

1977 BILL 74

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 74

**THE ENVIRONMENT CONSERVATION
AMENDMENT ACT, 1977**

THE MINISTER OF THE ENVIRONMENT

First Reading

Second Reading

Third Reading

BILL 74

1977

THE ENVIRONMENT CONSERVATION AMENDMENT ACT, 1977

(Assented to _____, 1977)

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

1 *The Environment Conservation Act is amended by this Act.*

2 *The title is struck out and the following is substituted:*

THE ENVIRONMENT COUNCIL ACT

3 *Section 1 is repealed.*

4 *Section 2(a) is repealed and the following is substituted:*

(a) "Council" means the Environment Council of Alberta;

5 *Section 4 is repealed and the following is substituted:*

4(1) The Environment Conservation Authority is continued as a corporation called the "Environment Council of Alberta" and consisting of the persons appointed from time to time by the Lieutenant Governor in Council as members of the Council.

(2) The Lieutenant Governor in Council

(a) shall designate one of the members as chief executive officer, and

(b) may prescribe the term of office of any of the members.

(3) The chief executive officer of the Council

(a) shall provide his services on a full-time basis, and

Explanatory Notes

1 This Bill will amend chapter 125 of the Revised Statutes of Alberta 1970.

2 See note to section 5 of this Bill.

3 The short title section is repealed as unnecessary.

4 The present section 2(a) defines “Authority”. See note to section 5 of this Bill.

5 Section 4 presently reads:

4(1) There is hereby established a corporation called the “Environment Conservation Authority” consisting of four 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, and

(b) may exercise the powers of the Council and shall perform the duties and functions of the Council other than those that are to be performed by a panel of the Council under section 4.1.

(4) The Minister may appoint a member of the staff of the Council as acting chief executive officer of the Council.

(5) In the event of the absence or inability to act of the chief executive officer of the Council, the acting chief executive officer may exercise the powers and shall perform the duties and functions of the chief executive officer except that the acting chief executive officer may not sit as a member of a panel of the Council in the stead of the chief executive officer.

(6) Members of the Council

(a) shall be paid remuneration at the rates prescribed by the Lieutenant Governor in Council, and

(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 Council, at the rates prescribed by the Lieutenant Governor in Council.

4.1(1) The Lieutenant Governor in Council may constitute three or more members of the Council as a panel for the purpose of

(a) performing the duties and functions of the Council under an order of the Lieutenant Governor in Council made pursuant to section 7(1)(e),

(b) performing the duties and functions of the Council under the following provisions whenever an appeal and stop order is referred to the Council for an inquiry:

(i) section 10 of *The Beverage Container Act, 1977*,

(ii) section 7 of *The Clean Air Act*,

(iii) section 7 of *The Clean Water Act*,

(iv) section 16 of *The Department of the Environment Act*, or

(v) section 9 of *The Land Surface Conservation and Reclamation Act*,

or

(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.

The Environment Conservation Authority will be reconstituted as the Environment Council of Alberta. The chief executive officer will be a full-time member in charge of the Council's staff and day to day affairs. When the Council is called upon to hold a hearing and make a report or to hold inquiries into appeals under the enactments enumerated in the proposed section 4(1)(b), a panel of three or more members will be constituted to perform the duties and functions of the Council in that regard. The chief executive officer will be an ex officio member and vice-chairman of each panel of the Council.

(c) performing the duties and functions of the Council under an order of the Lieutenant Governor in Council made pursuant to *The Wilderness Areas Act*.

(2) Where a panel of the Council is constituted under subsection (1), the Lieutenant Governor in Council

(a) shall designate one of the members of the panel, other than the chief executive officer of the Council, as its chairman, and

(b) may prescribe the name of the panel.

(3) Notwithstanding subsection (1), the chief executive officer of the Council is, by virtue of his office, a member and vice-chairman of each panel constituted under subsection (1).

(4) If at a meeting of a panel of the Council the chairman is absent or is unable to act, the chief executive officer of the Council, as vice-chairman of the panel, shall preside at that meeting.

(5) If at a meeting of a panel of the Council both the chairman of the panel and the chief executive officer of the Council are absent or unable to act, the remaining members of the panel shall elect one of their number to preside at that meeting.

(6) Any act done by a panel of the Council is the act of the Council.

6 Section 5 is repealed and the following is substituted:

5(1) A quorum of a panel of the Council consists of two members.

