

2021 Bill 64

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 64

PUBLIC LANDS AMENDMENT ACT, 2021

THE MINISTER OF ENVIRONMENT AND PARKS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 64

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PUBLIC LANDS AMENDMENT ACT, 2021

(Assented to _____, 2021)

Preamble

WHEREAS the Government of Alberta is committed to sustainable recreation management that ensures that public land is accessible to all Albertans for personal enjoyment and sustainable outdoor recreation;

WHEREAS Albertans recognize the benefits from sustainable outdoor recreation and the Government of Alberta is committed to ensuring the costs are shared in a way that is fair for all Albertans; and

WHEREAS the Government of Alberta is committed to using fees collected for recreational uses of public land for purposes related to the maintenance and management of public land and recreation and public safety on public land;

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

Amends RSA 2000 cP-40

1 The *Public Lands Act* is amended by this Act.

2 Section 1(e) is amended by adding “or an instrument as prescribed by regulation” after “grant”.

Explanatory Notes

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

2 Section 1(e) presently reads:

3 Section 8(1)(f.3) is repealed.

4 Section 9 is amended

(a) by repealing clause (a.1) and substituting the following:

(a.1) permitting, prohibiting or regulating the use of,
occupation of or activities on any public land;

(b) by repealing clause (b).

5 Section 9.1(1)(a) is amended by adding the following after subclause (i):

(i.1) fees relating to the use or occupation of public land,
including the carrying on of activities on public land,

1 In this Act,

(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;

3 Section 8(1)(f.3) presently reads:

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

(f.3) permitting, prohibiting or regulating the use of, or activities on, any public land that is a vacant disposition area;

4 Section 9 presently reads in part:

9 The Lieutenant Governor in Council may make regulations

(a.1) permitting, prohibiting or regulating the use of, or activity on, any public land that is vacant public land;

(b) permitting, prohibiting or regulating the use of, or activities on, any public land that is not the subject of a disposition;

5 Section 9.1(1)(a) presently reads:

9.1(1) Subject to any regulations made under subsection (3), the Minister may, by order,

(a) prescribe or provide for the manner of prescribing

(i) the rent or other amounts to be paid to the Crown in respect of dispositions,

6 Section 71.1(1) is amended by repealing clauses (b), (d) and (e).

7 Section 71.2 is amended by striking out “71.1(1)(d)” and substituting “9(a.1)”.

8 The following is added after section 71.4:

Liability

71.5 Notwithstanding the *Occupiers' Liability Act*, a person who accesses public land for a recreational purpose, with or without the permission of the owner or occupier of the public land, is deemed to have willingly assumed all risks related to the recreational purpose for which the public land was accessed except risks created by the wilful or reckless conduct of the owner or occupier of the public land.

- (ii) *the fees and other charges to be paid in connection with the submission of anything to the Crown or for any service or thing provided by the Crown under this Act, and*
- (iii) *the fees and costs that are payable in respect of any mechanism for settling disputes that is established under the regulations;*

6 Section 71.1(1) presently reads in part:

71.1(1) The Lieutenant Governor in Council may make regulations

- (b) *permitting, prohibiting, regulating or controlling activities on and uses of land in public land use zones;*
- (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.*

7 Section 71.2 presently reads:

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.*

8 Liability.

