

1981 BILL 93

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 93

**ENERGY RESOURCES CONSERVATION
AMENDMENT ACT, 1981**

THE MINISTER OF ENERGY AND
NATURAL RESOURCES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 93

1981

ENERGY RESOURCES CONSERVATION AMENDMENT ACT, 1981

(Assented to _____, 1981)

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2 *Section 30.1 is repealed and the following is substituted:*

30.1(1) In this section, "local intervener" means a person or a group or association of persons who, in the opinion of the Board,

(a) have an interest in, or

(b) are in actual occupation of or are entitled to occupy

land 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, 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) On the claim of a local intervener or on the Board's own motion, the Board may subject to terms and conditions it considers appropriate make an award of costs to a local intervener.

(3) Where the Board makes an award of costs under subsection (2), it may determine

(a) the amount of costs that shall be paid to a local intervener, and

(b) the persons liable to pay the award of costs.

(4) The local intervener or a person who is determined by the

Explanatory Notes

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

2 Section 30.1 presently reads:

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.

(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

Board to be liable to pay the costs awarded may request that the Board conduct a review of the award of costs.

(5) Where the Board conducts a review of the award of costs, the Board may

- (a) vary the award of costs,
- (b) refuse to vary the award of costs, or
- (c) deny the award of costs.

(6) If in the Board's opinion it is reasonable to do so, the Board may make an advance of costs to a local intervener and it may direct any terms and conditions for the payment or repayment of the advance by any party to the proceeding that the Board considers appropriate.

(7) The Board may make regulations respecting

- (a) the awarding of costs,
- (b) the making of advances of costs,
- (c) the liability of persons to pay costs, and
- (d) the review of costs awarded.

In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.

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.