

1975 Bill 47  
(Second Session)

---

---

First Session, 18th Legislature, 24 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 47**

THE DEPARTMENT OF THE ENVIRONMENT AMENDMENT ACT,  
1975

---

---

MR. KIDD

---

---

First Reading . . . . .

Second Reading . . . . .

Third Reading . . . . .

*Bill 47*  
*Mr. Kidd*

## **BILL 47**

1975

(Second Session)

### **THE DEPARTMENT OF THE ENVIRONMENT AMENDMENT ACT, 1975**

*(Assented to \_\_\_\_\_, 1975)*

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

*1. The Department of the Environment Act is hereby amended.*

*2. Section 8 is amended by striking out clauses (g) and (h) and by substituting the following:*

- (g) may enter into an agreement with any person
  - (i) to carry out a research project related to a matter pertaining to the environment, or
  - (ii) for the promotion or encouragement of the improvement of the environment, or
  - (iii) for the prevention of the pollution, deterioration or impairment of the environment, or
  - (iv) for making surveys or investigations of lands, or for otherwise gathering, compiling, studying and assessing information directly or indirectly related to matters pertaining to the environment, or
  - (v) for performing any service or conducting any program or undertaking any activity that, in the Minister's opinion, is necessary or desirable in relation to any matter pertaining to the environment,

upon such terms and conditions as the Minister may prescribe or agree to, including provision for the payment of any fees, expenses, disbursements or other sums payable for or in connection with any matter contained in the agreement;

*3. The following section is added after section 8:*

**8.1** (1) The Minister may make grants if

## Explanatory Notes

**1.** This Bill will amend chapter 24 of the Statutes of Alberta, 1971.

**2.** Section 8, clauses (g) and (h) presently read:

**8.** The Minister

(g) may enter into an agreement with any person to carry out a research project related to a matter pertaining to the environment;

(h) may make grants to any person or organization engaged in research in matters pertaining to the environment or in the promotion or encouragement of the improvement of the environment in Alberta or the prevention of the pollution, deterioration or impairment of the environment in Alberta;

Clause (h) is to be replaced by the proposed section 8.1: see section 3 of this Bill.

**3.** The amendment adds a new grants provision that is uniform with a number of other department Acts.

- (a) he is authorized to do so by the 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;
- (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.

*4. Section 9 is amended by striking out subsection (2) and by substituting the following:*

(2) Land acquired under this section shall be under the administration of the Minister of Energy and Natural Resources unless, before or after the acquisition, the Lieutenant Governor in Council, by order, directs that it is under the administration of the Minister of the Environment or some other Minister.

**4. Section 9, subsection (2) presently reads:**

(2) Land acquired under this section shall be under the administration of the Minister of Energy and Natural Resources unless the order of the Lieutenant Governor in Council specifies that it is under the administration of the Minister of the Environment.

5. *The following section is added after section 9:*

**9.1** The Minister may from time to time with respect to any powers and duties of the Minister under this or any other Act under his administration or under any regulation under any such Act, by order designate any employee in his Department as a person who may perform the powers and duties of the Minister prescribed in the order.

6. *Section 10 is amended*

(a) *as to subsection (1) by*

(i) *striking out the words “who shall be chairman,” in clause (a),*

(ii) *striking out the word “and” at the end of clause (h), by adding the word “and” at the end of clause (i), and by adding the following clause after clause (i):*

(j) **representatives from each of such government agencies and departments as may be designated by the Lieutenant Governor in Council.**

(b) *by adding after subsection (1) the following subsection:*

(1.1) **The Lieutenant Governor in Council shall designate one of the members of the Co-ordinating Council as chairman.**

*and*

(c) *as to subsection (6) by adding after the word “Minister” the words “who shall forthwith submit copies thereof to the other members of the Executive Council”.*

7. *Section 11 is amended*

(a) *as to subsection (2) by striking out the word “and” at the end of clause (j), by adding the word “and” at the end of clause (k), and by adding the following clause after clause (k):*

