

BILL

No. 34

An Act respecting Provincial Lands, repealing certain Acts and making consequential amendments to certain 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

1-1 This Act may be cited as *The Provincial Lands Act, 2016*.

Interpretation

1-2 In this Act:

“**business day**” means a day other than a Saturday, Sunday or holiday;

“**court**” means the Court of Queen’s Bench;

“**Crown**” means the Crown in right of Saskatchewan;

“**debt owing to the Crown**” means any money owing to the Crown pursuant to this Act or the regulations and includes any administrative penalty assessed by an order made pursuant to section 7-4;

“**disposition**” means, subject to sections 2-13, 2-22 and 2-24, an instrument by which an act of disposal is effected or evidenced, and includes a transfer, sale, lease, permit, easement or licence with respect to provincial land and any other similar grant of an interest or right in provincial land, including allowing a particular activity to occur on provincial land;

“**disposition holder**” means, subject to section 2-24, any person who has been granted a disposition pursuant to this Act or the regulations;

“**ecological reserve**” means Crown land designated as an ecological reserve pursuant to section 3-1 or 3-11, and includes all ecological reserves continued pursuant to section 10-5;

“**fund**” means the Ecological Reserves Development Fund continued pursuant to section 3-4;

“**government agency**” means:

- (a) a corporation that is an agent of the Crown; or
- (b) any corporation, commission, board or other body whose members are appointed by:
 - (i) an Act;
 - (ii) the Lieutenant Governor in Council;
 - (iii) a member of the Executive Council; or
 - (iv) any combination of an Act and one or more of the persons mentioned in subclauses (ii) and (iii);

“**land use plan**” means a land use plan mentioned in subsection 2-2(2);

“**mineral**” means a mineral as defined in *The Mineral Resources Act, 1985* and includes granular silica and the spaces located below the surface of land that were formerly occupied by a mineral;

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“**ministry**” means the ministry over which the minister presides;

“**officer**” means a person appointed as an officer in accordance with section 4-1;

“**prescribed**” means prescribed in the regulations;

“**provincial land**” means land set out in section 1-3 as land to which this Act applies;

“**security**” means a charge over or interest in provincial land for the purpose of securing the repayment of money or other consideration;

“**transfer**” means a transfer or grant of land;

“**vacant provincial land**” means provincial land with respect to which the minister has not entered into a disposition that is in the nature of a lease or a prescribed category of dispositions.

Application of Act

1-3(1) Subject to subsections (2) to (5), this Act applies to:

- (a) all land vested in the Crown that is not administered in accordance with another Act;
 - (b) all land vested in the Crown that is administered in accordance with a prescribed Act; and
 - (c) any prescribed parcels of land, or prescribed categories of land, vested in the Crown.
- (2) Any land vested in the Crown that is sold or transferred pursuant to clause 2-3(2)(c) ceases to be provincial land, and this Act ceases to apply to that land.
- (3) Except as provided in section 2-8 and subsection 2-10(4), this Act does not apply to minerals.
- (4) Subject to the approval of the Lieutenant Governor in Council, the minister may acquire any land from any person, government or government agency.
- (5) Any land acquired pursuant to subsection (4) becomes provincial land, and this Act applies to that land.

PART II

Administration of Provincial Land

DIVISION 1

Administration

Minister’s responsibilities

- 2-1(1)** The minister is responsible for all matters not by law assigned to any other minister relating to the administration of provincial land.
- (2) For the purpose of carrying out the minister’s responsibilities, the minister may do all or any of the following:
- (a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting the administration of provincial land;

- (b) sponsor, undertake and coordinate planning, research and investigations respecting provincial land;
 - (c) make improvements or add structures or works as the minister considers necessary or desirable for the efficient development or use of provincial land or other land in the vicinity of provincial land;
 - (d) subject to the regulations, conduct public hearings or inquiries, or appoint a person to conduct public hearings or inquiries, respecting the use, management, establishment or enlargement of any ecological reserve or the revocation of a designation of any ecological reserve;
 - (e) subject to the regulations, do any other thing that the minister considers necessary or appropriate to carry out the minister's responsibilities or to exercise the minister's powers pursuant to this Act and the regulations.
- (3) If the minister enters into an agreement with a government agency or with another member of the Executive Council for the administration by the minister of land owned or administered by that government agency or administered by that other member of the Executive Council:
- (a) this Act applies to that land, with any necessary modification; and
 - (b) notwithstanding clause (a), the administration of that land is subject to any terms and conditions set out in the agreement.

Administration of provincial land

2-2(1) The minister shall administer provincial land in accordance with this Act and the regulations.

- (2) The minister may:
- (a) establish a planning area; and
 - (b) prepare a land use plan for the purpose of coordinating policies, programs and activities to guide existing and potential uses of provincial land and land mentioned in subsection 2-1(3) within the planning area.
- (3) The minister shall comply:
- (a) with the prescribed process when developing a land use plan; and
 - (b) with the prescribed process, or the process set out in the land use plan, when amending the land use plan.

Assignment and transfer of lands between ministries and government agencies

2-3(1) In this section, “**assigned minister**” means, if the administration of this Act is assigned to more than one member of the Executive Council, one of those members of the Executive Council.

- (2) The Lieutenant Governor in Council may by order do all or any of the following:
- (a) assign to an assigned minister the administration of any category of provincial land or any parcel of provincial land;
 - (b) assign to an assigned minister the administration of any category of provincial land or any parcel of provincial land on the terms and conditions set out by the Lieutenant Governor in Council;
 - (c) authorize an assigned minister to sell or transfer to a government agency any category of provincial land or any parcel of provincial land on the terms and conditions set out by the Lieutenant Governor in Council.

(3) If the Lieutenant Governor in Council makes an order pursuant to subsection (2), the assigned minister responsible for the administration of the provincial land shall cause the order to be published in the Gazette and to be made available to the public in any other manner that the assigned minister considers appropriate, including posting the order on the ministry's website.

(4) If the Lieutenant Governor in Council assigns different categories of provincial land to the assigned ministers and the assigned ministers consider it necessary to provide certainty as to which category of provincial land is assigned to each assigned minister, the assigned ministers may, by agreement, establish to which minister any parcel or category of provincial land has been assigned.

(5) Notwithstanding clause (2)(b) but subject to any prescribed conditions, an assigned minister may, by written agreement, assign the administration of any parcel of provincial land that is not more than 640 acres or 259 hectares to another assigned minister.

(6) An assigned minister to whom the administration of provincial lands are assigned by a written agreement pursuant to subsection (4) or (5) shall cause a copy of the notice of assignment to be published in the Gazette and to be made available to the public in any other manner that the assigned minister considers appropriate, including posting the notice on the ministry's website.

Rights only acquired in accordance with this Act or the regulations

2-4(1) No person shall acquire a right, title or interest in provincial land except by way of a disposition issued in accordance with this Act or the regulations.

(2) Without restricting the generality of subsection (1):

- (a) no right, title or interest in provincial land may be acquired by or through use, possession or occupation of the land; and
- (b) no right, title or interest in provincial land may be acquired by prescription.

(3) Any disposition issued pursuant to this Act or the regulations with respect to provincial land is not binding on the Crown until the minister signs the disposition.

Sale or transfer of provincial land

2-5(1) The minister may sell or transfer provincial land for any purpose, including:

- (a) to satisfy a treaty land entitlement claim; or
- (b) to assist the Government of Canada in fulfilling specific claims settlements for First Nations.

(2) A sale or transfer pursuant to subsection (1) must only be made:

- (a) in accordance with the regulations; or
- (b) with the approval of the Lieutenant Governor in Council.

Leases, permits, licences, easements and other dispositions

2-6(1) Subject to the regulations, the minister may issue any or all of the following dispositions on any terms and conditions that the minister considers appropriate:

- (a) a lease of any provincial land;
- (b) a permit with respect to any provincial land;
- (c) a licence with respect to any provincial land;
- (d) an easement over, under or through any provincial land;
- (e) any other prescribed disposition with respect to any provincial land.

