

Bill 9

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2003

MINES AND MINERALS AMENDMENT ACT, 2003

(Assented to , 2003)

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

Amends RSA 2000 cM-17

1 The *Mines and Minerals Act* is amended by this Act.

2 Section 1(1)(i) is repealed and the following is substituted:

(i) “former Act” means any predecessor of this Act;

3 Section 5(1)(s) is repealed and the following is substituted:

(s) respecting the review or reconsideration of decisions of the
Minister under this Act, the regulations or an agreement;

4 Section 106 is amended

**(a) in clause (b) by striking out “the regulations” and
substituting “the Minister under section 109(2)”;**

(b) by adding the following after clause (h):

(i) “private land” means land that is owned by a person
other than

- (i) the Crown, or
- (ii) an agent of the Crown;
- (j) “unique identification number” means
 - (i) in relation to exploration equipment owned or leased by a licensee or a permittee, the licence number of that licensee or the permit number of that permittee, as the case may be,
 - (ii) in relation to exploration equipment under contract to a permittee or otherwise being operated under the authority of a permittee’s permit, the permit number of that permittee, or
 - (iii) an identification number assigned to the owner of exploration equipment in accordance with the regulations.

5 Section 107 is repealed and the following is substituted:

Prohibitions

107(1) No person shall conduct exploration in Alberta unless

- (a) that person is the holder of a subsisting exploration licence that is not under suspension or is a person who is authorized by the holder to conduct exploration on the holder’s behalf,
- (b) the exploration is conducted under the licence referred to in clause (a), and
- (c) subject to section 109(3), the exploration is conducted in accordance with an approved exploration program.

(2) No person shall operate exploration equipment in Alberta unless

- (a) that person is the holder of a subsisting exploration permit that is not under suspension or is a person who is authorized by the holder to operate exploration equipment under the holder’s permit,

- (b) the exploration equipment is operated under the permit referred to in clause (a), and
- (c) a unique identification number is displayed on the exploration equipment in accordance with the regulations.

6 Section 108 is amended

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

- (b.1) respecting the research, testing, authorization or approval for use in the conduct of exploration or of approved exploration programs of products described, referred to or defined in the regulations;

(b) by adding the following after clause (d):

- (d.1) governing the assignment and use of unique identification numbers in respect of exploration equipment for the purposes of section 107(2)(c);

(c) by repealing clause (g) and substituting the following:

- (g) respecting the filing of reports, plans, maps, surveys and other documents and materials associated with the conduct of exploration with a person authorized by the Minister to receive them;
- (g.1) respecting the submission for examination of rock samples, drill cuttings, core samples, logs or the data obtained as a result of the conduct of exploration to a person authorized by the Minister to receive them;

(d) in clause (h) by striking out “clause (g)” and substituting “clauses (g) and (g.1)”;

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

- (j) respecting the retention, confidentiality, release, disposition and publication of
 - (i) information contained in applications, approvals, authorizations, reports, plans, maps, surveys and

other documents and materials associated with the conduct of exploration, and

- (ii) rock samples, drill cuttings, core samples and logs or the data obtained as a result of the conduct of exploration;

(f) by adding the following after clause (k):

- (k.1) respecting the powers and duties of a person conducting an investigation or inspection under section 108.3 and the responsibilities of licensees, permittees and other persons in respect of such investigations and inspections;

(g) by repealing clause (l).

7 The following is added after section 108:

Adoption of codes

108.1(1) The Minister may prescribe rules, directives, codes, standards and guidelines in respect of the conduct of exploration and matters related to the conduct of exploration.

(2) A regulation under section 108 may adopt or incorporate in whole or part or with modifications

- (a) a rule, directive, code, standard or guideline prescribed by the Minister under subsection (1), or
- (b) a rule, code, standard or guideline in respect of the conduct of exploration or matters related to the conduct of exploration that is published by the Government of Alberta or another jurisdiction, a board or agency of such a government or a person or association.

(3) Where a rule, directive, code, standard or guideline is adopted or incorporated under subsection (2), the Minister shall ensure that a copy of the rule, directive, code, standard or guideline is made available to a person on request.

Minister's directions

108.2(1) The Minister may by notice in writing give directions to a licensee or permittee in respect of exploration operations or

the operation of exploration equipment in order to effect the purposes of this Part.

(2) A person who receives a direction under subsection (1) shall comply with it.

Investigations and inspection

108.3(1) The Minister or a person designated by the Minister for the purpose may conduct an investigation or inspection in relation to a program of exploration on any land in Alberta, including private land.

(2) A person conducting an investigation or inspection may enter and have access to any land on which exploration is being or has been conducted, and the licensee or permittee, any person performing any operation or function under the authority of a licence or permit and the person in possession or occupation of the land shall

- (a) give whatever assistance is requested by the person conducting the investigation or inspection, and
- (b) supply any information that is requested by the person conducting the investigation or inspection and is relevant to the investigation or inspection.

(3) A person who contravenes subsection (2) is guilty of an offence and liable to a fine of not more than \$100 000.

Stop order

108.4(1) Where the Minister determines that a licensee or permittee or any person performing any operation or function under the authority of a licence or permit

- (a) contravenes this Part or the regulations, or
- (b) fails to comply with any conditions of an exploration approval, licence or permit,

the Minister may by an order in writing given to the licensee, permittee or person order the licensee, permittee or person to cease operations under the licence or permit for the length of time and subject to the terms and conditions referred to in the order.

