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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 29

ALBERTA PARKS ACT

THE MINISTER OF TOURISM, PARKS AND RECREATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 29

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2010

ALBERTA PARKS ACT

(Assented to , 2010)

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

Part 1 Interpretation and Application

Definitions

1 In this Act,

- (a) “Alberta parks system” means land within the Alberta parks system, as defined in clause (h), and any authorized use of or activities carried out on or in respect of that land, including the use of recreational trails;
- (b) “disposition” means an instrument by which an estate or interest or any other substantial right in or to Crown land is or was conveyed by or on behalf of the Crown, with conditions attached, to a person other than the Crown, but does not include a grant or sale of land;
- (c) “ecological integrity” means, with respect to a Provincial Park or Heritage Rangeland, a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes;
- (d) “Foundation” means the Parks Conservation Foundation established under section 43;
- (e) “Heritage Rangeland” means a Heritage Rangeland described in section 6;
- (f) “highway” means a highway as defined in the *Traffic Safety Act* and includes an undeveloped road allowance but does not include a trail;
- (g) “land” includes bodies of water on that land;
- (h) “land within the Alberta parks system” means the land referred to in section 3 and any facilities or improvements on that land;

- (i) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (j) “park administrative officer” means a park administrative officer appointed under section 16;
- (k) “park conservation officer” means a park conservation officer under section 14;
- (l) “park zone” means a park zone established under section 7;
- (m) “permission” means any form of permission, including a permit, licence, approval, authorization, consent or other form of concurrence that is or may be issued or otherwise given pursuant to this Act, but does not include a disposition;
- (n) “Provincial Park” means a Provincial Park described in section 5;
- (o) “road authority” means a road authority as defined in the *Traffic Safety Act*;
- (p) “vehicle”, except in section 32, means a vehicle as defined in the *Traffic Safety Act*.

Purpose

2(1) The purpose of this Act is to foster an Alberta parks system that conserves unique and representative land within Alberta’s natural regions for present and future generations while balancing environmental conservation and recreation and tourism opportunities.

(2) For the purposes of this section, environmental conservation is achieved

- (a) by maintaining the ecological integrity and biodiversity of the land,
- (b) by preserving and managing a range of ecosystems, habitats, landscapes, natural and cultural features, flora, fauna and species,

- (c) by providing lasting protection for provincially and regionally unique or significant recreation and tourism features, settings and areas of important scenic value,
- (d) by implementing responsible stewardship and management practices, and
- (e) by fostering scientific research and providing benchmarks for monitoring ecological change.

(3) For the purposes of this section, recreation and tourism opportunities are achieved

- (a) by fostering opportunities for Albertans and their visitors to enjoy environmentally sustainable outdoor recreation, tourism and active living,
- (b) by providing opportunities to explore Alberta's natural heritage, which is an important element of health and well-being,
- (c) by providing opportunities to experience, understand and learn about Alberta's natural heritage, and
- (d) by providing for a range of outdoor pursuits and recreation and tourism development opportunities within the Alberta parks system that contribute to Alberta's overall growth and prosperity.

Application

3(1) This Act applies to the Alberta parks system.

(2) For the purposes of this Act, land within the Alberta parks system includes the following:

- (a) land that has been designated and classified as a Provincial Park or Heritage Rangeland;
- (b) land that has been transferred to the Minister to be designated and classified as a Provincial Park or Heritage Rangeland;
- (c) land that is designated by the Minister and that is the subject of an agreement for purchase, or has been purchased, expropriated or otherwise acquired, including

land leased to or land subject to an agreement with the Crown for the purposes of this Act;

(d) any other land prescribed in the regulations.

(3) In addition to land described in subsection (2), the following land is land within the Alberta parks system to the extent and subject to any conditions prescribed in the regulations:

(a) land that is no longer required for the purposes of this Act and that is the subject of an agreement for transfer or sale, until that land has been sold, transferred or disposed of;

(b) land that has been acquired by the Foundation.

(4) The Minister may prescribe additional land for the purposes of subsection (3).

(5) For the purposes of subsections (3) and (4), the Minister may by regulation

(a) declare any provision of this Act or the regulations to be applicable to that land, and

(b) may prescribe conditions under which any provision of this Act or the regulations applies to that land.

Part 2 Classification and Park Zones

Designation and classification of land

4 The Lieutenant Governor in Council may by order

(a) designate land and classify that land as a Provincial Park or Heritage Rangeland, describe that land, including the legal land description and a map showing the location of the land, and declare the name by which the Provincial Park or Heritage Rangeland is to be known, and

(b) increase or decrease the area of a Provincial Park or Heritage Rangeland.

Provincial Parks

5 For the purposes of this Act, Provincial Parks are geographically defined areas of land within the Alberta parks system that are designated and classified to ensure their lasting conservation and ecological integrity for the benefit of present and future generations by

- (a) preserving and managing a range of ecosystems, habitats, landscapes, natural and cultural features, flora, fauna and species,
- (b) providing for a range of outdoor pursuits and recreation and tourism opportunities, or
- (c) providing for a combination of the purposes set out in clauses (a) and (b).

Heritage Rangelands

6(1) For the purposes of this Act, Heritage Rangelands are geographically defined areas of land within the Alberta parks system that are designated and classified to ensure their lasting conservation and ecological integrity for the benefit of present and future generations by preserving and managing the integrity of the grasslands primarily through grazing.

(2) The Lieutenant Governor in Council may, by regulation, establish the activities, uses and development that are prohibited or regulated within one or more Heritage Rangelands.

Park zones

7(1) A Provincial Park comprises one or more of 4 park zones.

(2) The Lieutenant Governor in Council may, by regulation, name and establish for each of the 4 park zones the activities, uses and development that are prohibited, restricted or regulated and controlled within that park zone.

(3) In accordance with the regulations made under section 55, the Minister may by regulation, for each Provincial Park, specify the park zone or park zones that apply in that Provincial Park including the legal land description of each park zone and a map showing the location of each park zone.

Notice

8(1) Prior to designating and classifying any land as a Provincial Park or Heritage Rangeland, changing the area of a Provincial Park or Heritage Rangeland, specifying the park zones that apply in a Provincial Park or changing the boundaries of a park zone in a Provincial Park, the Minister shall provide public notice of the proposal.