(2) If there is any conflict between the terms and conditions imposed by the minister pursuant to subsection (1) and the prescribed terms and conditions respecting dispositions, the prescribed terms and conditions prevail.

(3) The minister may require any person who intends to obtain a disposition mentioned in subsection (1) to:

- (a) apply to the minister in a form set by or acceptable to the minister;
- (b) provide the minister with any information and documents that the minister may reasonably require;
- (c) provide financial assurance in the form and amount acceptable to the minister; and
- (d) comply with any other prescribed requirements and satisfy any other prescribed criteria.

(4) The minister may require any person who intends to obtain a disposition mentioned in subsection (1) to verify, by affidavit or otherwise, any information or documents submitted to the minister pursuant to this section.

Categories and uses of vacant provincial land

2-7(1) The minister may establish categories of vacant provincial land and permissible uses for those categories of provincial land, including restricting the activities that may be conducted on any identified parcel of vacant provincial land or any category of vacant provincial land.

(2) If the minister, in exercising the authority granted pursuant to subsection (1), restricts the activities that may be conducted on vacant provincial land, the minister shall issue an order that specifies the nature of the restriction and the land to which the restriction applies.

(3) If the minister issues an order pursuant to subsection (2), the minister shall cause the order to be made public in any manner that the minister considers appropriate, including posting the order on the website of the ministry.

DIVISION 2

Reservations on Dispositions

Reservation of mines and minerals

2-8(1) Out of every sale or transfer of provincial land, all mines and minerals that may be found to exist within, on or under the provincial land are reserved to the Crown.

(2) All mines and minerals existing within, on or under any provincial land are to be disposed of in the manner and on the terms and conditions set out in *The Crown Minerals Act* and the regulations made pursuant to that Act.

(3) Out of every disposition of provincial land, other than a sale or transfer, all mines and minerals and all sand and gravel that may be found to exist within, on or under the provincial land are reserved to the Crown.

(4) Out of every disposition of provincial land, other than a sale or transfer, the Crown reserves the right:

- (a) to enter and occupy the provincial land for the purpose of locating and prospecting for mines and minerals; and
- (b) to mine for and remove minerals, sand and gravel from the provincial land.

Regulations re certain rights

2-9 The Lieutenant Governor in Council may make regulations:

- (a) prescribing the terms and conditions on which the rights reserved in subsection 2-8(3) or 2-11(5) may be exercised;
- (b) prescribing whether any compensation is to be paid for the rights mentioned in subsection 2-8(3) or 2-11(5), and, if compensation is to be paid, respecting:
 - (i) the manner in which the compensation is to be paid, including allowing for a reduction of rent or other charges in lieu of a payment of compensation if the person to be compensated is also a disposition holder; and
 - (ii) how the compensation is to be calculated;
- (c) respecting the payment of compensation to the holder of a prior disposition and prescribing the circumstances in which a payment may be made.

Reservations re access to water, waterbeds and shores

2-10(1) If provincial land bordering on a lake, river, stream or other body of water is disposed of by the Crown, a public right of access is reserved with respect to that lake, river, stream or body of water that includes the right:

- (a) to pass on or beside the land on either side of the lake, river, stream or body of water as necessary for use; and
 - (b) to pass over all existing or necessary portage roads past any rapids or falls that connect the lake, river, stream or body of water.
- (2) Out of every disposition of provincial land, the land forming the bed and shore of any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other body of water is reserved to the Crown.
- (3) Subject to subsection (4), all land mentioned in subsection (2) may only be disposed of in accordance with *The Water Security Agency Act*.
- (4) Subsection (1) does not affect the right of the Crown:
- (a) to dispose of minerals pursuant to *The Mineral Resources Act* in, on or under lands forming the bed or shore of the water mentioned in subsection (1); or
 - (b) to grant pursuant to this Act or any other Act to any holder of a mineral claim the right to deposit tailings, slimes or other waste products of mining operations into any body of water, or on the lands forming the bed or shore of any body of water, lying within an area of land that has been set aside as a tailings disposal area.

Certain other reservations

2-11(1) Out of every disposition of provincial land extending to the boundary line between Canada and the United States of America there is reserved to the Crown a strip of land one chain in width measured from the boundary line.

- (2) Subject to subsection (3), no person shall erect any building or undertake any works on the reserved strip of land mentioned in subsection (1).
- (3) The Lieutenant Governor in Council may permit the occupation of or otherwise dispose of the reserved strip of land mentioned in subsection (1) or any part of it for the purposes of the construction of railways, waterways, wharves, bridges, canals, ditches or other works of a public character.
- (4) The Lieutenant Governor in Council may impose any terms and conditions on a permission or disposition made pursuant to subsection (3).

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- (5) Out of every disposition of provincial land, other than a sale or transfer, the prescribed rights are reserved to the Crown.
- (6) If a reservation is made in favour of the Crown out of a disposition of provincial lands pursuant to this or any other Act:
- (a) it is not necessary to set out that reservation in the disposition; and
 - (b) the disposition must be read and interpreted and has the same effect as if the reservation were expressly set out in the disposition.

DIVISION 3

Amendment, Cancellation or Termination of Dispositions

Amendment or cancellation of authorization, consent or disposition

2-12 Subject to section 8-4, if the minister is satisfied that any person has obtained an authorization, consent or disposition by misrepresenting or failing to disclose any material fact, the minister may:

- (a) amend or correct the authorization, consent or disposition; or
- (b) cancel the authorization, consent or disposition.

Defective dispositions

2-13(1) In this section, “**disposition**” means a disposition that is a sale or transfer.

- (2) The minister may act pursuant to subsection (3) if the minister is satisfied that:
- (a) at least one of the following circumstances exists:
 - (i) there is an omission in the terms or conditions of a disposition;
 - (ii) a disposition has been issued that:
 - (A) is in the name of the wrong person;
 - (B) contains an administrative error; or
 - (C) contains a defective description of the provincial land intended to be disposed of in the disposition; and
 - (b) there is no adverse claim.
- (3) In the circumstances described in subsection (2), the minister may, by order, cancel the defective disposition of provincial land and issue a new corrected disposition of provincial land.
- (4) The new corrected disposition of provincial land issued pursuant to subsection (3):
- (a) is deemed to have been issued on the date of the original defective disposition of provincial land; and
 - (b) has the same effect as if it had been issued on the date of the original defective disposition of provincial land.

No termination of disposition without consent of minister

2-14 No disposition holder shall terminate his or her disposition before the expiration of the term of the disposition without the consent of the minister.

Cancellation of disposition by minister for breach or indebtedness

2-15(1) In this section and section 2-17, “**interested person**” means a person who, with respect to provincial land that is the subject-matter of the proceedings mentioned in this section:

- (a) holds valid security that was obtained in accordance with section 2-26; or
 - (b) holds a valid sublease with respect to a disposition and that sublease was obtained in accordance with section 2-26.
- (2) Subject to section 8-4 and the regulations, the minister may cancel a disposition, other than a transfer:
- (a) if the disposition holder fails to comply with this Act, the regulations or any term or condition of the disposition; or
 - (b) if the disposition holder is indebted to the Crown.
- (3) In addition to the requirements set out in section 8-4, before cancelling a disposition, the minister shall give a written notice to all interested persons of the minister’s intention to cancel the disposition.
- (4) Notwithstanding subsection (3), an interested person who receives notice of the minister’s intended action is not entitled to make representations to the minister and the minister is not required to consider the interest of an interested person when deciding whether to cancel the disposition.
- (5) If the minister cancels a disposition, the minister shall, in addition to the requirements set out in section 8-4, specify the date of the cancellation.