(2) A licensee, permittee or other person to whom an order under subsection (1) is given shall comply with it.

8 Section 109 is amended

(a) by repealing subsection (2) and substituting the following:

(2) The Minister may exempt from this Part any kind of operations and any equipment used or employed in exploration.

(b) by adding the following after subsection (2):

(3) The Minister may exempt a person who proposes to conduct exploration from the requirement of section 107(1)(c).

(4) The Minister may make an exemption under subsection (2) or (3) subject to any terms and conditions that the Minister considers necessary in order to ensure that the purposes of this Part are met.

(5) A person to whom an exemption is granted under subsection (2) or (3) shall ensure that all applicable terms and conditions to which the exemption is subject are complied with.

9 Section 110 is amended by adding the following after subsection (1):

(1.1) The Minister may, with or without conditions and either indefinitely or for a specified period, suspend a licence if no exploration has been conducted under the licence for a period of 2 years or more.

(1.2) The Minister may reinstate a licence suspended under subsection (1.1).

10 The following is added after section 111:

Protection from prosecution

111.1 A person who pays an administrative penalty under section 112 in respect of a contravention may not be charged under this Act with an offence in respect of that contravention.

Explanatory Notes

1 Amends chapter M-17 of the Revised Statutes of Alberta 2000.

2 Section 1(1)(i) presently reads:

1(1) In this Act,

(i) “former Act” means The Mines and Minerals Act, SA 1949 c66 and RSA 1955 c204;

3 Section 5(1)(s) presently reads:

5(1) The Lieutenant Governor in Council may make regulations

(s) respecting reviews of decisions of the Minister under this Act or an agreement;

4 Section 106 presently reads in part:

106 In this Part,

(b) “exploration” means,

(i) in relation to petroleum and natural gas,

(A) any operations on or over land or water to determine geologic conditions underlying the surface of land or water, and

(B) any operations that are preparatory to or otherwise connected with the

operations described in paragraph (A) that, in the opinion of the Minister, have the potential to cause surface disturbance,

and

(ii) in relation to minerals other than petroleum and natural gas,

(A) any investigation, work or act to determine the presence of a mineral that, in the opinion of the Minister, results in a disturbance of the surface of land, and

(B) any operations that are preparatory to or otherwise connected with the operations described in paragraph (A) that, in the opinion of the Minister, have the potential to cause surface disturbance,

but does not include operations exempted from this Part by the regulations;

5 Section 107 presently reads:

107(1) No person shall conduct exploration in Alberta unless

(a) the person is the holder of an exploration licence or is a person authorized by a holder to conduct exploration on the holder's behalf, and

(b) the exploration is conducted under an approved exploration program.

(2) No person shall operate exploration equipment in Alberta unless the person is either

(a) the holder of an exploration permit, or

(b) a person authorized by a permittee to operate exploration equipment under that permittee's permit,

and the permit under which the person is operating is not suspended and no other suspended permit exists with respect to that equipment.

6 Section 108 presently reads in part:

108 The Lieutenant Governor in Council may make regulations

- (g) respecting the filing of reports, plans, maps, surveys and other documents and the submission of rock samples, drill cuttings, core samples, logs or other data obtained as a result of mineral exploration to a person authorized by the Minister to receive them;*
- (h) prescribing the nature of the content of the reports, plans or maps and the condition of samples, cuttings, logs or other data referred to in clause (g);*
- (j) respecting the retention, confidentiality, disposition and publication of preliminary plans filed pursuant to the regulations and of plans, reports, maps, surveys, or other documents, rock samples, drill cuttings, core samples, logs or other data obtained as a result of mineral exploration;*
- (l) exempting any kind of operations from this Part;*

7 New sections respecting adoption of codes, Ministerial directions, authorizing investigations and inspections and allowing Minister to issue stop orders.

8 Section 109 presently reads:

109(1) The Minister may

- (a) refuse to grant an exploration approval or refuse to issue a licence or permit, or*
- (b) make an exploration approval, licence or permit subject to any conditions the Minister prescribes.*

(2) The Minister may exempt from this Part any equipment used or employed in exploration.

9 Section 110 presently reads:

110(1) The Minister may cancel an exploration licence or an exploration permit if the licensee or permittee, as the case may be, or any person performing any operation or function under the authority of a licence or permit,

- (a) contravenes this Part or the regulations, or*
- (b) fails to comply with any condition of an exploration approval, licence or permit.*

(2) The Minister may cancel a licence or permit

- (a) if the licence or permit was issued in error, or*
- (b) if the licensee or permittee, as the case may be, requests the cancellation.*

(3) If a permittee or any person authorized by the permittee to operate exploration equipment

- (a) contravenes this Part or the regulations, or*
- (b) fails to comply with any condition of an exploration approval, licence or permit,*

the Minister may, with or without conditions, order the suspension of the permit of that permittee with respect to all or any specified exploration equipment of the permittee, either indefinitely or for a specified period.

(4) The Minister may

- (a) reinstate a licence or permit cancelled pursuant to subsection (1) on any conditions the Minister may prescribe, or*
- (b) terminate a suspension made under subsection (3).*

10 No prosecution where administrative penalty has been paid.