice of appeal if

- (a) it considers the notice of appeal to be frivolous or vexatious or without merit,
- (b) for any other reason the appeal body considers that the notice of appeal is not properly before it, or
- (c) the person who submitted the notice of appeal fails to provide further information required by the appeal body.

(6) The appeal body shall dismiss a notice of appeal if a matter has been adequately dealt with through a hearing or review under any enactment.

(7) The appeal body shall give the opportunity to make representations on the matter before the appeal body to any

persons who the appeal body considers should be allowed to make representations.

(8) The appeal body shall discontinue its proceedings in respect of a notice of appeal if the notice of appeal is withdrawn, once the appeal body is satisfied that all issues related to the appeal have been resolved.

(9) Subject to the regulations, the appeal body may establish its own rules and procedures for dealing with matters before it.

(10) The *Regulations Act* does not apply to rules made under this section.

(11) The appeal body may award costs of and incidental to any proceedings before it on a final or interim basis and may, in accordance with the regulations, direct by whom and to whom any costs are to be paid.

Decisions of appeal body

124(1) The appeal body shall, within 30 days after the completion of the hearing of the appeal, submit a report to the Minister, including recommendations and the representations or a summary of the representations that were made to it.

(2) The report may recommend confirmation, reversal or variance of the decision appealed.

(3) On receiving the report of the appeal body, the Minister may, by order, confirm, reverse or vary the decision appealed and make any decision that the person whose decision was appealed could have made, and make any further order that the Minister considers necessary for the purpose of carrying out the decision.

(4) The Minister shall immediately give notice of any decision made under this section to the appeal body, and the appeal body shall immediately, on receipt of the notice of the decision, give notice of the decision to all persons who submitted notices of appeal or made representations or written submissions to the appeal body and to all the persons who the appeal body considers should receive notice of the decision.

(5) On complying with subsection (4), the appeal body shall publish or otherwise make available the appeal body's report,

or a summary of it, and a notice of the Minister's decision in the manner the appeal body considers appropriate.

(6) An order of the Minister under subsection (3) may be filed with the clerk of the Court of Queen's Bench and, on filing, is enforceable as if it were a judgment of the Court.

Variation of decisions

125 The appeal body may reconsider, vary or revoke any report made by it.

No review by court

126 Where this Act empowers or compels the Minister to do anything respecting an appeal, the Minister has exclusive and final jurisdiction to do that thing, and no decision, order, direction, ruling, proceeding, report or recommendation of the Minister or the appeal body shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the Minister or the appeal body or any of its proceedings.

(51) The following provisions are amended by striking out "Minister" wherever it occurs and substituting "director":

section 15(1) and (2);
section 24(1), (2) and (3);
section 27(1), (2), (3) and (4);
section 33(1);
section 40(1) and (2);
section 45(1);
section 46(1) and (7);
section 47.1;
section 53(a);
section 54.01(1)(a), (2) and (3);
section 54.02(5);
section 60(2), (3), (5), (6) and (7);
section 61;
section 62(1), (4)(b), (5), (6), (7), (8), (9), (10) and (11);
section 63(c);
section 65(b);
section 73;
section 76;
section 77;

section 79;
section 81(1), (1.1) and (2);
section 82(1), (2), (3), (4), (5) and (6);
section 102(1), (1.1) and (3);
section 103(2);
section 105(2) and (3);
section 106(1);
section 109(1), (2) and (3);
section 110(1) and (2);
section 111(1), (2), (3) and (4);
section 112(1) and (2);
section 114(1), (3) and (4);
section 114.1(1), (2), (3) and (4);
section 117(1) and (2).

(52) The following provisions are amended by striking out “Minister’s” and substituting “director’s”:

section 27(2);
section 76;
section 102(1);
section 109(1);
section 110(1) and (2);
section 111(3)(b);
section 117(2).

Amends RSA 2000 cW-3

91(1) The *Water Act* is amended by this section.

(2) The following is added after section 4:

ALSA regional plans

4.1 Where the Minister or the Director is empowered or directed to take an action under this Act, the Minister or the Director, as the case requires, must act in accordance with any applicable ALSA regional plan.

Amends RSA 2000 cW-9

92(1) The *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act* is amended by this section.

91 Amends chapter W-3 of the Revised Statutes of Alberta 2000. Section added dealing with compliance with regional plans under the Alberta Land Stewardship Act.

92 Amends chapter W-9 of the Revised Statutes of Alberta 2000. Section added dealing with compliance with regional plans under the Alberta Land Stewardship Act.

(2) The following is added after section 7.2:

ALSA regional plans

7.3 When the Minister exercises discretion under section 6(3) or 7.2(3), the Minister shall act in accordance with any applicable ALSA regional plan.

Amends RSA 2000 cW-10

93(1) The *Wildlife Act* is amended by this section.

(2) The following is added before section 12:

ALSA regional plans

11.1(1) A licence or permit issued under this Act or the regulations does not authorize an activity that is prohibited by or under an ALSA regional plan.

(2) In the event of a conflict between the terms and conditions of a licence or permit issued under this Act or the regulations and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict.

(3) The following is added after section 105:

Compliance with ALSA regional plans

105.1 The Lieutenant Governor in Council may make regulations respecting compliance with and enforcement of ALSA regional plans.

Amendment

94(1) This section applies only if Bill 19 of 2009, Land Assembly Project Area Act, introduced on March 2, 2009, receives Royal Assent.

(2) On the later of the day this section comes into force and the day section 3(1) of Bill 19 comes into force, section 3(1) of Bill 19 of 2009 is amended by striking out “Notwithstanding” and substituting “Subject to any applicable ALSA regional plan and notwithstanding”.

Coming into force

95 This Act comes into force on Proclamation.

93 Amends chapter W-10 of the Revised Statutes of Alberta 2000. Sections added dealing with conflict and compliance with regional plans under the Alberta Land Stewardship Act.

94 Consequential amendment to Land Assembly Project Area Act.

95 Coming into force.