Amendment of terms and conditions or withdrawal of land from or cancellation of disposition

2-16(1) In this section, “**amend a disposition**” means:

- (a) to amend the terms and conditions of a disposition;
 - (b) to add or withdraw an area of provincial land from a disposition; or
 - (c) to cancel a disposition.
- (2) Subject to subsection (3), section 8-4 and the regulations, if the minister is of the opinion that it is in the public interest to do so, the minister may amend a disposition, other than a sale or transfer, by giving 21 business days’ written notice of the proposed amendment to the disposition holder.
- (3) In addition to the requirements set out in section 8-4, the minister shall specify the date of the amendment of the disposition.
- (4) The Lieutenant Governor in Council may make regulations:
- (a) prescribing additional circumstances in which a disposition may be amended;
 - (b) prescribing whether any compensation is to be paid when the minister amends a disposition and, if compensation is to be paid, respecting:
 - (i) the manner in which the compensation is to be paid, including allowing for a reduction of rent or other charges in lieu of a payment of compensation if the person to be compensated is also a disposition holder; and
 - (ii) how the compensation is to be calculated;
 - (c) respecting the payment of compensation to the holder of a prior disposition and prescribing the circumstances in which a payment may be made.

Cancellation of lease or permit for non-payment of tax

2-17(1) The minister may cancel a lease or permit with respect to provincial land if the whole or any portion of the tax or charge levied pursuant to *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act, 2010* or *The Irrigation Act, 1996* against a lessee of, or holder of a permit with respect to, that provincial land is due and owing for more than the prescribed period after December 31 of the year in which the tax or charge was levied.

(2) The minister shall provide the lessee or holder of a permit, and any interested persons, with 21 business days' written notice of the cancellation.

(3) After the notice period mentioned in subsection (2) has elapsed, the minister may cancel the lease or permit unless the lessee or holder of the permit satisfies the minister that the tax or charge has been paid.

Encumbrances vacated on cancellation

2-18 On the cancellation of a disposition by the minister, the termination of a disposition by a disposition holder or the expiration of a disposition, all judgments, liens and other interests registered against the disposition holder's interest in the disposition are vacated and discharged with respect to the provincial land.

Liability continues

2-19 The cancellation of a disposition by the minister, or the termination of a disposition by a disposition holder, does not:

- (a) extinguish any debt or other obligation owing to the Crown by the disposition holder; or
- (b) relieve the disposition holder of any outstanding debt or other obligation owing to the Crown with respect to the disposition.

Payment of tax and grant in lieu by minister

2-20(1) If a lease of provincial land is cancelled pursuant to this Act, or the minister intends to cancel a lease of provincial land in accordance with this Act, and tax or a charge mentioned in subsection 2-17(1) is due and owing with respect to that land, the minister may:

- (a) pay the tax or charge on behalf of the person liable to pay it to the extent of arrears for two years; or
- (b) guarantee the payment of the tax or charge to the extent set out in clause (a).

(2) Any amount paid or guaranteed by the minister pursuant to subsection (1) is a debt owing to the Crown by the person mentioned in clause (1)(a), and Part V applies to the recovery of that debt.

(3) The minister may pay a grant in lieu of tax with respect to provincial land that is within a prescribed category if:

- (a) the provincial land is acquired by the minister by purchase or exchange;
- (b) the provincial land is vacant provincial land; and
- (c) the minister considers it appropriate to do so.

Summary proceedings for possession

2-21(1) In this section:

“respondent” means a person against whom an order for possession is sought or made pursuant to this section;

“sheriff” means a sheriff, a deputy sheriff or a sheriff’s bailiff appointed pursuant to section 3 of *The Court Officials Act, 2012*.

- (2) The minister may apply to the court for an order for possession if:
- (a) a person:
 - (i) is, in the opinion of the minister, wrongfully or without lawful authority using, possessing or occupying provincial land; or
 - (ii) remains on or in control of provincial land that is the subject of his or her former disposition after the cancellation, termination or expiration of that disposition; and
 - (b) the person mentioned in clause (a) refuses or neglects on service of a written demand to deliver up possession of the provincial land.
- (3) The application mentioned in subsection (2) must be made at the judicial centre nearest to where the provincial land or any portion of the provincial land is situated.
- (4) The court may issue an order for possession and make any order as to costs that the court considers appropriate if the court is satisfied that:
- (a) the respondent:
 - (i) wrongfully or without lawful authority used, possessed or occupied provincial land; or
 - (ii) remained on or in control of provincial land that is the subject of his or her former disposition after the cancellation, termination or expiration of that disposition;
 - (b) a written demand for possession mentioned in subsection (2) was served on the respondent; and
 - (c) the respondent refused to deliver up possession of the provincial land after being served with the written demand for possession mentioned in subsection (2).
- (5) An order for possession made pursuant to this section must:
- (a) direct the respondent to deliver up possession of the provincial land; and
 - (b) if the respondent does not deliver up possession, direct a sheriff to remove the respondent and any property of the respondent from the provincial land.
- (6) If a sheriff exercises any of the powers mentioned in clause (5)(b):
- (a) the respondent is responsible for the sheriff’s fees and for any storage costs incurred as a result of the exercise of those powers; and
 - (b) the minister may sell any or all of the property of the respondent removed pursuant to that clause and, if the minister sells any property, shall apply the net proceeds of the sale to the sheriff’s fees, storage costs and any indebtedness to the Crown.
- (7) The minister may pay to the sheriff any of the fees and costs mentioned in subsection (6).
- (8) Any amount paid by the minister pursuant to subsection (7) is a debt owing to the Crown by the respondent, and Part V applies to the recovery of that debt.
- (9) Nothing in this section prejudices or affects any other right, right of action or remedy available at law to the minister.

DIVISION 4
Improvements

Interpretation of Division and Division 5

2-22 In this Division and in Division 5, “**disposition**” does not include a disposition that is a sale or transfer.

Minister’s consent required re certain improvements

2-23(1) A disposition holder who intends to construct or alter an improvement on provincial land shall obtain the written consent of the minister before commencing the construction or alteration.

- (2) The Lieutenant Governor in Council may make regulations:
- (a) prescribing categories of improvements and prescribing the conditions on which they may be removed;
 - (b) authorizing the minister to purchase categories of improvements on provincial lands and authorizing the minister to establish the value of those improvements;
 - (c) prescribing how categories of improvements on provincial lands are to be dealt with after the cancellation, termination or expiration of a disposition.

Restoration of provincial land—removal of improvements or other property, etc.

2-24(1) In this section:

“**disposition**” includes a former disposition;

“**disposition holder**” includes a former disposition holder.

- (2) A disposition holder shall restore the provincial land that is the subject of his or her disposition to a condition satisfactory to the minister if the disposition holder:
- (a) removes or has removed improvements from the provincial land;
 - (b) removes or has removed other property from the provincial land; or
 - (c) alters or has altered the provincial land in a manner or to an extent not authorized by the disposition.
- (3) If the minister believes the disposition holder has not satisfactorily restored the provincial land, the minister may issue a written order to the disposition holder requiring the disposition holder to restore the provincial land in the manner and within the period set out in the order.
- (4) If a disposition holder fails to comply with subsection (3) within the period determined by the minister, the minister may have the provincial land restored.
- (5) Any expenses incurred by the minister pursuant to subsection (4) are a debt owing to the Crown by the disposition holder, and Part V applies to the recovery of that debt.

Forfeiture of improvements and abandoned property

2-25(1) In this section, “**abandoned property**” means:

- (a) any improvement or other property that has not been removed from provincial land after the expiration, termination or cancellation of a disposition; and
- (b) any property left on vacant provincial land.

(2) Subject to subsection (3), any abandoned property is, on the determination of the minister, forfeited to the Crown and, if the property is forfeited, the following interests are extinguished:

- (a) any interest of the former owner of the abandoned property or the former disposition holder with respect to that abandoned property;
- (b) any third party claiming an interest in that abandoned property.

(3) If the abandoned property is a prescribed improvement, the minister shall only make the determination pursuant to subsection (2):

- (a) after the prescribed process for dealing with the improvement has been satisfied; and
- (b) the improvement remains after the process mentioned in clause (a) has been concluded.

