

1975 Bill 13
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

THE DEPARTMENT OF ENERGY AND NATURAL
RESOURCES ACT

THE MINISTER OF ENERGY AND NATURAL RESOURCES

First Reading

Second Reading

Third Reading

BILL 13

1975

(Second Session)

THE DEPARTMENT OF ENERGY AND NATURAL RESOURCES ACT

(Assented to _____, 1975)

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

1. In this Act,

- (a) "Department" means the Department of Energy and Natural Resources;
- (b) "Minister" means the Minister of Energy and Natural Resources.

2. There shall be a department of the public service of the Province called the Department of Energy and Natural Resources over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Energy and Natural Resources.

3. (1) The Lieutenant Governor in Council may establish the offices of not more than three Deputy Ministers for the Department and shall designate the name of each office so established.

(2) In accordance with *The Public Service Act* there may be appointed

- (a) the Deputy Ministers whose offices are established under subsection (1), and
- (b) such other employees as are required to conduct the business of the Department.

4. (1) The Minister may from time to time engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Minister's administration.

(2) A person whose services are engaged under this section may be paid such remuneration and expenses as the Minister may prescribe.

Explanatory Notes

General. This Bill will establish the new Department of Energy and Natural Resources arising out of the recent reorganization of the Government and consisting in the main of the former Department of Mines and Minerals and the Department of Lands and Forests other than the Parks Division and the Fish and Wildlife Division.

1. Definitions.

2. Department.

3. Personnel.

4. Services of experts, etc.

5. (1) The Minister may establish such boards, committees or councils as he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established under this section,

- (a) appoint or provide for the manner of the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chairman, vice-chairman and secretary, and
- (d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may make rules of procedure, subject to the approval thereof by the Minister, governing the calling of its meetings and the conduct of business at its meetings.

(4) A board, committee or council established pursuant to this section may exercise such powers and shall perform such duties and functions as the Minister may confer or impose upon it.

6. (1) The Minister may make grants if

- (a) he is authorized to do so by regulations under this section, and
- (b) moneys are appropriated by the Legislature for that purpose or the grant is authorized to be paid pursuant to a special warrant.

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make grants;
- (b) prescribing the purposes for which grants may be made;
- (c) governing applications for grants;
- (d) prescribing the persons or organizations or classes of persons or organizations eligible for grants;
- (e) specifying the conditions required to be met by any applicant for a grant to render that person eligible for the grant;
- (f) prescribing the conditions upon which a grant is made and requiring the repayment thereof to the Government if the conditions are not met;

5. Boards, committees and councils.

6. Grants.

- (g) providing for the payment of any grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;
- (h) limiting the amount of any grant or class of grant that may be made;
- (i) authorizing the Minister to delegate in writing to any employee of the Government any duty, power or function respecting the payment of any grant;
- (j) requiring any person receiving a grant to account for the way in which the grant is spent in whole or in part;
- (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Any regulation made under subsection (2) may be specific or general in its application.

7. The member of the Executive Council who immediately prior to the commencement of this Act holds office as, and is designated by the Lieutenant Governor as, the Minister of Energy and Natural Resources becomes the Minister of Energy and Natural Resources under this Act without the necessity of a further designation by the Lieutenant Governor, the issue of a new commission or the swearing of another oath of office.

8. Any reference to the Minister of Lands and Mines, the Minister of Lands and Forests or the Minister of Mines and Minerals, or to the Deputy Minister of Lands and Mines, the Deputy Minister of Lands and Forests or the Deputy Minister of Mines and Minerals, or to the Department of Lands and Mines, the Department of Lands and Forests or the Department of Mines and Minerals in any statutory provision not amended by this Act or any order, regulation, rule, by-law, certificate of title, agreement or other instrument shall be deemed to be a reference to the Minister of Energy and Natural Resources, the Deputy Minister of Energy and Natural Resources or the Department of Energy and Natural Resources, as the case may be.

9. The person appointed as Deputy Minister of Energy Resources by Order in Council numbered O.C. 624/75 and the person appointed as Deputy Minister of Renewable Resources by Order in Council numbered O.C. 625/75 shall, upon the commencement of this Act, both be deemed to have been deputies of the Minister of Energy and Natural Resources at all times on and after May 6th, 1975 for the purposes of section 17, subsection (3) of *The Interpretation Act*.

7. Transitional provision.

8. References to the Minister, Deputy Minister or Department under a former name will be deemed to be references to them by their new name.

