



Province of Alberta

# **NATURAL RESOURCES CONSERVATION BOARD ACT**

Revised Statutes of Alberta 2000  
Chapter N-3

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## Office Consolidation

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### Regulations

The following is a list of the regulations made under the *Natural Resources Conservation Board Act* that are filed as Alberta Regulations under the Regulations Act

<b>Alta. Reg.</b>	<i>Amendments</i>
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#### **Natural Resources Conservation Board Act**

Rules of Practice of the Natural

Resources Conservation Board .....77/2005 ..... 164/2010, 80/2015

# **NATURAL RESOURCES CONSERVATION BOARD ACT**

## Chapter N-3

### *Table of Contents*

<b>1</b>	Definitions
<b>2</b>	Purpose of Act
<b>2.1</b>	ALSA regional plans
<b>3</b>	Crown is bound
<b>4</b>	Reviewable projects
<b>5</b>	Application for review
<b>6</b>	Hearings, inquiries and other proceedings
<b>7</b>	Power of Board on inquiry
<b>8</b>	Hearings
<b>9</b>	Approval
<b>10</b>	Amendment of Board approval
<b>11</b>	Funding for interveners
<b>12</b>	Establishment of Board
<b>13</b>	Membership of Board
<b>14</b>	Chair and Vice-chair
<b>15</b>	Remuneration and expenses
<b>16</b>	Acting Board members
<b>17</b>	Prohibitions as to interests of Board members
<b>18</b>	Divisions of the Board
<b>19</b>	Absent Board members
<b>20</b>	Protection from action
<b>21</b>	Co-operative reviews
<b>22</b>	Powers of the Board
<b>23</b>	Services of technical specialists
<b>24</b>	Restraining order
<b>25</b>	Rehearing
<b>26</b>	Delegation of powers
<b>27</b>	Personnel
<b>28</b>	Meetings

- 29 Rules of practice
- 30 Coming into force of order
- 31 Appeal
- 32 Exclusion of prerogative writs
- 33 Signing of Board documents
- 34 Proof of Board orders
- 35 Records as evidence
- 36 Protection re evidence
- 37 Witnesses at hearing
- 38 Notices
- 39 Costs of advertising notice
- 40 Services of Government departments
- 41 Fiscal year
- 43 Disposition of money collected
- 44 Regulations

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

**Definitions**

**1** In this Act,

- (a) “Board” means the Natural Resources Conservation Board established under section 12;
- (b) “Chair” means the Chair of the Board;
- (c) “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);
- (d) “environmental impact assessment report” means an environmental impact assessment report ordered under section 44(1)(a), 45(4) or 47 of the *Environmental Protection and Enhancement Act*;
- (e) “forest industry project” means a project

- (i) to construct a facility to be used to manufacture pulp, paper, newsprint or recycled fibre for which an environmental impact assessment report has been ordered;
- (ii) to construct a facility to be used to produce lumber, veneer, panelboard or treated wood for which an environmental impact assessment report has been ordered;
- (f) “metallic or industrial mineral project” means a project to construct a mine or quarry or to work and recover any metallic mineral or industrial mineral as defined in the *Mines and Minerals Act* and the regulations under that Act for which an environmental impact assessment report has been ordered;
- (g) “natural resource” means the subsurface, land surface, water, fauna and flora resources of Alberta, but does not include an energy resource as defined in the *Responsible Energy Development Act*;
- (h) “recreational or tourism project” means a project to construct one or more facilities for recreational or tourism purposes for which an environmental impact assessment report has been ordered;
- (i) “reviewable project” means a project referred to in section 4;
- (j) “water management project” means
  - (i) a project to construct a dam, reservoir or barrier to store water or water containing any other substance for which an environmental impact assessment report has been ordered, or
  - (ii) a project to construct a water diversion structure or canal capable of conducting water or water containing any other substance for which an environmental impact assessment report has been ordered.

RSA 2000 cN-3 s1;2012 cR-17.3 s96

**Purpose of Act**

**2** The purpose of this Act is to provide for an impartial process to review projects that will or may affect the natural resources of Alberta in order to determine whether, in the Board’s opinion, the projects are in the public interest, having regard to the social and

economic effects of the projects and the effect of the projects on the environment.

1990 cN-5.5 s2

#### **ALSA regional plans**

**2.1** In carrying out its mandate under this Act and other enactments, the Board must act in accordance with any applicable ALSA regional plan.

