



BILL NO. 166

Government Bill

*1st Session, 60th General Assembly
Nova Scotia
56 Elizabeth II, 2007*

An Act to Facilitate the Effective Regulation of Undersea Coal Mines in the Province

CHAPTER 14
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 13, 2007**

The Honourable Mark Parent
Minister of Environment and Labour

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Facilitate the Effective Regulation of Undersea Coal Mines in the Province

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Undersea Coal Mines Regulation Act*.

2 With the approval of the Governor in Council, a member of the Executive Council may enter into an agreement with the Government of Canada or any of its agencies, boards or commissions respecting

(a) the exploration, development, operation and abandonment of a coal mine wholly or partly located below the low-water mark in an area of the Province covered by seawater;

(b) the delegation to or accepting the delegation from a federal public body or official of a duty, power or authority contained in an enactment of the Province or Canada; and

(c) the payment of mineral and petroleum royalties to the Province,

and the agreement has the same force and effect as if enacted by the Legislature and any board, agency or person referred to in the agreement may do all things necessary to implement the agreement.

3 This Act, or any agreement made pursuant to this Act, shall not be construed as providing a basis for any claim by or on behalf of the Government of Canada in respect of any entitlement to or legislative jurisdiction over land or resources in areas of the Province covered by seawater.

4 (1) The Governor in Council may make regulations

(a) respecting royalty payments;

(b) defining any word or expression used but not defined in this Act;

(c) deemed necessary by the Governor in Council to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

5 Section 2 of Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, as amended by Chapter 16 of the Acts of 1993, is further amended by

(a) adding immediately after clause (e) the following clause:

(ea) “coalbed methane”, otherwise known as “natural gas from coal”, means methane naturally occurring in coal seams and adjacent strata;

and

(b) striking out clause (m) and substituting the following clause:

(m) “gas” means natural gas and includes substances other than oil that are produced in association with natural gas but does not include coalbed methane associated with the development or operation of a coal mine;

6 Chapter 214 of the Revised Statutes, 1989, the *Human Rights Act*, is amended by adding immediately after Section 42 the following Section:

43 (1) Notwithstanding anything contained in this Act, the Governor in Council may, on the recommendation of the Minister, designate under this Section a coal mine wholly or partly located below the low-water mark in an area of the Province covered by seawater and matters or entities in respect of that coal mine, and for the purposes of matters or entities so designated,

(a) the *Canadian Human Rights Act* as amended from time to time applies; and

(b) except for this Section, this Act does not apply,

in respect of those matters or entities.

(2) Notwithstanding any enactment, a body or public officer provided for under the *Canadian Human Rights Act* and a court, public body or officer empowered by an Act of the Parliament of Canada with respect to the oversight or enforcement of federal regulatory enactments, has jurisdiction and authority for the purpose of this Section.

7 (1) Section 13 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is amended by adding immediately after subsection (2) the following subsection:

(3) The employer at a subsea coal mine shall provide such additional resources or information for the committee as may be prescribed by the regulations.

(2) Chapter 7 is further amended by adding immediately after Section 29 the following Section:

29A Notwithstanding Section 29, at a subsea coal mine where fewer than twenty persons are regularly employed, the employer shall establish and maintain a joint occupational health and safety committee where so prescribed by the regulations.

(3) Section 67 of Chapter 7 is amended by adding immediately after subsection (1) the following subsection:

(1A) Where so prescribed by the regulations, a matter described in clauses (1)(a) to (d) arising at a subsea coal mine may be appealed to an appeal panel and Section 69 applies in place of the procedure set out in this Section.

(4) Subsection 69(1) of Chapter 7 is amended by adding “, or an order or decision of an officer referred to in subsection 67(1A),” immediately after “regulations” in the third line.

(5) Section 78 of Chapter 7 is amended by adding “, a committee, a member of a committee, a representative” immediately after “officer” in the second line.

(6) Subsection 82(2) of Chapter 7 is repealed and the following subsections substituted:

(2) Without limiting the generality of this Section, the Governor in Council may, in respect of a subsea coal mine, make regulations that the Governor in Council considers necessary or advisable to ensure the health and safety of all persons at a subsea coal mine

- (a) requiring the establishment of a committee;
- (b) prescribing additional functions of a committee;
- (c) prescribing additional requirements for the provision of resources or information to a committee;
- (d) requiring the filing or approval of drawings, layouts, specifications, plans, procedures, methods, machinery and equipment;
- (e) providing that a matter that is being appealed must be appealed directly to an appeal panel instead of the director; and
- (f) prescribing charges to recover the cost of services pursuant to this Act and fees in relation to matters referred to in clause (d).

(3) The exercise by the Governor in Council of the authority contained in subsections (1) and (2) is regulations within the meaning of the *Regulations Act*.

8 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
