

1991 BILL 23

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Third Session, 22nd Legislature, 40 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 23

ENVIRONMENT COUNCIL AMENDMENT ACT, 1991

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MR. EVANS

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 23*  
*Mr. Evans*

## **BILL 23**

1991

### **ENVIRONMENT COUNCIL AMENDMENT ACT, 1991**

*(Assented to , 1991)*

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

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

*2 Section 1 is amended*

*(a) by adding the following after clause (a):*

(a.1) "environment" means the components of the earth and includes

- (i) air, land and water,
- (ii) all layers of the atmosphere,
- (iii) all organic and inorganic matter and living organisms, and
- (iv) the interacting natural systems that include components referred to in subclauses (i) to (iii);

*(b) by repealing clauses (d) and (e).*

*3 Section 2 is repealed and the following is substituted:*

**2** For the purposes of this Act, the following are matters pertaining to environment conservation:

- (a) the conservation, management and utilization of the environment;

## **Explanatory Notes**

**1** This Bill will amend chapter E-13 of the Revised Statutes of Alberta 1980.

**2** Section 1 presently reads in part:

*1 In this Act,*

*(d) "natural resources" means land, plant life, animal life, water and air;*

*(e) "public advisory committee" means a public committee on environment conservation appointed under section 10.*

**3** Section 2 presently reads:

*2 For the purposes of this Act, the following are matters pertaining to environment conservation:*

*(a) the conservation, management and utilization of natural resources;*

- (b) the prevention and control of pollution of the environment;
- (c) the control of noise levels resulting from commercial or industrial operations insofar as they affect the environment in the vicinity of those operations;
- (d) social and economic factors that are directly or indirectly related to the carrying out of measures referred to in clauses (a), (b) and (c);
- (e) any operations or activities, whether carried on for commercial or industrial purposes or otherwise,
  - (i) that adversely affect or are likely to adversely affect the quality or quantity of the environment, or
  - (ii) that destroy, disturb, pollute, alter or make use of the environment or are likely to do so;
- (f) the preservation of the environment for its aesthetic value;
- (g) laws in force in Alberta that relate to or directly or indirectly affect the environment.

*4 Section 4(1)(c) is amended by striking out "Wilderness Areas Act" and substituting "Wilderness Areas, Ecological Reserves and Natural Areas Act".*

*5 Section 6 is repealed and the following is substituted:*

**6** In accordance with the *Public Service Act* there may be appointed any staff that is necessary to enable the Council to carry out its responsibilities.

*6 Section 7(1) is amended*

*(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):*

*(b) the prevention and control of pollution of natural resources;*

*(c) the control of noise levels resulting from commercial or industrial operations in so far as they affect the environment in the vicinity of those operations;*

*(d) economic factors that directly or indirectly affect the ability of persons to carry out measures that relate to the matters referred to in clauses (a), (b) and (c);*

*(e) any operations or activities, whether carried on for commercial or industrial purposes or otherwise,*

*(i) that adversely affect or are likely to adversely affect the quality or quantity of any natural resource, or*

*(ii) that destroy, disturb, pollute, alter or make use of a natural resource or are likely to do so;*

*(f) the preservation of natural resources for their aesthetic value;*

*(g) laws in force in Alberta that relate to or directly or indirectly affect natural resources.*

**4** Corrects reference.

**5** Section 6 presently reads:

*6 In accordance with the Public Service Act there may be appointed a secretary and any other employees required for the purpose of providing clerical and secretarial services to the Council.*

**6** Section 7(1) presently reads:

*7(1) The Council*

*(a) shall conduct a continuing review of policies and programs of the Government and government agencies on*

- (a) shall advise the Minister on long-term and strategic matters pertaining to environment conservation;
- (b) *by adding the following after clause (d):*
  - (d.1) may, after consultation with the Minister, solicit opinions and information on matters pertaining to environment conservation;
  - (d.2) may, after consultation with the Minister, assemble, analyze, produce and distribute information on matters pertaining to environment conservation;
  - (d.3) shall, on the request of the Minister, provide secretariat services to any board, committee, council or task force established by the Minister in respect of matters pertaining to environment conservation;
- (c) *by repealing clause (e);*
- (d) *by repealing clause (g) and substituting the following:*
  - (g) may engage the services of persons having special technical or other expertise to assist the Council in carrying out its responsibilities;
- (e) *in clause (h) by adding "conservation" after "environment".*

