

BILL

No. 63

An Act respecting Regional Parks and making consequential amendments to other Acts

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(Assented to _____)

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

PART I
Preliminary Matters

Short title

1 This Act may be cited as *The Regional Parks Act, 2012*.

Interpretation

2 In this Act:

- (a) **“bylaw”** means a bylaw of a municipality or a regional park bylaw made by a regional park authority pursuant to section 13;
- (b) **“council”** means the council of a municipality;
- (c) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (d) **“organization”** means:
 - (i) a person or body that has as one of his, her or its purposes to develop regional parks, to better the community, to enhance the well-being of Canadians or to improve the environment; or
 - (ii) a non-profit corporation that is prescribed in the regulations;
- (e) **“regional park”** means a park established or continued pursuant to this Act;
- (f) **“regional park authority”** means a regional park authority constituted or continued pursuant to this Act;
- (g) **“regional parks administration agreement”** means an agreement entered into pursuant to section 5.

Purposes of Act

3 The purposes of this Act are the following:

- (a) to encourage the appreciation and use of natural, cultural and recreational resources throughout Saskatchewan;
- (b) to assist municipalities, local government agencies and organizations in establishing and operating regional parks with a view to making the natural, cultural and recreational resources of Saskatchewan available to the public;
- (c) to facilitate the establishment and location of regional parks in such a way that the majority of Saskatchewan residents will be within a reasonable driving distance of a regional park.

PART II
Administration of Act

Responsibilities and powers of minister

4(1) The minister is responsible for all matters not by law assigned to any other minister or government agency relating to the establishment, development and enhancement of regional parks.

(2) For the purposes of carrying out the minister's responsibilities, the minister may:

- (a) create, develop, adopt, co-ordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures respecting regional parks;
- (b) undertake and co-ordinate planning, research and investigations respecting regional parks;
- (c) provide information to the public respecting regional parks; and
- (d) do any other thing that the minister considers appropriate to carrying out the minister's responsibilities or to exercising the minister's powers pursuant to this Act and the regulations.

Regional parks administration agreement

5(1) Subject to the approval of the Lieutenant Governor in Council, the minister may enter into a regional parks administration agreement with any person.

(2) In a regional parks administration agreement entered into pursuant to subsection (1), the minister may delegate all or any of the minister's powers and duties pursuant to this Act or the regulations with respect to all regional parks or with respect to any regional park listed in the agreement other than the power to request reports and statements pursuant to section 20.

(3) A regional parks administration agreement must include provisions that specify all of the following:

- (a) the powers and duties pursuant to this Act being delegated to the person with whom the agreement is entered into;
- (b) the expected outcomes to be achieved by the person with whom the agreement is entered into;
- (c) the acceptance by the person with whom the agreement is entered into of the person's responsibility to exercise the powers and fulfil the duties delegated to the person;
- (d) the requirement that the person with whom the agreement is entered into report to the minister whenever required by the minister and in the manner and within the period directed by the minister;
- (e) the requirement that the person with whom the agreement is entered into provide the minister, within a period after the end of a year that is specified in the agreement, with:
 - (i) an annual report on the person's activities during the year in carrying out the provisions of the agreement; and
 - (ii) an audited financial statement satisfactory to the minister respecting the person's carrying out the provisions of the agreement;

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- (f) the requirements for records management by the person with whom the agreement is entered into;
 - (g) the requirement that the person with whom the agreement is entered into report to the Government of Saskatchewan with respect to the exercise by it of the powers and the fulfilment by it of the duties delegated to the person;
 - (h) the requirement that the person with whom the agreement is entered into carry adequate insurance;
 - (i) provisions for indemnification between the person with whom the agreement is entered into and the Government of Saskatchewan;
 - (j) the obligations of the parties if the agreement is terminated;
 - (k) the period of the agreement or the procedure for the review of the agreement by the minister and the person with whom the agreement is entered into;
 - (l) provisions for the settlement of disputes;
 - (m) a specification of the liability of the person with whom the agreement is entered into arising out of the person's carrying out of the provisions of the agreement;
 - (n) the terms and conditions that are to be imposed on the person with whom the agreement is entered into in carrying out the provisions of the agreement;
 - (o) any additional matters prescribed in the regulations.
- (4) The delegation of the administration of all or part of this Act or the regulations to a person in accordance with this section does not constitute the person as an agent of the Crown in right of Saskatchewan.
- (5) Notwithstanding any provision of a regional parks administration agreement or any other Act or law but subject to subsection (6), the minister may terminate a regional park administration agreement if the minister is satisfied that the person with whom the agreement is entered into is not complying with the agreement or this Act or the regulations.
- (6) A regional parks administration agreement may be terminated only in accordance with the procedures and on the terms prescribed in the regulations.
- (7) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly every regional parks administration agreement entered into by the minister within 90 days after the agreement is entered into.