2009 cA-26.8 s84

#### **Crown is bound**

**3** The Crown is bound by this Act.

1990 cN-5.5 s3

#### **Reviewable projects**

**4** The following are subject to a review in accordance with this Act and the regulations:

- (a) forest industry projects;
- (b) recreational or tourism projects;
- (c) metallic or industrial mineral projects;
- (d) water management projects;
- (e) any other type of project prescribed in the regulations;
- (f) specific projects prescribed by the Lieutenant Governor in Council.

1990 cN-5.5 s4;1997 c20 s3

#### **Application for review**

**5(1)** Notwithstanding any licence, permit, approval or other authorization granted or issued under an Act, regulation or bylaw or otherwise under any other law, no person may commence a reviewable project unless the Board, on application, has granted an approval under this Act in respect of the project.

**(2)** The Board may, before or after an application is made, order that no licence, permit, approval or other authorization may be issued or granted

- (a) under any other enactment,
- (b) by a Government department,
- (c) by a municipality, or
- (d) by any agency of the Government or a municipality

to any person with respect to a reviewable project until the time that an approval in respect of the project has been granted under this Act.

1990 cN-5.5 s5

#### **Hearings, inquiries and other proceedings**

**6** In conducting a review under this Act, the Board may

- (a) make inquiries and investigations and prepare studies and reports,
- (b) hold hearings or other proceedings, and
- (c) do anything that it considers necessary to carry out the purpose of this Act.

1990 cN-5.5 s6

#### **Power of Board on inquiry**

**7** For the purpose of any hearing, investigation, inquiry or other proceeding under this Act, the Board and any member of it and any other person authorized by the Board to conduct a hearing, inquiry, investigation or other proceeding have all the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

1990 cN-5.5 s7

#### **Hearings**

**8(1)** The Board shall, in accordance with the regulations, give notice of all applications received by it.

**(2)** The Board shall give persons who may be directly affected by a proposed project, and may give any other persons it considers necessary,

- (a) a reasonable opportunity of reviewing the information relevant to the application that is submitted to the Board by the applicant and the other parties to the application,
- (b) a reasonable opportunity to furnish evidence relevant to an application or in contradiction or explanation of the information referred to in clause (a),
- (c) if the person will not have a fair opportunity to contradict or explain the information referred to in clause (a) without cross-examination of the person who submitted it, an opportunity to cross-examine that person in the presence of the Board, and
- (d) an adequate opportunity of making representations by way of argument to the Board.

(3) Where the Board receives a written objection in respect of an application and the objection is submitted by a person who the Board considers is directly affected by the proposed project, the Board shall hold a hearing in respect of the application unless it considers the objection to be vexatious or of little merit.

1990 cN-5.5 s8

**Approval**

**9(1)** The Board in accordance with the purpose of this Act may

- (a) with the prior authorization of the Lieutenant Governor in Council, grant an approval on any terms and conditions that the Board considers appropriate,
- (b) refuse to grant an approval,
- (c) defer consideration of the application on any terms and conditions that the Board may prescribe, or
- (d) make any other disposition of the application that the Board considers to be appropriate.

(2) An authorization of the Lieutenant Governor in Council is subject to any terms and conditions prescribed by the Lieutenant Governor in Council.

(3) An approval granted under this Act does not dispense with the requirement to obtain any other licence, permit, approval or other authorization in respect of the reviewable project.

1990 cN-5.5 s9

**Amendment of Board approval**

**10(1)** The Board may, on application by the holder of an approval or on its own motion, amend an approval granted under section 9(1).

(2) The prior authorization of the Lieutenant Governor in Council is required in respect of an amendment under this section unless the amendment is of a minor nature, in the opinion of the Board and the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

1997 c20 s4

**Funding for interveners**

**11(1)** Individuals or groups of individuals who, in the opinion of the Board, are or may be directly affected by a reviewable project are eligible to apply for funding under this section.

(2) On the claim of a person eligible under subsection (1) or on the Board's own motion, the Board may, subject to terms and

conditions it considers appropriate, make an award of costs to the person to assist in the preparation and presentation of an intervention at a proceeding of the Board.

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

- (a) the amount of costs that shall be paid, and
- (b) the persons liable to pay the award of costs.

**(4)** A person to whom an award is made or a person who is determined by 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 person applying under this section, 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.

**(8)** A certified copy of an award of costs made under this section may be filed in the office of the clerk of the Court of Queen's Bench and, on filing and on payment of any fees prescribed by law, the order shall be entered as a judgment of the Court and may be enforced according to the ordinary procedure for enforcement of a judgment of the Court.

