

1978 BILL 57

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 57

**THE ENERGY RESOURCES CONSERVATION
AMENDMENT ACT, 1978**

THE MINISTER OF ENERGY
AND NATURAL RESOURCES

First Reading

Second Reading

Committee of the Whole.....

Third Reading

Royal Assent

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THE ENERGY RESOURCES CONSERVATION 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 Energy Resources Conservation Act is amended by this Act.*

2 *The following is added after section 30:*

30.1(1) In this section, "local intervener" means

(a) a person who is an owner as defined in *The Land Titles Act* of, or

(b) a person, other than the owner, who is in actual occupation of or who is entitled to occupy

land as defined in *The Land Titles Act* that is or may be directly and adversely affected by a decision of the Board in or as a result of a proceeding before it, or a group or association of such persons, but, unless otherwise authorized by the Board, does not include a person or group or association of persons whose business includes the trading in or transportation or recovery of any energy resource.

(2) If a local intervener presents an intervention in a proceeding before it, the Board may award to the local intervener in accordance with this section any costs reasonably incurred by the local intervener in connection with the proceeding.

(3) The Board may determine the amount of costs of a local intervener in a proceeding before it or the portion or share of those costs, that may be paid to or for the benefit of the local intervener.

(4) The Board may fix the amount of costs of a local intervener in a lump sum or may tax those costs in accordance with the regulations, or in the absence of regulations, in a manner that it considers proper.

Explanatory Notes

1 This Bill will amend chapter 30 of the Statutes of Alberta, 1971.

2 The new section 30.1 will ensure that resource development does not result in an unjust burden being placed on local and particularly rural landowners who find as a result of a proposed development that to protect their land or interest in land, it is necessary to appear and establish their position at a public hearing held by the Board. The costs provisions are limited to owners and occupants of land who may require expert as well as financial assistance to fully advance and protect their property interests. The protection will be available to mineral owners and persons having the right to work minerals as well as surface owners.

(5) The Board may order that the participants in a proceeding before it, or any one or more of them, pay all or any portion or share of the costs of a local intervener in the proceeding as determined under subsection (3).

(6) The Board may order when and to whom any costs or portion or share of costs as determined under subsection (3) shall be paid.

(7) Notwithstanding subsection (5), the Board, if it considers it reasonable or equitable to do so, may, with the approval of the Minister of Energy and Natural Resources, pay all or any portion or share of the costs of a local intervener in a proceeding.

(8) The Board, if it considers it reasonable or equitable to do so, may, subject to such conditions respecting payment or repayment as it may prescribe, advance to a local intervener those funds that the Board considers necessary to assist the local intervener to present the local intervener's submission to or before the Board.

(9) In determining if it will award or deny costs to a local intervener, or the amount of those costs, the Board may

(a) consider whether or not the intervention was frivolous or vexatious,

(b) have regard to the need of the local intervener for assistance in the preparation and presentation of his submission,

(c) have regard to the degree of co-operation among local interveners during a proceeding to avoid a multiplicity of interventions.

(d) consider whether the intervention was conducted economically and in a way to advance the conclusion of the matter,

(e) consider whether the local intervener has satisfactorily proved that the costs were actually incurred, and

(f) have regard to any other matter that the Board considers relevant.

(10) The Board may make regulations

(a) establishing a schedule of costs that may be awarded to a local intervener in any proceeding before the Board;

(b) prescribing conditions under which the amount of costs that are awarded by the Board may vary from the amount of costs prescribed in a schedule of costs;

- (c) prescribing conditions under which costs may be awarded or denied;
- (d) prescribing the methods and procedures to be used in a taxation of costs of local interveners in any proceeding before the Board;
- (e) governing the appointment of taxing officers, and delegating to them the Board's power to tax costs of local interveners;
- (f) governing appeals to the Board from a decision of a taxing officer on a taxation of costs of local interveners;
- (g) prescribing conditions under which the Board may advance funds to a local intervener;
- (h) prescribing conditions under which the Board may be reimbursed for funds advanced to a local intervener;
- (i) describing the persons or classes of persons who are responsible for reimbursing the Board for funds advanced to a local intervener.

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