(2) Public notice under this section must contain all of the following information that is relevant:

- (a) whether the designated land will be classified as a new Provincial Park or Heritage Rangeland, or if a change to the area of a Provincial Park or Heritage Rangeland is proposed or a change in the application of park zones or to the boundaries of the park zones in a Provincial Park is proposed;
- (b) the name or proposed name of the Provincial Park or Heritage Rangeland, the general location of the land to be located in the Provincial Park or Heritage Rangeland and the legal land description of that land;
- (c) the purpose of the proposed creation of a Provincial Park or Heritage Rangeland, a change in the area of a Provincial Park or Heritage Rangeland, a change in the application of park zones or to the boundaries of the park zones in a Provincial Park and the potential impacts of the proposal on the land and the public;
- (d) who may be affected and how they may be affected by the proposed creation of a Provincial Park or Heritage Rangeland, a change in the area of a Provincial Park or Heritage Rangeland, the application of park zones or a change in the application of park zones or to the boundaries of the park zones in a Provincial Park;
- (e) the proposed effective date of the designation and classification of the Provincial Park or Heritage Rangeland, the change in the area of a Provincial Park or Heritage Rangeland or a change in the application of park zones or to the boundaries of the park zones in a Provincial Park;
- (f) the name and address of the individual to whom representations about the designation and classification of

the Provincial Park or Heritage Rangeland, change in the area of a Provincial Park or Heritage Rangeland, application of park zones or change in the application of park zones or to the boundaries of the park zones in a Provincial Park may be made.

(3) Public notice under this section must be published on the website of the Minister's Department and in any other manner the Minister determines at least 60 days before the proposed effective date of the designation and classification of the Provincial Park or Heritage Rangeland, change in the area of a Provincial Park or Heritage Rangeland, or application of park zones or change in the application of park zones or to the boundaries of park zones in a Provincial Park.

Part 3 Minister's Responsibilities

Minister's responsibilities

9 The Minister is responsible for

- (a) the establishment of programs and management, conservation, promotion, planning, control and development respecting the Alberta parks system, and
- (b) emergency or interim measures or any other appropriate action necessary to preserve and protect the Alberta parks system.

Acquisition of land

10 The Lieutenant Governor in Council may by order authorize the purchase, expropriation or other acquisition of land by the Minister for the purposes of this Act.

Ministerial orders

11(1) The Minister may by order

- (a) close or prohibit or restrict access to, travelling in or remaining on land within the Alberta parks system indicated in the order for the period of time specified in the order,

- (b) establish or provide a mechanism for establishing fees relating to the Alberta parks system,
- (c) designate land leased by the Crown or land in respect of which the Minister has entered into an agreement as land within the Alberta parks system, and
- (d) temporarily prohibit or restrict the possession and consumption of liquor in Provincial Parks.

(2) Where the Minister makes an order closing or prohibiting or restricting access to land within the Alberta parks system under subsection (1)(a), the Minister shall provide notice of the closure and the subsequent reopening of that land by any method the Minister considers to be most appropriate.

(3) A person who fails to comply with an order made by the Minister under subsection (1)(a) or (d) is guilty of an offence.

(4) An order made under subsection (1)(a) or (d) is exempt from the application of the *Regulations Act*.

Part 4 Dispositions and Permissions

Grant, renewal and withdrawal of dispositions and permissions

12(1) The Minister may, in accordance with the regulations, for the purpose of allowing a person to carry out an activity on land within the Alberta parks system,

- (a) grant or renew a disposition or permission,
- (b) amend the terms and conditions of a disposition or permission, or
- (c) reinstate a disposition that has been cancelled or suspended.

(2) The Minister may, in accordance with the regulations, withdraw, cancel or suspend a disposition or permission.

Existing dispositions

13(1) Subject to subsection (2), when land in relation to which there is an existing disposition under the *Public Lands Act* or the

Special Areas Act or a permit under the *Forest Reserves Act* comes under the Minister's administration, that disposition continues to be a disposition under the Act under which it was made.

(2) The Minister may authorize grazing leases under the *Public Lands Act* or the *Special Areas Act* or grazing permits under the *Forest Reserves Act* that existed prior to the land coming under the Minister's administration under this Act to remain under that Act and that other minister's administration, and the grazing lease or grazing permit, as the case may be, shall be dealt with under that other Act.

Part 5 Park Conservation Officers and Park Administrative Officers

Park conservation officers

14(1) The Minister may appoint park conservation officers for the purposes of enforcing and administering this Act and the regulations.

(2) In addition to individuals appointed as park conservation officers under subsection (1), the following individuals are park conservation officers for the purposes of enforcing this Act and the regulations by virtue of their appointments:

- (a) police officers under the *Police Act*;
- (b) members of a police service under the *Police Act*;
- (c) fishery officers designated under the *Fisheries Act* (Canada);
- (d) wildlife officers appointed under the *Wildlife Act*;
- (e) forest officers appointed under the *Forests Act*;
- (f) peace officers appointed under the *Peace Officer Act* who are authorized by the appointment to enforce all or part of this Act and the regulations.

(3) Park conservation officers

- (a) have the primary responsibility of enforcing this Act and the regulations, and
- (b) without limiting their other powers, have all the powers that are required for, that are incidental to or that form part of
 - (i) the performance of their duties, whether or not those duties are specifically referred to in this Act or the regulations, or
 - (ii) any enforcement, investigation, administration or process under or relating to this Act or any directions, requirements, orders or prosecution or other legal proceeding under or relating to this Act.

Peace officer

15 A park conservation officer while administering or enforcing this Act or the regulations is a person employed for the preservation and maintenance of the public peace.

Park administrative officer

16 The Minister may appoint park administrative officers for the purposes of administering this Act and the regulations.

Identification

17 When acting under the authority of this Act or the regulations, a park conservation officer or a park administrative officer must carry the identification issued by the Minister and present it to any individual on request.

General powers of park conservation officers and park administrative officers

18(1) For the purposes of administering this Act and the regulations, a park conservation officer or a park administrative officer may, in respect of land within the Alberta parks system

- (a) enter on and inspect any land, highway, structure or improvement,
- (b) order any unauthorized activity in respect of any land, highway, structure or improvement to be stopped,

- (c) order the removal of any unauthorized structure, improvement, equipment, materials, supplies or animals,
- (d) order a person to cease or refrain from any activity that the officer considers to be, or potentially to be, dangerous to human life, property or the environment, and
- (e) order a person to repair, restore or reclaim any damage to the environment or property caused by that person or by anyone for whom that person is responsible.

(2) Where in the opinion of a park conservation officer or a park administrative officer there is or has been a contravention of a disposition or permission on land within the Alberta parks system, the officer may

- (a) order the holder of the disposition or permission to comply with the terms and conditions of the disposition or permission and to rectify any contravention of those terms or conditions,
- (b) order any activity allowed by a disposition or permission to be stopped, where there is a contravention of any of its terms or conditions, until the contravention is rectified,
- (c) order the holder of the disposition or permission to remove any unauthorized structure, improvement, equipment, materials, supplies or animals from land within the Alberta parks system, or
- (d) order the alteration of any structure or improvement that is not authorized in the disposition or permission.

(3) A person who fails to comply with an order made under subsection (1)(b), (c), (d) or (e) or (2) is guilty of an offence.