**Establishment of Board**

**12** The Natural Resources Conservation Board is established as a corporation consisting of its members.

1990 cN-5.5 s11

**Membership of Board**

**13(1)** The Board shall consist of not more than 6 members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as Chair.

**(2)** Each member of the Board shall be appointed for a term of not more than 5 years and shall be designated either as a full-time member or as a part-time member.

RSA 2000 cN-3 s13;2003 c44 s2

**Chair and Vice-chair**

**14(1)** The Chair may act for, and in the name of, the Board in the execution, performance and carrying out of any act, matter or thing that is within the power of the Board, subject only to any express directions or decisions given or made by a resolution of the Board.

**(2)** At any time during which the office of Chair is vacant or the Chair is absent or is for any reason incapable of exercising the Chair's powers or performing the Chair's duties as Chair, or on the direction of the Chair, a Board member designated by the Chair has and may exercise and perform the powers and duties conferred or imposed on the Chair by this Act and the regulations.

1990 cN-5.5 s13;1997 c20 s6

**Remuneration and expenses**

**15** The members of the Board shall receive

- (a) remuneration, and
- (b) payment for travelling and other expenses while absent from their place of residence in the course of exercising their powers or performing their duties as members of the Board,

as determined by the Lieutenant Governor in Council in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

**(2)** This section does not invalidate an order made under section 15 of the *Natural Resources Conservation Board Act* as it read at any time before the coming into force of this section, but any regulations made under the *Alberta Public Agencies Governance Act* in respect of remuneration or expenses for the members of the

Board prevail, to the extent of any conflict or inconsistency, over the order.

RSA 2000 cN-3 s15;2009 cA-31.5 s61

#### **Acting Board members**

**16(1)** The Lieutenant Governor in Council may from time to time nominate one or more persons from among whom acting members of the Board may be selected.

**(2)** When in the opinion of the Chair it is necessary or desirable for the proper and expeditious performance of the Board's duties, the Chair may name a person nominated under subsection (1) as an acting member for a period of time, during any circumstance or for the purpose of any matter before the Board.

**(3)** An acting member, during the period, under the circumstances or for the purpose for which the acting member is named an acting member, has and may exercise and perform the powers and duties of a member of the Board.

**(4)** Section 13(1) does not prevent the enlargement of the Board to more than the maximum permitted by the naming of one or more acting members in accordance with this section.

1990 cN-5.5 s15

#### **Prohibitions as to interests of Board members**

**17(1)** Where a member has a direct or indirect monetary interest of any description in any reviewable project that is the subject of an application under this Act, the member may not participate in any hearing, inquiry, investigation or other proceeding relating to the project.

**(2)** The Board may order an employee of the Board or a person engaged by the Board, including a person appointed under section 23, not to participate in a hearing, inquiry, investigation or other proceeding relating to a project where the Board considers that the employee or other person has a direct or indirect monetary interest of a kind described in subsection (1), other than

- (a) shares of a corporation that are regularly quoted and dealt in on a recognized stock exchange, or
- (b) any shares, bonds, debentures, debenture stock or other securities of a corporation that are exempted from the operation of this subsection by order of the Lieutenant Governor in Council.

1990 cN-5.5 s16

**Divisions of the Board**

**18(1)** The Chair may designate any 3 or more members of the Board to sit as a division of the Board and may direct that division to conduct any hearing, inquiry, investigation or other proceeding that the Board could conduct under this Act.

**(2)** A majority of the members constitutes a quorum at any hearing, inquiry, investigation or other proceeding held by a division of the Board.

**(3)** Any decision or other action made or taken at a hearing, inquiry, investigation or other proceeding held by a division of the Board is the decision or action of the Board.

**(4)** A division of the Board has and may exercise and perform the powers and duties of the Board under this Act and the regulations with respect to the hearing, inquiry, investigation or other proceeding it is directed to conduct, and for that purpose any reference in this Act and the regulations to the Board is deemed to be also a reference to a division of the Board.

**(5)** The Chair may designate a member of a division of the Board to preside at any sitting of the division at which the Chair is not present.

