

2016 Bill 18

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 18**

## **AN ACT TO ENSURE INDEPENDENT ENVIRONMENTAL MONITORING**

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THE MINISTER OF ENVIRONMENT AND PARKS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 18

2016

### AN ACT TO ENSURE INDEPENDENT ENVIRONMENTAL MONITORING

(Assented to \_\_\_\_\_, 2016)

#### *Table of Contents*

- 1 Repeals SA 2013 cP-26.8
- 2 Related amendment
- Transitional Provisions,  
Consequential Amendments,  
Repeal and Coming into Force**
- 3 Definitions
- 4 Dissolving of Agency
- 5 Transitional regulations
- 6 Consequential amendment
- 7 Coming into force

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

#### **Repeals SA 2013 cP-26.8**

**1** The *Protecting Alberta's Environment Act*, SA 2013 cP-26.8,  
is repealed.

#### **Amends RSA 2000 cE-12**

**2(1)** The *Environmental Protection and Enhancement Act* is  
amended by this section.

**(2)** Section 15 is repealed and the following is substituted:

## **Monitoring and Reporting**

### **Minister's report**

**15** The Minister shall report on the condition of the environment in Alberta, which requirement is fulfilled by the reporting of the Chief Scientist under section 15.1(2)(d).

### **Chief Scientist**

**15.1(1)** The Minister shall appoint a person as Chief Scientist to develop and implement an environmental science program to monitor, evaluate and report on the condition of the environment in Alberta.

**(2)** The Chief Scientist has the following responsibilities with regard to the environmental science program:

- (a) to plan, co-ordinate and conduct environmental monitoring;
- (b) to collect, store, manage, analyze, evaluate and assess environmental monitoring data and to ensure the information is scientifically credible, including through prior peer review where the Chief Scientist considers it appropriate;
- (c) to make environmental monitoring data and related scientific evaluations and assessments available to the public and to the Science Advisory Panel established under section 15.2(1);
- (d) to report to the public on the condition of the environment in Alberta on the basis of the scientific evaluations and assessments of the data collected;
- (e) to establish and make public a schedule for the reporting under clause (d);
- (f) to consult with the Science Advisory Panel established under section 15.2(1) and the advisory panel established under section 15.3(1) and to determine how to address any advice provided by those panels.

### **Science Advisory Panel**

**15.2(1)** The Minister shall establish a Science Advisory Panel

- (a) to periodically review the scientific quality and relevance of the environmental science program, including its components and any related research programs and plans,
- (b) to assess the scientific integrity of the environmental science program and comment publicly where the Science Advisory Panel considers it necessary, and
- (c) to provide independent advice to the Chief Scientist and the Minister on the environmental science program, including
  - (i) making recommendations following the reviews referred to in clause (a) and the assessments referred to in clause (b), and
  - (ii) recommending priorities and methodologies.

(2) The Science Advisory Panel appointed under the *Protecting Alberta's Environment Act*, SA 2013 cP-26.8 is continued and is deemed to be the Science Advisory Panel established under subsection (1), and the appointments of the members of that Panel are continued.

(3) The Science Advisory Panel members must be recognized experts in their field of knowledge as evidenced by their frequent publications in peer-reviewed journals and by their record of scientific advice they have provided.

(4) The Minister shall appoint subsequent members of the Science Advisory Panel from a list of qualified candidates provided by the Science Advisory Panel.

(5) The Minister shall determine the remuneration and expenses payable to the members of the Science Advisory Panel.

#### **Indigenous Wisdom Advisory Panel**

**15.3(1)** The Minister shall establish an advisory panel to provide advice to the Chief Scientist and the Minister about how to incorporate traditional ecological knowledge into the environmental science program.

(2) The Indigenous Wisdom Advisory Panel appointed under the *Protecting Alberta's Environment Act*, SA 2013 cP-26.8, is continued and is deemed to be an advisory panel

established under subsection (1), and the appointments of the members of that Panel are continued.

**(3)** The Minister shall determine the remuneration and expenses payable to the members of the advisory panel referred to in subsection (1).

### **Transitional Provisions, Consequential Amendments and Coming into Force**

#### **Definitions**

**3** In sections 4 and 5, “Agency” means the Alberta Environmental Monitoring, Evaluation and Reporting Agency established under the *Protecting Alberta’s Environment Act*, SA 2013 cP-26.8.

#### **Dissolving the Agency**

**4(1)** The Alberta Environmental Monitoring, Evaluation and Reporting Agency is dissolved.

**(2)** On the coming into force of subsection (1), the following applies:

- (a) the property, assets, rights, obligations, liabilities, powers, duties and functions of the Agency become the property, assets, rights, obligations, liabilities, powers, duties and functions of the Crown;
- (b) an existing cause of action, claim or liability to prosecution of, by or against the Agency is unaffected by the coming into force of this section and may be continued by or against the Crown;
- (c) a civil, criminal or administrative action or proceeding pending by or against the Agency may be continued by or against the Crown;
- (d) a ruling, order or judgment in favour of or against the Agency may be enforced by or against the Crown.

**(3)** Every person who, immediately before the coming into force of this section, was employed by the Agency is deemed, on the coming into force of this section, to be an employee of the Crown.

(4) Subsection (3) does not apply to a member of the board of directors of the Agency.

**Transitional regulations**

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

- (a) respecting the transition of any of the powers, duties and functions of the Agency on its dissolution;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of the Agency.

**(2)** A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

**(3)** A regulation made under subsection (1) is repealed on the earlier of

- (a) the coming into force of a regulation that repeals the regulation made under subsection (1), and
- (b) 2 years after the regulation comes into force.

**(4)** The repeal of a regulation under subsection (3) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

**Amends RSA 2000 cF-12**

**6** The *Financial Administration Act* is amended by repealing section 2(5)(h.1).

**Coming into force**

**7** This Act comes into force on June 30, 2016.

### RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To