Matters arising from entering into a regional parks administration agreement

- 6(1)** In this section, “**specified provisions**” means the provisions of this Act or the regulations that are mentioned in a regional parks administration agreement.
- (2) Notwithstanding any other provision of this Act or the regulations or any other Act or law but subject to subsection (3), if the minister and a person enter into a regional parks administration agreement:
- (a) a reference to the minister in the specified provisions is deemed to be a reference to the person with whom the agreement is entered into, and the person may exercise the powers of, and shall fulfil the duties imposed on, the minister that are mentioned in those provisions; and

- (b) all applications, reports and returns that are required to be made to the minister other than the reports and statements required pursuant to section 20, and all information and documentation that is required to be provided to the minister, pursuant to the specified provisions shall be made or provided to the person with whom the agreement is entered into.
- (3) In a regional parks administration agreement, the parties may provide that all or any of the matters mentioned in subsection (2):
 - (a) do not apply; or
 - (b) are to apply in the manner and with the modifications set out in the agreement.

PART III

Regional Park Authorities

Application to establish a regional park authority

- 7(1) Any one or more municipalities and organizations may apply to the minister to establish a regional park authority.
- (2) An application pursuant to this section must:
 - (a) be in a form prescribed by the minister;
 - (b) subject to subsection (3), have amongst its applicants the municipality or municipalities whose boundaries will border the regional park being proposed in the application; and
 - (c) contain:
 - (i) a description of the land intended to be used as the proposed regional park;
 - (ii) the names of the municipalities and organizations to be represented and the persons who will represent them on the proposed regional park authority; and
 - (iii) an outline of a development program for the proposed regional park, and the projected development costs for the proposed regional park, for the period for which the municipalities and organizations have made a financial commitment.
- (3) The minister may accept an application pursuant to this section that does not have amongst its applicants the municipality or municipalities whose boundaries will border the proposed regional park if the minister is satisfied that the participation of the municipality or municipalities is not necessary and that it is otherwise appropriate to accept the application.

Constitution of regional park authority and establishment of regional park

- 8(1) On receipt of an application pursuant to section 7 and if the minister is satisfied that it is in the public interest to do so, the minister may, by order:
 - (a) constitute the regional park authority; and
 - (b) establish the regional park to consist of the land described in the application.

(2) A regional park authority constituted pursuant to this Act is a corporation consisting of the following members:

- (a) the representatives appointed by the municipalities or organizations applying for the establishment of the regional park authority; and
- (b) if a regional park bylaw mentioned in subsection 9(3) has been enacted, the members-at-large mentioned in that bylaw.

Representatives on regional park authority

9(1) If a regional park authority consists of the representatives of one municipality only, the number of representatives must be determined by that municipality.

(2) In the case of a regional park authority other than one described in subsection (1), the number of representatives of each municipality and organization constituting the regional park authority must be determined by agreement between the municipalities and organizations.

(3) Subject to subsection (4), if a regional park authority has enacted a regional park bylaw for the purpose, a regional park authority may also consist of members-at-large.

(4) The number of members-at-large is not to exceed 40% of the total number of members of the regional park authority.

(5) A municipality or organization may, at any time, terminate the appointment of any of its representatives, and may, by resolution of the council or of the governing body of the organization, appoint in that person's place a substitute representative to the regional park authority.

Land acquired for regional park

10 A regional park authority shall provide the minister with an accurate description of any land acquired for the purposes of a regional park as soon as possible after it has been acquired.

Amending regional park boundaries and composition

11(1) If the minister is satisfied that it is necessary or appropriate to do so in the public interest, the minister may, by order:

- (a) alter the boundaries of a regional park; and
- (b) amend or alter the membership of a regional park authority responsible for the administration of the regional park.

(2) Every order made pursuant to subsection (1) must be published in the Gazette.

Powers of regional park authority

12 Subject to the other provisions of this Act and to the regulations, a regional park authority may establish and operate a regional park and for that purpose may:

- (a) acquire by purchase, lease, gift or otherwise any real property that it considers suitable for the purposes of the regional park;
- (b) accept grants from any person, municipality or organization in the form of money, land or any other thing that may be useful in the establishment, development or operation of the regional park;

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- (c) raise moneys by the levy of lease fees, concession fees, gate tolls, camping fees, trailer and parking rentals, licences and other charges on any person or with respect to any property in the regional park;
 - (d) employ any persons required for the establishment or operation of the regional park;
 - (e) enter into any agreements that it considers necessary to carry out its purposes;
 - (f) provide for the administration, operation, control and use of the regional park; and
 - (g) do any other thing that it considers necessary, incidental or conducive to carry out its purposes or to exercise its powers.

