

1998

CHAPTER P-4.1

An Act respecting the Operation of Pastures and making consequential amendments to *The Department of Agriculture Act*

Table of Contents

1	Short title	10	Annual report
2	Interpretation	11	Lien on animals
3	Program established	12	Delegation
4	Purposes of Program	13	Immunity
5	Minister responsible	14	Regulations
6	Powers of minister	15	R.S.S 1978, c.D-8 amended
7	Pastures Revolving Fund	16	R.S.S. 1978, c.A-9 repealed
8	Fiscal year	17	Transitional
9	Audit	18	Coming into force

(Assented to June 11, 1998)

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

Short title

1 This Act may be cited as *The Pastures Act*.

Interpretation

2 In this Act:

- (a) **“department”** means the department over which the minister presides;
- (b) **“fee”** means, except in clause 6(d), any fee, charge or penalty imposed pursuant to this Act;
- (c) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (d) **“livestock”** means cattle, horses, sheep or any other animal that may be designated in the regulations as livestock for the purposes of this Act;
- (e) **“minister”** means the member of Executive Council to whom for the time being the administration of this Act is assigned;
- (f) **“pasture”** means a pasture established, operated, managed and maintained pursuant to this Act and the regulations;
- (g) **“producer”** means a person who raises livestock;

- (h) “**Program**” means the Saskatchewan Pastures Program established pursuant to section 3;
- (i) “**provincial lands**” means provincial lands within the meaning of *The Provincial Lands Act* that are administered by the minister;
- (j) “**revolving fund**” means the Pastures Revolving Fund continued pursuant to section 7.

Program established

3 The Saskatchewan Pastures Program is established.

Purposes of Program

4 The purposes of the Program are the following:

- (a) to provide for the establishment, operation, management and maintenance of pastures;
- (b) to provide programs and services related to pasture and livestock management;
- (c) to provide programs related to developing, protecting or promoting the environmental, social or economic use of pastures.

Minister responsible

5 The minister shall administer the Program.

Powers of minister

6 For the purpose of administering the Program, the minister may:

- (a) establish, operate, manage and maintain pastures:
 - (i) on provincial lands; and
 - (ii) on any land acquired pursuant to clause (b);
- (b) acquire land by lease, licence, permit or otherwise for pasture;
- (c) enter into any agreement with any government, Indian band, person, agency, organization, association, enterprise, institution or body for the establishment, operation, management and maintenance of pastures;
- (d) enter into any agreement with any party mentioned in clause (c):
 - (i) to permit that party to provide a service related to pasture and livestock management to producers using a pasture; and
 - (ii) to collect fees from producers for that service and to remit those fees to the appropriate party in accordance with the agreement;
- (e) purchase or lease personal property or acquire services that the minister considers necessary for the establishment, operation, management and maintenance of a pasture;
- (f) construct, erect, renovate or alter any improvements on a pasture that the minister considers necessary or desirable;
- (g) repair, replace or remove any of the items mentioned in clauses (e) and (f);
- (h) name each pasture;

- (i) determine with respect to each pasture:
 - (i) allocation of grazing rights, in accordance with the regulations;
 - (ii) take-in and take-out dates for livestock;
 - (iii) duration of the grazing season; and
 - (iv) stocking rates;
- (j) provide any service that the minister considers necessary for the operation, management or maintenance of the pasture;
- (k) provide programs and services related to:
 - (i) pasture and livestock management; and
 - (ii) developing, protecting or promoting the environmental, social or economic use of pastures;
- (l) licence, permit or otherwise authorize any person, agency, organization, association, enterprise, institution or body to use a pasture for commercial or recreational purposes, or for any other purpose approved by the minister;
- (m) subject to subsection 7(7), determine fees for, or in relation to:
 - (i) the use of any pasture; and
 - (ii) any service provided by the minister pursuant to the Program;
- (n) make a grant in lieu of taxes to a municipality in which a pasture is located;
- (o) do any other thing the minister considers necessarily incidental to carrying out the purposes of the Program.

Pastures Revolving Fund

- 7(1) The Conservation and Development Revolving Fund established pursuant to section 16 of *The Department of Agriculture Act*, as that section existed immediately before the coming into force of this section, is continued as the Pastures Revolving Fund.
- (2) The minister shall administer the revolving fund.
- (3) The minister may use the revolving fund to carry out the purposes of the Program.
- (4) Subject to subsection (12), the Minister of Finance shall pay out of the general revenue fund on behalf of the revolving fund any sum of money that the minister may require:
- (a) to purchase land for pasture in accordance with *The Provincial Lands Act*;
 - (b) to acquire land for pasture by lease, licence, permit or otherwise;
 - (c) to purchase or lease personal property or acquire services;
 - (d) to construct, erect, renovate or alter improvements;
 - (e) to make grants in lieu of taxes pursuant to clause 6(n); and