Enforcement

19(1) A park conservation officer may order a person on land within the Alberta parks system to refrain from doing anything that, in the opinion of the officer, may result in loss or damage or affect the health or safety of any individual, flora or fauna or of the land generally.

(2) If the person to whom a park conservation officer directs an order under this Act or the regulations does not comply with the

officer's order, the officer may take any reasonable measures to carry out the order.

(3) A park conservation officer may

- (a) order the removal of any individual from land within the Alberta parks system who is contravening any provision of this Act or the regulations,
- (b) order an individual not to enter into or remain on land within the Alberta parks system or an area in it that is considered hazardous or has been closed, or access to which has been restricted or prohibited,
- (c) enforce any restriction or prohibition on an individual's right to re-enter land within the Alberta parks system or an area in it that has been closed or access to which has been restricted or prohibited,
- (d) order an individual on land within the Alberta parks system to inform the officer of that individual's name and address and to provide proof of that individual's identity,
- (e) order an individual engaging in an activity for which a disposition or permission is required on land within the Alberta parks system to produce the disposition or permission, and
- (f) perform any other function or duty that is prescribed by the regulations.

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

(5) A park conservation officer may, in accordance with the regulations, remove and store or dispose of any item that the officer believes, on reasonable and probable grounds, to be

- (a) lost or abandoned on land within the Alberta parks system, or
- (b) remaining on land within the Alberta parks system or at a specific location in it when the item is no longer allowed to be there.

(6) A person who fails to comply with an order made under subsection (1), (3)(a), (b) or (e) is guilty of an offence.

Proof of identity

20(1) If a park conservation officer believes on reasonable and probable grounds that there is or may be evidence of a contravention of this Act or the regulations, the officer may order an individual on land within the Alberta parks system to inform the officer of that individual's name and address and to provide proof of that individual's identity.

(2) A person who fails to comply with an order of a park conservation officer under this section is guilty of an offence.

Emergencies

21(1) If a park conservation officer or a park administrative officer considers that a situation exists on land within the Alberta parks system that is, or that might be, imminently dangerous to human life or health or public safety or detrimental to the environment or property, the officer may

- (a) take any interim emergency measures the officer considers necessary to prevent such danger or detriment or any progression of it,
- (b) issue an order to close or evacuate the land for any period of time the officer considers necessary, and
- (c) place a barrier or sign or post a copy of the order issued under clause (b), if it is in writing, at each entrance to the area of land described in the order.

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

(3) A person who fails to comply with an order made under this section is guilty of an offence.

Signal to stop

22(1) A park conservation officer may, for the purpose of ensuring that this Act and the regulations are complied with, signal or otherwise require an individual to stop.

(2) An individual signalled to stop under subsection (1) shall not proceed until the park conservation officer has had a reasonable amount of time to conduct any lawful inquiries.

Entry without a warrant

23 For the purpose of administering and enforcing this Act or the regulations, a park conservation officer may, without a warrant, enter on or pass over land as necessary.

Inspections

24(1) If distance, urgency, the likelihood of removal or destruction of evidence or other relevant factors do not reasonably allow the obtaining of a warrant, a park conservation officer may, without a warrant,

- (a) at any reasonable time enter a building, structure or improvement, other than a private dwelling, located on land within the Alberta parks system,
- (b) inspect authorized improvements or land within the Alberta parks system at any time to ensure that the requirements of this Act and the regulations are being complied with, or
- (c) search any land lawfully entered on under section 23.

(2) For the purpose of carrying out an inspection, a park conservation officer may do any of the following if the officer believes on reasonable and probable grounds that there is a contravention of this Act or the regulations:

- (a) open any pack or container;
- (b) examine anything to which this Act applies that the officer finds and take samples of that thing;
- (c) conduct any tests or analyses.

(3) An individual who is in possession or appears to be in possession of anything that is or may be evidence of a contravention of this Act or the regulations at the time of an inspection conducted under this section shall on the request of the park conservation officer

- (a) give the officer all reasonable assistance to enable the officer to carry out the inspection, and

- (b) provide the officer with any information relevant to the administration of this Act or the regulations that the officer may reasonably require.

Search

25(1) A park conservation officer may,

- (a) on obtaining a warrant, or
- (b) subject to subsection (2), without a warrant, if the officer believes on reasonable and probable grounds that it is not practical to obtain a warrant because the necessary delay may result in the loss of evidence,

search for anything in any vehicle, aircraft or watercraft, on a horse or other pack animal, or in any business premises, building, tent or structure, when, on reasonable or probable grounds, the officer believes there has been a contravention of this Act.

(2) A park conservation officer may conduct a search under subsection (1) of a private dwelling or of a building, tent or structure that is used as a private dwelling only after obtaining a warrant.

(3) A park conservation officer may require an individual in possession of a vehicle, aircraft, watercraft, horse or pack animal, pack or container to produce anything in or on the vehicle, aircraft, watercraft, horse or pack animal, pack or container for the purpose of inspection if the officer believes, on reasonable and probable grounds, that the individual has contravened this Act.

(4) A park conservation officer may require the owner or occupant of any premises, building, tent or other structure that is not used as a private dwelling to produce anything in the premises, building, tent or structure for the purpose of inspection if the officer believes, on reasonable and probable grounds, that the premises, building, tent or other structure contains anything that may be evidence of a contravention of this Act.

(5) When a park conservation officer requires an individual to produce anything for inspection under this section, that person shall forthwith produce that item to the officer.

Seizure

26 A park conservation officer may seize anything that the officer believes, on reasonable and probable grounds, affords or may afford evidence of a contravention of this Act and shall follow the prescribed procedures with respect to the thing seized.

Part 6 General

Control of highways

27(1) A highway that forms part of a Provincial Park or Heritage Rangeland is subject to the direction, management and control of the Minister.

(2) A highway referred to in subsection (1) does not include a highway that is under the direction, management and control of another minister.

(3) The Minister, subject to the approval of the applicable road authority, may, by regulation, provide that this Act or any provision of this Act or the regulations applies to a highway that is under the direction, management and control of another minister that passes through but does not form part of a Provincial Park or Heritage Rangeland and that is bordered either continuously or discontinuously on both sides by land that forms part of a Provincial Park or Heritage Rangeland.

(4) In the event that this Act conflicts with the *Traffic Safety Act*, the *Dangerous Goods Transportation and Handling Act* or the *Highways Development and Protection Act*, the *Traffic Safety Act*, the *Dangerous Goods Transportation and Handling Act* or the *Highways Development and Protection Act*, as the case may be, prevails.

Protection of highways

28(1) Subject to subsection (2), when a highway within the Alberta parks system is damaged by a vehicle, the Minister may by action recover the cost of repairing the damage.