(l) **representatives from each of such government agencies and departments as may be designated by the Lieutenant Governor in Council.**

(b) *by striking out subsection (3) and by substituting therefor the following subsection:*

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

**5.** New. Expressly authorizes delegation of ministerial powers.

**6.** Section 10, subsections (1) and (6) presently read:

**10.** (1) There is hereby established the "Natural Resources Co-ordinating Council" consisting of

- (a) the Deputy Minister of the Environment, who shall be chairman,
- (b) the Deputy Minister of Agriculture,
- (c) the Deputy Minister of the Department of Social Services and Community Health who holds the office of chairman of the Provincial Board of Health,
- (d) a Deputy Minister of the Department of Transportation designated by the Minister of Transportation,
- (e) the Deputy Minister of Business Development and Tourism,
- (f) the Deputy Minister of Recreation, Parks and Wildlife,
- (g) a Deputy Minister for the Department of Energy and Natural Resources designated by the Minister of Energy and Natural Resources,
- (h) the Deputy Minister of Municipal Affairs, and
- (i) the chairman of the Energy Resources Conservation Board.

(6) The Co-ordinating Council

- (a) may inquire into any matter pertaining to the environment,
- (b) may review any policies, programs, services or administrative procedures of departments of the Government or of government agencies in matters pertaining to the environment,

and shall make its recommendations and report thereon to the Minister.

**7.** Section 11, subsections (1), (2) and (3) presently read:

**11.** (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 government agencies, with at least one member from each of the following, namely,

- (a) the Department of Agriculture,
- (b) the Department of the Attorney General,
- (c) the Department of the Environment,
- (d) the Department of Social Services and Community Health,
- (e) the Department of Transportation,
- (f) the Department of Business Development and Tourism,
- (g) the Department of Recreation, Parks and Wildlife,
- (h) the Department of Energy and Natural Resources,
- (i) the Department of Municipal Affairs,
- (j) the Energy Resources Conservation Board, and
- (k) the Research Council of Alberta.

(3) The Minister shall designate as chairman of the Committee one of the members who is an employee of the Department of the Environment.

8. *Section 15 is amended*

(a) *as to subsection (2) by adding the following clause after clause (e):*

(e1) authorizing the Minister to consent to or approve any particular kind of use, development or occupation of land in the Area or to exempt any particular kind of use, development or occupation from the operation of any provision in the regulations made pursuant to clause (a);

(b) *by adding the following subsections after subsection (2):*

(3) Where a regulation is made under this section, the Minister shall file a notice to that effect together with a certified copy of the regulation with the Registrar of Titles for the land registration district in which the Restricted Development Area is situated, and the Registrar shall thereupon endorse a memorandum of the notice upon each certificate of title pertaining to land within the Restricted Development Area.

(4) Where a regulation under this section is amended,

(a) the Minister shall file a further notice respecting the amending regulation together with a certified copy of the amending regulation;

(b) the Registrar shall keep the further notice with the original notice and shall treat them as one document;

(c) subject to subsections (5) and (6), the Registrar shall not make any further endorsement on any certificate of title in respect of the further notice.

(5) Where a regulation under this section is amended and the effect of the amendment is to add land to the Restricted Development Area, the Registrar shall, upon receiving the Minister's further notice under subsection (4), endorse upon each certificate of title for the additional land a memorandum of the original notice under subsection (3) and the further notice under subsection (4).