**(6)** Two or more divisions of the Board may sit at the same time.

1990 cN-5.5 s17

**Absent Board members**

**19** When a hearing, inquiry, investigation or other proceeding is conducted by the Board and a member or members of the Board for any reason do not attend on any day or part of a day, the other member or members who are sitting on the hearing, inquiry, investigation or other proceeding may, if they constitute a quorum, continue the hearing, inquiry, investigation or other proceeding as fully and effectively as though the absent member or members were present.

1990 cN-5.5 s18

**Protection from action**

**20** No action or proceeding may be brought against the Board or a member of the Board or an officer or employee of the Board in respect of any act or thing done purportedly under this Act, the regulations or an order or direction of the Board or under powers or duties conferred or imposed on the Board under another enactment.

RSA 2000 cN-3 s20;2001 c16 s9

**Co-operative reviews**

**21(1)** Where the Board is of the opinion that it would be expedient or in the public interest to do so, the Board may conduct a review under this Act or participate in other proceedings in respect of matters relating to the purpose of this Act jointly or in conjunction with another board, commission or other body constituted in Alberta.

**(2)** Subject to the approval of the Lieutenant Governor in Council, the Board may enter into any agreements it considers desirable with the Government of Canada or an agency of it relating to the reviewable project or with any government of a jurisdiction outside Alberta or an agency of that government, in respect of the effects of the reviewable project in that jurisdiction.

**(3)** Pursuant to an agreement under subsection (2), the Board may hold proceedings jointly or in conjunction with a government or agency referred to in that subsection.

**(4)** A proceeding referred to in subsection (3) may be held outside Alberta.

1990 cN-5.5 s20

**Powers of the Board****22(1)** The Board

- (a) may, with the approval of the Lieutenant Governor in Council, take any action and make any orders and directions that the Board considers necessary to effect the purpose of this Act that are not otherwise specifically authorized by this Act,
- (b) may do all things that are necessary for or incidental to the exercise or performance of any power or duty conferred or imposed on it by this Act or the regulations, and
- (c) may do all things that are necessary for or incidental to the exercise or performance of any power or duty conferred or imposed on it by another enactment.

**(2)** The Board may administer a regulatory system imposed on it by this or any other enactment.

RSA 2000 cN-3 s22;2001 c16 s9;2003 c44 s3

**Services of technical specialists**

**23** Subject to the approval of the Lieutenant Governor in Council, the Board may from time to time appoint one or more persons having special, technical or other knowledge

- (a) to sit with the Board to hear and consider any matter before it, or
- (b) to inquire into and report to the Board in respect of any matter before it.

1990 cN-5.5 s22

**Restraining order**

**24** If this Act or the regulations authorize the Board to make or issue an order or direction and a person commences, undertakes or continues an activity

- (a) for which that order or direction is required but has not been obtained, or
- (b) that exceeds or does not comply with an order or direction made or issued by the Board,

the Board, in addition to any other action or proceeding it may be authorized to take, may apply to the Court of Queen's Bench for an order restraining that person and that person's employees or agents from continuing the activity until that person has obtained the required order or direction.

1990 cN-5.5 s23

**Rehearing**

**25** The Board may review, rescind, change, alter or vary an order or direction made by it, or may rehear an application for review before granting an approval.

1990 cN-5.5 s24;1997 c20 s7

**Delegation of powers**

**26** The Board may delegate any of the powers and duties conferred or imposed on it by this Act or the regulations to designated officials or employees of the Board unless the regulations prohibit the delegation.

1990 cN-5.5 s25

**Personnel**

**27** The Board may

- (a) engage any employees it considers necessary for the proper and convenient transaction of its business, and
- (b) prescribe the duties, conditions of employment and remuneration of persons employed by it.

1990 cN-5.5 s26

**Meetings**

**28(1)** Meetings of the Board shall be held at the call of the Chair at the place or places and on the notice that the Chair considers appropriate.

**(2)** The Chair shall call a meeting of the Board immediately on being requested in writing to do so by 2 members of the Board.

**(3)** A majority of the members of the Board constitutes a quorum at a hearing, inquiry, investigation or other proceeding held by the Board.

1990 cN-5.5 s27

**Rules of practice**

**29** The Board in the conduct of its hearings is not bound by the rules of law concerning evidence applicable to judicial proceedings.

1990 cN-5.5 s28

**Coming into force of order**

**30(1)** The Board may provide in an order or direction that the order or direction or a portion or provision of it is to come into force

- (a) at a future fixed time,
- (b) on the happening of a contingency, event or condition specified in the order or direction, or
- (c) on the performance to the satisfaction of the Board or of a person named by it of any terms that the Board imposes on any interested party.