(2) When a vehicle is operated on a highway within the Alberta parks system by or on behalf of an individual for commercial purposes, the Minister may require the owner or operator of the

vehicle or the individual on whose behalf the vehicle is operated to deposit security in a form and an amount set by the Minister.

Agreements respecting sale of land

29(1) Subject to subsection (2), when land is no longer required for the purposes of this Act and the Minister proposes to sell the land, the Minister may enter into an agreement to sell the land in accordance with the *Public Lands Act*.

(2) The Minister may sell land to a municipality for fair market value, or for less than fair market value if the land is to be used for the purposes of a municipal park.

(3) The Minister may impose any conditions the Minister considers appropriate on a sale of land referred to in subsection (2).

ALSA regional plans

30 When the Minister exercises discretion under any provision of this Act, the Minister shall act in accordance with any applicable ALSA regional plan.

Part 7 Liability

Claims against the Crown

31 Notwithstanding any other law, no right of action lies and no right of compensation exists against the Crown, the Minister, a park conservation officer or a park administrative officer for any act done, or any omission, by any of them in good faith while exercising powers or performing duties under this Act.

Vicarious liability

32(1) In this section,

- (a) “owner” means the person who is the registered owner of the vehicle under the applicable registration system;
- (b) “registration system” means any official system that is maintained for registering motor vehicles, cycles, aircrafts, boats or trailers;

(c) “vehicle” means a motor vehicle, cycle, aircraft, boat or trailer that is subject to a registration system.

(2) Where a vehicle is involved in any act or situation (in this section referred to as the “activity”) on the part of an individual that either constitutes an offence or would, in the opinion of the court trying the case, have constituted an offence if that individual had been prosecuted for the activity, the owner is guilty of an offence.

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

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

Additional fine representing value of financial benefits

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

Additional powers of court to make directions

34(1) Where a person is convicted of an offence 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 against the person containing any one or more of the following directions, which may contain any substance or conditions that the court considers appropriate:

- (a) to refrain from doing anything that may result in the continuation or a repetition of the offence;
- (b) to take action to remedy any harm that resulted, or to avoid any harm or prevent any further harm that might result, from the act that constituted the offence;
- (c) to pay money as compensation for the whole or part of the cost of any remedial or preventive action taken by or on

behalf of the Minister (whether as a result of a direction under clause (b) or not) as a result of that act;

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

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

Variation of order

35(1) A court that has made an order under section 34(1) may, on application to the court by the Crown or by the person to whom the order is directed, require the person to appear before it and, after hearing the person and the Minister of Justice and Attorney General, may vary the order in any of the following ways that the court considers appropriate having regard to a change in the person's circumstances since the order was made:

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

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

Contravention following conviction and order

36 Where a person is convicted of an offence under this Act or the regulations, is made subject to an order under section 34(1) and

subsequently contravenes that order, that person is guilty of an offence against this section and is liable, with respect to that offence, to an additional penalty not exceeding the maximum penalty to which the person was liable for the original offence.

Compensation in civil case

37 The Crown may, in an action in debt against a person convicted of an offence under this Act or the regulations or an offence committed on land within the Alberta parks system against any other Act, recover any costs incurred by the Crown in carrying out remedial or preventive action relating to the act respecting which the person was convicted.

Part 8 Delegated Authorities

Delegated authorities

38(1) The Minister may, subject to and in accordance with the regulations, establish one or more delegated authorities with respect to recreational trails.

(2) With respect to a delegation, a delegated authority and its employees, agents, directors or officers are not agents of the Crown.

(3) The *Financial Administration Act* does not apply to a delegated authority with respect to a delegated power, duty or function.

(4) Section 122(4) of the *Business Corporations Act* does not apply to a corporation that is a delegated authority in respect of the carrying out of a power, duty or function under this Act.

Regulations respecting delegated authorities

39(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the establishment of delegated authorities with respect to recreational trails;
- (b) subject to subsection (3), respecting the delegation to one or more delegated authorities of any of the powers, duties or functions of the Minister with respect to recreational trails under this Act or the regulations,

- (c) imposing conditions on the delegated powers, duties or functions;
- (d) limiting the liability of a delegated authority and its employees, agents, directors or officers in an action for negligence with respect to the delegated power, duty or function when the delegated authority and its employees, agents, directors or officers act in good faith pursuant to the delegation, including but not limited to providing that any limitation of liability applicable to an employee, agent, director or officer may be made applicable to a delegated authority and its employees, agents, directors or officers when they carry out their power, duty or function;
- (e) respecting an appeal from an action or a decision of a delegated authority or its employees, agents, directors or officers;
- (f) authorizing a delegated authority to collect money by the levy of fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, respecting how the fees and charges are to be imposed, collected and accounted for and authorizing the delegated authority to use the money for any purpose related to the operations of the delegated authority in the carrying out of a delegated power, duty or function;
- (g) respecting how money referred to in clause (f) is to be collected and accounted for;
- (h) authorizing the Minister or a delegated authority to disclose
 - (i) information acquired in the course of or as a result of the operations of the delegated authority,
 - (ii) information respecting the operations of the delegated authority, or
 - (iii) information respecting the officers or employees of the delegated authority;
- (i) respecting the confidentiality of information obtained by the delegated authority and its employees, agents,

directors or officers while carrying out a delegated power, duty or function;

- (j) authorizing a delegated authority to require persons or classes of persons specified in the regulations to provide security to ensure the carrying out of their duties under the regulations and respecting the nature, amount and forfeiture of that security;
- (k) respecting the payment of a fee to a delegated authority for the carrying out of a delegated power, duty or function;
- (l) respecting records that a delegated authority is required to maintain;
- (m) respecting the annual report under section 41;
- (n) respecting the inspection of premises of the delegated authority where a delegated authority or its employee, agent, director or officer is carrying out a delegated power, duty or function and authorizing the Minister to make copies of any document or other record related to the delegated power, duty or function;
- (o) respecting the carrying out of an audit of the delegated authority with respect to its delegated powers, duties and functions and authorizing the Minister to charge reasonable costs incurred in carrying out the audit.

(2) When a delegation is made under subsection (1),

- (a) a reference in this Act or the regulations to the Minister with respect to the delegated powers, duties or functions is to be read as if it were a reference to the delegated authority;
- (b) a person who is affected by an action taken or a decision made by a delegated authority pursuant to the delegation may appeal the action or decision in accordance with the regulations under subsection (1).

(3) Subsection (1)(b) does not apply to any power or duty of the Minister to make regulations under this Act.

Rules of a delegated authority

40(1) A delegated authority may make rules

- (a) respecting the carrying out of a delegated power, duty or function;
- (b) delegating to the employees or agents of the delegated authority and, in the case of a corporation, to its employees, agents, directors or officers, the carrying out of a delegated power, duty or function, except the power to make rules under this subsection.

(2) A rule made under subsection (1) is not in force until it is approved by the Minister.