(4) Any abandoned property forfeited to the Crown in accordance with subsection (2) may:

- (a) be sold in a manner determined by the minister, and the proceeds of sale must be paid to the general revenue fund; or
- (b) if the minister believes the cost of removing the abandoned property will exceed the amount that may be recovered from a sale, be dealt with in any manner that the minister considers appropriate.

DIVISION 5

Security, Assignments and Subleases

Minister's consent required re granting security, assignments and subleases

2-26(1) Subject to subsections (2) and (3) and to the regulations:

- (a) security may be granted in a disposition with respect to provincial land with the prior written consent of the minister; and
- (b) a disposition with respect to provincial land may be assigned or subleased with the prior written consent of the minister.

(2) The minister may impose terms or conditions on a consent granted pursuant to this section, and no person who has been granted the consent shall fail to comply with those terms or conditions.

(3) Any assignment, sublease or security in a disposition with respect to provincial land that does not comply with this section is void.

PART III

Ecological Reserves

DIVISION 1

General Matters re Ecological Reserves

Ecological reserves designated

3-1 The Lieutenant Governor in Council may make regulations designating, as an ecological reserve, any provincial land that sustains or is associated with unique or representative parts of the natural environment, including any lands acquired pursuant to section 3-5.

Ecological reserves not to be transferred, assigned, etc.

3-2 Subject to the regulations, no ecological reserve, and no right, title, interest or estate in an ecological reserve, shall be granted, assigned or otherwise disposed of pursuant to any other Act or law.

Entry or activity re ecological reserves

3-3 The Lieutenant Governor in Council may make regulations:

- (a) prescribing the circumstances and conditions under which an ecological reserve may be entered, including requiring a permit issued by the minister;
- (b) respecting the criteria and fees for issuing permits and the content and categories of those permits;
- (c) respecting the activities that may be conducted on an ecological reserve;
- (d) prescribing the manner in which ecological reserves are to be posted.

Ecological Reserves Development Fund

3-4(1) The Ecological Reserves Development Fund established pursuant to *The Ecological Reserves Act* is continued.

(2) The fund consists of:

- (a) the assets of the fund as at the date on which this section comes into force;
- (b) all moneys appropriated by the Legislature for the purposes of the fund;
- (c) all earnings on investments of the fund;
- (d) all moneys donated, bequeathed or given to the fund; and
- (e) any other moneys that may be designated by the Lieutenant Governor in Council.

Use of fund

3-5 The minister may use moneys in the fund for the following purposes:

- (a) to acquire, by purchase, lease or otherwise, any land or any rights with respect to land that the minister considers to be suitable for an ecological reserve;
- (b) to acquire, by purchase, lease or otherwise, any equipment or materials, or to engage any services, that the minister considers necessary to restore or manage an ecological reserve;
- (c) to provide information, by way of promotional, educational or other activities, related to stimulating and encouraging public knowledge and awareness of ecological reserves;
- (d) to engage any services or to do any other things that the minister considers necessary to administer the fund.

Investments of fund

3-6(1) The minister may invest any moneys in the fund not presently required for the purposes of the fund in any class of investments authorized for the investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*.

(2) The minister may dispose of any securities in which any part of the fund has been invested pursuant to subsection (1), subject to the terms of the investment, in any manner and on any terms that the minister considers advisable.

Fiscal year

3-7 The fiscal year of the fund is the period commencing on April 1 of one year and ending on March 31 of the following year.

Audit

3-8 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and transactions of the fund:

- (a) annually; and
- (b) at any other times that the Lieutenant Governor in Council may require.

Annual report

3-9(1) In each fiscal year, the minister shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the Lieutenant Governor in Council:

- (a) a report on the activities of the fund for the preceding fiscal year; and
- (b) a financial statement showing the business of the fund for the preceding fiscal year in any form that Treasury Board may require.

(2) The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each report and statement mentioned in subsection (1).

Part and regulations prevail

3-10 The provisions of this Part and the regulations made pursuant to this Part or clauses 9-1(n) to (q) prevail if there is a conflict between:

- (a) the provisions of this Part and the regulations made pursuant to this Part or clauses 9-1(n) to (q); and
- (b) any other provisions of this Act or the provisions of any other Act or regulations.

DIVISION 2

Great Sand Hills Representative Area**Great Sand Hills Representative Area designated**

3-11 The Great Sand Hills Representative Area described in the Appendix is designated as an ecological reserve.

Restrictions on activities

3-12(1) No person shall enter or conduct an activity in the Great Sand Hills Representative Area unless the entry or activity is authorized pursuant to subsection (2) or (3) or by a permit issued pursuant to subsection (4).

(2) A person may enter and conduct the following activities in the Great Sand Hills Representative Area if those activities are otherwise authorized by law:

- (a) trapping;
- (b) hunting;
- (c) angling;
- (d) mushroom picking;
- (e) berry picking;

- (f) walking, hiking, backpacking and nature observation and appreciation;
 - (g) using snowmobiles and all terrain vehicles, if those activities take place on trails that existed before February 3, 2005;
 - (h) using the land pursuant to and in accordance with a lease, permit or easement agreement issued before February 3, 2005 or renewed after that date;
 - (i) backcountry camping;
 - (j) horseback riding.
- (3) No person entering the Great Sand Hills Representative Area for any purpose mentioned in subsection (2) shall:
- (a) unless authorized in accordance with a lease, permit or easement agreement issued before February 3, 2005 or renewed after that date, introduce into the Great Sand Hills Representative Area any plant or animal species; or
 - (b) leave in the Great Sand Hills Representative Area any articles or materials taken into the representative area by that person.
- (4) A person who wishes to enter the Great Sand Hills Representative Area and conduct any of the following activities shall obtain a permit authorizing that entrance and those activities from the minister:
- (a) access trail development;
 - (b) research studies for the purpose of measuring and monitoring environmental change and ecological health in the Great Sand Hills Representative Area.

PART IV

Inspections, Investigations and Enforcement

DIVISION 1

Officers

Appointment of officers

4-1(1) The minister may appoint any persons or category of persons as officers for the purpose of ensuring compliance with, or enforcing or overseeing the enforcement of:

- (a) this Act;
- (b) the regulations made pursuant to this Act; or
- (c) the terms and conditions of any disposition granted pursuant to this Act.

(2) The minister may impose any term or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

Officers may be accompanied

4-2 In carrying out an officer's duties, the officer may:

- (a) be accompanied by any person or persons who, in the opinion of the officer, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter being investigated, may be of assistance to the officer in carrying out the officer's duties; and
- (b) enter on land with any machinery, equipment or materials that the officer considers necessary to carry out the purposes of the entry.

DIVISION 2

Inspections, Investigations and Enforcement**Interpretation of Division**

4-3 In this Division:

“property” includes computer software;

“record” includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media.

Inspections

4-4(1) Subject to subsection 4-5(4), for any purpose relating to the administration of this Act or the regulations, an officer may do all or any of the following:

- (a) enter at any reasonable time and inspect any provincial land, including provincial land with respect to which a disposition has been issued pursuant to this Act;
 - (b) enter and inspect any building or other improvement on provincial land;
 - (c) enter at any reasonable time premises containing any records or property required to be kept pursuant to this Act, the regulations or any disposition or related to the administration of this Act and inspect those records or that property;
 - (d) require a disposition holder or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director, officer or employee of the owner, disposition holder or person to:
 - (i) answer any questions that may be relevant to the inspection; and
 - (ii) provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
 - (e) for the purposes of clause (d), require any person mentioned in that clause to attend at a place and time set by the officer;
 - (f) in order to produce information, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used in connection with the business or activities of any person mentioned in clause (d);
 - (g) remove for examination and copying anything that may be relevant to the inspection, including removing any computer hardware or software or any other data storage, processing or retrieval device or system in order to produce information.
- (2) An officer may serve a written demand on any person requiring that person to produce, within a period specified in the written demand, any records or property:
- (a) required to be kept pursuant to this Act, the regulations or any disposition; or
 - (b) related to the administration of this Act.
- (3) Without limiting the generality of subsection (2), an officer may require a disposition holder, with respect to the provincial land that is the subject of the disposition, or a person in possession of provincial land, with respect to that provincial land, to provide, within a period specified by the officer in a written demand, any of the following:
- (a) a picture of the land or any building or other improvement located on that land;
 - (b) a physical sample of the land or any substance located on that land.

