

2021 Bill 218

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Second Session, 30th Legislature, 70 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 218**

**PROVINCIAL PARKS (PROTECTING PARK  
BOUNDARIES) AMENDMENT ACT, 2021**

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MR. SCHMIDT

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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# BILL 218

2021

## PROVINCIAL PARKS (PROTECTING PARK BOUNDARIES) AMENDMENT ACT, 2021

(Assented to \_\_\_\_\_, 2021)

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

### Amends RSA 2000 cP-35

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

**(2) Section 1(1) is amended**

**(a) in clause (l) by striking out “or decreased”;**

**(b) by adding the following after clause (m):**

(m.1) “park order” means an order made under section 6(1) or  
6(2);

**(c) in clause (p) by striking out “or decreased”.**

**(3) Section 6 is amended**

**(a) in subsection (1)(b) by striking out “or decrease”, and**

**(b) by adding the following after subsection (2):**

(3) The Lieutenant Governor in Council may, in respect of a  
park order, undertake any of the actions described in subsection  
(4) only if

## Explanatory Notes

### Provincial Parks Act

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

(2) Section 1(1) presently reads in part:

*1(1) In this statute,*

*(l) “park” means land designated as a provincial park, as increased or decreased where applicable, under section 6(1) and includes a provincial park referred to in section 6(2);*

*(m) “park administrative officer” means a person who occupies that office by virtue of section 2;*

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

(3) Section 6 presently reads in part:

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

*(b) increase or decrease the area of a provincial park or provincial recreation area.*

*(2) Provincial parks designated pursuant to any predecessor of this Act continue as designated parks under this Act.*

- (a) the Minister conducts a public consultation in respect of the proposed action in accordance with section 6.1(2),
- (b) at least 7 days and no more than 30 days after completing the public consultation, the Minister tables in the Legislative Assembly a report setting out the proposed action, and
- (c) within 30 days of the tabling of the report, the Legislative Assembly passes a resolution adopting that report.

(4) The Lieutenant Governor in Council may, in respect of a park order and only to the extent specified in the report adopted by the Legislative Assembly that relates to that order, undertake any of the following actions:

- (a) amend the park order
  - (i) to decrease the area of a park or recreation area, or
  - (ii) to vary the prescribed class of the park or recreation area;
- (b) repeal the park order.

(5) For greater certainty, a report referred to in subsection (3)(b) may relate to only one park or recreation area.

**(4) The following is added after section 6:**

**Public consultation on amendment or repeal**

**6.1(1)** In this section,

- (a) “consultation period”, in respect of a consultation under this section, means the period referred to in subsection (2)(b) that applies to the consultation;
- (b) “interested person” means a person who requests, in the form and manner that the Minister directs, notice of consultations conducted under this section.

(2) The Minister must, in respect of each proposed action referred to in section 6(4), conduct a public consultation on the proposed action that includes at least each of the following:

(4) Public consultation on amendment or repeal.

- (a) the provision of a notice of consultation, in accordance with subsection (3), to interested persons at least 7 days before the start of the consultation period;
  - (b) for a period of at least 60 days
    - (i) the publication of a description of the proposed action, and the proposed legislative text required to effect the proposed action, on the publicly accessible website of the department administered by the Minister, and
    - (ii) a reasonable opportunity for members of the public to make written submissions, in electronic and non-electronic form, to the Minister on the proposed action;
  - (c) within 14 days of the last day of the consultation period, the publication on the website referred to in clause (b)(i) of a document summarizing all submissions received from members of the public on the proposed action.
- (3)** A notice of consultation must be in writing and must specify each of the following as it relates to the proposed action that is the subject matter of the consultation:
- (a) the park or recreation area that is the subject of the proposed action;
  - (b) a description of the proposed action;
  - (c) the consultation period that applies to the proposed action;
  - (d) any other information that the Minister considers appropriate.

**Amends RSA 2000 cR-14**

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

**(2) Section 8(1)(g) is amended by striking out “orders” and substituting “orders, other than orders made under section 6 of the *Provincial Parks Act*.”.**

## **Regulations Act**

**2(1)** Amends chapter cR-14 of the Revised Statutes of Alberta 2000.

(2) Section 8(1) presently reads in part:

*8(1) The Lieutenant Governor in Council may make regulations*

**Amends AR 288/1999**

**3(1) The *Regulations Act Regulation* (AR 288/1999) is amended by this section.**

**(2) The following sections are repealed:**

**(a) section 17(1)(m);**

**(b) section 17(3);**

**(c) section 17(4).**

**Transitional**

**4** Within 6 months of the coming into force of this Act, each order made under section 6 of the *Provincial Parks Act* must be treated as a regulation made under the *Regulations Act*.



- (g) *exempting any regulations, rules, orders or bylaws or any class of them from the provisions of this Act;*

## **Regulations Act Regulation**

**3(1)** Amends Alberta Regulation 288/1999.

(2) Sections 17(1)(m), 17(3) and 17(4) presently read:

*17(1) The following are exempt from the application of the Act:*

*(m) all orders made by the Lieutenant Governor in Council under section 6 of the Provincial Parks Act;*

*(3) An order or regulation referred to in subsection (1)(m) must be published in Part I of The Alberta Gazette.*

*(4) An order or regulation referred to in subsection (1)(m) that was made before the coming into force of this subsection and was published in Part II of The Alberta Gazette is considered to have been published within the meaning of subsection (3).*

**4** Transitional.





