

1978 BILL 49

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 49

THE LAND SURFACE CONSERVATION AND RECLAMATION
AMENDMENT ACT, 1978

MR. BUTLER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 49
Mr. Butler

BILL 49

1978

THE LAND SURFACE CONSERVATION AND RECLAMATION AMENDMENT ACT, 1978

(Assented to , 1978)

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

*1 The Land Surface Conservation and Reclamation Act is
amended by this Act.*

*2 Section 11(e) is amended by striking out "geophysical" and
substituting "exploration".*

*3 Section 30 is amended by adding the following after subsection
(6):*

(7) Notwithstanding this section, if the reclamation of all of
the land to which an approval applies has been completed in
a manner satisfactory to the Council, but no reclamation
certificate will be issued under this Act until after the
approval terminates or the operator surrenders his interest
in the land, the Minister on application by the holder of the
approval may return to the holder all or any part of the
deposit as he considers appropriate.

Explanatory Notes

1 This Bill will amend chapter 34 of the Statutes of Alberta, 1973.

2 Section 11 presently reads in part:

11 The Lieutenant Governor in Council may make regulations

(e) governing the manner in which geophysical operations may be conducted on land or water covered areas.

Consequential to the amendments to The Mines and Minerals Act contained in chapter 23 of the Statutes of Alberta, 1978.

3 Permits the return of security deposits prior to the issue of a reclamation certificate.

Section 30 presently reads in part:

30(1) Subject to the provisions of any agreements entered into by the Minister pursuant to section 25, subsection (3) or (4), where the reclamation of the land to which an approval applies has been completed, the holder of the approval may apply for a return of the deposit given pursuant to the regulations.

(2) Where an application is made under subsection (1), the Minister

(a) shall return the deposit if a reclamation certificate has been issued under section 51 in respect of all of the land to which the approval applies and no additional time is needed in the opinion of the Council to determine the effectiveness of the reclamation;

4 *Section 35(1)(e) is repealed and the following is substituted:*

(e) prescribing the circumstances under which an inquiry may be conducted by members of the Council other than those appointed by local authorities and the procedures to be followed at those inquiries;

5 *Section 46(1) is amended*

(a) in clause (b) by adding “prior” after “ceased to be operated”, and

(b) in clause (c) by striking out “recommended” and substituting “recommenced”.

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

(b) shall return the deposit if a reclamation certificate has been issued under section 52 and, following an inquiry pursuant to subsection (2) of that section, either

(i) no reclamation order was issued, or

(ii) a reclamation order was issued and the work required by the order has been completed;

(c) where a reclamation certificate has been issued under section 53, may require that all or part of the security be retained until after the Minister has received a copy of the decision of the Council under section 53, subsection (4);

(d) may require that all or part of the security be retained, where the land has not been reclaimed in a manner satisfactory to the Council and a reclamation order has been issued under section 53, subsection (4), clause (b) with respect to the land.

4 Section 35(1) presently reads in part:

35(1) The Lieutenant Governor in Council may make regulations

(e) prescribing the circumstances under which members appointed by local authorities and the circumstances under which an inquiry may be held by the members of the Council;

Corrects the clause to express its original intent of authorizing regulations prescribing procedures where no local authority member has been appointed or can be present at an inquiry.

5 Section 46(1) presently reads in part:

46(1) Where the Council holds an inquiry under section 40 in respect of any land where

(b) the mine, quarry, pit, waste disposal site or land fill site was abandoned or ceased to be operated to the commencement of this section, and

(c) after the commencement of this section, the operation of the mine, quarry, pit, waste disposal site or land fill site is recommended by a person who was not the operator at the time of the abandonment or cessation of operation thereof,

Corrects a drafting omission and a typographical error.