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- (4) No person on whom a written demand is served pursuant to this section shall fail to produce the records or property mentioned in the written demand within the period specified in the written demand.
- (5) If an officer demands any records or property pursuant to this section, that officer:
- (a) may examine the records or property and make copies of the records as soon as is reasonably possible; and
 - (b) shall promptly return the originals of the records to the person who produced them.
- (6) If an officer requires a person to answer questions, to produce a record or other property or to provide assistance in accordance with this section, the person shall do so in the manner and within the period specified by that officer.
- (7) An officer shall:
- (a) give a receipt for anything that the officer removes for examination and copying;
 - (b) promptly return anything removed pursuant to this section to the place from which it was removed or any other place agreed to by the officer and the person who provided it; and
 - (c) take all reasonable steps to ensure that, if a record is removed, a copy of the record is left at the premises to allow business to be carried on.

Investigations

- 4-5(1)** If a justice or a provincial court judge is satisfied by information under oath or affirmation that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:
- (a) enter and search any place or premises specified in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.
- (2) With a warrant issued pursuant to subsection (1), an officer may:
- (a) enter at any time and search any place or premises specified in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the officer finds in the place, premises or vehicle;
 - (d) require the production of and examine any records or property that the officer believes, on reasonable grounds, may contain information related to an offence against this Act;
 - (e) remove, for the purpose of making copies, any records examined pursuant to this section; and
 - (f) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.

(3) Subject to subsection (4), an officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.

(4) An officer shall not enter any premises that are a private dwelling without a warrant issued pursuant to this section unless the occupant consents.

DIVISION 3

Enforcement Orders

Damage prevention and repair order

4-6(1) An officer may make an order requiring any person to stop any activity on provincial land if the officer believes, on reasonable grounds, that the person has done or is doing anything to alter provincial land in a manner contrary to this Act, the regulations or the terms and conditions of a disposition.

(2) The officer's order remains in effect for seven days or any shorter period designated by the officer.

(3) The officer may rescind an order made pursuant to subsection (1) before the period set for its expiration if the person to whom the order is directed has done all of the following to the officer's satisfaction:

- (a) stopped doing any activity mentioned in subsection (1);
- (b) prevented further damage from occurring as a result of an activity mentioned in subsection (1).

(4) An officer is not required to grant any person a hearing or an opportunity to make representations before making an order pursuant to this section.

(5) An order made pursuant to this section must be served on the person to whom it is directed.

Minister's order

4-7(1) The minister may issue an order pursuant to subsection (2) if the minister is satisfied that it is in the public interest to do so and that any of the following circumstances exists:

- (a) a person is not complying with this Act, the regulations, an order made pursuant to this Act or the terms and conditions of a disposition;
- (b) a person's activities or failure or neglect to undertake any activities will result in that person not complying with this Act, the regulations, an order made pursuant to this Act or the terms and conditions of a disposition.

(2) Subject to section 8-4, in any of the circumstances mentioned in subsection (1), the minister may make an order requiring a person to do all or any of the following:

- (a) to cease or suspend the doing of an act or cease failing or neglecting to do an act;
- (b) to comply with this Act, the regulations or the terms and conditions of a disposition;
- (c) to do or refrain from doing any other thing that the minister considers necessary.

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- (3) In an order made pursuant to subsection (2), the minister may require a person who is the subject of the order to do all or any of the following:
- (a) to lessen or prevent further damage to provincial land specified in the order;
 - (b) to remedy the damage to provincial land specified in the order;
 - (c) to restore the provincial land specified in the order to a condition satisfactory to the minister;
 - (d) to maintain records on any matter relevant to the measures specified in the order;
 - (e) to report periodically to the minister with respect to the measures specified in the order;
 - (f) to cease or suspend any activity for a period specified in the order or permanently;
 - (g) to comply with this Act, the regulations or the terms and conditions of a disposition;
 - (h) to take any measure, in addition to or other than one described in clauses (a) to (h), that the minister considers necessary to:
 - (i) facilitate compliance with the minister's order; or
 - (ii) protect or restore provincial land specified in the order.
- (4) The minister's order may specify:
- (a) the method or procedures to be used in carrying out the measures required by the order and the manner in which those methods or procedures are to be carried out; and
 - (b) the period within which any measure required by the order is to be commenced and the period within which the order or any portion of the order is to be complied with.
- (5) The minister may:
- (a) do all or any of the things mentioned in an order made pursuant to subsection (2) if the person to whom the order is directed fails to comply with the order:
 - (i) within the period specified in the order; or
 - (ii) if no period is specified in the order, within a reasonable period after the order was issued; and
 - (b) recover the costs and expenses incurred pursuant to clause (a) as a debt owing to the Crown from the person who failed to comply with the order.
- (6) Any costs and expenses incurred pursuant to clause (5)(a) are a debt owing to the Crown by the person to whom the order is directed, and Part V applies to the recovery of that debt.

Amendment, alteration or replacement of order

4-8 Subject to section 8-4, the minister may amend, alter or replace a minister's order made pursuant to section 4-7, in whole or in part, if:

- (a) the person to whom the minister's order is issued fails to comply with the terms of the order; or
- (b) the minister considers it appropriate to do so.

Minister may apply for compliance order

- 4-9(1)** The minister may apply to a judge of the court for all or any of the following:
- (a) an order compelling a person to comply with this Act, the regulations, a minister's order made pursuant to this Act or the terms and conditions of a disposition;
 - (b) an order enjoining any person from proceeding contrary to this Act, the regulations, a minister's order made pursuant to this Act or the terms and conditions of a disposition.
- (2) On an application pursuant to this section, the judge of the court may:
- (a) make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate; or
 - (b) dismiss the application.
- (3) The minister may apply for an order pursuant to this section whether or not an officer's order or a minister's order pursuant to this Act has been made with respect to the matter.
- (4) The minister or any person against whom an order pursuant to this section is made may appeal the order to a judge of the Court of Appeal at any time within 21 business days after the date of the order.

PART V**Recovery of Debt Owing to the Crown****Recovery of debt owing to the Crown**

- 5-1(1)** Subject to section 8-4, if there is any debt owing to the Crown by any person pursuant to this Act, the regulations or the terms and conditions of a disposition, the minister may:
- (a) certify the amount of the debt, and any penalty or interest owing respecting that amount, in a certificate; and
 - (b) file that certificate at any judicial centre with the local registrar of the court.
- (2) A certificate filed pursuant to subsection (1):
- (a) is to be served, within 21 business days after filing, on the person who is the subject of the certificate; and
 - (b) has the same force and effect as if it were a judgment obtained against the person in the court for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges respecting its filing.
- (3) The failure to serve the certificate within 21 business days does not affect the validity of the certificate.

Process for recovering debts is additional to other means

- 5-2** The process for the recovery of a debt owing to the Crown set out in section 5-1:
- (a) is in addition to any other means by which a debt may be recovered by the Minister of Finance in any manner authorized by *The Financial Administration Act, 1993* or by any other means authorized by law; and
 - (b) does not affect any other right that the minister may otherwise exercise, including the right of the minister to terminate the disposition that forms the basis of the debt.

PART VI

Appeals

Appeals to court

6-1(1) Any person who is directly affected by a decision or order of the minister pursuant to section 4-7 or 7-4 may appeal the decision or order to the court on a question of law only.