9. Transitional.

10. (1) *The enactments enumerated in Schedule A are amended by striking out the words “Minister of Lands and Forests” wherever they appear and by substituting therefor the words “Minister of Energy and Natural Resources”.*

(2) *The enactments enumerated in Schedule B are amended by striking out the words “Department of Lands and Forests” wherever they appear and by substituting therefor the words “Department of Energy and Natural Resources”.*

11. (1) *The enactments enumerated in Schedule C are amended by striking out the words “The Department of Mines and Minerals Act” wherever they appear and by substituting therefor the words “The Department of Energy and Natural Resources Act.”*

(2) *The enactments enumerated in Schedule D are amended by striking out the words “Minister of Mines and Minerals” wherever they appear and by substituting therefor the words “Minister of Energy and Natural Resources”.*

(3) *The enactments enumerated in Schedule E are amended by striking out the words “the Deputy Minister of Mines and Minerals” wherever they appear and by substituting therefor the words “a Deputy Minister for the Department of Energy and Natural Resources designated by the Minister of Energy and Natural Resources”.*

(4) *The enactments enumerated in Schedule F are amended by striking out the words “Department of Mines and Minerals” wherever they appear and by substituting therefor the words “Department of Energy and Natural Resources”.*

12. *The words “Deputy Minister of Mines and Minerals” are struck out wherever they appear in the following provisions and the words “Deputy Minister” are substituted therefor:*

The Freehold Mineral Taxation Act, Schedule, Forms C and D;

The Mineral Taxation Act, Schedule, Forms B and C;

The Mineral Taxation Act, 1972, Schedule, Forms B and C.

13. *The Alberta Energy Company Act is amended*

(a) *as to section 1, subsection (1), clause (f) by striking out the words “Minister of Federal and*

10. Consequential amendments.

11. Consequential amendments.

12. Consequential amendments.

13. Consequential amendments.

Intergovernmental Affairs” and by substituting therefor the words “Minister of Energy and Natural Resources”, and

- (b) as to section 22, subsection (2) by striking out the words “Minister of Mines and Minerals” and by substituting therefor the words “Minister of Energy and Natural Resources”.

14. *The Land Surface Conservation and Reclamation Act is amended as to section 15, subsection (2) by striking out clauses (b) and (c) and by substituting therefor the following clause:*

- (b) two deputy chairmen of the Council, who shall be employees of the Department of Energy and Natural Resources designated by the Minister of Energy and Natural Resources,

15. *The Mines and Minerals Act is amended*

- (a) *by striking out section 50, and*

(b) *as to Form A*

- (i) *by striking out the words “DEPARTMENT OF MINES AND MINERALS” and by substituting therefor the words “DEPARTMENT OF ENERGY AND NATURAL RESOURCES”, and*
- (ii) *by striking out the words “Minister of Mines and Minerals” and by substituting therefor the words “Minister of Energy and Natural Resources”.*

16. *The Off-highways Vehicle Act is amended as to section 13, subsection (2), clause (b) by striking out the words “or the Minister of Lands and Forests”.*

17. *The Public Lands Act is amended*

- (a) *as to Form A*

- (i) *by striking out the words “DEPARTMENT OF LANDS AND FORESTS” and by substituting therefor the words “DEPARTMENT OF ENERGY AND NATURAL RESOURCES”, and*
- (ii) *by striking out the words “Deputy Minister of Lands and Forests” and by substituting therefor the words “Deputy Minister”,*

and

14. Consequential amendments.

15. Consequential amendments.

16. Section 13, subsection (2), clause (b) presently reads:

(2) Notwithstanding subsection (1),

(b) the council of a municipality may by by-law, or the Minister of Municipal Affairs or the Minister of Lands and Forests may by order, with respect to highways under its or his direction, control and management, as the case may be, authorize persons to operate off-highway vehicles on any portion of any such highway or class thereof and may restrict the hours during which such operation may take place, and

17. Consequential amendments.

(b) as to *Form B*

- (i) by striking out the words “Minister of Lands and Forests” and by substituting therefor the words “Minister of Energy and Natural Resources”, and
- (ii) by striking out the words “Department of Lands and Forests” and by substituting therefor the words “Department of Energy and Natural Resources”.

18. *The Special Areas Act is amended as to section 7 by striking out subsection (4) thereof and by substituting therefor the following subsection:*

(4) Where any provisions of *The Public Lands Act* or any regulations thereunder are made applicable to special areas, a reference therein to the Minister of Energy and Natural Resources, a Deputy Minister for the Department of Energy and Natural Resources, the Department of Energy and Natural Resources, or to the Director of Lands shall be deemed to be a reference to the Minister or Deputy Minister of Municipal Affairs, the Department of Municipal Affairs and the Board, respectively.