**(2)** The Board may direct that the whole or a portion of the order or direction is to have force for a limited time or until the happening of a specified event.

**(3)** When any work, act, matter or thing is by an order or direction of the Board required to be done, performed or completed within a specified time, the Board, if it thinks it proper to do so, may extend the time specified.

1990 cN-5.5 s29

**Appeal**

**31(1)** Subject to subsection (2), an appeal lies from the Board to the Court of Appeal on a question of jurisdiction or on a question of law.

**(2)** An application for permission to appeal shall be filed and served within 30 days from the day that the order or direction

sought to be appealed from was made, or within a further period of time granted by the judge where, in the opinion of the judge, the circumstances warrant it.

**(3)** Notice of an application for permission to appeal shall be given to the parties affected by the appeal and to the Board.

**(3.1)** If an applicant makes a written request for materials to the Board for the purpose of the application for permission to appeal under subsection (2), the Board shall provide the materials requested within 14 days from the date on which the written request is served on the Board.

**(3.2)** An applicant shall not request under subsection (3.1) the transcript of the hearing, but the Court of Appeal may, on application or on its own motion, if satisfied that the transcript is necessary for the purpose of determining the application for permission to appeal, direct that the Board provide the transcript within the time provided by the Court.

**(4)** An order or direction of the Board takes effect at the time prescribed by the order or direction, and its operation is not suspended by any appeal to the Court of Appeal, or by any further appeal, but the Board may if it thinks fit suspend the operation of its order, when appealed from, until the decision of the Court of Appeal is rendered or the time for appeal to the Supreme Court of Canada has expired or any appeal is abandoned.

**(4.1)** On permission to appeal being granted by a judge of the Court of Appeal, the appeal shall proceed in accordance with the practice and procedure of the Court of Appeal.

**(4.2)** The notice of appeal shall be given to the parties affected by the appeal and to the Board.

**(5)** Within 30 days after permission to appeal has been obtained, the Board shall forward to the Registrar of the Court the transcript and record of the hearing, its findings and reasons for the order or direction.

**(6)** On receipt of the transcript, record, findings and reasons from the Board, the Registrar shall set the appeal down for hearing at the next sittings that will commence at least 2 weeks after the appeal is so set down, and after the appeal has been set down, the party appealing shall give to the parties affected by the appeal or the solicitors by whom those persons were represented before the Board, and to the Board, notice in writing that the appeal has been so set down for hearing, and the appeal shall be heard by the Court of Appeal as speedily as practicable.

(7) On the hearing of the appeal, no evidence other than the evidence that was submitted to the Board on the making of the order or direction appealed from shall be admitted, and the Court of Appeal shall proceed either to confirm, vary or vacate the order or direction appealed from, and in the last event shall refer the matter back to the Board for further consideration and redetermination.

(8) On the hearing of the appeal, the Court may draw all inferences that are not inconsistent with the facts expressly found by the Board and that are necessary for determining the question of jurisdiction or of law, as the case may be, and shall certify its opinion to the Board.

(9) The Board is entitled to be heard by counsel or otherwise on the argument of an appeal.

(10) Neither the Board nor any member of the Board is in any case liable to costs by reason or in respect of an appeal or application.

(11) If the order or direction is set aside or a variation is directed, the matter shall be reconsidered and redetermined by the Board, and the Board shall vary or rescind its order in accordance with the judgment of the Court of Appeal or the Supreme Court of Canada.

RSA 2000 cN-3 s31;2007 c3 s6;2014 c13 s49

#### **Exclusion of prerogative writs**

**32** Subject to section 31, every action, order, ruling or decision of the Board or the person exercising the powers or performing the duties of the Board is final and shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.

1990 cN-5.5 s31

#### **Signing of Board documents**

**33** Subject to section 26, the Chair or a Board member shall sign all notices, orders, directions or other documents issued by the Board.

1990 cN-5.5 s32;1997 c20 s8

#### **Proof of Board orders**

**34(1)** A notice, order, direction or other document purporting to be issued by authority of the Board, when signed by the Chair or Board member, shall be admitted in evidence to prove the contents of it without any proof of the signature or of the authority of the Chair or Board member, as the case may be, to sign the document or of the Chair's or Board member's appointment.

(2) A copy of a notice, order, direction or other document purporting to be issued by authority of the Board, when certified as

a true copy by the Board's solicitor, shall be admitted in evidence to prove the notice, order, direction or other document and its contents without any proof of the authority of the member by whom the notice, order, direction or document purports to be signed and without any proof of the signature or of the authority of the solicitor or of the solicitor's appointment.

