

1970 Bill 52

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 52

An Act respecting Environment Conservation

THE MINISTER OF HEALTH

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

BILL 52

1970

An Act respecting Environment Conservation

(Assented to _____, 1970)

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

1. This Act may be cited as *The Environment Conservation Act*.

2. In this Act,

- (a) "Authority" means the Environment Conservation Authority established under this Act;
- (b) "Conservation and Utilization Committee" means the Conservation and Utilization Committee established under this Act;
- (c) "governing agency" means
 - (i) a corporation that is an agent of the Crown in right of Alberta, or
 - (ii) any corporation, commission, board or other body empowered to exercise quasi-judicial or governmental functions and whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council, or a Minister of the Crown, or any combination thereof;
- (d) "natural resources" means land, plant life, animal life, water and air;
- (e) "public advisory committee" means a public committee on environment conservation appointed by the Lieutenant Governor in Council under this Act.

3. For the purposes of this Act, the following are matters pertaining to environment conservation:

- (a) the conservation, management and utilization of natural resources;
- (b) the prevention and control of pollution of natural resources;

Explanatory Notes

1. General. This Bill establishes a three-member Environment Conservation Authority which will be directly responsible to the Lieutenant Governor in Council. The Authority will be empowered to investigate, study and hold public hearings on such matters as pollution, conservation and management of natural resources. It will maintain a continuous review of government policies and programs and will advise the Government as to the best means to achieve co-ordination of policy and action in the field of environment control and management of natural resources.

The present Conservation and Utilization Committee under The Utilization of Lands and Forests Act is continued under this Bill as the latter Act will be repealed. The Bill also provides for the appointment of public advisory committees in environment conservation.

2. Definitions.

3. Enumeration of matters pertaining to environment conservation.

- (c) the control of noise levels resulting from operations relating to the exploration for or production, recovery, processing, transmission or transportation or use of a natural resource;
- (d) economic factors that directly or indirectly affect the ability of persons to carry out measures that relate to the matters referred to in clauses (a), (b) and (c) ;
- (e) any operations or activities, whether carried on for commercial or industrial purposes or otherwise,
 - (i) that adversely affect or are likely to adversely affect the quality or quantity of any natural resource, or
 - (ii) that destroy, disturb, pollute, alter or make use of a natural resource or are likely to do so;
- (f) the preservation of natural resources for their aesthetic value;
- (g) laws in force in Alberta that relate to or directly or indirectly affect natural resources.

4. (1) There is hereby established the "Environment Conservation Authority" consisting of three members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall designate one of the members of the Authority as chairman and another as vice-chairman.

(3) The vice-chairman is the acting chairman of the Authority in the event of the absence or inability to act of the chairman or in the event that the office of chairman is vacant.

(4) Members of the Authority

- (a) shall be paid salaries in accordance with a schedule of salary rates prescribed by the Lieutenant Governor in Council,
- (b) shall be paid their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Authority, at rates prescribed by the Lieutenant Governor in Council.

(5) *The Public Service Pension Act* applies to the members of the Authority.

5. (1) The Authority shall meet at the call of the chairman.

(2) Two members of the Authority constitute a quorum.

4. Establishment of Authority.

5. Meetings.

(3) The Authority may make rules respecting the calling of meetings of the Authority and the conduct of business thereat, and generally as to the conduct of the business and affairs of the Authority.

6. In accordance with *The Public Service Act, 1968* there may be appointed a secretary and any other employees as may be required for the purpose of providing clerical and secretarial services to the Authority.

7. (1) The Authority

- (a) shall conduct a continuing review of policies and programs of the Government and government agencies on matters pertaining to environment conservation and shall report thereon to the Lieutenant Governor in Council;
- (b) may inquire into any matter pertaining to environment conservation and make its recommendations and report thereon to the Lieutenant Governor in Council;
- (c) shall, when required to do so by an order of the Lieutenant Governor in Council, inquire into any matter pertaining to environment conservation that is specified in the order and make its recommendations and report thereon to the Lieutenant Governor in Council;
- (d) may require any officers or employees of any department of the Government or any government agency to provide information that, in the opinion of the Authority, is necessary for the purposes of enabling it to carry out its responsibilities;
- (e) may, and when required to do so by an order of the Lieutenant Governor in Council shall, hold public hearings for the purpose of receiving briefs and submissions on any matter pertaining to environment conservation, and shall report thereon to the Lieutenant Governor in Council;
- (f) may from time to time as it considers necessary, but at least once a year, hold joint meetings with the public advisory committees;
- (g) may refer any matter pertaining to environment conservation to the Conservation and Utilization Committee for its recommendations and report thereon;
- (h) may engage the services of persons having special technical or other knowledge in connection with an inquiry of any matter pertaining to environment conservation that the Authority has undertaken or proposes to undertake;