Regional park bylaws

13 Subject to the regulations, a regional park authority may make regional park bylaws:

- (a) providing for the health, protection, safety and general welfare of persons within the regional park;
- (b) providing for the protection and safety of property within the regional park;
- (c) designating any area of a regional park as a public campground;
- (d) appointing, defining the duties of and fixing the remuneration of a constable for the purpose of enforcing the park bylaws within the regional park;
- (e) providing for fire protection within the regional park;
- (f) providing for the removal of wastes and the prevention of litter or other nuisances within the regional park;
- (g) subject to *The Traffic Safety Act*:
 - (i) regulating the speed of motor vehicles within the regional park;
 - (ii) preventing or restricting and regulating the parking of vehicles within the regional park; or
 - (iii) restricting, controlling and regulating the movement of vehicles within the regional park;
- (h) preventing the possession or use of firearms, poisons or other dangerous articles or materials within the regional park;
- (i) subject to *The Highways and Transportation Act, 1997* and the regulations made pursuant to that Act, respecting the direction, control and management of all streets, lanes, buffer strips, trails and pathways within the regional park and all roads, other than provincial highways, within the regional park;
- (j) subject to *The Planning and Development Act, 2007* and with the consent of the owners of land within the boundaries of the regional park, respecting the development of a zoning plan and a basic planning statement for the park;

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- (k) for the purposes of subsection 9(3):
 - (i) authorizing the election or appointment of members-at-large in order to allow participation of others in the development and operation of a regional park; and
 - (ii) establishing the requirements respecting eligibility to be a member-at-large and any other matters that the regional park authority considers necessary;
 - (l) respecting fees for entry to the regional park and for use of recreational facilities within the regional park; and
 - (m) respecting anything the regional park authority considers necessary for the effective administration of the authority.

Borrowing powers

- 14(1)** A regional park authority may borrow any amount of moneys that it considers will be required to fund its operations or to fulfil its purposes.
- (2) A regional park authority may provide any guarantee or security that it considers appropriate respecting a loan.

Loans not guaranteed by Minister of Finance

- 15** No loan made pursuant to section 14 is to be guaranteed by the Minister of Finance, and the Government of Saskatchewan is not liable for the repayment of that loan or any interest, principal or premium respecting that loan.

Investments

- 16** A regional park authority may:
 - (a) invest any part of the capital or operating moneys of the regional park authority, and any proceeds of investment of those moneys, in:
 - (i) securities of the Government of Canada or of any province of Canada;
 - (ii) securities whose payment is guaranteed by the Government of Canada or of any province of Canada;
 - (iii) securities of a municipality or of any other municipal corporation, school division or regional health authority in Saskatchewan; or
 - (iv) deposit certificates or similar investments issued by a bank, trust corporation or credit union; and
 - (b) dispose of any investments made pursuant to clause (a) on any terms and conditions and in any manner that the regional park authority considers appropriate.

PART IV**Assistance to Regional Parks****Agreement between minister and regional park authority**

- 17(1)** Subject to the regulations, the minister may enter into an agreement with a regional park authority to provide for the establishment of facilities and other works within the regional park and the operation and maintenance of the regional park.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before entering into any agreement pursuant to subsection (1) if the Government of Saskatchewan is liable to make any expenditure that is greater than \$50,000 in any fiscal year of the Government of Saskatchewan.

Grants

18(1) The minister may make grants to a regional park authority for any purpose related to facilities or other works within the regional park or the operation and maintenance of the regional park.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to subsection (1) that is greater than \$50,000 in any fiscal year of the Government of Saskatchewan.

Assistance by minister

19 The minister may, without charge, assist a regional park authority with respect to any matter that the minister considers necessary, including technical advice in planning, designing and operating a regional park.

Annual reports re operations, finances, borrowings, investments, audits and reviews

20(1) On or before April 1 in each year, a regional park authority shall prepare and submit to each municipality and organization represented on the regional park authority:

- (a) an annual report respecting the operations of the regional park authority for the previous year and the finances of the regional park authority as at December 31 of the previous year;
- (b) a copy of a report respecting all outstanding borrowings and current investments of the regional park authority as at December 31 of the previous year; and
- (c) the audited statement or the report on the review required pursuant to section 28 for the previous year.