19. *The Department of Lands and Forests Act is hereby repealed.*

20. *The Department of Mines and Minerals Act is hereby repealed.*

21. This Act comes into force on the day upon which it is assented to.

18. Consequential amendment. Section 7, subsection (4) presently reads:

(4) Where any provisions of The Public Lands Act or any regulations thereunder are made applicable to special areas, a reference therein to the Minister of Lands and Forests, the Deputy Minister of Lands and Forests, the Department of Lands and Forests or the Director of Lands shall be deemed to be a reference to the Minister or Deputy Minister of Municipal Affairs, the Department of Municipal Affairs and the Board, respectively.

19. This Bill will repeal chapter 101 of the Revised Statutes of Alberta 1970.

20. This Bill will repeal chapter 102 of the Revised Statutes of Alberta 1970.

SCHEDULE A

- The Aerial Photographic Surveys Act, section 2, clause (c);
- The Agricultural Relief Advances Act, section 20, subsection (2);
- The Department of Agriculture Act, section 10, subsection (2);
- The Department of the Environment Act, section 9, subsection (2);
- The Forest Development Research Trust Fund Act, section 1, clause (c);
- The Forest and Prairie Protection Act, section 1, clause (c);
- The Forest Reserves Act, section 2, clause (b);
- The Forests Act, 1971, section 1, clause (h);
- The Homestead Lease Loan Act, section 2, clause (f);
- The Hydro and Electric Energy Act, section 7, subsection (4), clause (b) and subsection (5), section 10, subsections (1) and (2) and section 15, subsection (3);
- The Land Surface Conservation and Reclamation Act, section 20, subsection (1) and section 33, subsections (1) and (2);
- The Metis Betterment Act, section 6, subsection (2) and section 22, subsection (1), clause (b);
- The Mobile Equipment Licensing Act, section 12, clause (d), subclause (iii);
- The Municipal Government Act, section 262;
- The Oil and Gas Conservation Act, section 43, subsections (1.1) to (1.3);
- The Public Lands Act, section 2, clause 13;
- The Special Areas Act, section 6, clause (c);
- The Threshers' Lien Act, section 8, subsection (2);
- The Water Resources Act, section 70, clause (a).

SCHEDULE B

- The Aerial Photographic Surveys Act, section 2, clause (a);
- The Crown Cultivation Leases Act, section 2, clause (c);

The Forest and Prairie Protection Act, section 3,
subsection (1);
The Forests Act, 1971, section 7, subsection (1);
The Homestead Lease Loan Act, section 8, subsection (2);
The Hydro and Electric Energy Act, section 28,
subsection (2);
The Land Surface Conservation and Reclamation Act,
section 33, subsection (2), clause (b);
The Pipe Line Act, section 32;
The Public Lands Act, section 2, clause 3;
The Water Resources Act, section 2, subsection (1),
clause 17, subclause (ii).

SCHEDULE C

The Freehold Mineral Taxation Act, section 1, clause (1);
The Mineral Taxation Act, section 2, clause (1);
The Mineral Taxation Act, 1972, section 1, clause (1);
The Mines and Minerals Act, section 2, subsection(1),
clause 19.

SCHEDULE D

The Builders' Lien Act, section 26, subsection (5);
The Coal Mines Regulation Act, section 87, subsection (1);
The Freehold Mineral Taxation Act, section 1, clause (f)
and Schedule, Forms C and D;
The Mineral Taxation Act, section 2, clause (g) and Sched-
ule, Forms B and C;
The Mineral Taxation Act, 1972, section 1, clause (h) and
Schedule, Forms B and C;
The Mines and Minerals Act, section 2, subsection (1),
clause 17;
The Oil Sands Technology and Research Authority Act,
section 1, clause (d);
The Petroleum Marketing Act, section 1, clause (c);
The Surface Reclamation Act, section 2, subsection(1),
clause (f);
The Tax Recovery Act, section 20, subsection (5);
The Turner Valley Unit Operations Act, section 17,
subsection (1).

SCHEDULE E

- The Department of the Environment Act, section 10, subsection (1), clause (g);
- The Energy Resources Conservation Act, section 19, subsection (1), clause (e);
- The Freehold Mineral Taxation Act, section 1, clause (f);
- The Mineral Taxation Act, section 2, clause (e);
- The Mineral Taxation Act, 1972, section 1, clause (f).

SCHEDULE F

- The Department of the Environment Act, section 11, subsection (2), clause (h);
- The Freehold Mineral Taxation Act, section 1, clause (e);
- The Mineral Taxation Act, section 2, clause (d);
- The Mineral Taxation Act, 1972, section 1, clause (e);
- The Mines and Minerals Act, section 2, subsection (1), clause 6;
- The Petroleum Marketing Act, section 1, clause (b);
- The Surveys Act, section 89, subsection (2).