

BACKGROUND:

Agricultural Land Access and Legislative Updates



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Agricultural Producers Association of Saskatchewan

The Agricultural Producers Association of Saskatchewan (APAS) is Saskatchewan's general farm organization – formed to provide farmers and ranchers with a democratically elected, grassroots, non-partisan, producer-run organization based on rural municipal boundaries. As the united voice of thousands of agricultural producers in Saskatchewan, we strive to represent the views of a wide variety of agricultural stakeholders in order to form comprehensive policies that can benefit all sectors of society.

Growing Concerns Over Agricultural Biosecurity

Biosecurity on agricultural operations represents a series of preventative measures designed to reduce the risk of transmission of weeds and infectious diseases. These protocols focus on preventing the entry of new diseases/species onto agricultural lands and controlling their spread. The most common vector for contamination is soil containing weed seeds as well as both active and dormant soilborne pathogens.

The confirmation of clubroot in numerous crop districts of Saskatchewan presents yet another serious risk to biosecurity in agriculture with large scale economic implications. While producers are able to manage practices on their operations, they do not have adequate protections against the introduction of contaminants from third parties. Additionally, access to agricultural and private lands in Saskatchewan is administered through numerous acts with varying levels of protection. When compared to other provinces, land access is governed by fewer pieces of legislation with greater consistency and adequate protections for agricultural lands.

The Agricultural Producers Association of Saskatchewan supports the adoption of land access legislation at an equivalent level to other Canadian provinces where all enclosed and cultivated agricultural lands are considered posted for all purposes with prohibited access. The implementation of updated legislation governing access would also improve understanding and provide consistent enforcement. Furthermore, the increasing financial risks to agriculture associated with biosecurity warrant an increase in the fines for trespass to levels observed in other provinces.

Summary of Changes to Land Access Legislation: Bill No. 160 and 161

Coming into effect January 1, 2022

Bill No. 160: An Act to amend *The Trespass to Property Act* and to make consequential amendments to *The Snowmobile Act*

(1) Lands covered under *The Trespass to Property Amendment Act, 2021* will now include:

Lawns; gardens; yard sites; land under cultivation (including wood lots); land used for grazing; enclosed land; or any other premises prescribed in the regulations.

(2) Consent to entry on a premises **will not** be implied by an absence of signage or being unable to gain consent from occupier of the property.

(3) Individuals guilty of contravening any provision of the Act or regulations will face a higher maximum fine of \$5,000 (increased from the previous \$2,000).

(4) Restitution for property damaged, lost, or destroyed because of a trespass offence may now be ordered in accordance with *The Summary Offences Procedure Act, 1990*.

(5) Whether enclosed or not, no person shall operate a snowmobile without the consent of the owner or occupier on privately owned land, provincial land that is the subject of a lease, or Crown lands prescribed in the regulations.

Bill No. 161: An Act to make consequential amendments to *The Wildlife Act* resulting from the enactment of *The Trespass to Property Amendment Act*

(1) No person shall hunt any wildlife on any land without the consent of the owner or occupant of the land.

(2) The owner or occupant of the land may permit hunting on the land including providing instructions concerning method of hunting or the use of vehicles.

(3) Notice of permission can be given using signs that are clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the land to which the notice applies.

Future Changes Slated to Land Access Legislation:

November 4, 2021 Announcement

The maximum penalty for repeated trespass on the same property will increase to \$25,000 and any corporation complicit in a trespassing offence will face a \$200,000 maximum penalty.