(2) If requested by the minister, a regional park authority shall provide to the minister, in a form acceptable to the minister and within the time specified by the minister, a copy of the reports and statements mentioned in subsection (1).

(3) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report and statement requested and received by the minister pursuant to this section.

PART V**Dissolution of Regional Park Authority****Dissolution of regional park authority**

21(1) Subject to the approval of the Lieutenant Governor in Council, the minister may, by order, dissolve a regional park authority if:

- (a) the minister is satisfied that the regional park authority has failed to carry out its responsibilities; or
- (b) the regional park authority requests that it be dissolved and satisfies the minister that it is in the public interest that the regional park authority be dissolved.

- (2) Before making an order pursuant to clause (1)(a), the minister shall:
- (a) notify the regional park authority in writing of the minister's intention to act; and
 - (b) give the regional park authority an opportunity to make written representations.

Disposition of assets, liabilities, etc., on dissolution

22 Before an order is made pursuant to section 21, the minister may:

- (a) require the municipalities and organizations represented on the regional park authority to employ, at their own expense, a person who shall:
 - (i) sell, distribute or release all the real property and other assets of the regional park authority;
 - (ii) satisfy all valid claims against the regional park authority to the extent of the funds available; and
 - (iii) report fully respecting the discharge of his or her duties to the minister and the municipalities and organizations represented on the regional park authority;
- (b) require the submission for approval of a plan or arrangement for the disposition of the assets of the regional park that the minister considers to be in the public interest and to deal with any outstanding liabilities or debts; and
- (c) require that any leased Crown land revert back to the Crown in right of Saskatchewan on dissolution of the regional park authority.

Termination of certain agreements on dissolution

23 If a regional park authority is dissolved, every agreement entered into by the regional park authority, between municipalities, between municipalities and organizations, or between organizations, with respect to the establishment or operation of a regional park by that regional park authority is deemed to be terminated on the day of dissolution.

PART VI

General

Disposal of land and removal of land from regional park

24(1) No land acquired by a regional park authority by purchase, lease or gift is to be withdrawn or sold from the area designated as a regional park without the consent of:

- (a) the minister; and
 - (b) subject to subsection (3), the municipalities and organizations that are represented on the regional park authority.
- (2) The owner of land within the boundaries of a regional park may recommend to the regional park authority and the minister that the land be removed from the regional park.

(3) The minister may, by order, remove the lands from the regional park if the minister is satisfied that lands acquired by a regional park authority:

- (a) are not being used appropriately; or
- (b) are no longer required for the purposes of the regional park.

Deposit and use of moneys by regional park authority

25 All moneys received by a regional park authority must be deposited in a bank or in a credit union, and those moneys must only be expended pursuant to a resolution of the regional park authority.

Liability of regional park authority

26(1) All costs, claims and charges arising out of the establishment or operation of a regional park are the responsibility of the regional park authority that established or operates the regional park.

(2) No action or proceeding arising out of, related to or incidental to the establishment or operation of a regional park lies or shall be commenced against the minister, the ministry, the Crown in right of Saskatchewan or any municipality, organization or member-at-large represented on the regional park authority.

Appointment of auditor or reviewer

27(1) In this section and in section 28, “**auditor**” means a person who is or, in the case of a firm of accountants, a firm at least one of whose partners is a member in good standing of a recognized accounting profession that is regulated by an Act.

(2) Subject to subsection (3), not later than November 30 in each year, each regional park authority shall appoint an auditor to audit the financial statements of the regional park authority for the year.

(3) In the circumstances prescribed in the regulations, a regional park authority may pass a resolution to dispense with the appointment of an auditor.

(4) A resolution made pursuant to this section is only valid for the year in which it was made.

(5) If the regional park authority dispenses with the appointment of the auditor, the regional park authority shall appoint a person who meets the qualifications prescribed in the regulations to review the financial statements of the regional park authority for that year.

Audit or review

28(1) The auditor mentioned in section 27 shall prepare and submit an audited statement to the regional park authority within 90 days after the end of the year in which he or she is appointed.

(2) If a regional park authority has dispensed with the appointment of an auditor pursuant to subsection 27(3), the person appointed to undertake a review of the financial statements of the regional park authority shall conduct and report on the review within 90 days after the end of the year in which he or she is appointed.

(3) The audited statement mentioned in subsection (1) or the report on the review mentioned in subsection (2) must be considered at the next regular meeting of the regional park authority.

Establishment of regional parks not restricted

29 Nothing in this Act or the regulations prevents a municipality or organization:

- (a) from participating in the establishment or operation of more than one regional park;
- (b) from establishing or operating a park that is not a regional park.