(3) An order of the Board need not show on its face that any proceeding was held or notice was given, or that any circumstances necessary to give it jurisdiction to make the order existed.

1990 cN-5.5 s33;1997 c20 s9

#### **Records as evidence**

**35(1)** The minutes, accounts and records of the Board are admissible in evidence by the production of them by a member of the Board or by any employee of the Board who is authorized by the Board to produce them.

(2) A copy of any record, document, plan, book, paper, minute or account belonging to or deposited with the Board and attested under the signature of a member of the Board or an employee authorized for the purpose by the Board is admissible in evidence in all proceedings in which the original record, document, plan, book, paper, minute or account would be evidence.

1990 cN-5.5 s34

#### **Protection re evidence**

**36(1)** No person may be excused from testifying or from producing, when ordered to do so by the Board, any book, document or paper in a hearing, inquiry, investigation or other proceeding by the Board on the ground that the testimony, book, document or paper might tend to incriminate the person or subject the person to penalty or forfeiture.

(2) A witness who testifies or produces documents at a hearing, inquiry, investigation or other proceeding under subsection (1) has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

1990 cN-5.5 s35

#### **Witnesses at hearing**

**37(1)** In the case of the failure or refusal by a person to comply with a notice to attend issued by the Board, or to produce a book, document or paper when ordered to do so by the Board, the Court of Queen's Bench, on the application of the Board, may issue a bench warrant requiring the attendance of the witness before the

Board, or the production by the witness of the book, document or paper.

(2) In the case of the refusal by a witness to give evidence or to answer as to any matter regarding which the witness is questioned before the Board, or to produce a book, document or paper when ordered to do so by the Board, the Court of Queen's Bench, on the application of the Board, may commit the witness for contempt.

1990 cN-5.5 s36

### Notices

**38(1)** Any notice with regard to matters before or to come before the Board that is required or authorized to be given in writing

- (a) by the Board, may be signed by any member of the Board or the solicitor of the Board,
- (b) by a person appointed by the Board, may be signed by that person, or
- (c) by any other person, may be signed by that person or that person's authorized agent or solicitor.

(2) The Board shall give not less than 30 days' notice of a hearing, inquiry, investigation or other proceeding by the Board that the Board considers necessary.

(3) Any notice under this Act may be given by mail, newspaper publication or any other means the Board considers proper.

1990 cN-5.5 s37

### Costs of advertising notice

**39** When the Board publishes a notice in connection with an application, hearing, inquiry, investigation or other proceeding by the Board, it may order that the cost of advertising be paid in whole or in part by any party to the hearing, inquiry, investigation or proceeding.

1990 cN-5.5 s38

### Services of Government departments

**40(1)** For the purposes of exercising the powers and performing the duties imposed or conferred on it by or under this Act and the regulations, the Board may avail itself of the services of any officer or other employee of any board, commission or department of the Government.

(2) Each officer or employee of any board, commission or department of the Government shall give to the Board the service, assistance and information that the officer or employee is able to give and the Board requires, subject to the approval of the board or

commission or the Minister in charge of the administration of the department in which the officer or employee is employed.

1990 cN-5.5 s39

#### **Fiscal year**

**41** The fiscal year of the Board is April 1 to the following March 31.

1990 cN-5.5 s40

**42** Repealed 2003 c44 s4.

#### **Disposition of money collected**

**43(1)** Any money collected by the Board is the property of the Board.

**(2)** The Board may recover any money payable to it by an action in debt.

1990 cN-5.5 s42

#### **Regulations**

**44(1)** The Lieutenant Governor in Council may make regulations

- (a) prescribing types of projects that are reviewable projects;
- (b) prohibiting the delegation of any powers and duties of the Board under section 26.

**(2)** The Board may make regulations

- (a) respecting the making of an application for a review under this Act;
- (b) respecting the information to be included in or to accompany any application to the Board and by whom the information is to be given in respect of a reviewable project;
- (c) respecting the giving of notice of an application for the purpose of section 8(1);
- (d) prescribing rules of practice governing the Board's procedure and hearings;
- (e) prescribing fees payable in respect of applications under this Act;
- (f) respecting compliance with and the enforcement of ALSA regional plans.

RSA 2000 cN-3 s44;2009 cA-26.8 s84









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