(2) An appeal pursuant to subsection (1) must be made within 21 business days after the date on which the decision or order of the minister is served on the person.

(3) A person making an appeal pursuant to this section shall serve a notice of appeal on the minister and any other person that the court may order.

(4) On receipt of a notice of appeal pursuant to subsection (3), the minister shall file with the court true copies of:

- (a) all documents and materials that were before the minister when the minister made his or her decision or order;
- (b) the minister's decision or order;
- (c) the minister's written reasons for the decision or order; and
- (d) any other material that the court may require.

Decision by court

6-2 On hearing an appeal pursuant to section 6-1, the court may:

- (a) dismiss the appeal;
- (b) allow the appeal;
- (c) allow the appeal subject to terms and conditions;
- (d) vary the decision or order of the minister;
- (e) refer the matter back to the minister for:
 - (i) further consideration; and
 - (ii) a decision or order; or
- (f) make any other order that the court considers appropriate.

Application for stay

6-3 The commencement of an appeal pursuant to section 6-1 does not stay the effect of the decision or order being appealed, unless a judge of the court orders otherwise.

PART VII

Offences and Penalties

Offences

7-1(1) No person shall:

- (a) make a false or misleading statement or provide false or misleading information to the minister, an officer or any person acting on the behalf of the minister;
- (b) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, an officer or any person acting on behalf of the minister;

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- (c) obstruct or interfere with an officer carrying out the officer's duties pursuant to this Act;
 - (d) fail to comply with any order made pursuant to this Act;
 - (e) abandon property on provincial land;
 - (f) make any alteration to provincial land without a disposition, authorization or a minister's written consent;
 - (g) subject to subsection (2), remove property belonging to the Crown from provincial land:
 - (i) without a disposition or authorization or a minister's written consent pursuant to this Act or another Act; or
 - (ii) in a manner that is contrary to any prescribed terms or conditions or to any terms or conditions prescribed in regulations made pursuant to another Act;
 - (h) enter or conduct an activity on an ecological reserve contrary to this Act, the regulations or a permit issued pursuant to the regulations; or
 - (i) fail to comply with any provision of this Act or the regulations.
- (2) Clause (1)(g) does not apply to property that can be removed without a disposition or authorization or a minister's written consent or that can be removed in accordance with prescribed conditions.
- (3) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction:
- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not more than \$100,000; and
 - (ii) in the case of a corporation, to a fine of not more than \$500,000; and
 - (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not more than \$100,000 for each day or part of a day during which the offence continues; and
 - (ii) in the case of a corporation, to a fine of not more than \$500,000 for each day or part of a day during which the offence continues.
- (4) If a corporation commits an offence pursuant to this Act, any director, officer or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

Vicarious liability

7-2 In any prosecution of a person for an offence pursuant to this Act, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper, contractor or agent of the person, whether or not the employee, helper, contractor or agent:

- (a) is identified; or
- (b) has been prosecuted or convicted for the offence.

Limitation on prosecution

7-3 No prosecution for a contravention of this Act or the regulations is to be commenced more than three years after the facts on which the alleged contravention is based first came to the knowledge of the minister.

Administrative penalty

7-4(1) The minister may assess a penalty in the prescribed amount against any person for prescribed contraventions of this Act or the regulations or prescribed terms and conditions of a disposition.

- (2) Before assessing a penalty, the minister shall provide notice to the person:
 - (a) setting out the facts and circumstances that, in the minister's opinion, render the person liable to a penalty;
 - (b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and
 - (c) informing the person of the person's right to make representations to the minister.
- (3) No penalty is to be assessed by the minister more than three years after the act or omission that renders the person liable to a penalty first came to the knowledge of the minister.
- (4) A person to whom notice is sent pursuant to subsection (2) may make representations to the minister respecting whether or not a penalty should be assessed and the amount of any penalty.
- (5) Representations pursuant to subsection (4) must be made within 30 days after the person received the notice pursuant to subsection (2).
- (6) After considering any representations or if the period for making representations has expired and no representations have been made, the minister may:
 - (a) assess a penalty and set a date by which the penalty is to be paid in full; or
 - (b) determine that no penalty should be assessed.
- (7) The minister shall serve a copy of his or her decision pursuant to subsection (6) on the person who made the representations.
- (8) The minister may file in the court a certificate signed by the minister and setting out:
 - (a) the amount of the penalty assessed pursuant to subsection (6); and
 - (b) the person from whom the penalty is to be recovered.
- (9) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the court for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.
- (10) The minister may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.

PART VIII**General****Interest**

8-1(1) Subject to subsection (2), interest at the prescribed rate accrues on and is payable with respect to moneys owing or payable to the Crown with respect to a disposition of provincial land pursuant to this Act or with respect to a liability created by this Act.

(2) If a disposition specifies a rate of interest with respect to moneys owing or payable to the Crown, interest accrues and is to be paid at the specified rate.

(3) Interest accruing pursuant to subsection (1) or (2) is to be calculated in the prescribed manner and paid at the prescribed time.

Application of payment

8-2 If a payment is received by the Crown with respect to a disposition of provincial land, the amount of the payment is to be applied to the credit of the person on whose behalf the payment was made in the manner determined by the minister.

Fees

8-3 The prescribed fees are payable with respect to services provided by the minister or the ministry in connection with the administration of provincial land.

Opportunity to be heard

8-4(1) Subject to subsection 2-15(4), before the minister takes any action pursuant to section 2-12, 2-15 or 2-16, subsection 2-24(3) or section 4-7, 4-8 or 5-1, the minister shall provide the person affected with:

(a) written notice of the minister's intended action and the reasons for that intended action; and

(b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken.

(2) The minister is not required to give an oral hearing to any person to whom a notice has been provided pursuant to subsection (1).

(3) After considering the representations mentioned in subsection (1), the minister shall issue a written decision and shall serve a copy of the decision on the person.

(4) Notwithstanding subsection (1), if the minister considers that it is necessary to protect the public interest, the minister may immediately take any action described in the provisions mentioned in subsection (1) without giving the person an opportunity to be heard, but the minister shall give the person an opportunity to be heard within 20 business days after the date on which the minister takes the action.

Immunity

8-5 No action or other proceeding lies or shall be commenced against the minister, the ministry, any employee of the ministry, any officer, any person lawfully accompanying an officer, the Crown or officers and employees of the Crown for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any function or responsibility imposed by this Act or the regulations.

Limitation of actions

8-6 For the purpose of applying *The Limitations Act* to an action or other proceeding against the Crown, the minister, the Attorney General or any officers or employees of the Crown claiming any relief with respect to the cancellation of a disposition, the day on which the act or omission on which the claim is based took place is the date of the notice of intention to cancel the disposition given by the minister.

Service

8-7(1) Any notice or other document that is required to be served pursuant to this Act, the regulations or any disposition may be served:

- (a) by personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director of the corporation;
 - (b) by ordinary or registered mail addressed to the last address of the person to be served known to the minister;
 - (c) by any method set out in *The Queen's Bench Rules* for the service of documents;
 - (d) by delivering a copy to the person's lawyer if the lawyer accepts service by endorsing his or her name on a true copy of the document or notice indicating that he or she is the lawyer for that person;
 - (e) in the case of a notice to the public, or to persons who are too numerous to be served individually, by publishing the notice in any manner that the minister may direct; or
 - (f) by any other prescribed means.
- (2) A notice or document sent by ordinary or registered mail is deemed to have been served on the fifth business day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of his or her own, the person did not receive the notice or document or received it at a later date.
- (3) A notice or document sent by a prescribed means is deemed to have been received on the prescribed number of business days from the date on which the notice or document was sent.
- (4) If the minister is unable to effect service by the methods set out in subsection (1) after making reasonable efforts to do so, the minister may serve a document or notice by publishing it in a newspaper of general circulation in the area in which the person was last known to reside.
- (5) Any person who is required to serve a document or notice pursuant to this Act or the regulations may apply, without notice, to the court for an order for substituted service or for an order dispensing with service.
- (6) On an application pursuant to subsection (5), a judge may make an order for substituted service by any means that the judge considers appropriate or an order dispensing with service if the judge is satisfied that:
- (a) prompt service of the document or notice cannot be effected;
 - (b) the whereabouts of the person to be served cannot be determined; or
 - (c) the person to be served is evading service.