Regulations

30 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of clause 5(3)(o), prescribing matters to be included in a regional parks administration agreement;
- (c) for the purposes of subsection 5(6), prescribing the procedures for and terms of terminating a regional parks administration agreement;
- (d) respecting the constitution of a regional park authority;
- (e) prescribing the powers and duties of a regional park authority;
- (f) respecting the administration, operation, control and use of regional parks, including requiring that regional parks be administered in a manner that will ensure that the public derives the greatest benefit from those parks;
- (g) for the purposes of section 13, prescribing the process for making regional park bylaws;
- (h) respecting the terms and conditions of an agreement entered into pursuant to section 17;
- (i) respecting the grants provided to regional park authorities, including eligibility for that assistance;
- (j) for the purposes of section 27, prescribing the circumstances in which a regional park authority may dispense with the appointment of an auditor;
- (k) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (l) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART VII**Repeal, Transitional, Consequential
and Coming into Force****S.S. 1979, c.R-9.1 repealed**

31 *The Regional Parks Act, 1979* is repealed.

Transitional

32(1) In this section, “**former Act**” means *The Regional Parks Act, 1979* as that Act existed on the day before the coming into force of this Act.

(2) All bylaws of a regional park authority that were continued or made pursuant the former Act are continued as regional park bylaws until they are otherwise amended or repealed in accordance with this Act.

(3) Every regional park authority constituted or continued, and every regional park established or continued, pursuant to the former Act is continued and may be dealt with pursuant to this Act as if constituted or established pursuant to this Act.

(4) A contract entered into by a regional park authority pursuant to the authority of the former Act or any former *Regional Parks Act* is deemed to have been entered into pursuant to the authority of this Act and may be dealt with as if entered into pursuant to this Act.

S.S. 2002, c.C-11.1 amended

33(1) *The Cities Act* is amended in the manner set forth in this section.

(2) Subsection 52(4) is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.

(3) Subsection 267(8) is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.

S.S. 1989-90, c.E-8.1, section 11 amended

34 Subsection 11(1) of *The Emergency Planning Act* is repealed and the following substituted:

“(1) In this section:

(a) ‘**regional park**’ means a regional park established or continued pursuant to *The Regional Parks Act, 2012*;

(b) ‘**regional park authority**’ means a regional park authority constituted or continued pursuant to *The Regional Parks Act, 2012*”.

S.S. 1992, c.F-15.001, section 5 amended

35 Clause 5(1)(e) of *The Fire Prevention Act, 1992* is amended by striking out “established pursuant to *The Regional Parks Act, 1979*” and substituting “established or continued pursuant to *The Regional Parks Act, 2012*”.

S.S. 1996, c.F-19.1, section 2 amended

36 Subclause 2(1)(s.2)(i) of *The Forest Resources Management Act* is repealed and the following substituted:

“(i) a regional park established or continued pursuant to *The Regional Parks Act, 2012*”.

S.S. 2005, c.M-36.1 amended

37(1) *The Municipalities Act* is amended in the manner set forth in this section.

(2) Subclause 67(5)(a)(i) is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.

(3) Subsection 302(8) is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.

S.S. 1993, c.N-3.1 amended

38(1) *The Natural Resources Act* is amended in the manner set forth in this Act.

(2) **Subclause 2(f)(ii) is repealed and the following substituted:**

“(ii) regional parks established or constituted pursuant to *The Regional Parks Act, 2012*”.

(3) **Subclause 14.1(1)(b)(v) is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.**

S.S. 2007, c.P-13.2 amended

39(1) *The Planning and Development Act, 2007* is amended in the manner set forth in this section.

(2) **Clause 183(g) is repealed and the following substituted:**

“(g) the land is park land within the meaning of *The Parks Act* or a regional park established or continued pursuant to *The Regional Parks Act, 2012*”.

(3) **Subsection 202(3) is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.**

S.S. 1994, c.P-37.1 amended

40(1) *The Public Health Act, 1994* is amended in the manner set forth in this section.

(2) **Clause 45.2(2)(b) is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.**

(3) **Subsection 50(3) is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.**

S.S. 1983-84, c.U-1.2, section 2 amended

41 **Subclause 2(1)(k)(ii) of *The Uniform Building and Accessibility Standards Act* is amended by striking out “*The Regional Parks Act, 1979*” and substituting “*The Regional Parks Act, 2012*”.**

Coming into force

42 This Act comes into force on proclamation.

SECOND SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 63

An Act respecting Regional Parks and
making consequential amendments to other Acts

Received and read the

First time

Second time

Third time

And passed

Honourable Kevin Doherty