**7** *Section 10 is repealed and the following is substituted:*

**10** The Council, after consultation with the Minister, may

*matters pertaining to environment conservation and shall report on them to the Minister;*

*(b) shall, on 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;*

*(c) may require any officers or employees of any department of the Government or any government agency to provide information that, in the opinion of the Council, is necessary for the purposes of enabling it to carry out its responsibilities;*

*(d) shall, on 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;*

*(e) may from time to time as it considers necessary, but at least once a year, hold joint meetings with the public advisory committees;*

*(f) may refer any matter pertaining to environment conservation to the Department of the Environment for its recommendations and report on it;*

*(g) may engage the services of persons having special technical or other knowledge in connection with an inquiry of any matter pertaining to environment conservation that the Council, with the approval of the Minister, has undertaken or proposes to undertake;*

*(h) through the medium of the Department of the Environment, shall use its best efforts to achieve co-ordination of policies, programs and administrative procedures of the Government and government agencies relating to matters pertaining to environment;*

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

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

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

**7** Section 10 presently reads:

*10 The Council, after consultation with the Minister, may*

- (a) shall advise the Minister on long-term and strategic matters pertaining to environment conservation;
- (b) *by adding the following after clause (d):*
  - (d.1) may, after consultation with the Minister, solicit opinions and information on matters pertaining to environment conservation;
  - (d.2) may, after consultation with the Minister, assemble, analyze, produce and distribute information on matters pertaining to environment conservation;
  - (d.3) shall, on the request of the Minister, provide secretariat services to any board, committee, council or task force established by the Minister in respect of matters pertaining to environment conservation;
- (c) *by repealing clause (e);*
- (d) *by repealing clause (g) and substituting the following:*
  - (g) may engage the services of persons having special technical or other expertise to assist the Council in carrying out its responsibilities;
- (e) *in clause (h) by adding "conservation" after "environment".*

**7** *Section 10 is repealed and the following is substituted:*

**10** The Council, after consultation with the Minister, may



*matters pertaining to environment conservation and shall report on them to the Minister:*

*(b) shall, on 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;*

*(c) may require any officers or employees of any department of the Government or any government agency to provide information that, in the opinion of the Council, is necessary for the purposes of enabling it to carry out its responsibilities;*

*(d) shall, on 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;*

*(e) may from time to time as it considers necessary, but at least once a year, hold joint meetings with the public advisory committees;*

*(f) may refer any matter pertaining to environment conservation to the Department of the Environment for its recommendations and report on it;*

*(g) may engage the services of persons having special technical or other knowledge in connection with an inquiry of any matter pertaining to environment conservation that the Council, with the approval of the Minister, has undertaken or proposes to undertake;*

*(h) through the medium of the Department of the Environment, shall use its best efforts to achieve co-ordination of policies, programs and administrative procedures of the Government and government agencies relating to matters pertaining to environment;*

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

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

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

**7** Section 10 presently reads:

**10** *The Council, after consultation with the Minister, may*

- (a) appoint any committees, task forces or other bodies it considers necessary to assist the Council in an advisory capacity in carrying out its responsibilities,
- (b) prescribe the duties of committees, task forces and other bodies appointed under clause (a), and
- (c) prescribe the remuneration payable to members of committees, task forces and other bodies appointed under clause (a).

*8 Section 11(a) and (b) are repealed and the following is substituted:*

- (a) providing for any procedure or matter for the purpose of facilitating the functions of the Council or of a committee, task force or other body appointed under section 10(a) and the relations between them;
- (b) prescribing the amounts to be paid to members of a committee, task force or other body appointed under section 10(a) for their travelling and living expenses incurred in the course of their duties as members while away from their ordinary places of residence;

*(a) appoint one or more public advisory committees on environment conservation, and*

*(b) prescribe the duties and functions of a public advisory committee.*

**8** Section 11(a) and (b) presently read:

*11 The Lieutenant Governor in Council may make regulations*

*(a) providing for any procedure or matter for the purpose of facilitating the functions of the Council or a public advisory committee and the relations between them;*

*(b) prescribing the rates of remuneration to be paid to members of a public advisory committee for their travelling and living expenses incurred in the course of their duties as members of a committee;*