PART IX**Regulations****Regulations**

9-1 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;

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- (b) prescribing parcels of land or categories of land vested in the Crown to which this Act applies;
 - (c) respecting the granting of any disposition for any provincial land, including leasing provincial land, but not including the sale or transfer of provincial land;
 - (d) prescribing the conditions that a plan respecting the long-term use of provincial land must satisfy;
 - (e) for the purposes of clause 2-1(2)(d), respecting the procedures to be followed in holding or conducting a public hearing or inquiry;
 - (f) for the purposes of section 2-2, respecting the administration of provincial land;
 - (g) respecting the sale or transfer of provincial land, including:
 - (i) prescribing categories of provincial land that may be sold or transferred, including authorizing the minister in the prescribed circumstances to select the provincial land to be sold or transferred;
 - (ii) prescribing requirements that a person must meet to be eligible to purchase the provincial land, including authorizing the minister to set additional requirements;
 - (iii) respecting the manner of calculating the amount to be paid for the provincial land, including authorizing the minister to determine the manner in which the amount may be calculated; and
 - (iv) prescribing the terms and conditions to which the provincial land being sold or transferred is subject, including authorizing the minister to impose additional terms and conditions;
 - (h) respecting dispositions that may be issued by the minister pursuant to section 2-6, including:
 - (i) prescribing categories of provincial land that may be granted by disposition;
 - (ii) prescribing requirements that a person must meet to be eligible for a particular disposition respecting provincial land, including authorizing the minister to set additional requirements;
 - (iii) authorizing the minister to establish policies that apply to the selection of disposition holders and requiring the minister to comply with those policies in the selection of disposition holders;
 - (iv) respecting the manner of calculating the rent or other charges to be paid for each category of disposition with respect to provincial land, including authorizing the minister to determine the manner in which the rent or other charges may be calculated; and
 - (v) prescribing the terms and conditions for each category of disposition;
 - (i) prescribing any other requirements that a person who intends to obtain a disposition pursuant to section 2-6 must comply with and prescribing any other criteria that must be satisfied by that person;
 - (j) authorizing the minister to require records satisfactory to the minister respecting sand and gravel leases to be provided by a disposition holder, and, in the absence of those records being provided, authorizing the minister to determine the fee or charge for the removal of sand or gravel by the disposition holder based on an amount of sand or gravel estimated by the minister to have been removed;

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- (k) respecting any other requirements for a disposition, including:
 - (i) setting a maximum term for any category of disposition;
 - (ii) reducing rent or other charges in the prescribed circumstances;
 - (iii) authorizing the minister to consent to the breaking of land;
 - (iv) allowing for additional types of permits and establishing fees for each type of permit;
 - (v) setting fees for easements and authorizing the granting of easements not provided for in this Act;
 - (vi) authorizing a payment to an agricultural lessee of a portion of the fee received from the holder of an easement;
 - (vii) requiring the removal of any pipes, poles, wires, anchors, access holes and other fixtures related to a terminated easement;
 - (viii) authorizing the granting of a licence or other disposition for a prescribed purpose or a purpose acceptable to the minister and establishing a fee for that disposition;
 - (l) prescribing categories of provincial land with respect to which the minister may pay a grant in lieu of taxes in accordance with section 2-20;
 - (m) for the purposes of section 2-26, imposing terms or conditions on a security agreement, or category of security agreement, that purports to grant a security interest in a disposition with respect to provincial land;
 - (n) establishing an ecological reserve or enlarging any ecological reserve;
 - (o) prescribing the circumstances and terms and conditions under which an ecological reserve may be entered and the activities that may be conducted on an ecological reserve, including prescribing activities that may not be conducted on an ecological reserve;
 - (p) respecting administrative penalties, including:
 - (i) prescribing the contraventions of this Act or the regulations or breaches of a term or condition of a disposition for which a penalty may be assessed; and
 - (ii) prescribing the amount of an administrative penalty and, for that purpose, may prescribe different amounts for different contraventions or breaches;
 - (q) for the purposes of section 8-1:
 - (i) prescribing the rate of interest payable with respect to moneys owing or payable to the Crown;
 - (ii) prescribing the manner in which interest accruing pursuant to subsections 8-1(1) and (2) is to be calculated; and
 - (iii) prescribing the time at which the interest mentioned in that section must be paid;
 - (r) respecting fees for services provided in connection with the administration of provincial land or for services provided to disposition holders;
 - (s) respecting the service of documents;

- (t) with respect to any matter governed by this Act:
 - (i) adopting, as amended from time to time or otherwise, all or any part of any code, standard or guideline;
 - (ii) amending for the purposes of this Act or the regulations any code, standard or guideline adopted pursuant to subclause (i);
 - (iii) requiring compliance with a code, standard or guideline adopted pursuant to subclause (i);
- (u) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (v) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART X

Repeal and Transitional

S.S. 1979-80, c.E-0.01 repealed

10-1 *The Ecological Reserves Act* is repealed.

S.S. 1982-83, c.L-2.1

10-2(1) *The Land Bank Repeal and Temporary Provisions Act* is repealed.

(2) Notwithstanding the repeal of *The Land Bank Repeal and Temporary Provisions Act*, sections 6 and 7 of that Act, as those sections existed on the day before the repeal, continue to apply to lands that were vested in the Crown pursuant to that Act.

R.S.S. 1978, c.P-31 repealed

10-3 *The Provincial Lands Act* is repealed.

Dispositions

10-4(1) Any disposition granted pursuant to *The Provincial Lands Act* that is in effect on the day on which section 1-1 of this Act comes into force is deemed to have been granted pursuant to this Act and may be dealt with pursuant to this Act.

(2) If there is any conflict between a provision of this Act or the regulations and a term or condition of a disposition mentioned in subsection (1), the provision of this Act or the regulations prevails.

(3) Without restricting the generality of subsection (2), rent or other charges payable pursuant to a disposition mentioned in subsection (1) are to be calculated in accordance with the regulations and not in accordance with any term or condition in the disposition.

Ecological reserves continued

10-5 Subject to Division 2 of Part III, Crown land designated as an ecological reserve in accordance with *The Ecological Reserves Act* on the day before section 1-1 of this Act comes into force is continued as an ecological reserve and:

- (a) may be dealt with as if it were designated as an ecological reserve pursuant to this Act; and
- (b) any conditions or restrictions placed on the activities that may be conducted on the ecological reserve are deemed to have been made in accordance with this Act.

Appeal board

10-6(1) In this section, “**appeal board**” means the Appeal Board appointed pursuant to section 80.1 of *The Provincial Lands Act*, as that section existed on the day before the coming into force of this Act.

(2) If, before the coming into force of this Act, a person appealed to the appeal board pursuant to sections 80.1 to 80.8 of *The Provincial Lands Act*, as those sections existed on the day before the coming into force of this Act, and that appeal has not been concluded:

(a) that appeal is to be continued in accordance with the provisions of *The Provincial Lands Act*, as that Act existed on the day before the coming into force of this Act;

(b) all persons who were conducting the appeal may continue to conduct the appeal in accordance with, and may exercise the powers and shall fulfil the duties prescribed by, *The Provincial Lands Act*, as that Act existed on the day before the coming into force of this Act; and

(c) *The Provincial Lands Act*, as that Act existed on the day before the coming into force of this Act, continues to apply to an appeal conducted pursuant to this section.

Transitional—integrated forest land use plan

10-7 Any integrated forest land use plan that came into effect pursuant to subsection 15(2) of *The Forest Resources Management Act*, as that Act existed before the coming into force of section 11-4, is continued and is to be dealt with pursuant to this Act as if it were a land use plan prepared pursuant to this Act.