(3) The *Regulations Act* does not apply to a rule made under this section.

Reports

41(1) A delegated authority shall, within 3 months after the end of its fiscal year, prepare and submit to the Minister an annual report with respect to its powers, duties and functions under this Act.

(2) The annual report must include a general summary of the delegated authority's policies and activities in that year, any rules made under section 40 in that year and a financial report that includes an audited financial statement.

(3) The Minister shall lay a copy of the annual report before the Legislative Assembly if it is then sitting, and if it is not then sitting, as soon as reasonably practicable.

(4) A delegated authority shall on the written request of the Minister provide the Minister with other reports as specified by the Minister in the request.

Offence

42 A delegated authority and the delegated authority's employee, agent, director or officer who contravenes a regulation or a rule under this Part is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$2000 or a term of imprisonment of not more than 30 days, or to both a fine and imprisonment, and

- (b) for a subsequent offence, to a fine of not more than \$10 000 or a term of imprisonment of not more than 6 months, or to both a fine and imprisonment.

Part 9 Parks Conservation Foundation and Parks Advisory Council

Parks Conservation Foundation

- 43(1)** A corporation to be known as the “Parks Conservation Foundation” is established, consisting of the members of the Foundation appointed by the Lieutenant Governor in Council.
- (2)** The Lieutenant Governor in Council shall designate one of the members appointed under subsection (1) as Chair of the Foundation.
- (3)** A member of the Foundation holds office for a term of not more than 3 years as set out in the appointment but may be reappointed for further terms not exceeding 3 years so long as the reappointment would not result in the person serving as a member for more than 10 consecutive years.
- (4)** The Lieutenant Governor in Council shall determine the remuneration of the members of the Foundation, which is to be paid by the Foundation.
- (5)** The Lieutenant Governor in Council may delegate to the Minister all or any of the Lieutenant Governor in Council’s powers to determine the remuneration of all or any of the members.
- (6)** A member of the Foundation continues to hold office after the expiry of the member’s term of office until the member is reappointed, a successor is appointed or a period of 3 months has elapsed, whichever occurs first.
- (7)** The Foundation is an agent of the Crown.
- (8)** The fiscal year of the Foundation is April 1 to the following March 31.

Objects

44 The objects of the Foundation are the following:

- (a) to support the purposes of this Act;
- (b) to promote active participation and stewardship by Albertans in the conservation and enhancement of the Alberta parks system;
- (c) to foster philanthropy, donor and partner relations, and a conservation ethic to benefit the Alberta parks system;
- (d) to support parks programs, facilities and services within the Alberta parks system;
- (e) any other objects as specified by the Lieutenant Governor in Council.

Powers

45(1) The Foundation may, subject to the regulations, for the purpose of carrying out its objects,

- (a) acquire real and personal property by purchase, donation, lease, grant, bequest or otherwise;
- (b) dispose of any real or personal property by transfer, sale or lease or in any other manner;
- (c) hold, preserve, maintain, renovate, restore and manage its real and personal property;
- (d) hire employees, consultants and advisors and determine their duties, terms of employment and remuneration;
- (e) make grants in accordance with the bylaws to any person or organization;
- (f) make and maintain banking arrangements;
- (g) exercise any power authorized by or perform any duty required by the regulations.

(2) Subject to subsection (3), the Foundation is not bound by the directions or wishes of a donor of real or personal property to the Foundation, but the Foundation may consider such directions and wishes when the Foundation is carrying out its purposes.

(3) Any real or personal property acquired by the Foundation from the Active Alberta Foundation or the Alberta Sport, Recreation, Parks and Wildlife Foundation is subject to any terms and conditions stipulated by the person who gave, granted, bequeathed, devised or loaned the property to the Active Alberta Foundation or the Alberta Sport, Recreation, Parks and Wildlife Foundation.

(4) The Lieutenant Governor in Council may make regulations

- (a) respecting the objects of the Foundation and the powers, duties and functions to be exercised or performed by the Foundation;
- (b) respecting the acquisition of real and personal property by the Foundation;
- (c) respecting the investment of funds by the Foundation;
- (d) respecting processes, eligibility requirements and qualifications for appointments to the Foundation, and the disqualification of members;
- (e) governing any matter related to the conduct of the business and affairs of the Foundation.

Bylaws

46(1) The Foundation may, with the approval of the Minister, make bylaws

- (a) governing the administration of the Foundation;
- (b) governing the making of grants;
- (c) respecting any other matter necessary for carrying out the objects and duties of the Foundation.

(2) A bylaw does not become effective until it is

- (a) passed by a majority of the members of the Foundation at a meeting of the Foundation, or
- (b) signed by a majority of the members of the Foundation,

and approved by the Minister.

(3) The *Regulations Act* does not apply to the bylaws of the Foundation.

Directions

47 The Minister may give directions that must be followed by the Foundation in exercising its powers and performing its duties under this Part and the regulations.

Government employees

48 If the Minister considers it necessary, the Minister may provide to the Foundation the services of employees of the Government under the Minister's administration to carry out the work of the Foundation.

Funds

49(1) Money received by the Foundation from any source constitutes the funds of the Foundation.

(2) The income of the funds of the Foundation accrues to and forms part of those funds.

(3) The Foundation may disburse, expend or otherwise deal with any portion of its funds for the purposes of any of the objects of the Foundation and may pay any expenses incurred in connection with those objects from those funds.

(4) The Foundation may

- (a) invest any funds of the Foundation in investments that the Minister responsible for the administration of the *Financial Administration Act* is authorized to invest in under section 43(1) of the *Financial Administration Act*, and
- (b) sell and dispose of investments and reinvest the proceeds of sale in investments authorized under clause (a).

(5) The Foundation may be a participant under section 40 of the *Financial Administration Act*.

Transitional regulations

50(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transfer of real and personal property of the Active Alberta Foundation to the Parks Conservation Foundation;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transfer of real and personal property of the Active Alberta Foundation to the Parks Conservation Foundation.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

Parks Advisory Council

51(1) The Minister may establish a Parks Advisory Council to provide advice to the Minister

- (a) on issues relating to the Alberta parks system,
- (b) respecting the designation and classification of new Provincial Parks and Heritage Rangelands, and
- (c) respecting any other advisory matters as the Minister directs.

(2) If a Parks Advisory Council is established under this section, the Minister shall appoint its members and shall designate one of the members as chair and one of the members as vice-chair.

Part 10 Offences and Penalties

Offences

52(1) Any person who contravenes or fails to comply with any of the following provisions is guilty of an offence:

section 22;
section 24(3);
section 25(5).

(2) Any person who contravenes a provision of a regulation is guilty of an offence where the regulation specifies that it is an offence to contravene or fail to comply with that provision of the regulation.

(3) This section does not apply to a park conservation officer if the contravention occurs in the course of carrying out powers or duties related to the administration or enforcement of this Act.

