



## ***Agriculture is Everyone's Business***

### **Agricultural Producers Association of Saskatchewan Response to Review of Trespass Related Legislation September 24, 2018**

The Agricultural Producers Association of Saskatchewan (APAS) welcomes this opportunity to respond to the consultation on provincial civil trespass legislation.

APAS supports this examination of provincial civil trespass to provide landowners with greater control over who can access their land and in recognition of the importance of biosecurity on agricultural lands for the future viability of the sector. APAS also recognizes the importance of hunting for agricultural producers in controlling wild populations, limiting disease transmission, and reducing crop damage.

Agricultural producers have identified biosecurity and access to their lands as major issues for several reasons:

- The potential spread of soil borne diseases and pathogens and infectious diseases of animals
- The potential spread of invasive weeds
- Damage to agricultural property and harm to livestock by hunters and recreational users
- Illegal disposal of waste on agricultural or municipal land
- Potential risk of fire associated with unpermitted access and vehicle entry

These concerns were voiced by producers during 2016 APAS district meetings, prompting comprehensive internal discussion. APAS consequently undertook a review of legislation relating to civil trespass in Saskatchewan and other provincial jurisdictions. From this information possible policy solutions were discussed. APAS Representatives adopted the following resolution at the 2017 Annual General Meeting:

#### **Biosecurity and Land Access** (Land and Environment Committee)

**WHEREAS** threats to biosecurity in the form of weed seeds and soil-borne pathogens, like clubroot, can be spread through the movement of contaminated soil, resulting in billions of dollars of potential financial losses to agricultural operations and the provincial economy;

**WHEREAS** the management of wildlife populations through hunting is important for maintaining sustainable populations and helping to protect against crop damage from wildlife;



**WHEREAS** updated hunting and service provider procedures now promote the communication between hunters and service providers with landowners to request permission for land access;

**WHEREAS** issues of nuisance and criminal offences, like illegal dumping, are becoming more common on agricultural lands

**BE IT RESOLVED** that APAS call on the Government of Saskatchewan to take immediate action to make changes to trespass legislation and regulations to reflect the following principles:

- I. The legal definition of civil trespass and access to farmland be covered under a single piece of provincial legislation
- II. That all enclosed private land be considered posted for all purposes
- III. All cultivated lands be considered posted for all purposes
- IV. That maximum fines for civil trespass increase to \$10,000

Access to land is now covered under several pieces of provincial legislation, all with differing rules for different uses, such as hunting, snowmobiling, ATV access and for contractors and public utilities. These rules are not well understood by either landowners nor the public. Current rules about posting land to restrict access are onerous and expensive for landowners, and often ineffective. As well, current fine levels are inadequate, given the potential risks to landowners' livelihoods.

## **Background**

### *Clarity and public awareness needed*

Access to agricultural and private lands in Saskatchewan is currently administered through numerous acts with varying levels of protection and associated fines. This complex system of legislation leads to an overall lack of understanding by the public regarding land access and confusion surrounding enforcement. In other provinces, land access and trespass is governed by fewer pieces legislation with greater consistency and with higher fine levels which provides clearer understanding, and better protection for agricultural lands.

The current legislation governing public access to Saskatchewan farmland include: the Trespass to Property Act, the Wildlife Act, the All Terrain Vehicles Act and the Provincial Lands Regulations. Legislation also permits access to farmland by government agencies and utility companies. These include the Gas and Electrical Inspection Acts, and the Department of Agriculture, Food, and Rural Revitalization Act.

Revised civil trespass legislation would give the provincial government and stakeholders an opportunity to educate the public about land access and biosecurity. This would also provide us a chance to educate the public on issues surrounding trespass and build understanding of how actions like rural trash dumping and improper cleaning of equipment can have serious consequences for the agricultural sector.



## *Biosecurity and Best Management Practices (BMPs)*

Biosecurity measures on agricultural operations require preventative management practices 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 when discovered.

The most common vector for contamination is by the movement of soil containing weed seeds as well as both active and dormant soilborne pathogens. Producers can follow best management practices, but it is also important that third parties that have access to agricultural lands follow standard protocols, including utility companies, resource companies, hunters and recreational users.

The recent confirmation of clubroot in crop districts 9A and 9B of Saskatchewan represents a serious risk to biosecurity for agriculture with large scale economic implications. In Alberta, clubroot has been found in almost 3000 fields with hundreds more being reported yearly. While producers are able to manage practices on their operations, they do not have adequate protections against the introduction of contaminants from third parties that enter agricultural lands. In practice, response-based systems of reactive measures and random sampling are only effective at controlling the spread of pathogens in a localized area. Proactive measures are needed to prevent new biosecurity threats from entering a region and staying ahead of existing outbreaks.

APAS is collaborating with other producer associations and industry to develop best management practices aimed at limiting the transport of pathogens through seed, soil, and equipment. These preventative measures would include controlling access and ensuring equipment entering agricultural lands is properly sanitized.

### *Method of Permission*

APAS looks forward to further discussion about how permission should be granted under new trespass legislation. In requesting stronger and clearer rules for land access, APAS members have also recognized the importance of hunting and other recreational activities in the province. We believe that changes to Saskatchewan's current legislation will require further consideration of new approaches to contacting landowners, permission requests and approvals. APAS encourages the provincial government to help facilitate these discussions among the relevant stakeholders.

## **Conclusion**

The Agricultural Producers Association of Saskatchewan supports the adoption of land access legislation where all enclosed and cultivated agricultural lands would require permission for entry and considered posted for all purposes. The implementation of a single act governing access would also improve understanding and provide consistent enforcement. The increasing financial risks to agriculture associated with biosecurity warrant an increase in the fines for trespass. APAS looks forward to further discussions among relevant stakeholders to consider how permission should be requested and granted under the new framework.