Regulations—transitional matters

10-8(1) In this section, “**former Act**” means *The Provincial Lands Act* as that Act existed on the day before the coming into force of this section.

(2) The Lieutenant Governor in Council may make regulations respecting any matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the transition from the former Act to this Act, including:

(a) suspending the application of any provision of this Act; and

(b) declaring that provisions of the former Act are to apply to persons or any category of persons and respecting the conditions on which provisions of the former Act are to apply.

(3) If there is any conflict between the regulations made pursuant to subsection (2) and any other provision of this Act or any other Act or law, the regulations made pursuant to this section prevail.

PART XI

Consequential Amendments

DIVISION 1

The Forest Resources Management Act**S.S. 1996, c.F-19.1 amended**

11-1 *The Forest Resources Management Act* is amended in the manner set out in this Division.

Section 2 amended

11-2 Clauses 2(1)(n) and (v.2) are repealed.

Section 7 amended

11-3 Clause 7(1)(j) is amended by striking out “an integrated forest land use plan,” and substituting “a”.

Sections 13 to 16 repealed

11-4 The heading preceding section 13 is struck out and sections 13 to 16 are repealed.

Section 17 amended

11-5 Clause 17(7)(a) is repealed and the following substituted:

“(a) the Minister of Agriculture from issuing or continuing with dispositions pursuant to *The Provincial Lands Act, 2016* on forest lands administered by the Ministry of Agriculture”.

Section 39 amended

11-6 Clause 39(1)(b) is repealed.

Section 46 amended

11-7 Clause 46(1)(b) is repealed.

Section 49.2 amended

11-8 Clause 49.2(1)(c) is repealed.

Section 99 amended

11-9 Clauses 99(1)(c), (e) and (u) are repealed.

DIVISION 2

The Land Titles Act, 2000

S.S. 2000, c.L-5.1, section 75 amended

11-10 Subsection 75(1) of *The Land Titles Act, 2000* is amended:

(a) in clause (b) by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”; and

(b) in clause (c) by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

DIVISION 3

The Natural Resources Act

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

11-11 *The Natural Resources Act* is amended in the manner set out in this Division.

Section 2 amended

11-12 Subclause 2(d)(v) is repealed and the following substituted:

“(v) ecological reserves as defined in *The Provincial Lands Act, 2016*”.

Section 14.1 amended

11-13 Clause 14.1(1)(b) is amended:

(a) in subclause (i) by striking out “*The Ecological Reserves Act*” and substituting “*The Provincial Lands Act, 2016*”; and

(b) by repealing subclause (iv) and substituting the following:

“(iv) provincial land as defined in *The Provincial Lands Act, 2016*”.

Section 20 amended

11-14(1) Subsection 20(7) is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

(2) Subsection 20(8) is repealed and the following substituted:

“(8) If all or any portion of any lands acquired pursuant to clause (6)(a) are not required for fish or wildlife related purposes, the minister may dispose of the lands or any interest in the lands by transfer, sale, lease, permit, easement, licence or other disposition in accordance with *The Provincial Lands Act, 2016*”.

(3) Subsection 20(10) is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

DIVISION 4

The Northern Municipalities Act, 2010

S.S. 2010, c.N-5.2, section 356 amended

11-15 Subsection 356(1) of *The Northern Municipalities Act, 2010* is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

DIVISION 5

The Parks Act

S.S. 1986, c.P-1.1, section 10 amended

11-16 Clause 10(a) of *The Parks Act* is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

DIVISION 6

The Pastures Act

S.S. 1998, c.P-4.1 amended

11-17 *The Pastures Act* is amended in the manner set out in this Division.

Section 2 amended

11-18 Clause 2(i) is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

Section 7 amended

11-19(1) Clause 7(4)(a) is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

(2) Subsection 7(9) is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

Section 14 amended

11-20 Clause 14(i) is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

DIVISION 7

The Planning and Development Act, 2007

S.S. 2007, c.P-13.2, section 202 amended

11-21 Subsection 202(3) of *The Planning and Development Act, 2007* is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

DIVISION 8

The Surface Rights Acquisition and Compensation Act

R.S.S. 1978, c.S-65, section 5 amended

11-22 Section 5 of *The Surface Rights Acquisition and Compensation Act* is amended by striking out “*The Provincial Lands Act*” and substituting “*The Provincial Lands Act, 2016*”.

DIVISION 9

The Water Security Agency Act

S.S. 2005, c.W-8.1 amended

11-23 *The Water Security Agency Act* is amended in the manner set out in this Division.

New sections 38.1 and 38.2

11-24 The following sections are added after section 38:

“Reservation of water power

38.1(1) Out of every disposition of provincial land the following are reserved to the Crown:

- (a) the property in, the right to, and the right to the use of all water power;
- (b) the lands on or within which there is water power;
- (c) the lands required for the protection of any water power or for the purposes of any undertaking for the use and development of water power.

(2) All water power and lands mentioned in subsection (1) may only be disposed of in accordance with *The Water Power Act* and the regulations made pursuant to that Act.

“Reservation of water in rivers, lakes, springs, etc.

38.2(1) Out of every disposition of provincial land the property in, the right to, and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other body of water, or contained or flowing into it are reserved to the Crown.

(2) Subject to subsection (3), all water mentioned in subsection (1) may only be disposed of in accordance with this Act and the regulations”.

Section 39 amended

11-25 Clause 39(2)(b) is amended by striking out “a grant made pursuant to either or both of *The Provincial Lands Act*” **and substituting** “a grant or disposition made pursuant to either or both of *The Provincial Lands Act, 2016*”.

PART XII

Coming into Force

Coming into force

12-1 This Act comes into force on proclamation.

Appendix

Great Sand Hills Representative Area

[Section 3-11]

Great Sand Hills Representative Area

The Great Sand Hills Representative Area consists of all those lands lying west of the Third Meridian within Saskatchewan described as:

- (a) Sections 29 to 32, Township 17, Range 22;
- (b) Sections 25 to 28 and Sections 32 to 36, all in Township 17, Range 23;
- (c) Sections 5 to 8 and Sections 17 to 20, all in Township 18, Range 22;
- (d) Sections 1 to 6, Sections 11 to 14 and Sections 19 to 35, all in Township 18, Range 23;
- (e) Sections 23 to 28, the north half and south-east quarter of Section 33, and Sections 34 to 36, all in Township 18, Range 24;
- (f) Sections 1 to 11, Sections 16 to 21 and Sections 28 to 36, all in Township 19, Range 23;
- (g) Section 1, the east half of Section 2, Sections 11 to 15, Sections 22 to 25 and Section 36, all in Township 19, Range 24;
- (h) Sections 15 to 19, the south half and north-west quarter of Section 20, the north half and south-west quarter of Section 27, Sections 28 to 33, and the north half of Section 34, all in Township 20, Range 22;
- (i) Sections 1 to 11, the north half of Section 12, Sections 13 and 14, the east half and south-west quarter of Section 15, the south half of Section 16, the south half of Section 17, the south half of Section 18, the east half of Section 22, Sections 23 to 26, the east half of Section 27, and Sections 35 and 36, all in Township 20, Range 23;
- (j) the north half of Section 8, the south-west quarter and north half of Section 9, the south half and north-west quarter of Section 16, and Sections 17 to 20, all in Township 20, Range 24;
- (k) Sections 3 and 4 and the south-east quarter of Section 5, all in Township 21, Range 22; and
- (l) Sections 1 and 2, Township 21, Range 23.

FIRST SESSION

Twenty-eighth Legislature

SASKATCHEWAN

B I L L

No. 34

An Act respecting Provincial Lands, repealing certain
Acts and making consequential amendments to
certain Acts

Received and read the

First time

Second time

Third time

And passed

Honourable Lyle Stewart