- (f) to pay for costs associated with any or all of the following:
 - (i) the provision of programs and services in accordance with the purposes of the Program;
 - (ii) the maintenance, repair or removal of any personal property or improvements;
 - (iii) the administration of the Program and the revolving fund, including labour and supervisory costs.
- (5) The minister shall pay into the general revenue fund all or any part of any surplus in the revolving fund that Treasury Board may direct.
- (6) The minister may charge fees for, or in relation to:
 - (a) the use of any pasture; and
 - (b) any service provided by the minister pursuant to the Program.
- (7) Where the minister charges a fee pursuant to subsection (6), the minister shall include any additional amount that Treasury Board may direct.
- (8) Subject to any terms and conditions that Treasury Board may impose, the minister may sell, rent, lease or otherwise dispose of personal property and improvements administered through the revolving fund.
- (9) Any revenues that are generated pursuant to *The Provincial Lands Act*, or the regulations made pursuant to that Act, on provincial lands used for pasture, and that are prescribed in the regulations, are to be paid to the Minister of Finance and credited to the revolving fund.
- (10) Subject to subsection (11), all amounts received pursuant to this section are to be paid to the Minister of Finance and credited to the revolving fund.
- (11) Any additional amounts received pursuant to subsection (7) are to be paid to the Minister of Finance and credited to the general revenue fund.
- (12) The sum of the following, less any amounts credited to the revolving fund, is not to exceed an amount that may be set by order of the Lieutenant Governor in Council:
 - (a) all liabilities due to the Minister of Finance from the revolving fund on the day this section comes into force; and
 - (b) any payments made by the Minister of Finance on behalf of the revolving fund.

Fiscal year

8 The fiscal year of the revolving fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

Audit

9 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 revolving fund:

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

Annual report

10(1) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister a financial statement showing the business of the revolving fund for the preceding fiscal year.

(2) The financial statement mentioned in subsection (1) is to be in the form required by Treasury Board.

(3) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (1).

Lien on animals

11(1) The minister:

(a) has a lien on any animal placed in a pasture for any fee charged pursuant to this Act; and

(b) in addition to any other remedy provided by law, may detain in the minister's custody and possession and sell the animal, subject to the regulations, where the person who placed the animal, or caused the animal to be placed, in the pasture is indebted to the minister for a fee mentioned in clause (a).

(2) The right of the minister pursuant to subsection (1) has priority over, and is not subject to, any existing lien, security interest, purchase-money security interest or any other charge or encumbrance affecting the animal.

Delegation

12(1) The minister may delegate to any officer or employee of the department the exercise of any of the minister's powers or the performance of any of the minister's responsibilities pursuant to this Act.

(2) The exercise of any power or the performance of any responsibility by a person to whom it is delegated pursuant to this section is deemed to be the exercise of the power or the performance of the responsibility by the minister.

(3) The minister may set any limits or impose any terms and conditions that the minister considers appropriate on a delegation of any power or responsibility pursuant to this section.

Immunity

13 No action lies or shall be instituted against the Crown in right of Saskatchewan, the minister, the department, or any employee or officer of the department, where the minister, the department, or an employee or an officer of the department is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered 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 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 responsibility imposed by this Act or the regulations.

Regulations

14 For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;

(b) designating any animal as livestock for the purposes of this Act;

- (c) prescribing the criteria for producers to be eligible for an allocation of grazing privileges pursuant to the Program and, for that purpose, prescribing categories of producers and prescribing different eligibility criteria for different categories;
- (d) governing the allocation of grazing privileges, including:
 - (i) the ranking or scoring criteria to determine allocation;
 - (ii) the term of any allocation, including the maximum number of times that an allocation may be renewed;
 - (iii) the assignment of an allocation; and
 - (iv) temporary allocations;
- (e) respecting:
 - (i) the delivery of livestock to pasture;
 - (ii) the management of livestock placed in pastures;
 - (iii) the destruction of sick or unruly livestock placed in pastures; and
 - (iv) the removal of livestock from pasture;
- (f) respecting programs and services related to:
 - (i) pasture and livestock management; and
 - (ii) developing, protecting or promoting the environmental, social or economic use of pastures;
- (g) respecting the discontinuance of a pasture;
- (h) governing the use of pastures, generally;
 - (i) for the purposes of subsection 7(9), prescribing which revenues generated pursuant to *The Provincial Lands Act* and the regulations made pursuant to that Act on provincial lands used for pasture are to be paid to the Minister of Finance and credited to the revolving fund;
 - (j) respecting liens on animals pursuant to section 11 and providing for the detention and sale of the animals and for the disposition of the sale proceeds;
 - (k) prescribing any matter or thing 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.

R.S.S 1978, c.D-8 amended

15 Sections 16 and 17 of *The Department of Agriculture Act* are repealed.

R.S.S. 1978, c.A-9 repealed

16 *The Agricultural Development and Adjustment Act* is repealed.

Transitional

17(1) In this section, “**project**” means a project within the meaning of *The Agricultural Development and Adjustment Act*, as that Act existed immediately before the coming into force of this Act.

(2) All projects related to community pastures operated by the department pursuant to *The Agricultural Development and Adjustment Act* immediately before the coming into force of this Act are continued pursuant to this Act insofar as they are not inconsistent with this Act.

(3) Notwithstanding the repeal of *The Agricultural Development and Adjustment Act*, that Act shall be interpreted as being unrepealed insofar as is necessary to maintain or give effect to any project, other than a project mentioned in subsection (2), that was operating pursuant to that Act immediately before the coming into force of this Act.

Coming into force

18 This Act comes into force on proclamation.

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