(6) Where a regulation under this section is amended and the effect of the amendment is to remove any land from a Restricted Development Area, the Registrar shall, upon receiving the Min-



8. New. Section 15 presently reads:

15. (1) The Lieutenant Governor in Council may by regulation establish any part or parts of Alberta as a "Restricted Development Area" (in this section called "the Area") upon the report of the Minister that the establishment of the Area is necessary in the public interest to co-ordinate and regulate the development and use of the Area for the purpose of

- (a) preventing, controlling, alleviating or stopping the destruction, damage or pollution of any natural resources in the Area, or
- (b) protecting a watershed in the Area, or
- (c) retaining the environment of the Area in a natural state or in a state suitable for recreation or the propagation of plant or animal life, or
- (d) preventing the deterioration of the quality of the environment of the Area by reason of the development or use of land in the Area incompatible with the preservation of that environment.

(2) Notwithstanding any other Act, where the Lieutenant Governor in Council establishes a Restricted Development Area, he may, in the same regulation or in any subsequent regulation, provide for

- (a) the control, restriction or prohibition of any kind of use, development or occupation of land in the Area prescribed in the regulations;
- (b) the control, restriction or prohibition of the exercise of any power specified in the regulations by any specified Minister of the Crown, government official or government agency;
- (c) the removal of any buildings, improvements, materials or animals from the Area, and the payment of compensation by the Crown for any loss resulting therefrom;
- (d) the control, restriction or prohibition of the dumping, deposit or emission within the Area of any substance specified in the regulations;
- (e) the authorizing of the acquisition by purchase or expropriation by the Minister of any estate or interest in land in the Area;
- (f) making any or all of the provisions of The Surface Rights Act inapplicable to lands of the Crown in the Area;
- (g) making any or all of the provisions of The Expropriation Act inapplicable to lands of the Crown in the Area;
- (h) any other matter or thing necessary or incidental to the protection or improvement of the environment of the Area.

ister's further notice under subsection (4), cancel the memorandum of the original notice under this section on each certificate of title to the land so removed.

(7) Where a regulation under this section is rescinded and not replaced, the Minister shall file a notice to that effect and a copy of the rescinding regulation with the Registrar who shall thereupon cancel the memorandum of the original notice on each certificate of title to the land previously within the Restricted Development Area.

(8) Where a regulation under this section is rescinded and replaced by another regulation, the Minister shall file with the Registrar a notice to that effect and a certified copy of the new regulation and the Registrar shall

- (a) with respect to land that was subject to the rescinded regulation and is also subject to the new regulation, cancel the memorandum on the certificate of title for the land of the notice pertaining to the rescinded regulation and endorse a memorandum thereon of the notice pertaining to the new regulation, which notice shall be then treated as a notice under subsection (3);
- (b) with respect to land that was subject to the rescinded regulation but is not subject to the new regulation, cancel the memorandum of the notice on the certificate of title for the land;
- (c) with respect to land that was not subject to the rescinded regulation but is subject to the new regulation, treat the notice as a notice under subsection (3) and act accordingly.

(9) Upon the filing with a Registrar of a notice under subsection (3), (4), (7), or (8), the Registrar shall send a notification respecting the filing of the notice, but without sending a copy of the regulations, amending regulations or rescinding regulations to which the notice relates, by mail or otherwise, to each registered owner upon whose title a memorandum of the notice is endorsed.

(10) Notwithstanding subsection (9), the Minister shall send, by mail or otherwise, to each person shown on the certificate of title as having a subsisting estate or interest in the lands affected by any regulation, amending regulation or rescinding regulation referred to in subsection (3), (4), (7)



or (8), at the last reasonably ascertainable address of the person, a copy of the regulation, amending regulation or rescinding regulation, as the case may be, together with a notification relating thereto containing such information as the Minister may prescribe.

(11) The validity or operation of a regulation under this section is not dependent upon the filing of any notice by the Minister with a Registrar of Titles under this section.

(12) Where the Minister has, before the commencement of this subsection, filed a caveat under *The Land Titles Act* against the certificate of title to any land on a Restricted Development Area purporting to claim an interest in the nature of regulatory restrictions on the uses of that land pursuant to a regulation under this section, the caveat shall be deemed for all purposes to be a notice by the Minister under subsection (3) and to have been filed under subsection (3).

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