6. Staff.

7. Functions of the Authority.

(i) in co-operation with and primarily through the medium of the Conservation and Utilization Committee, shall use its best efforts to achieve co-ordination of policies, programs and administrative procedures of the Government and government agencies relating to matters pertaining to environment conservation;

(j) shall make a general report in each year to the Lieutenant Governor in Council summarizing its activities and affairs in the preceding year.

(2) When a report by the Authority under subsection (1), clause (j) is received by the Lieutenant Governor in Council, the President of the Executive Council shall lay a copy of it before the Legislative Assembly if it is then in session and if not, within 15 days after the commencement of the first session in the next ensuing year.

8. (1) There is hereby established a committee called the "Conservation and Utilization Committee" consisting of not less than 12 members appointed by the Lieutenant Governor in Council in accordance with subsection (2).

(2) The members of the Conservation and Utilization Committee shall consist of employees of the Government or members or employees of a government agency with at least one member from each of the following, namely,

- (a) the Department of Agriculture,
- (b) the Department of Health,
- (c) the Department of Highways and Transport,
- (d) the Department of Industry and Tourism,
- (e) the Department of Lands and Forests,
- (f) the Department of Mines and Minerals,
- (g) the Department of Municipal Affairs, and
- (h) the Oil and Gas Conservation Board.

(3) The Lieutenant Governor in Council shall designate one of the members of the Committee as its chairman.

(4) Notwithstanding subsections (1) and (2), each member of the Conservation and Utilization Committee appointed under subsection (2) may appoint in writing a person to be an alternate member of the Committee to act in his stead as a member of the Committee in the event of his absence or inability to act.

9. (1) The Conservation and Utilization Committee

- (a) may appoint a vice-chairman, and

8. Conservation and Utilization Committee established.

9. Meetings of Conservation and Utilization Committee.

- (b) may make rules governing the calling of its meetings, the conduct of its meetings and any other matters pertaining to the conduct of its business and affairs.

(2) A majority of the members of the Conservation and Utilization Committee or their respective alternate members constitutes a quorum.

10. The Conservation and Utilization Committee

- (a) shall, at the direction of the Lieutenant Governor in Council, inquire into and study any matter pertaining to environment conservation and shall submit a report and recommendations thereon to the Lieutenant Governor in Council and to the Authority;
- (b) shall be responsible for maintaining a continuing liaison between all departments of the Government and all government agencies for the purpose of co-ordinating the implementation of the programs of those departments and agencies on matters pertaining to environment conservation;
- (c) shall, at the request of the Authority, hold a joint meeting with the Authority to discuss any matters pertaining to environment conservation.
- (d) may appoint a sub-committee to conduct any specified inquiry or study in connection with an inquiry or study of a matter pertaining to environment conservation that the Committee itself has undertaken or has been required to undertake.

11. The Lieutenant Governor in Council may

- (a) appoint one or more public advisory committees on environment conservation,
- (b) prescribe the duties and functions of a public advisory committee, and
- (c) prescribe the rates of remuneration to be paid to members of a public advisory committee for their travelling and living expenses incurred in the course of their duties as members of a committee.

12. The Lieutenant Governor in Council may make regulations

- (a) providing for any procedure or matter for the purpose of facilitating the functions of the Authority, the Conservation and Utilization Committee or a

10. Functions of Conservation and Utilization Committee.

11. Public advisory committees on environment conservation.

12. Regulations.

public advisory committee and the relations between them, and

- (b) providing for any other matter considered necessary to carry out the purposes of this Act.

13. *The Utilization of Lands and Forests Act*, being chapter 354 of the Revised Statutes, is repealed.

14. This Act comes into force on July 1, 1970.

13. Repeal of The Utilization of Lands and Forests Act. Sections 11 and 15 of that Act are being transferred to the Bill for the proposed Department of Agriculture Act.