(4) This section does not apply to a park administrative officer if the contravention occurs in the course of carrying out powers or duties related to the administration of this Act.

Penalty

53(1) A person who is guilty of an offence under section 11(3), 18(3), 19(6), 20(2), 21(3) or 52(1) or (2) is liable

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

(2) In the case of a continuing offence, the person who commits the offence is additionally liable to the applicable penalty under subsection (1) for each calendar day after the first one on which the offence continues.

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

Limitation of time for prosecution

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

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

whichever is later.

Part 11 Regulations

Lieutenant Governor in Council regulations

- 55** The Lieutenant Governor in Council may make regulations
- (a) for the purposes of section 7, naming each park zone;
 - (b) for each park zone, prohibiting, restricting, regulating and controlling activities, uses and development;
 - (c) prohibiting, restricting, regulating and controlling activities, uses and development in any one or more Heritage Rangelands;
 - (d) prohibiting, restricting, regulating and controlling the use and development of land within the Alberta parks system;
 - (e) for the purposes of this Act or a regulation, defining terms that are used in this Act but are not defined in this Act.

Ministerial regulations

- 56** The Minister may make regulations
- (a) respecting the preservation, conservation and management of ecosystems, landscapes, natural and cultural features, and the protection of habitat for flora and fauna;
 - (b) respecting the management, operation, use, planning, development, protection and preservation of land within the Alberta parks system;
 - (c) prescribing land as land within the Alberta parks system for the purposes of section 3(2)(d);
 - (d) prescribing land for the purposes of section 3(4);
 - (e) applying any provision of this Act or the regulations to a highway referred to in section 27(3);
 - (f) respecting the issuing, granting, renewal, amendment, withdrawal, cancellation, suspension and reinstatement of dispositions and permissions in respect of the use of, or activities that may be carried out on, land within the Alberta parks system;

- (g) prescribing functions and duties that may be carried out by a park conservation officer;
- (h) respecting the procedures that must be followed with respect to seizure of items under section 26, including the storage, removal, detention, destruction and disposition of those items and, if applicable, the adoption by reference of procedures under other Acts, and setting out the powers and duties of courts in relation to how seized items may or are to be dealt with and other related court processes;
- (i) respecting the establishment of recreational trails;
- (j) respecting remedies for unauthorized use of land within the Alberta parks system, including but not limited to blockades;
- (k) respecting the establishment of reservoirs and the use of water stored on land within the Alberta parks system;
- (l) respecting the removal, storage or disposal by a park conservation officer of lost or abandoned items or items remaining on land when the items are no longer allowed to be there;
- (m) controlling domestic or other animals not defined as wildlife under the *Wildlife Act*;
- (n) respecting the use of firearms, pellet, dart, arrow or other projectile shooting equipment, explosives, explosive devices and fireworks on land within the Alberta parks system;
- (o) respecting commercial, scientific and research activities that may be carried on land within the Alberta parks system;
- (p) respecting the use of vehicles, watercraft, aircraft, trailers and equipment on land within the Alberta parks system;
- (q) respecting the provision to the public or utilization by the public of facilities or services in respect of the Alberta parks system;
- (r) respecting buildings and other structures on land within the Alberta parks system;

- (s) respecting the prohibition, restriction, setting, use and extinguishing of fires on land within the Alberta parks system;
- (t) respecting prohibitions or restrictions on the possession and consumption of liquor in Provincial Parks;
- (u) respecting the treatment and feeding of wildlife on land within the Alberta parks system;
- (v) respecting the dressing or hanging of big game on land within the Alberta parks system;
- (w) respecting the issuing of permissions allowing special activities to be carried out on land within the Alberta parks system;
- (x) controlling or prohibiting noise, unruly behaviour and nuisances on land within the Alberta parks system;
- (y) respecting tenders or proposals made by individuals wishing to carry on commercial activities on land within the Alberta parks system;
- (z) respecting public safety, security and the preservation of order on land within the Alberta parks system;
- (aa) respecting the management of cottage subdivisions and townsites on land within the Alberta parks system;
- (bb) respecting compliance with and the enforcement of any applicable ALSA regional plan;
- (cc) prescribing any matter or thing that by this Act may be or is to be prescribed.

Scope of regulations

57 Regulations may be general or specific and may apply in respect of land within the Alberta parks system.

Prohibitions and offences

58(1) The authority to make a regulation under this Act governing or respecting any matter includes the authority to make prohibitions in respect of that matter.

(2) The authority to make a regulation under this Act includes the authority to specify that a contravention of or a failure to comply with the regulation is an offence.

Part 12 Transitional Provisions, Consequential Amendments and Coming into Force

Transitional provisions

59(1) Unless otherwise provided in this Act, every disposition made or entered into under the *Provincial Parks Act*, RSA 2000 cP-35, or the regulations under it and any renewal or reissue of such a disposition is subject to this Act and the regulations made under this Act.

(2) A disposition made or entered into under the *Provincial Parks Act*, RSA 2000 cP-35, or the regulations under it is deemed to be a disposition under this Act.

(3) An order, permit, disposition or other authorization or approval issued under

- (a) the *Provincial Parks Act*, RSA 2000 cP-35,
- (b) the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9, or
- (c) the *Public Lands Act* in relation to lands formerly designated under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9,

is deemed to be a disposition or permission under this Act and continues to have effect according to its terms until it expires or is amended or terminated under this Act.

(4) An appointment of a conservation officer under section 1 of Schedule 3.1 of the *Government Organization Act* that is still in force immediately before the commencement of this section remains valid for the duration of the term specified in the appointment and is deemed to be an appointment under section 14(1) of this Act.

(5) An order designating a provincial park or recreation area under the *Provincial Parks Act*, RSA 2000 cP-35, is deemed to be an order under this Act.

(6) An order designating an ecological reserve, natural area or wilderness area under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9, is deemed to be an order under this Act.

(7) An order designating a heritage rangeland under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9, is deemed to be an order under this Act.

(8) A provincial park or recreation area designated under the *Provincial Parks Act*, RSA 2000 cP-35, is deemed to be a Provincial Park under this Act.

(9) An ecological reserve, natural area or wilderness area designated under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9, is deemed to be a Provincial Park under this Act.

(10) A heritage rangeland designated under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9, is deemed to be Heritage Rangeland under this Act.

Consequential amendments to regulations

60(1) The Lieutenant Governor in Council may make regulations for the purpose of amending or adding terminology and correcting references in regulations that become inapplicable or inappropriate as a result of the repeal of the *Provincial Parks Act*, RSA 2000 cP-35.

(2) An amendment may be made by a regulation under subsection (1) notwithstanding that the regulation being amended was made by a member of the Executive Council or some other person or body.