(2) Subject to the regulations, a panel of the Council may make rules respecting the calling of its meetings and the conduct of business at its meetings and generally as to the conduct of its business and affairs.

7 Section 7(1) is amended

(a) by repealing clauses (b) and (c) and by substituting the following:

(b) shall, upon being requested to do so by the Minister, investigate any matter pertaining to environment conservation specified in the request and make its report on the matter to the Minister;

(b) by repealing clause (e) and by substituting the following:

6 Section 5 presently reads:

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

(2) A quorum of the Authority shall consist of two members, one of whom shall be the chairman or the vice-chairman.

(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.

7 Section 7 presently reads in part:

7(1) The Authority

(b) may, after consultation with the Minister, inquire into any matter pertaining to environment conservation and make its recommendations and report thereon to the Minister;

(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;

(e) shall, upon being requested to do so by an order of the Lieutenant Governor in Council, hold public hearings for the purpose of receiving briefs and submissions on the matter pertaining to environment conservation specified in the order, and shall make its report on the matter to the Lieutenant Governor in Council and the Minister;

(c) in clause (j) by adding “and” at the end of subclause (i) and by repealing subclauses (ii) and (iii) and substituting the following:

(ii) showing the reports made by it under clauses (b) and (e) in the preceding year.

8 Section 12 is amended by striking out “and” at the end of clause (a1) and by adding the following:

(a2) prescribing rules respecting the calling of meetings of panels of the Council and the conduct of business at those meetings and generally as to the conduct of the business and affairs of those panels, and

9 In the following provisions “Authority” is struck out and “Council” is substituted:

section 6;

section 7;

section 8;

section 11;

section 12(a).

10(1) The Beverage Container Act, 1977 is amended

(a) by repealing section 10(1) and by substituting the following:

10(1) In this section, “Environment Council” means the Environment Council of Alberta.

(b) in section 10(3), (4) and (5) by striking out “Authority” and by substituting “Environment Council”,

(c) in section 12(1) by striking out “chairman of the Environment Conservation Authority” and by substituting “chief executive officer of the Environment Council of Alberta”.

(e) may, and when required to do so by an order of the Lieutenant Governor in Council or of the Minister 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 and the Minister;

(j) shall make a report in each year to the Minister

(i) summarizing generally its activities and affairs in the preceding year,

(ii) summarizing the recommendations made by it to the Lieutenant Governor in Council and to the Department of the Environment in the preceding year, and

(iii) showing any reports or studies prepared in the preceding year at the request of the Lieutenant Governor in Council or of the Minister.

8 Section 12 enumerates powers of the Lieutenant Governor in Council to make regulations.

9 Consequential amendments to the Act.

10 Consequential amendments to other Acts.

- (2) *The Clean Air Act is amended*
- (a) *by repealing section 1(c) and by adding the following:*
- (f.1) “Environment Council” means the Environment Council of Alberta;
- (b) *in section 7(8), (9) and (10) by striking out “Authority” and by substituting “Environment Council”.*
- (3) *The Clean Water Act is amended*
- (a) *by repealing section 1(a) and by adding the following:*
- (c.1) “Environment Council” means the Environment Council of Alberta;
- (b) *in section 7(8), (9) and (10) by striking out “Authority” and by substituting “Environment Council”.*
- (4) *The Department of the Environment Act is amended*
- (a) *by repealing section 1(a) and by adding the following:*
- (c.1) “Environment Council” means the Environment Council of Alberta;
- (b) *in section 16(8), (9) and (10) by striking out “Authority” and by substituting “Environment Council”.*
- (5) *The Land Surface Conservation and Reclamation Act is amended*
- (a) *by repealing section 1(a) and by adding the following:*
- (e.1) “Environment Council” means the Environment Council of Alberta;
- (b) *in section 9(8), (9) and (10) by striking out “Authority” and by substituting “Environment Council”.*
- (6) *The Wilderness Areas Act is amended in section 4 by striking out “Environment Conservation Authority” and by substituting “Environment Council of Alberta”.*

11 A reference to the Environment Conservation Authority in any statutory provision not amended by section 10 or in any order, regulation, rule, by-law, certificate of title, agreement or other instrument shall be deemed to be a reference to the Environment Council of Alberta.

12(1) This Act, except section 10(1), comes into force on the day upon which it is assented to.

(2) Section 10(1) comes into force on a date to be fixed by Proclamation.

11 Transitional.