Amends RSA 2000 cA-34

61(1) The *Alberta Sport, Recreation, Parks and Wildlife Foundation Act* is amended by this section.

(2) The title and chapter number of the Act are repealed and the following is substituted:

ACTIVE ALBERTA FOUNDATION ACT

Chapter A-1.7

(3) Section 1(a) is repealed and the following is substituted:

- (a) “Foundation” means the Active Alberta Foundation continued under section 2;

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

Foundation continued

2(1) The Alberta Sport, Recreation, Parks and Wildlife Foundation is continued as a corporation under the name “Active Alberta Foundation” consisting of not more than 10 members appointed by the Lieutenant Governor in Council.

(1.1) The change of name does not affect the rights, obligations and liabilities of the Alberta Sport, Recreation, Parks and Wildlife Foundation.

(5) Section 3(c) and (d) are repealed.

Explanatory Notes

61(1) Amends chapter A-34 of the Revised Statutes of Alberta 2000.

(2) The title and chapter number presently read:

*ALBERTA SPORT, RECREATION,
PARKS AND WILDLIFE FOUNDATION ACT
Chapter A-34*

(3) Section 1(a) presently reads:

1 In this Act,

(a) "Foundation" means the Alberta Sport, Recreation, Parks and Wildlife Foundation that was established and that is continued by this Act;

(4) Section 2(1) presently reads:

2(1) The Alberta Sport, Recreation, Parks and Wildlife Foundation is continued as a corporation consisting of not more than 10 members appointed by the Lieutenant Governor in Council.

(5) Section 3(c) and (d) presently read:

3 The objects of the Foundation are

(c) to develop and maintain parks programs, facilities and services;

(d) to develop and maintain fish and wildlife programs, facilities and services;

Amends RSA 2000 cC-23

62(1) The *Conflicts of Interest Act* is amended by this section.

(2) The Schedule is amended in Part 3

- (a) by adding** “Active Alberta Foundation” **before** “Agriculture Financial Services Corporation”;
- (b) by striking out** “Alberta Sport, Recreation, Parks and Wildlife Foundation”.

Amends RSA 2000 cM-26

63(1) The *Municipal Government Act* is amended by this section.

(2) Section 298(1)(k) is amended

- (a) by striking out** “any provincial park or recreation area” **and substituting** “any Provincial Park”;
- (b) in subclause (ii) by striking out** “*Provincial Parks Act*” **and substituting** “*Alberta Parks Act*”.

62(1) Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Part 3 of the Schedule presently reads in part:

*Part 3
Other Disqualifying Offices*

The Lieutenant Governor in Council may by regulation amend this Part to add any office the Lieutenant Governor in Council considers appropriate for the purposes of this Act.

The office of chair or member of any of the following:

*Agriculture Financial Services Corporation
Alberta Agricultural Products Marketing Council
Alberta Apprenticeship and Industry Training Board under the
Apprenticeship and Industry Training Act
Alberta Building Standards Council
Alberta Capital Finance Authority
Alberta Gaming Commission appointed under section 207 of
the Criminal Code (Canada)
Alberta Human Rights Commission
Board of the Alberta Gaming and Liquor Commission
Alberta Social Housing Corporation
Alberta Order of Excellence Council
Alberta Petroleum Marketing Commission
Alberta Securities Commission
Alberta Sport, Recreation, Parks and Wildlife Foundation
Alberta Transportation Safety Board*

63(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 298(1)(k) presently reads:

298(1) No assessment is to be prepared for the following property:

*(k) any provincial park or recreation area, including any
campground, day use area or administration and
maintenance facility held by the Crown in right of Alberta or
operated under a facility operation contract or service
contract with the Crown in right of Alberta, but not including
the following:*

(i) a residence and the land attributable to it;

Amends RSA 2000 cP-35

64(1) The *Provincial Parks Act* is amended by this section.

(2) The following is added after section 11:

Delegated authorities

11.1(1) The Minister may, subject to and in accordance with the regulations, establish one or more delegated authorities with respect to recreational trails.

(2) With respect to a delegation, a delegated authority and its employees, agents, directors or officers are not agents of the Crown.

(3) The *Financial Administration Act* does not apply to a delegated authority with respect to a delegated power, duty or function.

(4) Section 122(4) of the *Business Corporations Act* does not apply to a corporation that is a delegated authority in respect of the carrying out of a power, duty or function under this Act.

Regulations respecting delegated authorities

11.2(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the establishment of delegated authorities with respect to recreational trails;
- (b) subject to subsection (3), respecting the delegation to one or more delegated authorities of any of the powers, duties or functions of the Minister with respect to recreational trails under this Act or the regulations;
- (c) imposing conditions on the delegated powers, duties or functions;

- (ii) *property that is the subject of a disposition under the Provincial Parks Act or the Public Lands Act;*
- (iii) *a downhill ski hill, golf course, food concession, store or restaurant, and the land attributable to it, operated under a facility operation contract or a service contract with the Crown in right of Alberta;*

64(1) Amends chapter P-35 of the Revised Statutes of Alberta 2000.

(2) Delegated authorities, regulations respecting delegated authorities, Rules of a delegated authority, reports, offence and transitional regulations.

- (d) limiting the liability of a delegated authority and its employees, agents, directors or officers in an action for negligence with respect to the delegated power, duty or function when the delegated authority and its employees, agents, directors or officers act in good faith pursuant to the delegation, including but not limited to providing that any limitation of liability applicable to an employee, agent, director or officer may be made applicable to a delegated authority and its employees, agents, directors or officers when they carry out their power, duty or function;
- (e) respecting an appeal from an action or a decision of a delegated authority or its employees, agents, directors or officers;
- (f) authorizing a delegated authority to collect money by the levy of fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, respecting how the fees and charges are to be imposed, collected and accounted for and authorizing the delegated authority to use the money for any purpose related to the operations of the delegated authority in the carrying out of a delegated power, duty or function;
- (g) respecting how money referred to in clause (f) is to be collected and accounted for;
- (h) authorizing the Minister or a delegated authority to disclose
 - (i) information acquired in the course of or as a result of the operations of the delegated authority,
 - (ii) information respecting the operations of the delegated authority, or
 - (iii) information respecting the officers or employees of the delegated authority;
- (i) respecting the confidentiality of information obtained by the delegated authority and its employees, agents, directors or officers while carrying out a delegated power, duty or function;
- (j) authorizing a delegated authority to require persons or classes of persons specified in the regulations to provide security to ensure the carrying out of their duties under the

regulations and respecting the nature, amount and forfeiture of that security;

- (k) respecting the payment of a fee to a delegated authority for the carrying out of a delegated power, duty or function;
 - (l) respecting records that a delegated authority is required to maintain;
 - (m) respecting the annual report under section 11.4;
 - (n) respecting the inspection of premises of the delegated authority where a delegated authority or its employee, agent, director or officer is carrying out a delegated power, duty or function and authorizing the Minister to make copies of any document or other record related to the delegated power, duty or function;
 - (o) respecting the carrying out of an audit of the delegated authority with respect to its delegated powers, duties and functions and authorizing the Minister to charge reasonable costs incurred in carrying out the audit.
- (2) When a delegation is made under subsection (1),
- (a) a reference in this Act or the regulations to the Minister with respect to delegated powers, duties or functions is to be read as if it were a reference to the delegated authority;
 - (b) a person who is affected by an action taken or a decision made by a delegated authority pursuant to the delegation may appeal the action or decision in accordance with the regulations under subsection (1).
- (3) Subsection (1)(b) does not apply to any power or duty of the Minister to make regulations under this Act.

Rules of a delegated authority

11.3(1) A delegated authority may make rules

- (a) respecting the carrying out of a delegated power, duty or function;
- (b) delegating to the employees or agents of the delegated authority and, in the case of a corporation, to its employees, agents, directors or officers, the carrying out

of a delegated power, duty or function, except the power to make rules under this subsection.

(2) A rule made under subsection (1) is not in force until it is approved by the Minister.

(3) The *Regulations Act* does not apply to a rule made under this section.

Reports

11.4(1) A delegated authority shall, within 3 months after the end of its fiscal year, prepare and submit to the Minister an annual report with respect to its powers, duties and functions under this Act.

(2) The annual report must include a general summary of the delegated authority's policies and activities in that year, any rules made under section 11.3 in that year and a financial report that includes an audited financial statement.

(3) The Minister shall lay a copy of the annual report before the Legislative Assembly if it is then sitting, and if it is not then sitting, as soon as reasonably practicable.

(4) A delegated authority shall on the written request of the Minister provide the Minister with other reports as specified by the Minister in the request.

Offence

11.5 A delegated authority and the delegated authority's employee, agent, director or officer who contravenes a regulation or a rule under this Part is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$2000 or a term of imprisonment of not more than 30 days, or to both a fine and imprisonment, and
- (b) for a subsequent offence, to a fine of not more than \$10 000 or a term of imprisonment of not more than 6 months, or to both a fine and imprisonment.

Transitional regulations

11.6(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transfer of real and personal property of the Active Alberta Foundation to the Parks Conservation Foundation;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transfer of real and personal property of the Active Alberta Foundation to the Parks Conservation Foundation.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

Amends RSA 2000 cP-40

65(1) The *Public Lands Act* is amended by this section.

(2) Section 7(c)(i) is amended by striking out “natural area, ecological reserve, wilderness area,”.

(3) Section 82(1)(c) is repealed and the following is substituted:

- (c) when the land contained in the lease or to be withdrawn from it is to be designated as a Provincial Park pursuant to the *Alberta Parks Act* or added to a Provincial Park designated under that Act or its predecessors, or is to be set aside as a public resort or recreation area,

65(1) Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Section 7(c) presently reads:

7 The Lieutenant Governor in Council may

(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;

(3) Section 82(1) presently reads in part:

82(1) Sixty days after the date on which the director mails a notice in writing to the last known address of the lessee, the director may cancel a lease or withdraw any part of the land contained in a lease

(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,

(4) Section 102(1.1) is amended by striking out “heritage rangeland” wherever it occurs and substituting “Heritage Rangeland”.

Amends RSA 2000 cT-6

66(1) The *Traffic Safety Act* is amended by this section.

(2) Section 1(1)(mm)(v) is amended

- (a) by striking out “provincial park or recreation area” and substituting “Provincial Park or Heritage Rangeland”;**
- (b) by striking out “*Provincial Parks Act*” wherever it occurs and substituting “*Alberta Parks Act*”.**

(4) Section 102(1.1) presently reads:

(1.1) Notwithstanding subsection (1), the director may in accordance with this Part

- (a) lease public land in a heritage rangeland for a term not exceeding 30 years, or*
- (b) amend any lease granted under subsection (1) in a heritage rangeland to extend the term to one not exceeding 30 years and to include other terms and conditions,*

if the lease is for the purpose of grazing livestock and the director is satisfied that ongoing grazing of livestock is essential for maintaining the grassland ecology and ensuring the effective management and lasting protection of the heritage rangeland.

66(1) Amends chapter T-6 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(mm) presently reads:

1(1) In this Act,

(mm) “road authority” means,

- (i) in the case of a highway or road that is, by virtue of the operation of section 3 or 5 of the Highways Development and Protection Act, under the direction, control and management of the Minister under that Act, that Minister;*
- (ii) in the case of a highway that is under the direction, control and management of a municipality, the council of the municipality;*
- (iv) in the case of a highway that is located in a special area and that is under the direction, control and management of the Minister responsible for the Special Areas Act, the Minister responsible for the Special Areas Act;*
- (v) in the case of a highway that is located in a provincial park or recreation area and that is under the direction, control and management of the Minister responsible for the Provincial Parks Act, the Minister responsible for the Provincial Parks Act;*

(3) Section 17 is amended by striking out “*Provincial Parks Act*” wherever it occurs and substituting “*Alberta Parks Act*”.

(4) Section 106(b)(vii) is amended by striking out “*Provincial Parks Act*” and substituting “*Alberta Parks Act*”.

Repeals

67 The following are repealed:

- (a) *Black Creek Heritage Rangeland Trails Act*, SA 2004 cB-2.5;
- (b) Schedule 3.1 of the *Government Organization Act*;
- (c) section 8 of the *Metric Conversion Amendment Act*, RSA 2000 c18 (Supp);
- (d) *Provincial Parks Act*, RSA 2000 cP-35;
- (e) *Provincial Parks Amendment Act, 2006*, SA 2006 c27;
- (f) *Recreation Development Act*, RSA 2000 cR-8;

(vi) *in the case of a licence of occupation road, the Minister responsible for the Public Lands Act;*

(viii) *in the case of a highway that is under the direction, control and management of a Metis settlement, the Metis settlement;*

(3) Section 17 presently reads:

17 With respect to a highway under the direction, control and management of the Minister responsible for the Provincial Parks Act, the Minister responsible for the Provincial Parks Act may make regulations

(a) *governing, by means of signs erected along the highway, the movement of pedestrians, vehicles or other traffic on the highway;*

(b) *governing the opening or closing of highways.*

(4) Section 106(b)(vii) presently reads:

106 Subject to a speed limit that is prescribed under section 108 for a highway,

(b) *80 kilometres per hour is the maximum speed limit for*

(vii) *a highway that is subject to the direction, control and management of the Minister responsible for the Provincial Parks Act;*

67 Repeals.

(g) *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9;

(h) *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Amendment Act*, RSA 2000 c34 (Supp).

Coming into force

68 This Act, except section 64, comes into force on Proclamation.

68 Coming into force.

